



MAY 1, 2001

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VOL S PG 105

STATE OF TEXAS ①
 COUNTY OF HAYS ①

ON THIS THE 1ST DAY OF MAY, A.D., 2001, 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. Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

19457 ADOPT A PROCLAMATION RECOGNIZING THE WEEK OF MAY 1ST, 2001 AS TEXAS TWO STEP

County Extension Agent Billy Kniffen appeared requesting adoption of a Proclamation for countywide coordination of efforts to control fire ants. He handed out a pamphlet explaining the two step program ⊇ Let Them Eat Bait - broadcast a fire ant bait (a product containing a food plus an insecticide - over the whole yard. ⊚ Treat The Mounds – treat problem ant colonies (those needing immediate attention) using a mound treatment. Mound treatment is a way of destroying one colony at a time. He stated that now is a critical time to reduce the population with the least amount of pesticide use. He spoke of different products that can be used. For more information regarding the Two-Step Method visit the fire ant website at <http://fireant.tamu.edu> or check with the County Extension Office (393-2120). A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to adopt a Proclamation recognizing the week of May 1, 2001 as Texas Two Step Week for countywide coordination of efforts to control fire ants. All voting "Aye".

**PROCLAMATION RECOGNIZING THE WEEK OF
 MAY 1, 2001 AS
 "TEXAS TWO-STEP WEEK"**

WHEREAS, each year fire ants cost Hays County residents an estimated \$6 million, and it is important for the citizens of Hays County to be aware of the dangers of the damage associated with these insects; and

WHEREAS, it is believed that these creatures originated in South American and arrived in Mobile Alabama on ships in the 1930's; the pests quickly spread, reaching Texas in the 1950's and today the infestation affects some 50 million acres in the eastern two-third of our state; and

WHEREAS, both urban and rural areas suffer the effects of fire ants, as homeowners attempt to control the damage in their lawns and gardens, and farmers and ranchers seek to protect seeds and young plants from being fed on by ants, while also trying to prevent the costly destruction of electrical and irrigation systems that can be attributed to these pests; and

WHEREAS, fire ants cause an extensive amount of damage annually to the county's sheep, goat and beef cattle industry; once animals are attacked, veterinary expenses, decreased animal quality, and even blindness and death may result in some cases; these insects also alter the ecological balance of our county by damaging wildlife and their habitat, plants, and reducing food sources for native ant species and other insects; and

WHEREAS, urban fire ant management is best undertaken on a community-wide basis, with neighbors working together to help reduce reinvasion of treated areas; spring is an ideal time of year to initiate fire ant controls, using least-toxic, slow-acting, bait-formulated products to treat infested areas, thus reducing overuse of more toxic contact insecticides on individual mounds; and

WHEREAS, anyone who has felt the painful sting of a fire ant or witnessed the devastation caused by these relentless pests can understand the need for the fire ant management plan, and it is in the county's best interest to continue to promote greater awareness of the fire ant issue among all residents of this county.

NOW, THEREFORE, BE IT RESOLVED that the Hays County Commissioners' court hereby forevermore declare the first week of May as "Texas Two-Step Week" for the county-wide coordination of efforts to control fire ants in Hays County and encourage the residents of Hays County to educate themselves on the dangers of fire ants and the preventive measures available to combat this insect menace.

ADOPTED THIS 1ST DAY OF MAY, 2001.



19458 ADOPT A PROCLAMATION DECLARING MAY AS "CLEAN UP HAYS COUNTY" MONTH

A motion was made by Commissioner Carter, seconded by Judge Powers to adopt a Proclamation declaring May as "Clean Up Hays County" Month. All voting "Aye".

**PROCLAMATION OF THE
HAYS COUNTY COMMISSIONERS' COURT
DECLARING MAY AS "CLEAN UP HAYS COUNTY" MONTH**

WHEREAS, garbage and litter are unnecessary detracting from the natural beauty of Hays County and failure to comply with Hays County's septic regulations result in odor, pollution, and an endangerment to the health and safety of Hays County residents; and

WHEREAS, the State of Texas has enacted the Don't Mess with Texas program and each person can help by picking up the trash on his/her property and roadway; and

WHEREAS, anyone responsible for littering should be held accountable;

WHEREAS, all persons responsible for inadequate sewage disposal should be notified and brought into compliance with the regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Commissioners' Court of Hays County of the State of Texas, hereby proclaims the month of May, Clean Up Hays County Month, and urges all citizens to work together to help clean and beautify our county and continue to work toward this goal for years to come.

PASSED AND APPROVED this 1st day of May, 2001.

PUBLIC COMMENT

[T1-220] Mary Kelly-Dillon (Dacy Lane resident) spoke of her concern that Hays County is becoming a dumping station - she passed around photos she has taken - she spoke of trash that is being dumped along Dacy Lane (from BeeBee Road to Windy Hill Road) and then being shredded up by mowing equipment. She spoke of having contacted the Sheriff's Dept. and Jeff Wright (Environmental Health Dept) and speaking with the family whose trash she identified. She feels like she contacted the proper authorities and the trash was not picked up and there is no accountability. Commissioner Burnett suggested an "adopt a road" program to help keep roadways clean. Commissioner Molenaar advised that trash bags and gloves can be provided and the county will pick up the bags. She was advised that she needed to contact Commissioner Carter to set up such a program.

19459 APPROVE THE COMMISSIONERS' COURT MINUTES OF APRIL 24, 2001

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve the Commissioners' Court Minutes of April 24, 2001 as presented by the County Clerk. All voting "Aye".

19460 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$206,651.94 as presented by the County Auditor. All voting "Aye".

Gen Fund Ad Valorem Tax	\$ 4,289.96	License & Permits	\$ 21.00	Public Safety Svcs	\$ 6,976.00
Auditor's Office	\$ 149.87	Extension Office	\$ 690.58	Juvenile Probation Ofc	\$ 529.55
Election Administration	\$ 50.00	Community & Social Svcs	\$ 2,083.33	Indigent Care	\$ 5,695.15
Transfer Station	\$ 121.98	Building Mtc. Dept.	\$ 6,863.26	Environmental Health	\$ 697.88
Civic Center	\$ 2,241.22	Countywide Operating	\$ 20,351.69	Tax Assessor-Collector	\$ 163.82
District Clerk	\$ 472.31	Sheriff's Office	\$ 4,977.31	Jail Operations	\$ 12,228.06
County Judge's Office	\$ 248.47	County Court at Law 1	\$ 90.20	Justice of the Peace 1-1	\$ 26.12
Justice of the Peace 1-2	\$ 51.98	Justice of the Peace 5	\$ 544.65	Dept. of Public Safety	\$ 660.69
Constable 2	\$ 46.49	Constable 3	\$ 10.50	Constable 5	\$ 114.85
District Court Operations	\$ 877.54	Co & JP Court Operations	\$ 2,484.04	Veterans Admin Office	\$ 352.06
Computer Services	\$ 8,584.02	DPS/License & Weights	\$ 48.60	Fire Marshal/EMC Office	\$ 251.31
TJPC CCAP Grant	\$ 8,715.00	Assoc Judge/Family Law	\$ 12.70	Animal Control	\$ 4.76
Special Counsel Office	\$ 35.00	CJD/VOCA Grant	\$ 473.09	CJD/Truancy Officer Grant	\$ 1,813.79
CAPCO/Waste Task Force	\$ 55.20	General Fund Credit	<\$146.25>	R&B Ad Valorem Tax	\$ 931.83
Road & Bridge Operations	\$ 96,844.43	Precinct 1	\$ 113.11	Precinct 2	\$ 445.69
Precinct 4	\$ 153.35	R&B General Credit	<\$3,155.49>	Sheriff Abandoned Veh	\$ 150.00
Anticip Notes '95 Proj	\$ 71.58	Hays Co Parks Fund	\$ 75.00	Records Mngmnt/Co Clerk	\$ 425.08
Health Svcs Grants	\$ 3,546.41	Sheriff Special Projects	\$ 19.70	Sheriff's Drug Forf Fund	\$ 1,365.32
Family Health Svcs Fund	\$ 11,708.15				



19461 APPROVE BUDGET AMENDMENT 01-21

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 01-21 as proposed by the County Auditor. All voting "Aye".

				AMENDMENT NO. <u>2001-21</u> FY 2001 BUDGET 5-01-01
FUND NO. <u>01</u>				
FUND TITLE <u>GENERAL FUND</u>				
<u>LINE ITEM - EXPENDITURES</u>	<u>APPROPRIATION</u> <u>BEFORE</u>	<u>AMENDMENT</u>		<u>APPROPRIATION</u> <u>AS</u>
	<u>AMENDMENT</u>	<u>INCREASES</u>	<u>DECREASES</u>	<u>AMENDED</u>
01-411-5713 Env Health Vehicles	40,000	1,130		41,130
01-418-5713 Sheriff Vehicles	300,000	11,342		311,342
01-433-5713 Constable 3 Vehicle	20,000	761		20,761
01-435-5713 Constable 5 Vehicle	22,000	1,380		21,380
01-435-5717 Constable 5 Law Enf Equipment	13,768		(1,380)	12,388
01-472-5713 Fire Marshal Vehicle	24,000	1,630		25,630
<u>REVENUE</u>		<u>DECREASE</u> <u>INCREASE</u>		
01-363-3633 Auction Proceeds	-0-		<u>14,863</u>	14,863
	<u>16,243</u>	<u>16,243</u>		
<i>Transfer part auction proceeds to balance vehicle expense</i>				
<u>COUNTY COURT AT LAW 1 (422):</u>				
01-422-5335 Time Payment Expense	2,600		(456)	2,144
<u>COMPUTER SERVICES (456):</u>				
01-456-5712 Equipment	54,055	456		54,511
<i>Transfer cost of CCL#1 replacement printer to Computer Services equipment</i>				
<u>COUNTY COURT AT LAW 2 (461):</u>				
01-461-5213 Books	100	29		129
01-461-5331 Cont Ed	150	60		210
<u>COUNTY COURT AT LAW 1 (422):</u>				
01-422-5335 Time Payment Expense	2,144		(89)	2,055
<i>Transfer between offices for needed expense</i>				
<u>SPECIAL COUNSEL (605):</u>				
01-605-5489 Telephone	800	1,100		1,900
01-605-5211 Office Supply	1,000		(450)	550
01-605-5213 Books	1,000		<u>(650)</u>	350
	<u>1,100</u>	<u>(1,100)</u>		
<i>Transfer for needed expense</i>				
<u>CONSTABLE 4 (434):</u>				
01-434-5235 Law Enf Supply	-0-	700		700
01-434-5160 Insurances	6,666		(700)	5,966
<i>Transfer for (2) shotguns and accessories from personnel savings</i>				

19462 APPROVE REFUND OF DOUBLE PAYMENTS ON TAXES

The following applications for refund were submitted by the County Tax Assessor Collector for approval:

Plum Creek Square 4.712 acres	\$ 5,030.27	double payment
Crown Communication Tower	\$ 1,472.33	double payment

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve refund of double payment on taxes as submitted by the County Tax Assessor-Collector. All voting "Aye".



19463 AUTHORIZE REFUND FOR ERRONEOUS TAX SALE RELATING TO LOTS 9-18 OF JACOB WELL ACRES SUBDIVISION SECTION 2

A letter from F. Duane Force (Linebarger Heard Goggan Blair Graham Pena & Sampson) states that Lots 9-18 of Jacob Wells Acres Section 2 was sold at a tax sale and it has since been discovered by the appraisal district that all of this property has been the subject of double assessment for many tax years (appearing on the tax rolls twice in each tax year – as acreage and as numbered lots). The taxing authorities were paid their taxes on a current basis each year under the “acreage” account, therefore, it is necessary to void the tax sale and refund the tax sale purchasers the taxes, penalty and interest disbursed to the taxing authorities from the void tax sale. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize refund for erroneous tax sale relating to Lots 9-18 of Jacob Well Acres Section 2 Subdivision. All voting “Aye”.

19464 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR UP TO \$20,000 TO FEMA/US FIRE ADMINISTRATION FOR THE COUNTY FIRE MARSHAL AND TO EXECUTE A CONTRACT

Summary: This grant request to FEMA/US Fire Administration will be for up to \$20,000. Grant and matching funds of \$10,000 will be used by the County Fire Marshal to purchase response trailer and other needed investigation equipment. The number of fires investigated by the County Fire Marshal has increased significantly the last two years, with approximately 12.5% determined to be arson or of a suspicious nature. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a grant application for up to \$20,000 to FEMA/US Fire Administration for the County Fire Marshal and to execute a contract. All voting “Aye”.

19465 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR UP TO \$28,216 TO THE OFFICE OF GOVERNOR – CRIMINAL JUSTICE DIVISION TO CONTINUE THE HAYS COUNTY TRUANCY PROGRAM AND TO EXECUTE CONTRACT

Summary: On 2/9/99 the Hays County Commissioners' Court authorized the submittal of a 5-year grant application to the Office of the Governor – Criminal Justice Division to start a truancy program in conjunction with the San Marcos and Wimberley School Districts. The application was approved and funds were accepted by the county on 8/16/99. This is the 3rd year grant application for \$28,216. Continued funding of the program is based on performance. The Hays County Truancy program enforces compulsory school attendance laws pursuant to Texas Education Code Chapter 25 Section 25.096. Truancy in Wimberley ISD has been reduced to a manageable level. The current attendance rate for the San Marcos District is 94%. The goal for the SMISD is 96%. This is an intervention program to prevent delinquent behavior, keep students in school and lower area crime. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a grant application for up to \$28,216 to the Office of Governor – Criminal Justice Division to continue the Hays County Truancy Program and to execute a contract. All voting “Aye”.

19466 RESUBDIVISION OF PLUM CREEK PARK LOT 1 [01-2-036] * PUBLIC HEARING AND FINAL PLAT APPROVAL [T1-368]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for approval. Commissioner Carter stated that she will accept this with the understanding that Mr. Parker does have the approval and work with the City of Kyle since they will be the provider of utilities and have some concerns. Allen Walther advised that this was not required by law because the lots exceed five acres each and have public road access. She stated that she knows it is not required but it is good to work with them in a cooperative manner. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve final plat of “Plum Creek Park Lot 1 Resubdivision”. All voting “Aye”.

19467 MEADOW CREEK RANCH PHASE 1 LOT 47 [01-4-098] * REVISED FINAL PLAT APPROVAL [T1-390]

Environmental Health Director Allen Walther advised that it was discovered (after final approval) that this property is in the ETJ of the City of Dripping Springs and they requested a plat revision (the city has different requirements for lot frontage than the county). He gave staff recommendation to approve the revised final plat. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve revised final plat of “Meadow Creek Ranch Phase I Resubdivision of Lot 47”. All voting “Aye”.



**19468 RESUBDIVISION OF DEERFIELD ESTATES SECTION 2 LOT 40 [01-4-039] *
PRELIMINARY PLAT APPROVAL [T1-408]**

Environmental Health Director Allen Walther advised that Lot 40B is under our minimum lot size requirement, however, it being set aside as a conservation easement and there is a plat note that restricts development of any structures other than fencing and entry improvements. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plat of "Deerfield Estates Section 2 Resubdivision of Lot 40". All voting "Aye".

**19469 RESUBDIVISION OF HIDDEN CREEK PHASE 1 LOTS 3 & 4 [01-4-041] *
PRELIMINARY PLAT APPROVAL [T1-427]**

Environmental Health Director Allen Walther gave staff recommendation for preliminary approval. This is a three lot subdivision on Hidden Creek Drive. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve preliminary plat of "Hidden Creek Phase I Resubdivision of Lots 3 & 4". All voting "Aye".

**19470 APPROVE APPOINTMENT OF EILEEN TRAINOR TO THE HAYS COUNTY PARKS
ADVISORY BOARD [T1-438]**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve appointment of Eileen Trainor to the Hays County Parks Advisory Board. All voting "Aye".

**19471 ADOPT A RESOLUTION IN OPPOSITION TO EFFLUENT DISCHARGE INTO THE
PLUM CREEK [T1-446]**

Tom Goynes (President of Texas Rivers Protection Association) spoke of tour he went on of a treatment plant in Kerrville. Effluent can be cleaned up to the point of reuse. He spoke of phosphorus that is released into the river that causes algae bloom (causes red tide). [T1-522] Robert Wilson (Plum Creek Conservation Dist) advised that they have not had a lot of time to evaluate this issue - he spoke of participation by Plum Creek Conservation District - at this time they do not have adequate information to make a determination of impact to their structures. They are trying to properly balance all the water quality impacts. Most problems have been surface runoff. [T1-596] Mary Kelly-Dillon spoke of lake quality in her area now and in the past. She stated that she thinks most effluent is just garbage - she spoke of her concerns that Hays County will be known as an invitation to come in because of our lax standards. She felt like more information is needed and she asked members of the court to vote no on this permit. Commissioner Burnett spoke in regards to her statement of "lax standards" in Hays County - in many cases our standards are five times more stringent than TNRCC standards and have been called, by the Austin American Statesman, the boldest set of subdivision rules of any county in Texas to prevent substandard development. He stated that we probably have the most stringent set of subdivision rules and on-site wastewater treatment than any county in the state of Texas. Commissioner Carter felt like this action is asking TNRCC to come up to our standards. [T1-656] Mary Bollinger spoke of having a 12 acre lake on her property - she feels like they have been seriously damaged by City of Kyle effluent discharge. She spoke of amount of water coming their way is increasing and the proposed permit will increase that output. She state that their ducks and farm animals have been diseased and the fish in the lake cannot be eaten. Mrs. Bollinger feels like something has to be done to stop this. [T1-726] Lindell Bollinger (Dacy Lane resident) spoke of photos he has of red algae caused by the release of phosphorus. He is concerned about the quality of the discharge and he stated that the TNRCC does not enforce their own regulations. Buda effluent discharge is 10-15 w/phosphorus of 1 and Aquasource is 10-15 w/phosphorus of 2 [T1-780] Lyle Bollinger advised that the San Marcos discharge permit is the cleanest that he has been able to find and there is no reason that any other permit be allowed that is not at that level. He spoke of effluent that is discharged into the river traveling down to the coast and through the wetlands. He spoke of erosion that has occurred because of the amount of discharge that has damaged his spillway. He supports adoption of the resolution in opposition to effluent discharge. [T1-860] T. J. Higginbotham asked the court to contact the soil conservation service regarding this issue. Hays County Environmental Health Director Allen Walther explained how the effluent discharge standards are determined by TNRCC (no degradation to the river/stream). Tom Goynes advised that the effluent (even San Marcos effluent) should not be dumped into rivers/streams - it should be used for golf courses and commercial use. Lindell Bollinger spoke of hearing he attended and the hearing examiners stated that they had not been on site - they use models and not on site studies. Commissioner Carter read the resolution. Allen Walther advised that water quality is an issue here - TNRCC cannot force them to discharge this effluent on site. Individual on-site systems have a poorer standard for effluent - no good cost effective system. Commissioner Carter spoke of need for higher quality subdivisions east of IH35 and reducing density. Commissioner Burnett stated that high quality treatment plants could be acceptable, however, he has a problem with Aquasource's lack of response period in the Wimberley area. The way he understands the proposed resolution is that we don't like the permit as written with 10-15-2. Commissioner Ingalsbe felt like the resolution is not specific enough to what standard we want. Commissioner Carter feels like what we want is for them to use their water on site. [T1-1115] Judge Powers thanked Allen Walther for his work and insight in this issue. Commissioner Molenaar spoke of need to be able to control our own destiny. A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to adopt a Resolution in Opposition to effluent discharge into the Plum Creek. All voting "Aye".



**Resolution of the Commissioners' Court of Hays County, Texas
Requesting TNRCC Withhold Approval of Proposed Permit No. 14196-001**

**State of Texas }
County of Hays }**

WHEREAS, Hays County Commissioners' Court is charged with protecting the health and safety of all citizens, as well as protecting and preserving our underground and surface waters; and

WHEREAS, Aquasource Development Company has applied to the Texas Natural Resource Conservation Commission for a permit to discharge up to 225,000 gallons of treated wastewater per day into Plum Creek; and

WHEREAS, this treated effluent would be discharged into a receiving stream that feeds into private lakes and ponds of Hays County as well as impacting soil conservation lakes and public waterways; and

WHEREAS, the Plum Creek has been severely affected by flooding and water quality degradation by past TNRCC permits, and more effluent would magnify these problems.

NOW, THEREFORE, BE IT RESOLVED that the Commissioners' Court of Hays County requests that the Texas Natural Resource Conservation Commission withhold approval of Proposed Permit No. 14196-001 unless a No Discharge Permit be granted.

Adopted this 1st day of May, 2001.

**DISCUSSION RELATING TO ADDITIONAL COURTROOM SPACE FOR USE BY
DISTRICT COURTS IN HAYS COUNTY [T1-1150]**

District Judge Gary Steele appeared before the court. He spoke of district courts in Hays County (3 judicial district courts) and cases they handle (all felony cases) - he serves four counties. We have one district courtroom serving not only the district court but the AG's office, cluster court (child protective services cases), and the family court (Judge Smith). He spoke of short-term problems and long-term problems - 3 courtrooms are needed. They are currently trying a jury case every other week. They do not have space for a civil jury trial and there are 4500 cases backed up right now and there is also a drop docket to consider. Through September they have 22 felons sitting in jail waiting for a jury trial (costing the county \$45 per day each). He spoke of parking situation in other counties (inadequate parking at all locations) and he is not concerned about the lack of adequate parking. Judge Steele spoke of need for another full size district courtroom - he suggested expanding into the area currently occupied by O'Reilly's at the Justice Center (staff and security would be readily available) - he feels like there would be property in the area that could be leased for parking overflow. He spoke of use of visiting judges to address backlog of cases. Judge Steele advised that most cases take 2-3 days to determine guilt and additional time to determine sentence - he spoke of 50-60 cases for non-jury docket (takes about 4 days). Comal County and Guadalupe County have two district courtrooms - Caldwell County now has two full size district courtrooms. The problem with using the Hays County Commissioners Courtroom is that there is no holding cell and no jury room and the Commissioners' use it one day every week. Basic needs on the short-term are: a Judge's chambers, Jury Room (with its own bathroom), and a lockup area - courtroom must sit 12 jurors and provide seating for the family. Commissioner Burnett spoke of need for several proposals to consider. Judge Powers spoke of trying to find a solution and he agrees that there is a sense of urgency in this situation. He stated that he asked Judge Steele to address the entire court so that they would be aware of the situation. Commissioner Ingalsbe stated that there are other departments in the county that are also running out of space and she is not convinced that the old hospital property is not where we need to do some long term planning. She stated that there is not a lot of space available near the Justice Center. Judge Steele felt like "eminent domain" would take care of issue with O'Reilly's lease. Commissioner Burnett asked how long this backlog of cases been taking place and the space problem been known? Judge Steele spoke of stop-gapping it for a while. He has been in office for two and one-half years. They felt like O'Reilly was not going to renew their lease and the new district attorney does things a little different which slows down the process a little bit. Judge Steele stated that he has realized the problem for probably a year. He stated that he has fought the same fight in Caldwell County and Guadalupe County - just a different fight in each county. He spoke of court houses being historically for district court and commissioners' court. Commissioner Burnett asked if a request had ever been made for space during the budget process? Judge Steele stated that a year and one-half ago they had been walking through space that they were told would be available and it was given to someone else. He feels like they have been left out - they have not been ignoring it. Commissioner Molenaar stated that he had never heard of any of this and he thought the county clerk was going to get the space occupied by O'Reilly's. Commissioner Ingalsbe asked that the buildings committee meet after Commissioners Court. Judge Steele spoke of three options given to him by Judge Powers: O'Reilly's, second floor of the Records Building, and second floor of the courthouse annex - they were told by people at those buildings that it was not going to work out (parking, traffic, elevators). Lee Carlisle advised that he has no claim over space leased by O'Reilly's. Commissioner Molenaar spoke of possible alternatives (temporary quarters) offered by Ron Knott should be considered.



19472 AUTHORIZE REPLACEMENT OF AC UNIT #4 AT THE JUSTICE CENTER [T1-1944]

Maintenance Supervisor Ron Knott stated that the County Auditor has advised that funds are available in capital improvements. He spoke of cost estimates to repair (\$3,300) or replace (\$10,902). County Auditor Bill Herzog advised that \$27,000 is available in the budget for air conditioning. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize replacement of Air Conditioning Unit #4 in the amount of \$10,902. All voting "Aye".

19473 ADOPT A RESOLUTION IN SUPPORT FOR THE CITY OF BUDA'S ENHANCEMENT PLAN [T1-1992]

Margo Porterfield spoke of focus on main street of Buda (drainage improvements, sidewalks, restrooms, seating areas, landscaping & lighting). She asked for support by resolution of grant application (TxDot 221 Grant) being submitted - it could be up to a 80% grant. Susan Meckel questioned the attraction of more people - she wants to make sure the existing facilities are in proper order and the city has their priorities in line. She wants to make sure that we have a treatment facility that is operating efficiently and safely for our environment before we start decorating the town. A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt a resolution in support of the City of Buda's Enhancement Plan. All voting "Aye".

***Resolution of the Commissioners' Court of Hays County, Texas
In Support of the City of Buda Enhancement Plan***

WHEREAS, the City of Buda is within the boundaries of Hays County; and

WHEREAS, its mainstreet is also a state highway with heavy vehicular traffic and significant 18 wheeler traffic; and

WHEREAS, there does not exist any walkways on the east side of mainstreet and only partial walkways on the west side of mainstreet; and

WHEREAS, after a rain, the mainstreet area, being a relatively flat street, currently has much standing water along the length of the downtown area resulting in the inability to functionally utilize much of the ground to walk along mainstreet; and

WHEREAS, the City of Buda has fashioned a plan to minimize standing water, provide sidewalks on the east side of mainstreet and part of the west side of mainstreet, add cross walks to help ensure safe pedestrian crossing, allocate public restrooms and rest areas including trash cans and lighting.

NOW, THEREFORE, BE IT RESOLVED that the Commissioners' Court of Hays County does hereby give its full support to the application being made by the City of Buda for a grant through the Texas Department of Transportation State-wide Enhancement Program and recommends that the Texas Department of Transportation favorably consider such application and award the grant to the City of Buda.

Adopted this 1st day of May, 2001.

19474 EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEXAS GOVERNMENT CODE AND ACTION TO PURCHASE RIGHT-OF-WAY ON STATE HIGHWAY 45 [T1-2120]

The Court convened into closed executive session to discuss the purchase of right-of-way on State Highway 45. Upon completion of the closed session, the court reconvened into open meeting. Gragg parcel size is 23.785 acres straddling Hays and Travis Counties - 14.885 acres are in Hays County (63% of total acreage) and 8.9 acres in Travis County (37% of total acreage). Counter-offer by Mr. Gragg = \$164,830 (Hays County) and \$96,805 (Travis County). A motion was made by Commissioner Burnett, seconded by Commissioner Carter to accept Mr. Gragg's counter-offer of \$164,830 (\$11,000 per acre) on the State Highway 45 right-of-way project and to furthermore authorize the County Judge to sign the purchase contract. All voting "Aye".

Court was adjourned.

MINUTES APPROVED IN OPEN COURT ON THE 8TH DAY OF MAY, 2001

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

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

