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AUGUST 3, 1999

STATE OF TEXAS ★  
COUNTY OF HAYS ★

**ON THIS THE 3<sup>RD</sup> DAY OF AUGUST A.D., 1999, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:**

**JAMES L. POWERS  
DEBBIE GONZALES INGALSBE  
H. S. "SUSIE" CARTER  
WILLIAM "BILL" BURNETT  
RUSS G. MOLENAAR  
LEE CARLISLE**

**COUNTY JUDGE  
COMMISSIONER, PCT. 1  
COMMISSIONER, PCT. 2  
COMMISSIONER, PCT. 3  
COMMISSIONER, PCT. 4  
COUNTY CLERK**

**WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:**

Judge Powers called the meeting to order. hE gave the invocation and Commissioner Molenaar led the Court in the Pledge of Allegiance to the American Flag and the Texas Flag.

#### **DRIPPING SPRINGS RECYCLING**

Commissioner Molenaar spoke of letter he received regarding recycling in Dripping Springs. It is now costing BFI to much money to recycle. He stated that effective August 15, 1999, the county will no longer provide roll-off bins for recycling in Dripping Springs. Oil recycling will remain on Darden Hill Road site.

#### **PRESENTATION BY CURTIS WILSON REGARDING THE COUNTY ENGINEER POSITION AND REPORT FROM FEASIBILITY TEAM CONCERNING FUTURE ROAD NEEDS IN HAYS COUNTY**

Curtis Wilson (served on committee with Judge Powers, Commissioner Ingalsbe, & Allen Walther) advised that he is an Engineer and he spoke of his experience in the Hays County road system. He spoke of molding a position to fit the needs of Hays County. He felt like he had brought in some level of justification (or lack of justification) for a county engineer position. Curtis Wilson stated drove some of the roads and did a cursory review. He provided a memorandum (dated July 26, 1999) in which he summarized his findings. He visited some of the bond program roads constructed by the county, some designed and some that were not designed by engineers, and some that were maintained by general obligation by the county. If the county is persuaded to continue with a road construction program (rather than a maintenance program) it will require oversight by an Engineer. He spoke of quality assurance and quality control which has been compromised through the construction processes. He advised that if your road dept. is being overwhelmed and under funded it will compromise the quality assurance and control (shortens the life expectancy of your roads). Judge Powers thanked Curtis Wilson for his efforts. Commissioner Carter asked about the recommendation for Daisy Lane. Curtis Wilson spoke of it being stressed and trying to be maintained - there are alternatives that are more cost effective to repair. Commissioner Carter spoke of Daisy Lane being rebuilt with recycled asphalt and when water lines were installed the contractor damaged the roadway. She feels like the County should recover damages and put the road back the way it was. Commissioner Burnett spoke of lack of funding to build roads the way the State does it. He asked Curtis to speak to a formula that the court can use to build roads that will last. Curtis Wilson spoke of 25 miles of road that his firm designed for the road bond projects and how the county pulled back on the original standard but it did not affect the quality of the road (met safety requirements). A County Engineer will help you reach the balance of dollars versus facility versus where you want to go and how much you can do over a period of time. [T1-350] Commissioner Burnett spoke of need to determine what standard to built roads to. He stated that some roads that were built that are not lasting for the duration of the bonding period. Commissioner Molenaar spoke of roads that were built east of IH35 where the earth changes frequently due to the weather. He spoke of subgrade being very important and treatment with lime is essential. Curtis Wilson spoke of areas east of IH35 (clay that is very deep) with potential vertical rise and require roads to be built differently. Commissioner Molenaar spoke of need to reroute traffic during road construction. Curtis Wilson spoke of limited width of r-o-w (60') which did not allow room for detour of traffic during reconstruction. Commissioner Carter spoke of residents wanting narrow roads as long as the road is smooth. Curtis Wilson advised that without sufficient room for drainage, you should not reconstruct roads. Commissioner Carter spoke of complaints from residents about excessive r-o-w on High Road. Commissioner Molenaar advised that sufficient r-o-w is important for drainage and for safety issues (allows room for vehicles to pull over to change tires, etc.). Judge Powers spoke of importance for professional oversight of projects. Commissioner Molenaar spoke of having county inspectors who called in an engineer when problems arose. He spoke of having a full-time engineer for the road bond program was too expensive. The court thanked Curtis Wilson for his service on various committees and for the report submitted this date.



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## MEMORANDUM

**TO: 1999 "HAYS COUNTY ENGINEER" FEASIBILITY COMMITTEE**  
**FROM: Curtis D. Wilson, P.E. and R.P.L.S.**  
**RE: Cursory Review of Current Road Construction/Maintenance Practices**

At the request of County Judge Jim Powers, I agreed to serve on the aforementioned committee to generate information for the Commissioners' Court in the initial steps of potentially creating the new position of County Engineer. I think it was clear to all the committee members that my role was to bring a Professional Engineer's insight into the deliberations, as well as that of a practicing engineer in Hays County. I have also interjected advice on accepted practice and procedures in the formulation of a proposed job description and proposed amendment to the organizational chart for Hays County government positioning this new job.

Equally important, though, was my requested role to assist the committee in establishing sufficient justification, or lack of it, for the Commissioners' Court so that a very informed decision on the creation of the position of County Engineer could be made. The viewpoint that I approached this issue was much different from Mr. Walthers or Mr. Bischoff, each having definitive ideas on how to utilize this position in an advisory or supervisory capacity in their own essential day-to-day responsibilities. I, on the other hand, was invited to tour some of the recently completed 1993 Bond Program Roads, random maintenance projects of the Road Department, and ongoing reconstruction projects undertaken by the Road Department. Based on this observation, I was requested to offer comment, or a critique of sorts, on construction/maintenance practice and procedures and how that may be changed if those procedures were subject to oversight by a County Engineer (Professional Engineer).

This memorandum should not, in any way, be construed as a critique of the management or skill level of Mr. Bischoff or any of his staff. On the contrary, it is a tribute to Mr. Bischoff that we even have an ongoing road construction program. I am personally familiar with the fiscal constraints that Mr. Bischoff and Hays County had to overcome to meet the obligations of the 1993 Bond Program and the necessity to self construct the selected roadways. I am a principal with K. C. Engineering Inc. who was one of three design firms selected to handle design tasks for the bond roads. My firm was responsible for at least six of the roads representing nearly 25 miles of length.

I completed my tour with Judge Powers and Commissioner Ingalsbe on July 21, 1999. Some of the projects had construction plans prepared by a Professional Engineer and others did not. Discussions on the status of these roads with the committee coupled with a working knowledge of the construction program makes it apparent that the projects that we visited were probably under-funded. None of the projects appeared to have property Quality Assurance/Quality Control (AQ/QC). On the surface, QA/QC appears to be a management issue. The fact is that funding limitations that disallow professional layout, testing and inspection is a program constraint and ultimately cost Hays County in higher maintenance and shorter facility life. It appeared to this engineer that long and short-term planning is absent or abbreviated and Mr. Bischoff's public involvement combined with construction/maintenance responsibilities are overwhelming not to mention his obligations to the Commissioners' Court.

I offer the following:

**DACY LANE** (under maintenance)

This road is currently a narrow, partially paved roadway under maintenance by Hays County forces. Remaining pavement shows alligator cracking and surface deformity indicative of road structure problems. It appears that those forces have used plant-base material to temporarily build up a resemblance of shoulders and add some lane width. There is no chance that this road can be even partly salvaged before full reconstruction. There are alternative materials that are much more cost effective to fulfill this purpose and hold the roadway over, such as pit run base available across most of the county.

**YARRINGTON ROAD** (under construction)

Approximately one (1) mile of this road is currently under new construction by Hays County forces at this time. It is my understanding that no construction plans exist or engineering oversight. It appears that the right-of-way is being expanded, the road is being slightly re-aligned through some of the curves, a new typical section is being developed, and no drainage improvements are being contemplated. It is apparent that the goal is to upgrade the road to a much higher functional standard. First, any such road that does not incorporate drainage improvements will not meet any maintenance or facility life expectancy. More importantly, it is this engineer's interpretation that this activity may be a violation of Section 19, **Texas Engineering Practices Act**. Performance of public work without oversight by a Professional Engineer is limited to maintenance or betterment work. The county's legal counsel should be consulted in this matter.

**HIGH ROAD** (bond road)

This is a recently constructed bond road by Hays County forces. Most notably, no striping is present, poor longitudinal gradelines have been achieved, and uneven, non-uniform cross-section indicates uneven base thickness and a poor finish of the base and subgrade. The lack of striping may indicate poor adherence to the construction plans. Again, all of these items are tied to QA/QC and under-funding. The longevity or life expectancy of this facility has been compromised by decisions not necessarily based on a cost/benefit analysis. An engineer would, or should, base recommendations on analytics and what is best for the County, long-term. In addition, execution of this work without the oversight of a Professional Engineer may be a Section 19 violation.



**COTTON GIN ROAD** (recent reconstructed road)

It was suggested that this roadway had been reconstructed in the last 18 months. There is an extremely narrow right-of-way and no additional right-of-way was acquired. The width of available right-of-way is grossly insufficient, especially at all drainage structures. It appears that the county did, in fact, install new transverse drainage structures. The party that actually sized the pipes is unclear. The end treatments are bad and need to be addressed along with right-of-way acquisition. Longitudinal cracking is already a maintenance problem and patching is evident at the approaches to all drainage structures. These problems may be indicative of poor subgrade preparation, improper processing of the base, or the wrong pavement structure in this clayey area. Again, QA/QC, under-funding, and poor planning has presented severe limitations to the life of this facility. The traffic count for this roadway is unknown, but there is a suspicion that traffic speed alone is sufficient to trigger some roadside safety improvements as a function of any reconstruction project. The road is woefully inadequate in the incorporation of safety and signage standards. It makes this engineer wonder if a great deal of liability is being created by virtue of this work, in light of potential Section 19 violation. The County's legal counsel should review this issue.

**LEHMAN ROAD** (existing road)

This road has a paved width of 8-10 feet; even that being in severe need of maintenance. It apparently is a county road that should be under current maintenance of the County. It has an unknown width of right-of-way. The road is being utilized as a secondary access to urban-type subdivision. Because of the road's condition, the road is being specifically excluded from annexation by a political subdivision and left as a burden to the County. The road has little public use other than traffic generated from the subdivision. If the municipality or county during the platting process cannot require upgrade, this issue needs to be carried to the Legislature for relief. Typically, this issue would be one of regional planning. A County Engineer generally represents the County's interests in these types of forums.

**FTIZHUGH ROAD** (bond road)

This was a bond road and the first to be constructed by Hays County forces. The road was the subject of an engineered design but did not have oversight by a Professional Engineer during construction activities. The final product of work by the county was so much of an improvement over the existing trail that comment on the construction is difficult for me (and I was the record design engineer on the project). Although not as notable as on the other projects, QA/QC was a problem as the job progressed. There is a definite decline in construction quality from west to east. The plans were not totally adhered to. Permanent restoration was not implemented as required by plan. Alignments to the centerline of the road were compromised in several locations. This road had severe budget limitations and was one of the primary reasons that the concept of the County building the bond roads was born. It is felt that corners were cut somewhat. I do not think anyone thought about the possibility of a Section 19 violation. The County did outsource project management to an outside professional engineering firm but they did not have oversight for execution of construction activities.

It is my professional opinion that the **Texas Engineering Practices Act** prescribes that a professional engineer, whether directly employed by the county or contracted, must have oversight of the execution of construction activities. If Hays County desires to continue with the road related construction, then the most cost-effective way to allow this activity would be to open the position of County Engineer. This opinion is embedded in the fact that there are life-safety and legal issues that must be weighed during the design and construction of every project. Certainly, the County Attorney should review the Act, activities of the County, and make recommendations, accordingly. This opinion was highlighted upon our review of the installation of a prefabricated 3-barrel box culvert in which not a single recommended building standard was employed during construction and a high likelihood of failure exists.

It is my professional opinion that QA/QC has been forfeited to varying degrees for satisfaction of production demands for under-funded projects. It is doubtful that a cost-benefit analysis would support this philosophy in favor of Hays County. A County Engineer would be a position to ensure that the Commissioners' Court and the Road Department were being a good steward of public moneys. The most disturbing item that evolved from the review that I completed was the failure to implement the requirements of the plans when they were prepared and available. I feel this is a risk that the County can ill-afford to take.

**PRESENTATION BY POTHLES PLUS Re: POTHOLE/ROAD REPAIR** [T1-593]

Kim Packston & J.D. Kidwell from POTHLES PLUS (Boerne, Tx) appeared before the Court. Kim Packston spoke of specialized road repair services they provide. She spoke of tremendous amount of growth in this region and she spoke of services provided to cities and counties. J.D. Kidwell, Vice-President, spoke of having provided a demonstration of their process one day for Commissioner Carter & Mike Dier (R&B subcommittee). They work strictly for cities and counties (Kendall County is the largest county they serve). He spoke of equipment utilized in San Marcos. He advised that Kendall County has a lot of chip-seal roads that they repair. He named off the cities and counties they provide services and/or equipment to: Kendall County, Cities of Terrell Hills, Johnson City, Blanco, St. Hedwigs, Olmos Park, Kirby, Kenedy, Converse, Schertz, Bulverde, Ingram, Bexar Metropolitan District and Blanco County Pct. 2. He provided pricing information to members of the Court. They average 2400-3000 sf of patching per day. He spoke of material they use for road repair (1 yr guarantee) which can be put down in just about any weather. He explained how the equipment operates. They work closely with the Road Department. Mr. Kidwell advised that they will provide demonstrations on request. Commissioner Carter spoke of demonstration she observed and how impressed she was with the services provided by Potholes Plus versus the process currently being used by our Road Dept. She encouraged the other Commissioners to request a demonstration. J. D. Kidwell advised that TxDot is one of his best customer for purchase of equipment. They primarily perform surface treatment for roads. Commissioner Molenaar

advised that their equipment is not really a pothole repair machine but a surface treatment - pothole repair would require preparation of the pothole (fill to within 2 inches of the surface). He advised that he is interested in this machine. Discussed importance of quality rock being used.



**17985 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS ON CARNEY LANE IN PRECINCT 3 [T1-1228]**

Judge Powers declared the public hearing open - no public input was received and the public hearing was closed. Commissioner Burnett advised that posted speed limits were never adopted by the Commissioners Court. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to establish a speed limit of 35 MPH on Carney Lane in Precinct 3. All voting "Aye".

**17986 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$345,958.78 as presented by the County Auditor. All voting "Aye".

Fines	\$ 471.80	Auditors Office	\$ 726.98	Extension Office	\$ 639.87
Grants Admin	\$ 300.00	Juvenile Prob	\$ 24,259.58	Election Admin	\$ 488.50
Comm & Soc Svcs	\$ 2,083.33	Indigent Care	\$ 7,601.67	Transfer Station	\$ 332.44
Bldg Mtc. Dept	\$ 5,201.24	Environ Health	\$ 1,836.16	Personal Health	\$ 1,000.00
Civic Center	\$ 1,862.36	Countywide Oper	\$ 123,759.08	Tax A/C	\$ 123.67
County Clerk	\$ 351.33	Sheriffs Office	\$ 1,300.68	Jail Operations	\$ 11,837.05
County Judge	\$ 19.39	Human Resources	\$ 54.71	District Attorney	\$ 443.20
J.P. 1-1	\$ 21.15	J.P. 1-2	\$ 64.75	J.P. 2	\$ 13.59
J.P. 3	\$ 236.45	J.P. 5	\$ 170.00	DPS	\$ 674.38
Constable 1	\$ 27.69	Constable 2	\$ 136.19	Constable 3	\$ 10.75
Constable 5	\$ 176.81	Dist Court Oper	\$ 5,614.11	Co & JP Crt Oper	\$ 1,201.12
Veterans Admin	\$ 197.38	Computer Svcs	\$ 1,602.75	Co Crt @ Law 2	\$ 210.45
TJPC Salaries	\$ 71.30	DPS/L&W	\$ 379.98	TJPC CCAP Grant	\$ 523.00
VAWA Grant	\$ 28.28	911 Addrs Mtc	\$ 82.01	R&B Operations	\$ 25,194.88
Precinct 4	\$ 73.78	Road Reconstr	\$ 6,270.20	R&B Gen Credit	<\$240.00>
Health Svcs Grants	\$ 105,890.12	Law Library Fund	\$ 100.00	Court Security	\$ 30.00
Sheriffs Drug Forf	\$ 1,234.81	Family Health Svcs	\$ 1,480.70	Certif of Oblig '97	\$ 8,845.00
Ace in the Hills	\$ 187.27				

**CLERK'S NOTE:** NO UTILITY PERMITS WERE SUBMITTED.

**CLERK'S NOTE:** NO APPLICATION FOR REFUND OF DOUBLE PAYMENTS AND/OR OVERPAYMENTS ON TAXES WAS SUBMITTED.

**17987 APPROVE BUDGET AMENDMENT NO. 99-028**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Amendment No. 99-028 as proposed by the County Auditor. All voting "Aye".

					NO. 99-028
					FY 99 BUDGET
					08-03-99
FUND NO. 01					
FUND TITLE GENERAL					
	APPROPRIATION	AMENDMENT		APPROPRIATION	
LINE ITEM - EXPENDITURES	BEFORE	INCREASES	DECREASES	AS	
	AMENDMENT			AMENDED	
<b>PERSONAL HEALTH (412):</b>					
01-412-5021 Staff	103,120		(27,498)	75,622	
01-412-5101 FICA/RET		19,334		( 7,176)	12,158
01-412-5160 Insurance		10,773		( 2,814)	7,959
01-412-5211 Office Supply	2,100		( 1,207)	1,073	
01-412-5212 Postage	2,400		( 528 )	1,872	
01-412-5231 Medical Supply	7,000		( 2,810)	4,190	
01-412-5311 Travel	1,600		( 1,167)	433	
01-412-5331 Cont Ed	2,000		( 1,411)	589	
01-412-5448 Contract Services	112,012		(34,584)	77,428	
01-412-5452 Medical Waste	1,200		( 592)	608	
01-412-5461 Printing	500		(28)	472	
01-412-5471 Office Rent	6,000		( 1,000)	5,000	
01-412-5473 Equipment lease	2,700		( 226)	2,474	
01-412-5480 Utilities	1,000		( 166)	834	
01-412-5489 Telephone	12,000		( 3,844)	8,156	
<b>COUNTYWIDE OPERATING (414):</b>					
01-414-5935 Permanent Transfer to					
To Family Health Services Fund	-0-	84,871		84,871	
Transfer balance of Personal Health budget to become new Fund 35-Family Health Services					
<b>ENVIRONMENTAL HEALTH (411):</b>					
01-411-5461 Printing	3,000	1,000		4,000	
01-411-5021 Staff	197,751		(1,000)	196,751	

Transfer for additional book printing from personnel savings

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					NO. 99-028
					FY 99 BUDGET
					08-03-99
FUND NO. 01					
FUND TITLE <u>GENERAL</u>					
LINE ITEM - EXPENDITURES	APPROPRIATION		AMENDMENT		APPROPRIATION
	BEFORE				AS
	AMENDMENT	INCREASES	DECREASES		AMENDED
<b>DISTRICT ATTORNEY (423):</b>					
01-423-5331	Cont Ed	5,100	1,000		6,100
01-423-5321	Dues & Bonds	1,650	600		2,250
01-423-5311	Travel	400	200		600
01-423-5213	Books	1,200	200		1,400
01-423-5211	Office Supply	6,300	500		6,900
01-423-5160	Insurances		35,633	(2,500)	33,133
Transfer for needed certification hours and expenses from personnel savings					
<b>CJD/DARE(DA) GRANTS (706):</b>					
01-706-5311	Travel	2,295		(200)	2,095
01-706-5391	Other	3,960		(200)	3,760
01-706-5413	Vehicle Expense	1,170	400		1,570
Transfer for balance of vehicle repair					
<b>DOJ/COPSHIRE 3<sup>RD</sup> GRANT (711):</b>					
01-711-5021	Staff	-0-	58,864		58,864
01-711-5101	FICA/RET	-0-		9,854	9,854
01-711-5160	Insurances	-0-		5,176	5,176
01-711-5346	Workers Comp	-0-	446		446
<b>SHERIFFS OFFICE (418):</b>					
01-418-5160	Insurances		181,488	(4,776)	
		176,712			
<b>REVENUE:</b>					
			<b>DECREASE</b>	<b>INCREASE</b>	
01-381-2711	CPSHIRE 3 <sup>rd</sup> year	-0-		69,564	69,564
Budget new grant and match from Sheriffs Office					
FUND NO. 03					
FUND TITLE <u>ROAD &amp; BRIDGE GENERAL</u>					
<b>PRECINCT 2 (440):</b>					
03-440-5213	Books	1,200	199		1,399
03-440-5489	Telephone	2,750	750		3,500
03-440-5321	Dues & Bonds	249		(199)	50
03-440-5449	Temp Personnel	750		(750)	-0-
Transfer for needed expense from line item savings					

**17988 AUTHORIZE EXPENDITURE OF FUNDS TO ASSIST THE SAN MARCOS AREA FOOD BANK IN A VEHICLE PURCHASE**

The following Commissioners have agreed to allocate money from their Special Project Funds to help fund the purchase of a refrigeration truck for the San Marcos Area Food Bank.: Commissioner Pct. 1 = \$250.00, Commissioner Pct. 3 = \$200.00, and Commissioner Pct. 4 = \$200. H.E.B. will provide matching funds towards this purchase. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize expenditure of funds from Commissioners' Special Project funds totaling \$650.00 to assist the San Marcos Food Bank towards purchase of a refrigeration truck for deliveries. All voting "Aye".

**17989 AWARD ANNUAL CONTRACT FOR SEEDING AND HYDROMULCH APPLICATION TO HY-TURF SEEDING**

Bids were submitted by Hy-Turf Seeding & Roadway Specialties Inc. Purchasing Agent Debbie Bilbrey recommended awarding the contract to low bidder Hy-Turf Seeding (Humble,Tx). A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to award annual contract for seeding and hydromulch application to Hy-Turf Seeding. All voting "Aye".

**17990 AWARD ANNUAL CONTRACT FOR FURNISHING AND INSTALLING GUARDRAILS**

[T1-1394] Bidders were: Roadway Specialties Inc., Dependable Fence & Welding, and DeLaGarza Fence Co. Purchasing Agent Debbie Bilbrey made a recommendation to award the annual contract for furnishing and installing guardrails to Dependable Fence and Welding (Somerset). A motion was made by Commissioner

Burnett, seconded by Commissioner Molenaar to award the annual contract for furnishing and installing guardrails to Dependable Fence & Welding. All voting "Aye".

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**17991 AWARD ANNUAL CONTRACT FOR FURNISHING METAL PIPE FOR THE ROAD DEPARTMENT TO WILSON CULVERTS, INC.**

Bids were received from Wilson Culverts, Inc. and Contech Construction Products Inc. Purchasing Agent Debbie Bilbrey and the Road Department recommend awarding the annual contract to Wilson Culverts Inc. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to award the annual contract for furnishing metal pipe for the Road Department to Wilson Culverts, Inc. All voting "Aye".

**17992 APPROVE ANNUAL EEO/AFFIRMATIVE ACTION UPDATE**

Personnel Coordinator Britney Richey submitted the figures updating Hays County's Affirmative Action Plan. The data used was the county's 1999 EEO-4 (ATCH G) and the 1990 Census (ATCH C). The plan is updated to comply with Civil Rights Division requirements from the U.S. Dept. of Justice. [copy on file with the Hays County Clerk] A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the Annual EEO/Affirmative Action Update as presented. All voting "Aye".

**17993 RENEW THE ANNUAL CONTRACT FOR MOWING RIGHT-OF-WAY WITH CANHAM CONTRACTING INC.**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve renewal of annual contract for mowing county right-of-way with Canham Contracting Inc. All voting "Aye".

**17994 APPROVE EXPENDITURE OF \$2,000 FOR POTHOLE REPAIR IN PCT. 2 FROM COMMISSIONER CARTER'S SPECIAL PROJECT FUND [T1-1300]**

Commissioner Molenaar asked about going out for bids for this project and he is concerned about undermining the road department (we have a road department to do this work). Commissioner Carter advised that this is simply to help the road department catch up. Commissioner Molenaar spoke of need for a repair crew and he spoke of fact that we are unable to pay the same wage as private contractors. Commissioner Burnett spoke of need for the Road Department to be a part of this. He commended Commissioner Carter on her efforts toward road improvements in her precinct. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to obtain quotes or go out for bids to repair potholes in Precinct 2 and to approve expenditure of \$2,000 out of Commissioner Pct. 2 Special Project Funds. All voting "Aye".

**17995 RENEW ANNUAL CONTRACT FOR ROAD BUILDING MATERIALS [T1-1426]**

Purchasing Agent Debbie Bilbrey spoke of renewal letters from Colorado Materials, Coke Materials, Colorado Materials, and Ingram Ready Mix - she spoke of increase in prices. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to renew the annual contracts for road materials. All voting "Aye".

**PUBLIC COMMENTS**

Josie Montoya asked about people on the road crew that were not treated correctly and she asked the County Judge what is being done. Judge Powers advised that he has met with these individuals and they are addressing these issues. The process will continue with the EEOC. He feels like a County Engineer will address some of these issues - we must have hard evidence in order to address these concerns. Josie Montoya stated that she wants to make sure they these issues are not swept under the rug. She voiced her concerns about quantity of roads at the expense of quality roads. She hopes that the Engineer will work closely with and discuss projects with the road workers

**17996 HARMON HILLS RESUB OF LOT 10-H \* PUBLIC HEARING AND APPROVE FINAL PLAT [T1-1612]**

Judge Powers declared the public hearing open. No public comment was received and public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for approval. This will create two Lots as follows: Lot H-10A = 7.98 acres Lot H-10B = 2.00 acres. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Harmon Hills Resubdivision of Lot H-10". All voting "Aye".

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**17997 AUTHORIZE STAFF TO PREPARE ROAD IMPROVEMENT AGREEMENT WITH LA VENTANA DRIFTWOOD, LP FOR IMPROVEMENTS TO ELDER HILL ROAD** [T1-1640]

Environmental Health Director Allen Walther spoke of early discussions with developer regarding this development and the increased traffic on Elder Hill Road. The county requested widening of road and turn-lanes at this location. Developer will provide additional r-o-w and will create a turn-lane into the subdivision. Will resurface the remainder portion of Elder Hill Road from this subdivision to Hwy. 150. These improvements will be done through a cost-share agreement with a maximum cost to the county not to exceed \$40,000 (overall project estimated at \$109,000). Commissioner Molenaar spoke of work to be done on Elder Hill Road (asphalt overlay). This new subdivision will have 228 lots. Commissioner Carter questioned putting down an asphalt roadway which is not consistent with standard county roads. Commissioner Molenaar spoke of upgrading this road and it will only cost us 36% of the construction costs (will be funded out of FY2000). Lee Wood (La Ventana Developer) thanked the Court for considering this cost sharing proposal. They want to be a good citizen and do their part. Commissioner Carter spoke of this road not being in bad condition at this time. Interim Road Director Ernest Garcia advised that this road is on the road matrix for year 2003. Commissioner Molenaar spoke of discussions in the past for cost sharing road construction projects - this is to plan for the future - we have worked with these developers to decrease the number of homesites and they are not obligated to share in the cost for road improvements. Mr. Wood advised that they will front the money and he spoke of this road being a high traffic roadway (shortcut to Austin). Commissioner Molenaar spoke of this being an effort to try and keep taxes down. Commissioner Burnett spoke of budgeting money for this type of development (county = 36% developer = 64%). He has done a similar deal in his precinct and he supports this type of agreement. Commissioner Burnett spoke of Prime Strategies which will assist in preparing a uniform agreement for the county. Special Counsel Jacquelyn Collum Murphy and Commissioner Burnett will contact Mr. Weaver (Prime Strategies) to see about preparing an agreement for this project. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize staff to prepare a road improvement agreement with La Ventana Driftwood, L.P. for improvements to Elder Hill Road. All voting "Aye".

**17998 ACCEPT BULLETPROOF VEST PARTNERSHIP GRANT FROM THE BUREAU OF JUSTICE ASSISTANCE FOR \$6,000 AND AUTHORIZE THE COUNTY JUDGE TO ENTER INTO CONTRACT** [T1-2009]

Sheriff Don Montague spoke in support of this grant application. He advised that this grant has been approved and acceptance is needed. County Auditor Bill Herzog advised that the Sheriffs Dept. and Constables are providing the required matching funds. A motion was made by Judge Powers, seconded by Commissioner Burnett to accept Bulletproof Vest partnership grant from the Bureau of Justice Assistance for \$6,000 and authorize the County Judge to enter into a contract. All voting "Aye".

**17999 COURTHOUSE PARKING ENFORCEMENT AND PERMITS** [T1-2038]

Sam Davis reminded the Court that people who attend the Commissioners Court should not be held to the 2 hour restriction. Commissioner Molenaar spoke of interlocal agreement with the City of SM that has never been ratified by the Commissioners' Court. Former County Judge Eddy Etheredge worked with the City to come up with this agreement. He spoke of SWTSU students that park their cars around the courthouse - the county will pay for the signs - permits have been limited to 35. He spoke of need for courthouse security at the courthouse and the annex that could be utilized to handle security of the buildings and could issue parking tickets that would be filed in the JP Courts. He feels like the county should handle county property. He spoke of also utilizing security to enforce parking at the parking lot across from the annex and behind the annex. Commissioner Carter spoke of citizens concerns and stated that she would like additional time for consideration. Maintenance Supervisor Ron Knott spoke of conversation with the City regarding enforcement (they are almost ready to begin) and he stated that sign cost is \$10-12 each. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to table action at this time in regards to courthouse parking. All voting "Aye".

**18000 CREATE A COMMITTEE TO DEAL WITH RETIREMENT ISSUES** [T1-2272]

Commissioner Molenaar suggested creating a committee to deal with county retirement issues. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to create a committee to deal with County Retirement issues with members as follows: Commissioner Pct. 4 Russ Molenaar, Commissioner Pct. 1 Debbie Inglasbe, Sgt. Dennis Gutierrez (Hays County Sheriff's Dept), County Treasurer Michele Tuttle, and Personnel Coordinator Britany Richey. All voting "Aye".

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**18001 COUNTER OFFER BY THE HAYS COUNTY LIVESTOCK EXPOSITION, INC. FOR THE PURCHASE BY HAYS COUNTY OF 20 ACRES OF LAND IN THE J.M. VERAMENDI LEAGE NO. 1 (CIVIC CENTER PROPERTY) [T1-2311]**

Commissioner Burnett spoke of contract approved in May 1999 which the Livestock Board approved tentatively at their last board meeting. A change has been made in the legal description of the property (includes the roadway). This road is in the City of San Marcos Master Plan (prescriptive roadway). He suggested changing line 3 to read " however, all the paved road running through **the most northeasterly 20 acres** shall be included in the 20 acres whether or not all or any part of said road is claimed to be a public road by either Hays County or the City of San Marcos." Other changes are: Paragraph 11 regarding 50/50 cost sharing and right of first refusal on the additional 20 acres. Language clarifies the land being purchased. Jacquelyn Murphy spoke of addendum requesting a time limit of August 5th. Commissioner Burnett spoke of plans by the City of San Marcos to eventually extend this road to connect with Wonder World Drive. [T1- A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to approve a county offer by the Hays County Livestock Exposition Inc. for the purchase by Hays County of 20 acres of land in the J.M. Veramendi League No. 1 (adjacent to the Hays County Civic Center) with changes as recommended. All voting "Aye".

**18002 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN EARNEST MONEY CONTRACT FOR THE PURCHASE OF 7.6 ACRES INTENDED FOR USE AS A JUVENILE DETENTION FACILITY [T1-2558]**

Commissioner Burnett spoke of tract of land that CCI had an option on and is the desired location stated by the Juvenile Board and Juvenile Probation Department. This property is located on Clovis Barker Drive just off State Highway 123 (Seguin Highway). He feels like the county will move forward with a juvenile detention facility, therefore, we should move forward to purchase the property. Judge, County Court at Law, Howard S. Warner spoke of the Juvenile Board meeting held yesterday and a resolution that will be forthcoming to recommend proceeding with purchase of the property and to contract the building/facility. This property has been off the market since around March 1999 and it is in an area that the Board feels is ideal. The property is large enough to accommodate additions/expansions as necessary and is easily accessible to other counties. Commissioner Burnett spoke of possibly deeding the property to the vendor at a later date. Commissioner Carter asked where the county will come up with the \$190,000 purchase price. Commissioner Molenaar spoke of lease/purchase which would mean that the county would not have to come up with any funds for purchase. Commissioner Burnett stated that bids for the facility have not been awarded, therefore, you cannot require anyone else to put up the earnest money. He stated that if we do not sign a contract with one of the bidders, we can finance the facility with revenue bonds (it will not be a certificate of participation venture). A discussion was held regarding lease/purchase option (a private company will build it, own it, and operate it). Even if the private venture fails, the county is not legally liable for the financing. Special Counsel Jacquelyn Collum Murphy suggested that the court stay focused on the action before them and not get into discussions. Commissioner Carter felt like we will be entering into the first step of a negotiation that ultimately ties us with Texson (Management Group – Glenn Heckmann, Director) who has not had a very strong track record. Judge Powers stated that we need to stay focused on the agenda item and he stated that we are talking about exercising an option on a piece of property. The most it will cost us is \$100 if we want to walk away from it, He advised that we need to deal with the option on this piece of property so that we do not lose control of it and all other concerns will be addressed at a later date. Commissioner Burnett stated that if this tied us to Texson, then we would tell them to go out and buy it. The Court discussed changing the closing of the sale from 45 days to 60 days (Section 8(a) which will make it fall in the next fiscal year budget. Judge Powers felt like the Court will know in 30 days if they are going to proceed. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to execute an earnest money contract for the purchase of 7.6 acres (Lot 4 Highway 123 Business Park) intended for use as a Juvenile Detention Facility with change in closing date from 30 to 60 days (Section 8(a). [T13049] -Commissioner Carter advised that she will vote against this because she believes that RECOR, which was headed up by President Glenn Heckmann, took \$92,000 of the taxpayers money at that time and never accounted for it, from what she understands, and he could use that \$92,000 to put down \$5,000 on property if he is indeed the only bidder that wants to build a facility in Hays County at this time. She felt like he should be made to be held responsible for the money that he took from the

county and never did anything for the taxpayers with it. She does not feel like we should go forward with this until the return of that \$92,000. Commissioner Molenaar advised that it was not Glenn Heckmann, it was the company he worked for, and when he found out he resigned and tried to help us retrieve that money. Commissioner Ingalsbe, Judge Powers, Commissioner Burnett, and Commissioner Molenaar voting "Aye". Commissioner Carter voting "No". [a copy of the contract is filed with the County Clerk]

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**18003 FY2000 BUDGET WORKSHOP \* SCHEDULE FUTURE WORKSHOPS [T1-3105]**

Judge Powers gave general information regarding the FY2000 Budget:

- 1) 1999 Valuation \$ 3,721,996,772  
1998 Valuation \$ 3,284,301,368  
Increase \$ 437,695,404 (includes 193,305,068 of new improvements)  
% Increase 13.3%
- 2) Effective Tax Rate 43.14¢  
Increase 1.25¢  
Recommended Tax Rate 44.39¢  
2.9% Increase over Effective Rate  
4.3% Decrease over Current Tax Rate of 46.39¢
- 3) Total Budget FY2000 \$ 32,553,247  
Total Budget FY99 \$ 32,180,732
- 4) Includes creation and funding for County Engineer Department
- 5) Includes 2% Cost of Living Allowance for all employees
- 6) Includes: \$ 40,000 Park Improvements  
\$ 200,000 Infrastructure Improvement Partnerships  
\$ 500,000 To complete Bond Road Projects  
\$ 361,000 Additional Road Equipment  
\$ 181,000 New Computer Hardware and Software

Judge Powers stated that he thinks it is a very good budget and he is recommending a tax rate decrease of 2 cents. Commissioner Burnett asked if \$150,000 was budgeted for the FM1626 extension project. County Auditor Bill Herzog advised that it was not budgeted in the FY2000 budget. The entire \$300,000 will be budgeted for FY2001 because the project will actually fall in that fiscal year (18 months out). Judge Powers advised that the tobacco money is not reflected in the budgeted reserve funds - only the estimated interest is budgeted. Judge Powers presented a proposed budget schedule.

FY2000 BUDGET CALENDAR		
MARCH	18 <sup>TH</sup>	BUDGET WORKSHEETS SENT TO ALL DEPARTMENTS
APRIL	19 <sup>TH</sup>	BUDGET WORKSHEETS DUE BACK FROM DEPARTMENTS
MAY	31 <sup>ST</sup>	BUDGET WORKSHEETS AND COPY OF REQUESTS TO COUNTY JUDGE COPIES OF BUDGET REQUESTS TO COUNTY COMMISSIONERS
JUNE 1 – JULY 26 <sup>TH</sup>		COUNTY JUDGE PREPARES BUDGET PROPOSAL AND MEETS WITH DEPARTMENT HEADS AS NEEDED
JULY	25 <sup>TH</sup>	CHIEF APPRAISER CERTIFIES APPROVED APPRAISAL ROLL
JULY	27 <sup>TH</sup>	COUNTY JUDGE PRESENTS HIS PROPOSED BUDGET TO COMMISSIONERS' COURT AND FILES A COPY WITH THE CO CLERK
JULY 27 – AUGUST 10 <sup>TH</sup>		BUDGET WORKSHOPS
AUGUST	10 <sup>TH</sup>	VOTE ON PROPOSED TAX RATE INCREASE AND SCHEDULE PUBLIC HEARING (IF NECESSARY)
AUGUST	24 <sup>TH</sup>	BUDGET NOTICES MAILED TO ELECTED OFFICIALS,; PUBLISH ELECTED OFFICIALS' SALARIES, SUMMARY OF BUDGET; PUBLIC NOTICE OF HEARING ON BUDGET
AUGUST	31 <sup>ST</sup>	PUBLIC HEARING ON TAX RATE (IF NECESSARY) NOTICE #1 PUBLISHED AT LEAST 7 DAYS BEFORE PUBLIC HEARING NOTICE #2 PUBLISHED AFTER HEARING BUT BEFORE MEETING TO VOTE ON TAX RATE
SEPTEMBER	2 <sup>ND</sup>	PUBLISH 2 <sup>ND</sup> NOTICE ON TAX RATE INCREASE
SEPTEMBER	7 <sup>TH</sup>	PUBLIC HEARING ON BUDGET; ADOPT BUDGET AND SET SALARIES *1
SEPTEMBER	8 <sup>TH</sup>	SET TAX RATE AND LEVY TAXES *2
SEPTEMBER	27 <sup>TH</sup>	FILE FINAL APPROVED BUDGET WITH COUNTY CLERK
<p>*1 - At least 11 days prior to this meeting, must publish Elected Officials' Salaries At least 11 days prior to this meeting, but before 30 days, publish notice of Budget hearing And Summary of Budget. Must be after the 15<sup>th</sup> day of the month; next following month Budget prepared.</p> <p>*2 - Must be at least 3 days, but not more than 14 days after Public Hearing on Tax Rate</p>		

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to schedule budget workshops for August 9, 1999 @ 9AM, August 10, 1999 @ 1:30PM, and August 11, 1999 @ 9AM . All voting "Aye".

Court was adjourned.

MINUTES APPROVED IN OPEN COURT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 1999.

\_\_\_\_\_  
JAMES L. POWERS, COUNTY JUDGE  
COUNTY CLERK  
H A Y S COUNTY, TEXAS

\_\_\_\_\_  
LEE CARLISLE,  
H A Y S COUNTY, TEXAS

