



**SEPTEMBER 21, 1999  
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**STATE OF TEXAS  
COUNTY OF HAYS**

**ON THIS THE 21st DAY OF SEPTEMBER A.D., 1999, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:**

<b>JAMES L. POWERS</b>	<b>COUNTY JUDGE</b>
<b>DEBBIE GONZALES INGALSBE</b>	<b>COMMISSIONER, PCT. 1</b>
<b>H. S. "SUSIE" CARTER</b>	<b>COMMISSIONER, PCT. 2</b>
<b>WILLIAM "BILL" BURNETT</b>	<b>COMMISSIONER, PCT. 3</b>
<b>RUSS G. MOLENAAR</b>	<b>COMMISSIONER, PCT. 4</b>
<b>LEE CARLISLE</b>	<b>COUNTY CLERK</b>

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

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

**NEW EMPLOYEE INTRODUCTION**

The following new employees were introduced: Helen Franks – Treasurer's office (not present), Carolyn Garza – County Extension Office, Laura Ortiz – Sheriff's Office, and Ernest Weiss – Computer Services.

**SPECIAL 30 YEAR RECOGNITION FOR LINDA FRITSCH (COUNTY CLERK'S OFFICE)**

County Clerk Lee Carlisle presented Linda Fritsche with a Special Recognition Plaque and thanked her for her 30 years of service and for what she does for the county now.

**BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT \* 1999  
CONSERVATION AWARD RECEIPT IN THE WATER QUALITY PROTECTION  
CATEGORY [T1-93]**

Lloyd Ogden of the Barton Springs/Edwards Aquifer Conservation District appeared before the court. He spoke of area covered by the district – 225 square miles: southern Travis County, northern Hays County, and a small portion of Caldwell and Bastrop Counties – 1/2 of the district is in Hays County. Annually they recognize special people or entities that contribute to the preservation of groundwater and education/conservation. He stated that it gives him a great deal of pleasure today to be here and recognize the Hays County Commissioners' Court for their efforts to protect resources within Hays County. He spoke of efforts by Hays County in regards to recent rules on ground water availability, subdivision regulations, and especially the on going efforts in creating a Trinity underground water district. He presented to the Commissioners' Court the **1999 Award for Water Quality Protection**. Mrs. Garrison presented an award certificate to each member of the court. Commissioner Molenaar spoke of working hard on the subdivision rules, water availability rules, and manufactured home infrastructure rules for Hays County. He stated that he appreciates the district recognition at a time when the court has been criticized heavily by the environmental community that we don't care about our county.

**PUBLIC COMMENTS**

Jerry Faskas (resident of the Dripping Springs area) spoke regarding litigation in regards to manufactured home rental community ordinance. He state that Senate Bill 712 authorizes the county to adopt ordinances regulating manufactured housing. Section 219(d) says that the Commissioners' Court is allowed to adopt minimum infrastructure standards promoting the safety for fire and EMS for the roads. He stated that the court may not adopt standards that are more stringent than requirements adopted by Commissioners Court for subdivisions. The Commissioners' court may only adopt minimum infrastructure standards for ingress and egress access by fire and emergency vehicles that are reasonably necessary. He spoke of numerous county roads and driveways that are gravel throughout the county and he spoke of not requiring a paved driveway for a site-built subdivision. He spoke of forcing developers of manufactured rental communities to pave driveways. He feels like site-built homeowners will be paying for manufactured rental communities paved driveways.

**18113 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve payment of county invoices in the amount of \$325,946.42 as presented by the County Clerk. All voting "Aye".

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Fines	\$ 80.00	Extension Office	\$ 528.75	Grants Admin	\$ 404.90
Juvenile Prob	\$ 1,180.36	Election Admin	\$ 212.00	Indigent Care	\$ 56.42
Transfer Station	\$ 6,486.87	Bldg Mtc	\$ 11,353.18	Environ Health	\$ 786.74
Civic Center	\$ 408.10	Countywide Oper	\$ 27,375.27	Tax A/C	\$ 761.66
District Clerk	\$ 292.81	Sheriffs Office	\$ 13,132.89	Jail Operations	\$ 43,201.97
Human Resources	\$ 661.43	District Attorney	\$ 1,165.89	J.P. 1-1	\$ 65.43
J.P. 1-2	\$ 166.01	J. P. 2	\$ 255.93	J.P. 4	\$ 99.00
J.P. 5	\$ 168.01	DPS	\$ 151.52	Constable 1	\$ 281.22
Constable 4	\$ 14.51	Constable 5	\$ 47.00	District Court Oper	\$ 5,416.34
Co & JP Court Oper	\$ 731.17	Computer Svcs	\$ 2,521.84	DPS/L&W	\$ 73.05
Fire Marshal/EMC	\$ 2,356.27	TABC Office	\$ 45.64	DA DARE Grant	\$ 236.54
General Fund Credit	< \$ 58.65 >	R&B Operations	\$ 165,500.07	Precinct 1	\$ 14.16
Precinct 3	\$ 194.20	Right of Way	\$ 2,869.70	Road Reconstruction	\$ 9,352.40
R&B Gen Credit	< \$ 1,613.43 >	Sheriff Abandon Veh	\$ 122.20	Anticip Notes '95	\$ 54.90
Rec Mng/Co Clk	\$ 442.65	Health Svcs grants	\$ 529.29	Law Library Fund	\$ 1,094.36
Burnett Rd Dist I&S	\$ 39.30	Springlake Rd Dist I&S	\$ 274.47	Sheriffs Spec Projects	\$ 4.15
Family Health Svcs	\$ 394.93	Stellar Plastics Grant	\$ 2,072.63	Certif of Oblig '97	\$ 23,121.02
DOJ/Eqpt & Tech	\$ 567.96				

**Clerk's Note:** There were no Utility Permit submitted for approval this date.

**18114 APPROVE BUDGET AMENDMENT NO. 99-035**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve Budget Amendment No. 99-035 as proposed by the County Auditor. All voting "Aye".

<b>AMENDMENT NO. 99-035 FY 99 BUDGET 09-21-99</b>				
<b>FUND NO. 01 FUND TITLE <u>GENERAL FUND</u></b>				
<b><u>LINE ITEM - EXPENDITURES</u></b>	<b><u>APPROPRIATION BEFORE AMENDMENT</u></b>	<b><u>AMENDMENT INCREASES</u></b>	<b><u>DECREASES</u></b>	<b><u>APPROPRIATION AS AMENDED</u></b>
<b><u>HUMAN RESOURCES (421):</u></b>				
01-421-5334 Employee Recognition	1,000	300		1,300
01-421-5462 Employee Notices	8,300	600		8,900
01-421-5011 Department Head	38,833		(600)	38,233
01-421-5191 Travel Allowance	2,100		(300)	1,800
<i>Transfer for needed expense from personnel savings</i>				
<b><u>CONSTABLE 2 (432):</u></b>				
01-432-5413 Vehicle Maintenance	2,200	295		2,495
01-432-5717 Law Enforcement Equip	900	5		905
01-432-5271 Fuel	2,500		(300)	2,200
<b><u>Transfer for balance of expense from fuel savings</u></b>				
<b><u>COMMUNITY SERVICES (407):</u></b>				
01-407-5853 Hays SWCD#351	6,000	4,500		10,500
		<u>147,604</u>	<u>(147,604)</u>	
<i>Transfer for needed expense; return salary to previous level, allow authorized current budget for Soil &amp; Water Conservation Service Office</i>				
<b>FUND NO. 03 FUND TITLE <u>ROAD &amp; BRIDGE GENERAL</u></b>				
<b><u>OPERATIONS (438):</u></b>				
03-438-5714 Road Equipment	500,000	21,515		521,515
03-438-5271 Fuel	122,500		(20,000)	102,500
03-438-5262 Signs	71,500		(1,515)	69,985
		<u>21,515</u>	<u>(21,515)</u>	
<i>Authorize and transfer for sweep machine</i>				

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<b>FUND NO. 03</b>				
<b>FUND TITLE ROAD &amp; BRIDGE GENERAL</b>				
<b>LINE ITEM - EXPENDITURES</b>	<b>APPROPRIATION</b>	<b>AMENDMENT</b>		<b>APPROPRIATION</b>
	<b>BEFORE</b>	<b>INCREASES</b>	<b>DECREASES</b>	<b>AS AMENDED</b>
<b>OPERATIONS (438):</b>				
03-438-5011 Department Head	53,586	494		54,080
03-438-5021 Staff	1,442,624	125,000		1,567,624
03-438-5031 OT/Holiday/Comp	60,000	7,000		67,000
03-438-5471 Tower Rent	1,500	6,610		8,110
03-438-5480 Utilities	9,000	4,000		13,000
03-438-5061 Longevity	17,105		(973)	16,132
03-438-5160 Insurance	161,712		(2,000)	159,712
03-438-5191 Travel Allowance	7,020		(1,170)	5,850
03-438-5354 Health Dept Reseal	3,000		(3,000)	-0-
03-438-5448 Contract Road	259,000		(50,000)	209,000
03-438-5475 Road Equipment Rent	5,000		(4,125)	875
03-438-5711 Office Equipment	2,493		(2,081)	412
<b>ROAD CONSTRUCTION (464):</b>				
03-464-5612 Construction	1,123,254		(82,755)	1,040,499
<b>PRECINCT 3 (441):</b>				
03-441-5353 Special Projects	3,000		(1,500)	1,500
<b>FUND NO. 32</b>				
<b>FUND TITLE SHERIFF DRUG FORFEITURE FUND</b>				
<b>APPROPRIATION AMENDMENT APPROPRIATION</b>				
<b>AS BEFORE</b>				
<b>LINE ITEM - EXPENDITURES</b>			<b>AMENDMENT</b>	<b>INCREASES</b>
<b>DECREASES</b>			<b>AMENDED</b>	
<b>SHERIFF DRUG FORFEITURE (484):</b>				
32-484-5221 Computer Supplies	-0-	3,878		3,878
32-484-5222 Crime Prevent	-0-	15,000		15,000
32-484-5223 DARE Expense	-0-	5,090		5,090
32-484-5301 Spec Operations	-0-	10,000		10,000
32-484-5362 CID Expense	-0-	10,000		10,000
32-484-5367 MTD Patrol	-0-	15,000		15,000
32-484-5391 Other	-0-	5,000		5,000
32-484-5717 Law Enf Equipment	-0-	10,000		10,000
		<u>73,968</u>		
<b>REVENUES:</b>				
32-358-3581 Drug Forfeits	-0-	<u>DECREASE</u>	<u>INCREASE</u>	
Budget (2) Forfeitures Received			73,968	73,968

**Clerk's Note:** There were no applications for refund of double payments and/or overpayments on taxes submitted for approval this date.

**18115 APPROVE THE COMMISSIONERS' COURT MINUTES OF SEPT 8 & 14, 1999**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve the Commissioners' Court Minutes of September 8, 1999 and September 14, 1999 as submitted by the County Clerk. All voting "Aye".

**18116 AUTHORIZE THE PURCHASE OF A SELF-PROPELLED HIGHWAY SWEEPER**

Purchasing Agent Debbie Bilbrey advised that 3 quotes were received: Broce Broom = \$ 21,515 Cooper Equipment = \$25,700 R. B. Everett co. = \$27,640. Funds will be transferred from the fuel & lube line item #438-5271 to the road equipment line item #438-5714. Recommendation by the Road Department is to purchase the equipment from Broce Broom (lowest quote). A motion was made by Commissioner Ingalsbe,

seconded by Commissioner Burnett to authorize the purchase of a self-propelled highway sweeper from Broce Broom in the amount of \$21,515.00. All voting "Aye".

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**18117            AUTHORIZE THE TRANSFER OF A 1998 FORD CROWN VICTORIA FROM CONSTABLE PCT. 5 TO THE SHERIFF'S DEPARTMENT TO REPLACE A WRECKED VEHICLE**

County Auditor Bill Herzog advised that Constable Pct. 5 Billy Reeves has refused acceptance of a recently purchased vehicle. (see memo in file) The Sheriff's Dept. recently lost a vehicle in an accident, therefore, the County Auditor requested authorization to transfer the Constable Pct. 5 vehicle to the Sheriff's Dept. to replace that wrecked vehicle. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to authorize the transfer of a 1998 Ford Crown Victoria from Constable Pct. 5 to the Sheriff's Department to replace a wrecked vehicle. All voting "Aye".

**18118            AUTHORIZE THE COUNTY JUDGE TO EXECUTE A LEASE AGREEMENT WITH DALE GARES FOR PCT. 2 OFFICE SPACE [T1-228]**

Judge Powers spoke of lease for Kyle Satellite offices being up several months ago. He proposed a 3 year lease (with options after the first year). Constable Pct. 2 James Kohler spoke of MHMR and other departments utilizing this space along with other county offices and he would like to see the county offices stay at this location. Justice of the Peace Pct. 2 Beth Smith stated that the space is very functional and Mr. Gares has been an excellent landlord and very cooperative with the county maintenance department. She feels like it is convenient and accessible to her constituents and they are happy at this location. Judge Powers stated that he felt like action is needed to be taken before we are given notice to vacate. The rent has not gone up – it will stay the same. Special Counsel Jacquelyn Collum Murphy spoke of draft proposed lease agreement that was presented (same rental amount with change in term length – notice revision: 6 months notice). She is waiting direction from the court. Commissioner Carter spoke of possibly moving the offices to another location because the Health Dept. may be moving to a new facility. She spoke of possibly moving family support services along with the Health Dept. (Family Preservation, MHMR, etc). She had suggested paying the lease on a month to month rate. Jacquelyn Collum Murphy advised that the property owner is not willing to go with a month to month basis agreement. Judge Powers advised that there is a 6 month notice provision to get out of the new lease. Jacquelyn Collum Murphy advised that this lease would be for a year and one half commitment (1 year plus 6 month notice). Commissioner Carter stated that she is concerned about paying full month rent for a space 1/3 occupied if some of the offices move out. A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize the County Judge to execute a lease agreement with Dale Gares for Precinct 2 Office Space in Kyle, Texas. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

**PROPERTY DIVISION AT THE TRAVIS COUNTY LINE (RISCHE) [T1-390]**

Environmental Health Director Allen Walther spoke of a 95 acre parcel with its northeast boundary on the Hays County/Travis County line. This property is accessed by a Travis County road. Ray Rische proposes to subdivide this property into 4 parcels. He is requesting a (SAD) shared access driveway to access the tracts (will require a variance to SAD length) from a prescriptive easement. They must extend the county road in order to access their property. Ray Rische, one of the prospective property owners, spoke of need for better access and he advised that an easement agreement (30X80ft) is required. Travis County maintains the access road and the property owners will extend the Goforth Road from the gate to the county line and they will remove the gates and extend the road another 70-80 ft into the property up to the existing easement. They are proposing a 50 ft. driveway to access the four lots. Allen Walther spoke of it being hard to make a recommendation at this time. He feels like a variance to the SAD length is appropriate in this case.

**Clerk's Note:** Agenda Item #13: GARY ESTATES \* RELEASE MAINTENANCE BOND AND ACCEPT ROAD FOR COUNTY MAINTENANCE was pulled – No discussion or action was taken this date.

**SYCAMORE CREEK RESUB OF LOTS 20 & 21 \* PUBLIC HEARING [T1-555]**

Property owners Julio & Trude Vasquez propose to resubdivide Lots 20 & 21 of Sycamore Creek Subdivision into five lots (Lots 20A, 20B, 20C, 21A, & 21B). All lots will be 4 acres or more and have access on Dawn View road. Judge Powers declared the public hearing open. No input was received and the public hearing was closed. No action taken this date.

**18119            CEDAR CREST \* FINAL PLAT APPROVAL [T1-569]**

Property owner Lloyd Rathburne proposes to divide a 70.92 acre tract located on RM32 west of Purgatory Road into two lots (Lot 1 = 66.92 acres Lot 2 = 4 acres). Environmental Health Director Allen Walther advised that there will be a 30 foot Shared Access Driveway (SAD). He gave staff recommendation for approval. A motion

was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat of "Cedar Crest". All voting "Aye".

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**18120 TIMKO RANCH \* PRELIMINARY PLAT APPROVAL [T1-581]**

Property owners Donald & Phyllis Timko propose to divide a 140.200 acre tract into two tracts (Tract 1 = 134.886 ac. & Tract 2 = 5.372 ac.). Environmental Health Director Allen Walther advised that this parcel received a variance to the shared access driveway length (July 6, 1999 R/414 #17941) and the original proposal was for a 3 lot subdivision instead of the two tracts proposed this date. He gave staff recommendation for preliminary approval. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the preliminary plat of "Timko Ranch Subdivision". All voting "Aye".

**18121 STAGECOACH RANCH SECTION 1 REPLAT OF LOT 17 \* PRELIMINARY PLAT APPROVAL [T1-598]**

Owners of Lot 17 of Stagecoach Ranch Section 1 Larry & Betty Stuber propose to divide their 10 acre lot into two five acre parcels (Lot 17-A & 17-B). Environmental Health Director Allen Walther advised that the amount of ROW on Stagecoach road is still an issue. He gave staff recommendation for preliminary approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve the preliminary plat of "Stagecoach Ranch Section 1 Replat of Lot 17". All voting "Aye".

**18122 ADOPT A PROCLAMATION DECLARING OCTOBER 1999 AS "CRIME PREVENTION MONTH IN HAYS COUNTY" [T1-617]**

Commissioner Molenaar read the Proclamation and presented it to Ramsay Garza and Allen Bridges of the Hays County Sheriff's Department. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring October 1999 as "Crime Prevention Month in Hays County". All voting "Aye".



**PROCLAMATION OF THE HAYS COUNTY COMMISSIONERS COURT  
DECLARING OCTOBER 1999 AS CRIME PREVENTION MONTH.**

**STATE OF TEXAS §**  
**COUNTY OF HAYS §**

**WHEREAS**, the vitality of our county depends on how safe we keep our homes, neighborhoods, workplaces, and communities because crime and fear diminish the quality of life for all; and

**WHEREAS**, crime and fear of crime destroy our trust in others and in institutions, threatening the community's health and prosperity; and

**WHEREAS**, people of all ages must be made aware of what they can do to prevent themselves, their families, neighbors, and co-workers from being harmed by drugs violence, and other crimes; and

**WHEREAS**, the prevention initiatives must include but go beyond self-protection and security to promote collaborative efforts to make neighborhoods safer for all ages and to develop positive educational and recreational opportunities for young people; and

**WHEREAS**, adults must invest time, resources, and policy support in effective prevention and intervention strategies for youth, and teens must be engaged in driving crime from the communities; and

**WHEREAS**, effective crime prevention programs excel because partnerships among law enforcement, other government agencies, civic groups, schools, faith communities, businesses, and individuals as they help to nurture communal responsibility and instill pride;

**NOW, THEREFORE, WE THE COMMISSIONERS' COURT**, do hereby proclaim October 1999 as *Crime Prevention Month* in Hays County and urge all citizens, government

agencies, public and private institutions, and businesses to recognize the power of prevention and work together for the common good.

**ADOPTED THIS THE 21<sup>ST</sup> DAY OF SEPTEMBER, 1999**

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**HAYS COUNTY 2025 TRANSPORTATION PLAN \* PUBLIC HEARING DATES [T1-670]**

DeDe Stevenson (Dripping Springs resident) read a letter that she wants to put in the newspapers in regards to the article written in the Austin American Statesman by Mr. Opal addressing growth in Hays County. She spoke of lawsuit filed against the Commissioners' Court by the Hays County Water Planning Partnership accusing the court of having illegal meetings. The same organization has filed a lawsuit against LCRA to stop the pipeline that will bring a reliable water resource to Hays County. She feels like the Hays County Water Planning Partnership is a product of SOS and SOS is a product of Austin - Austin wants control of Hays County and will go to great lengths to have that control. [T1-743] Terry Decker (Village of Bear Creek) spoke of research she did on the subject of the transportation plan (newspaper articles, documents, websites, and spoke with various CAMPO representatives and citizens). She discovered that the Hays County Transportation Plan is a well thought out plan that anticipates those areas in Hays County that will experience significant growth so that if all goes well the infrastructure can be in place to accommodate the needs of the additional population as well as for the population that is already here. The plan is subject to change and before any roads can be modified or built there is a very detailed and lengthy process that must be gone through. If there is a large development being planned for the area, there is a good chance that the developer may pay for the installation of the infrastructure, thus saving taxpayers money. She does not feel that building roads brings the growth - the roads are built to accommodate growth. She supports the plan and urged the court to adopt the Hays County Transportation Plan and lets work together to make Hays County a model county with well thought out infrastructure that anticipates growth and works together to manage it effectively. [T1-791] Pix Howell (resident of Hays County and a sub-consultant to Prime Strategies) - he stated that this plan is a tool to be utilized and changes can be made as necessary. He feels like it is critical to adopt a plan so that you can identify the corridors and extract the right-of-way through the development process. Amendments can be made to the plan. [T1-833] Sam Davis (lives west of Wimberley) stated that he does not support or oppose the transportation plan. He is concerned about the cost to the taxpayers. He stated that there are road problems in other precincts that need to be addressed and if they are going to suffer because of this plan then he is opposed to it. He would like to see Commissioners fight for their districts. [T1-874] Commissioner Burnett advised Mr. Davis that all the Commissioners fight for money for roadways in their respective precincts and there will be another 15 miles of roadways done in Precinct 3 this upcoming year. He advised that the transportation plan will be submitted to TxDot & CAMPO to indicate where we expect growth to occur and where upgrades need to occur (State roads and County roads). The plan is based on Texas State Data Center numbers indicating where they expect population growth to be and we need to make sure that our roads can accommodate that population. The agenda item today is to set public hearings so residents can voice their concerns. He advised that he could have a meeting in Wimberley on the 6th or 7th. Commissioner Molenaar spoke of need to come back with prospective dates for these meetings. Commissioner Ingalsbe would like to hold the Precinct 1 meeting at the courthouse (preferably Wednesday Oct. 6<sup>th</sup>). The target week for the town meetings will be October 4<sup>th</sup> - 7<sup>th</sup>. The County Judge's office will prepare the press release. Commissioner Carter requested large maps for the meetings. Pix Howell advised that the map that was previously shown is a working drawing and is being changed as needed. Prime Strategies will provide a map for placement on the county website. Hearings will be posted as Commissioners' Court Meetings to allow all members of the Court to be present. Judge Powers stated that he is excited about the public hearings and he feels like it is important to think ahead. Commissioner Burnett advised that this plan will help us to submit to CAMPO and TxDOT so that we can compete with every other county in the State of Texas for state/federal dollars to be spent on roads (primarily state roadways) in Hays County. No action taken this date.

**18123 APPROVE CONTRACT WITH THE SOFTWARE GROUP FOR UPGRADE OF MAINFRAME HARDWARE AND SOFTWARE [T1-1105]**

Jeff McGill, Director of Computer Services, spoke of contract with The Software Group to upgrade our current system before January 1, 2000. This contract is just for the new computer equipment, software upgrades, and the TSG staff to assist in the conversion and upgrades. The quarterly maintenance stays the same. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve contract with The Software Group for upgrade of mainframe hardware and software for Hays County. All voting "Aye".

**18124 AUTHORIZE BUYBACK OF COMPENSATORY TIME IN THE ROAD DEPARTMENT [T1-1155]**

Ernest Garcia, Interim Road Director, advised that there are two employees that have exceeded the requirements for comp time in the Road Department (Inspector Chuck Carrigan with 90 hrs & himself with 145 hrs). Commissioner Burnett spoke of it being important to take comp time and vacation time off and he would like to see someone else help the inspector so that we are not forced to buyback his comp time. The cost would come from the staff salary line item (apprx. \$5,000) Ernest Garcia's compensatory time was accumulated before he was promoted to an exempt status position. County Auditor Bill Herzog advised that buybacks have been done in the past when an employee was promoted to exempt status from a non-exempt status. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize buyback of

compensatory time for Ernest Garcia in the Road Department. All voting "Aye". Commissioner Molenaar spoke of need to pay employees for their overtime. Ernest Garcia spoke of inspections that are necessary after hours and on weekends. Commissioner Molenaar spoke of need for more than one inspector for a county this size. Commissioner Carter spoke of need to fill vacant positions in the Road Department. Ernest Garcia advised that there are currently about 20 vacancies (15 bond road employees will fill some of these positions effective 10/1/99). A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize the buyback of compensatory time for Chuck Carrigan in the Road Department. All voting "Aye".

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**18125 ACTION REGARDING PAVING THE NIEDERWALD PARK [T1-1361**

Rickie Adkins, Mayor of Niederwald, advised that this is a community park and not just a municipal park. Fern Howze, representing the City of Niederwald, advised that she misunderstood the budget year for the county (she thought it was based on a calendar year). She submitted copies of the Texas Parks & Wildlife grant applications to the County Judge. She spoke of the Hays County FY96/97 budget that contained funds for the Niederwald Community Park. When she stepped down as Mayor in 1998 she was assured that the funding was still in the budget, however, the current budget does not show those funds. She feels like that appropriation could be reinstated. County Auditor Bill Herzog advised that the money is in reserves (because it was never spent) and we are unable to pull money from reserves unless it is an emergency. She would like to know what happen to that line item because they are in need of having that driveway and parking lot complete at this time. They did not know they would have to continue requesting these funds when they had already been budgeted. She spoke of grant process that was followed (grant was applied for twice). They were unable to make improvements to the park as long as the grant applications were pending. Commissioner Burnett advised that no budget request was made, therefore, funds were not budgeted for FY2000. Commissioner Molenaar felt like the money was contingent on Niederwald getting the grant. He was not aware of the second grant and there was never a request to rollover the funds. Commissioner Burnett advised that the budget has already been adopted. Commissioner Carter felt like there are several other options in the budget. Ernest Garcia, Interim Road Director, felt like it will take a contractor approximately one week to get the property ready for paving and the cost of the project would be \$86,461. J. L. Howze, Park Director for the City of Niederwald, submitted 2 quotes for paving (\$32,000 & \$54,094 for hot mix) and a master plan drawing for the park. He advised that the park is 8.691 acres versus the original 5 acres. The park expansion did not change the driveway or parking lot. Robert Sluter (resident of Niederwald) lives next to the park and he would like to see the park continue on the current schedule. He advised that the nearest parks are 8-10 miles away. He spoke of smaller communities that are within 15 minutes of this park and Niederwald is within 5 minutes. He requested consideration from the county for funding. Commissioner Carter spoke of contingency funds that might be utilized and she feels like the \$32,000 figure is a reasonable fee. She suggested funding with \$40,000 parks mtc. line item to bring it up to par with the other park that we have helped. Commissioner Molenaar asked if there will be funds available in the current budget or can we carryover funds. County Auditor Bill Herzog advised that work would have to be done before the end of this fiscal year and you cannot carryover funds that are not budgeted - the FY2000 budget is already set. Bill Herzog advised that all money allocated for FY2000 is earmarked and not available. Fern Howze read the letter from the Mayor of Niederwald dated 5/10/99 to Commissioner Carter [T1-2012]. Commissioner Molenaar spoke of \$40,000 park mtc line item was to be used for the Dripping Springs Park and Dudley Johnson Park. Bill Herzog spoke of need to bid out a project of this size and there is not enough time in this fiscal year. Judge Powers advised that he was looking at the letter from former County Judge Eddie Etheredge and he thought funding was contingent on grant approval. Commissioner Molenaar suggested giving the money (\$32,000) directly to the City of Niederwald if we have available funds leftover this fiscal year. [T1-2210] A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to place this item back on the agenda next week after we attempt to find money in the current budget to fund \$32,000 for the Niederwald Park project. All voting "Aye".

**18126 AWARD CONTRACT FOR PROFESSIONAL SERVICES FOR THE DESIGN FOR REPAIR OF FLOOD DAMAGES TO THE UPPER SAN MARCOS WATERSHED PROJECT SITE #5**

[T1-2223] Commissioner Burnett spoke of Site #5 behind Hernandez Middle School which had levee damage that needs to be repaired. Engineering services are needed to design the required work. Purchasing Agent Debbie Bilbrey advised that 2 proposals were received – Freese & Nichols Inc. and William H. Erion. John King (Freese & Nichols Inc.) advised that they can begin immediately and it will take approximately 2 months to complete. The cost is NTE \$12,600 for design. Commissioner Burnett recommended funding out of FY2000 from dam mtc. line item - FEMA grant will reimburse us for 75% of this cost. Commissioner Burnett advised that the dam structure and spillway is in tack and only the levee downstream is in need of repair. Debbie Bilbrey advised that damage estimate is up to \$75,000 (FEMA grant to cover 75% of costs). A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar, to contract with Freese & Nichols Inc. for professional services for the design of repairs of flood damages to Upper San Marcos Watershed Project site #5 to be funded out of the dam maintenance line item in the FY2000 budget. All voting "Aye".

**EXECUTIVE SESSION TO CONFER WITH LEGAL COUNSEL CONCERNING PENDING LITIGATION WITH THE TEXAS MANUFACTURED HOUSING ASSOCIATION**

The court convened into closed executive session to confer with legal counsel concerning pending litigation with the Texas Manufactured Housing Association. No action was taken.

Court was adjourned.

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

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

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

