



STATE OF TEXAS □
 COUNTY OF HAYS □

ON THIS THE 21st DAY OF MARCH A.D., 2000, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation and Commissioner Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

MUSICAL PRESENTATION BY THE MASTER SINGERS

Commissioner Carter introduced The Master Singers. They sang The Star Spangled Banner. Cathy Hargis gave a history of the singers (home school kids). They sang "Pennies from Heaven", "It starts from the heart" and "The Lord Be Gracious". Commissioner Carter spoke of Rick Barrera, a member of the group, who wrote her a letter which she read out loud.

18525 APPROVE THE COMMISSIONERS' COURT MINUTES OF MARCH 14, 2000

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the Commissioners' Court Minutes of March 14, 2000 as presented by the County Clerk. All voting "Aye"

18526 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 \$149,639.73 (3/14/00 run) and \$45,346.44 (3/21/00 run) as presented by the County Auditor. All voting "Aye"

Fines	\$ 125.00	Exp Ref/Voids	\$ 177.80	Auditors Office	\$ 711.38
Treasurers Office	\$ 646.70	Extension Office	\$ 935.11	Grants Admin Ofc	\$ 863.21
Juvenile Prob Ofc	\$ 1,649.43	Election Admin Ofc	\$ 49.27	Transfer Station	\$ 9,007.80
Building Mtc. Dept.	\$ 9,799.45	Environmental Health	\$ 108.00	Civic Center	\$ 196.45
Countywide Oper	\$ 70,292.64	District Clerks Office	\$ 260.00	County Clerks Office	\$ 3,146.57
Sheriff's Office	\$ 6,170.32	Jail Operations	\$ 9,170.79	County Judge's Office	\$ 284.02
Co Court at Law 1	\$ 190.00	District Attorneys Office	\$ 309.93	J.P. 1-2	\$ 446.60
J.P. 2	\$ 391.29	J.P. 3	\$ 62.81	J.P. 4	\$ 751.62
J.P. 5	\$ 135.61	DPS	\$ 243.52	Constable 2	\$ 46.46
Constable 3	\$ 35.46	Constable 4	\$ 10.00	Constable 5	\$ 31.20
District Court Operations	\$ 628.52	Co & JP Court Oper	\$ 5,342.84	Computer Svcs	\$ 8,374.70

Co Court @ Law 2	\$105.60	DPS/L&W	\$ 120.00	Fire Marshal/EMC	\$ 307.28
District Court Reporters	\$ 63.50	Assoc Judge/Family Law	\$ 15.70	Spec Counsel Office	\$ 61.22
Comm Court Expenses	\$ 340.50	Bulletproof Vests Grant	\$ 270.00	CJD/VOCA Grant	\$ 145.00
CJD/VAWA Grant	\$ 550.00	911 Addressing Grant	\$349.00	Fire Marshal Grant	\$ 1,167.90
Gen Fund Credit	<\$214.61>	R&B Operations	\$ 19,384.09	Precinct 1	\$ 114.91
Precinct 2	\$ 44.25	Precinct 3	\$ 78.54	Precinct 4	\$ 6.24
R&B Gen Credit	<\$5,123.29>	Sheriff Aband Vehn Fund	\$ 449.40	Health Svcs Grants	\$ 236.50
Sheriffs Drug Forfeiture	\$ 175.34	Family Health Services	\$ 398.16		

18527 APPROVE BUDGET AMENDMENT #00-15

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Amendment #00-15 as proposed by the County Auditor. All voting "Aye"

HAYS COUNTY COMMISSIONERS' COURT MINUTES



VOLUME R PAGE 658

□□□□□ □□□□□

MARCH 21, 2000

AMENDMENT NO. 00-15 FY 2000 BUDGET 03/21/00				
FUND NO. <u>01</u>				
FUND TITLE <u>GENERAL FUND</u>				
<u>LINE ITEM – EXPENDITURES</u>	APPROPRIATION	AMENDMENT		APPROPRIATION
	BEFORE			AS
	<u>AMENDMENT</u>	<u>INCREASES</u>	<u>DECREASES</u>	<u>AMENDED</u>
<u>TREASURER OFFICE (402):</u>				
01-402-5021 Staff	150,708	650		151,358
01-402-5101 FICA	32,855	50		32,905
01-402-5160 Insurance	19,971		(700)	19,271
Fund temp personnel due to maternity leave				
<u>JUVENILE PROBATION (405):</u>				
01-405-5211 Off supply	2,300	725		3,025
01-405-5715 Communication Eqpt	725		(725)	-0-
Transfer equipment savings to office equipment and mobile phone cost				
<u>EXTENSION OFFICE (403):</u>				
01-403-5449 Temp Personnel		-0-	425	
425				
01-403-5712 Data Proc Eqpt	-0-	900		900
01-403-5101 FICA/RET	12,436		(1,325)	11,111
Transfer from personnel savings for Laptop and temporary personnel				

Clerk's Note: Agenda Item #5 regarding refund of double payment/overpayment of taxes – No applications were submitted for consideration. No action taken.

18528 APPROVE UTILITY PERMITS

The following permits were submitted by the Road Department for approval:

- #00-203 on Post Road issued to Time Warner Cable
- #00-204 on Post Road & Yarrington Road issued to Time Warner Cable

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Utility Permits #00-203 & #00-204 on Post Road & Yarrington Road as submitted by the County Road Department. All voting "Aye"

Clerk's Note: Agenda Item #7 Re: Correction to appointment of *North Hays County EMS District #1 Board* was pulled because it was put on the agenda incorrectly.

18529 REQUEST TO INCREASE THE LAW LIBRARY FEE TO \$20 (A \$5 INCREASE)

David Morris, Chairman of the Hays County Bar Association Law Library Committee, spoke of recent law allowing an increase in the law library fees (allows an amount not to exceed \$35.00). [Section 323.023(a) Local Government Code provides that a commissioners' court may set the fee for the law library not to exceed \$35 to be taxed, collected and paid as other costs in each civil case filed in a county or district court, except suits for delinquent taxes. Current.] The current Law Library Fee is \$20.00 and they are requesting an increase to \$25.00. He spoke of computer station in the law library making the state and federal statutes available on CD Rom. The increase will prevent the local bar association from having to use reserve funds. David Morris stated that this is not a tax, it is part of the filing fee in civil law suits. Judge Powers asked if there is a plan to justify the increase. David Morris advised that a donation allowed them to have a federal library in place, an increase was given to the part-time librarian (from \$100 to \$200 per month), they need to add book shelves and another computer workstation. Judge Powers felt like the reserve funds will increase with an increase in fees. Mr. Morris spoke of law library fund use - the operating budget is \$17,500 per year. They are not asking that the fee go up to the allowed \$35.00 fee. Commissioner Burnett asked to postpone this item until the court can see a plan for the reserve funds. The reserve funds are approximately \$75,000.00. Mr. Morris stated that they do not have a specific plan at this time and the Bar Association voted to support an increase in the fee. Commissioner Molenaar spoke of need for a plan. Judge Powers stated that it is difficult to increase fees without justification and he is not against the increase but would like to see a plan for the future. No action taken this date

18530 RAILYARD SUBDIVISON LOTS 1,2 & 3 * CALL FOR PUBLIC HEARING TO CONSIDER CANCELLATION [APRIL 11, 2000] [T- 493]

Environmental Health Director Allen Walther spoke of request to cancel these lots and make them a part of a new adjoining subdivision to facilitate a new entrance into that subdivision. A motion was made by Judge Powers, seconded by Commissioner Molenaar to call for a public hearing to consider cancellation of Lots 1, 2 & 3 of the Railyard Subdivision on April 11, 2000. All voting "Aye"

HAYS COUNTY COMMISSIONERS' COURT MINUTES



MARCH 21, 2000

□□□□□

□□□□□

VOLUME R PAGE 659

18531 AYERS ADDITION RESUBDIVISION OF LOT 3 * APPROVE FINAL PLAT [T- 515]

Environmental Health Director Allen Walther spoke of resubdivision of one lot into 3 lots (originally considered as a 4 lot subdivision). He gave staff recommendation for approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of "Ayers Addition Resubdivision of Lot 3".

Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar and Judge Powers voting "Aye" Commissioner Burnett was not present to vote.

18532 COTTON WOOD CREEK BUSINESS PARK * APPROVE FINAL PLAT [T- 531]

Environmental Health Director Allen Walther gave staff recommendation for final approval. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve final plat of "Cotton Wood Creek Business Park". Commissioner Ingalsbe, Commissioner Carter, Commissioner Molenaar and Judge Powers voting "Aye" Commissioner Burnett was not present to vote.

18533 LANIER RANCH REPLAT OF LOT 2B * FINAL PLAT APPROVAL TABLED [T- 541]

Environmental Health Director Allen Walther spoke of need for road security (a letter from the bank was received but no LOC was submitted). Mr. Horne advised that his banker was out of town and they will be issuing the LOC later this week. Allen Walther suggested that court postpone final approval until we actually receive the LOC. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to table action on the final plat of "Lanier Ranch" until next week. All voting "Aye"

18534 HARMON HILLS REPLAT OF TRACT H-24 * APPROVE FINAL PLAT [T- 580]

Environmental Health Director Allen Walther gave staff recommendation for final approval of plat . A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Harmon Hills Replat of Tract H-24". All voting "Aye"

18535 RIVER HILLS SECTION 2 LOT B * REQUEST FOR VARIANCE FROM MINIMUM LOT SIZE REQUIRED FOR A MULTI-FAMILY HOUSING UNIT TABLED [T- 590]

David Phillips & Peggy Phillips appeared requesting a variance from minimum lot size required for a multi-family housing unit (a duplex) that they propose to build on Lot B, across the street from their house. He stated that their neighbors and the current landowner support this request. He requested grandfathering of their request. Lot B was originally platted (1982) as a commercial lot and was later amended for commercial or residential use (1988) and for multi-family residential housing structures. He is requesting a variance to the waste water rules so that he can build a duplex having a 2-bedroom, 1-bath, 952 sf unit on each half with an engineered septic system. Mr. Phillips spoke of county rules addressing "special circumstances". He advised that the duplex will be used to house his wife's ailing father and possibly in the future, his own father. Mr. Phillips stated that there are already some multi-family residences in this subdivision. Environmental Health Director Allen Walther spoke of having grandfathered lots but in this particular case a duplex is a two family residence and not a multi-family residence. He spoke of deed restrictions that make it allowable to have duplexes if it meets the county rules at the time and our rules at the time required a minimum lot size of $\frac{3}{4}$ acre per single family residence and a duplex is two single family residences. He spoke of problem with establishing the use of duplexes - there would be no reason for someone to place two 5-bedroom duplexes on this property. State rules do not put size restrictions on single family residences. He spoke of court establishing a policy since 1984 regarding density and minimum lot sizes and if the court allows this request it will set a precedent for the future. Commissioner Burnett asked about reference to "special circumstances" in the county regulations and he asked Mr. Phillips why he must build a duplex instead of a single family residence. Mr. Phillips spoke of need to provide for their parents equally and the other issue is financial (rent out the other half). Allen Walther suggested enforcement action against those existing residences that are in violation of our rules. Special Counsel Jacqueline Collum Murphy spoke of courts discretion to grant a variance - she feels like the court will hear more and more about families wanting to seek a variance to care for family members and she cautioned the court in allowing such variances. Allen Walther advised that there are provisions within our rules now that allow you to add on to your house to provide for an ailing parent. Commissioner Carter felt like there are legal issues to investigate and she would like more time to consider this request. Allen Walther advised that rules have been established. Commissioner Molenaar spoke in support of the county rules. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to table action until next week. All voting "Aye"

18536 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE OFFICE OF GOVERNOR, CRIMINAL JUSTICE DIVISION/VIOLENCE AGAINST WOMEN ACT PROGRAM FOR UP TO \$47,072 [T- 1213]

Grants Administrator Richard Salmon advised that this is a continuation grant to pay the salary of the VAWA Prosecutor in the District Attorney's Office. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a grant application to the Office of Governor, Criminal Justice Division / Violence Against Women Act Program for up to \$47,072.00. All voting "Aye"

HAYS COUNTY COMMISSIONERS' COURT MINUTES



VOLUME R PAGE 660

□□□□□

□□□□□

MARCH 21, 2000

18537 GRANT PRELUDE FIBERS, A DIVISION OF VITA FOAM, INC. A THREE (3) YEAR TAX ABATEMENT [T-1238]

This item was discussed last week (March 14, 2000) during a presentation. John Boswell, Director of Economic Development Council in San Marcos, spoke of Prelude Fibers considering several sites (one inside Hays County) in this area. This company has \$5.7 million of taxable investment and would turn agricultural land into commercial land (\$19,000 per year revenue in taxes). He suggested a 3 year tax abatement at 100%. The City of Seguin will phase their abatement in over a number of years. There will be very minimal impact on county services. The land value cannot be abated, only the improvements. Commissioner Ingalsbe spoke in support of the tax abatement. Commissioner Burnett asked about the timetable for their decision on a location? He spoke of need to encourage environmentally clean development but he would like for the economic development subcommittee of the Hays County infrastructure committee to look at this request. Commissioner Molenaar spoke of need for a proposal (breakdowns, etc.) and stated that he is opposed to a 100% abatement. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to grant a three (3) year 100% tax abatement to Prelude Fibers, a division of Vita Foam Inc. Commissioner Ingalsbe, Commissioner Carter, and Judge Powers voting "Aye". Commissioner Molenaar and Commissioner Burnett voting "No". Commissioner Burnett requested financial figures regarding this company.

18538 ADOPT RESOLUTION IN SUPPORT OF ATTORNEY GENERAL'S FEE BILL [77TH LEGISLATIVE SESSION] TO REIMBURSE COUNTIES FOR EXPENSES ASSOCIATED WITH CHILD SUPPORT ENFORCEMENT [T-1501]

District Clerk Cecelia Adair requested court adoption of a resolution in support of Attorney General's Fee Bill. The Attorney General filed HB2354 during the 76th Legislative Session which required the State of Texas to pay the remaining 33% of the costs for issuing and serving child support process. The bill made it to the Governor, but was recalled because the appropriation for these funds did not pass. Currently the county is reimbursed at the rate of 66% which is funded by the federal government. The JP and Constables Association and the County & District Clerk's Association are initiating efforts to pursue this legislation again next session. With the federal government talking about reducing our 66% reimbursement, it is wise to once again pursue funding from the state. A motion was made by Commissioner Carter, seconded by Commissioner Burnett to adopt resolution in support of legislation requiring the State of Texas to reimburse counties for expenses associated with child support enforcement. All voting "Aye"

**RESOLUTION
SUPPORTING LEGISLATION TO REQUIRE THE STATE OF TEXAS
TO REIMBURSE COUNTIES FOR EXPENSES ASSOCIATED WITH
CHILD SUPPORT ENFORCEMENT**

TO: THE HOUSE INTERIM COMMITTEE ON COUNTY AFFAIRS

WHEREAS, the first interim charge for the House Committee on County Affairs is to "review the cost of statutory duties, including federal mandates, and the ability of county tax bases and fees to support such duties"; and

WHEREAS, District Clerks Child Support Registries, Sheriffs and Constables provide child support services for the Attorney General's Child Support Enforcement Division; and

WHEREAS, the Attorney General's Office only reimburses county governments for 66% of the costs of issuing and serving child support process; and

WHEREAS, county taxpayers are required to pay the remaining 33% of the state's costs for issuing and serving child support process; and

WHEREAS, House Bill 234 (76th Legislative Session) that was sent to the Governor but was recalled for lack of funding, would have provided reimbursement to counties for the full cost of providing child support services for the Attorney General's Office;

THEREFORE BE IT RESOLVED, that the Hays County Commissioners' Court urge the Interim Committee on County Affairs to recommend to the 77th Legislature that counties be reimbursed for the full costs of providing child support services for the State of Texas.

ENTERED UPON THE MINUTES OF THE HAYS COUNTY COMMISSIONERS COURT THIS 21ST DAY OF MARCH, 2000.

18539 SHEPLEY RANCH * APPROVE PRELIMINARY PLAT AND GRANT VARIANCES FROM MAXIMUM SCALE ON PLAT AND MAXIMUM LENGTH OF SHARED ACCESS DRIVEWAY [T-1578]

Environmental Health Director Allen Walther advised that the Court saw this property as a partial vacation of Lot 4 of Onion Creek. He spoke of need to access property by a shared access driveway (SAD) and a variance to scale is needed because of the large size of the tracts. He gave staff recommendation for approval of preliminary plat and to the variances. If additional resubdivision occurs, a road will have to be built. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plat of "Shepley Ranch" and grant variances from maximum scale on plat and maximum length of shared access driveway. All voting "Aye"

HAYS COUNTY COMMISSIONERS' COURT MINUTES



MARCH 21, 2000

□□□□□

□□□□□

VOLUME R PAGE 661

18540 EXECUTIVE SESSION AND ACTION TO AUTHORIZE THE COUNTY ENGINEER TO HIRE A SURVEYOR TO REPLACE ORIGINAL SURVEY FLAG MARKERS ON LIME KILN ROAD (RE: JKL CONSTRUCTION INC. LITIGATION) [T-1648]

An executive closed session was held to meet with legal counsel to discuss lawsuit styled *Hays County v. JKL Construction Inc.*. Upon completion of the closed session, the Court reconvened into open meeting. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize County Engineer Jerry Borcheding to select a surveyor to perform work to replace original survey flag markers on Lime Kiln and Hilliard Roads. All voting "Aye". A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize Commissioner Molenaar and County Engineer Jerry Borcheding to attend mediation on May 17, 2000 regarding JKL Construction Inc. litigation. All voting "Aye". Special Counsel Jacqueline Collum Murphy stated that the County expects to recover costs from the lawsuit for all the county's expenses.

18541 REVIEW 911 MAP BOOK OPTIONS AND AUTHORIZE PURCHASE OF SOFTWARE (INCLUDING TRAINING AND SUPPORT) [T- 1706]

Steve Floyd, County GIS Coordinator, spoke of companies that were looked at to produce the map book - ESRI came down on their pricing and changed the way they were marketing the product. All the companies being considered were contacted at least three time asking for software demos that could be evaluated in the office. They got one demonstration copy in the office, the price was acceptable but the features were not what we were looking for in the book. The other companies did not send anything that could be worked with in the office for evaluation and he was not successful getting them in other avenue either. The cost for software is \$1200 with total cost of \$5939 which includes training and support and customizing the software to fit our needs. Steve Floyd

stated that they will need a printer at a cost of \$8,000 in order to print the copies they will need. There is a bid of \$4900 for a black & white book (1,000 books). He also has an estimate = \$11,000 for a quantity of 1,000 books printed in black and 3 other colors. He has other bids pending. About 250 books will be printed for emergency services (fire dept. vehicles, Fire Chiefs, EMS vehicles, Fire Marshal, and Sheriff's Dept.) and they will be provided periodic updates (in-house). County Auditor Bill Herzog suggested that revenue from sale of books could be used to cover the costs that are over and above the budgeted amount. It would take 500-600 books for emergency services, law enforcement, and other county departments. Steve Floyd advised that Mapco is producing a combined Hays, Bastrop, and Caldwell county map book selling for \$18 and a book for Comal County for \$18 and a Travis county book is being sold for apprx. \$35. They only update their books every 2 years and the books they are coming out with this month is data from last year – will be a smaller scale than our current map book. Commissioner Carter asked about cost for outsourcing. Steven Floyd advised that we would have to work with their schedule for updating the books and pay them a price they wanted – if we ran out of books we would not be able to produce the quantity of books we might need. Commissioner Molenaar spoke in support of producing updates in-house. Steve Floyd spoke of continuing supplying update of new roads for emergency services. Allen Walther advised that they need to know how many books will be produced and what printing options to go with. Action this date will not include production and distribution of the books. Commissioner Carter stated that she feels like we should get the pricing for outsourcing like Travis and Comal County has done because there may be some cost effectiveness that we are overlooking in the interest of convenience. Steve Floyd stated that those counties are not specifically using Mapco to produce their books, Mapco is taking their data (free public data) and publishing their own products with it. He is checking to see what we can get those books for as well. He stated that the Mapco book will be printed at a scale that cannot be used by law enforcement and emergency services (detail and small roads will not be seen). Commissioner Carter feels like there is no real comparison with outsourcing and she doesn't think it a good plan. Commissioner Molenaar spoke of already doing outsourcing and it cost us a lot of money (we lost \$20 per book). Steve Floyd advised that 1,000 books could be obtained for \$11,000 from one source he has checked with – if we do black & white books it will cost \$5.00 per book. A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize purchase of software - including training and support - in the amount of \$5939.00. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

Clerk's Note: Agenda Item #21 to consider adoption of a disaster declaration (burn ban) was pulled – no action taken.

18542 ACTION REGARDING COUNTY PICNIC LOCATION [T-2323]

County Personnel Director Britney Richey spoke of plans for an awards ceremony in the form of a picnic this year. There are 600 county employees. A group of people have volunteered for this undertaking. Plans are to hold the picnic on a Saturday from 3-7 P.M. with various family activities. This group needs to get an idea from the court on how to proceed. The suggested locations are: Wimberley VFW Hall or the Civic Center Commissioner Carter stated that she does not feel like tax money should be spent for an employee picnic. A motion was made by Judge Powers, seconded by Commissioner Molenaar to consider the Wimberley VFW facility for the county picnic. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No". County Auditor Bill Herzog advised that there is a line item in the budget for employee recognition. Judge Powers advised that he will personally pay the \$100 rental fee for the Wimberley VFW Hall.

HAYS COUNTY COMMISSIONERS' COURT MINUTES



18543 ACCEPT RESIGNATION OF DAVID ROBINSON FROM THE HAYS COUNTY INFRASTRUCTURE COMMITTEE AND APPOINT JOHN SANFORD AS CHAIR OF THE ECONOMIC DEVELOPMENT SUBCOMMITTEE [T-2487]

Commissioner Burnett advised that David Robinson has resigned from the Hays County Infrastructure Committee because he has moved to California. A motion was made by Commissioner Burnett, seconded by Commissioner Carter to accept the resignation of David Robinson from the Hays County Infrastructure Committee and appoint John Sanford as Chair of the Economic Development Subcommittee. All voting "Aye"

18544 APPROVE COMPLETION OF OLD STAGECOACH ROAD AND AUTHORIZE EXPENDITURE TO COVER CLOSING COSTS [T-2546]

Commissioner Carter spoke of this project being done as an emergency measure and were working as fast as we could and with complete and full knowledge of our attorney. The delay are costing thousands of dollars. She spoke of there being one layer of chip seal on Old Stagecoach Road that has been done and it already has potholes because of delays. Commissioner Burnett asked about dedication of property for roadway and as he remembers it Commissioner Carter was suppose to work with property owners for dedication of property. Commissioner Carter advised that agreements were made with former County Judge Eddy Etheredge and Jeff Barton for property owner to donate the land. Special Counsel Jacqueline Collum Murphy advised that the conveyance has not occurred to date - she spoke of actions of the court prior to this date and reason for delays (a lien on Lowden property had to be cleared up). The exchange between Lowden and Hughson has not been completed. Commissioner Molenaar spoke in opposition to spending money on a road that does not belong to the county at this time. Commissioner Carter wants to finish this road. Jacqueline Collum Murphy spoke of re-aligning the road through property exchange - that exchange is not complete. County Auditor Bill Herzog advised that a payment of \$1,018 to the Title Company will complete this transfer. He advised that closing costs have already been approved. Commissioner Burnett spoke of need to get this property in the county's name and then proceeds with second course of chip seal. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve completion of Old Stagecoach Road and authorize expenditure to cover closing costs of \$1,018.00. All voting "Aye"

18545 AUTHORIZE PAYMENT TO DALE LOWDEN FOR RECONSTRUCTION OF A FENCE

[T-2925] Environmental Health Director Allen Walther advised that a portion of the realignment of Old Stagecoach Road went through a corner of Dale Lowdens property, we did take out a portion of this fence and Mr. Lowden wants it replaced. Prices obtained for fencing was \$1.90 per ft or \$1.00 per ft plus material (bracing for curves increases the cost) - 770 feet = \$1463. Allen Walther called Kelly Kilber (Pro-Tech Engineering) to get them to place property pins to locate fence line at a cost of \$400. We have 70 ft. of ROW and we could have Mr. Lowden put his fence 35 ft. from centerline of the road. Staff recommends that we pay Mr. Lowden \$1463 for reconstruction of his fence. Cost to come out of ROW acquisition funds. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize payment of \$1463 to Dale Lowden for reconstruction of fence on Old Stagecoach Road. All voting "Aye"

18546 AWARD CONTRACT FOR 8 FOOT SECURITY FENCE AT COUNTY YARD#2 IN DRIPPING SPRINGS [T-3090]

Marianne Simmons (Dripping Springs Recycles) spoke in favor of this security fence. She spoke of tour they took of several recycling centers and they have secured a commitment from Bolton Landscape for landscaping at the county yard. On April 22nd they will have an open house at the county yard site and on Founders Day in Dripping Springs they will have a booth and will receive recycling at that event. Purchasing Agent Debbie Bilbrey advised that 3 bids were received (Star Fence of San Marcos = \$26,900, Anchor Post Products Inc. of New Braunfels = \$ 36,247, & Tri-County Ag. Service of New Braunfels = \$ 77,300) She spoke of work to be performed and made recommendation to award contract to Star Fence in the amount of \$26,900. Commissioner Molenaar spoke of need for a security fence at this location (keep children from playing in the yard and from illegal dumping). A motion was made by Commissioner Molenaar, seconded by Judge Powers to Award contract for an 8 foot security fence at County Yard #2 in Dripping Springs to Star Fence (San Marcos) in the amount of \$26,900.00 to be paid out of construction line item for county yards. All voting "Aye"

18547 APPROVE SPECIFICATIONS AND SOLICIT BIDS FOR CONSTRUCTION OF FLOOD DAMAGE REPAIR FLOODWATER RETARDING STRUCTURE SITE NO. 5 LOCATED WITHIN THE SAN MARCOS RIVER WATERSHED IN HAYS COUNTY [T-3319]

Commissioner Burnett advised that this is for repairs to Flood Control Site #5 caused from floods in 1998. Carolyn Lafleur (Frees & Nichols) spoke of plans for repair to Site #5 and a dike that protects a Mobile Home Park. She spoke of changes in the specifications and suggested that the specs read that payment be made for bid quantity (unless 15%+ can be justified). Commissioner Burnett advised that what is being considered today is the bid specs that will be sent out. Original cost estimate of \$80,000 is in the ballpark. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve specifications and solicit bids for construction of flood damage repair floodwater retarding structure site no. 5 located within the San Marcos River Watershed in Hays County. All voting "Aye"

HAYS COUNTY COMMISSIONERS' COURT MINUTES



MARCH 21, 2000

□□□□□

□□□□□

VOLUME R PAGE 663

**EXECUTIVE SESSION REGARDING INCORPORATION OF VILLAGE OF BEAR CREEK
* DISCUS QUO WARRANTO REQUEST [Sec. 551.071 to meet with legal counsel]**

The court convened into closed executive session to meet with legal counsel and discuss quo warranto request regarding incorporation of Village of Bear Creek. Upon completion of the closed session, the court reconvened into open meeting. No action was taken.

Court was adjourned

MINUTES APPROVED IN OPEN COURT ON THE 28th DAY OF MARCH, 2000

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

LEE CARLISLE, COUNTY CLERK
H A Y S COUNTY, TEXAS

