



STATE OF TEXAS 0
 COUNTY OF HAYS 0

ON THIS THE 9th DAY OF JULY A.D., 2002, 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 Burnett led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION BY MR. VICTOR KRECJI REGARDING THE DRAINAGE IN LEISUREWOODS SUBDIVISION

Victor Krecji (lives in Leisurewoods Subd) requested assistance in resolving a drainage problem between his property and Wayne Franke's property. He spoke of meeting with Commissioner Carter and the County's Engineer – some work was done, however, the problem has not been solved. He spoke of the ditch in question taking on a considerable amount of water from various sources and there is a problem with blockage at several locations. He spoke of rocks and sediment that are causing bottlenecks. He requested that the county remove the rocks and sediment that have built up. County Road Supt/Engineer Jerry Borcharding advised that the general policy of the county is to not maintain private drainage easements – the volume of work would be astronomical if we cleaned private drainage easements. He stated that on this particular drainage easement he feels like it would be a bad policy to begin at this point (getting on private property that is not county owned). Mr. Krecji felt like the integrity of the road makes it acceptable to clean this easement. Jerry Borcharding spoke of silt build up in the county culvert pipe – he did clean up 50 ft. of the drainage easement to keep the county's pipe clean – this private drainage easement is approximately 300 feet in length.

20395 APPROVE THE COMMISSIONERS' COURT MINUTES OF JULY 2, 2002

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve the Commissioners' Court Minutes of July 2, 2002 as presented by the County Clerk. All voting "Aye".

20396 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$228,830.27 as presented by the County Auditor. All voting "Aye".

Licenses & Permits	\$ 763.00	Public Safety Svcs	\$ 763.52	Fines	\$ 243.86
Fixed Assets Disp	\$ 15,229.73	Auditors Office	\$ 531.56	Treasurers Office	\$ 187.96
Extension Office	\$ 821.61	Grants Admin Ofc	\$ 297.57	Juvenile Probation	\$ 1,202.28
Election Admin Ofc	\$ 803.02	Transfer Station	\$ 106.13	Building Maint. Dept.	\$ 3,921.68
Environ Health	\$ 3,147.78	Civic Center	\$ 112.40	Countywide Oper	\$ 80,161.96
Tax A/C Office	\$ 1,330.24	District Clerks Ofc	\$ 641.69	Sheriffs Office	\$ 5,633.57
Jail Operations	\$ 5,455.72	County Judges Ofc	\$ 328.00	Human Resources	\$ 748.10
Co Court at Law 1	\$ 185.91	District Attys Ofc	\$ 1,236.62	J.P. 1-1	\$ 136.18
J.P. 1-2	\$ 244.31	J.P. 2	\$ 259.37	J.P. 3	\$ 306.40
J.P. 4	\$ 250.00	J.P. 5	\$ 1,071.77	DPS	\$ 711.71
Constable 1	\$ 393.28	Constable 2	\$ 512.98	Constable 4	\$ 160.54
Constable 5	\$ 408.50	District Court Oper	\$ 5,036.88	Co & JP Court Oper	\$ 3,952.05
Precinct 1	\$ 303.96	Precinct 3	\$ 698.10	Precinct 4	\$ 131.49
Veterans Admin	\$ 1,100.00	Computer Services	\$ 5,426.12	Fire Marshal/EMC	\$ 574.38
TABC Office	\$ 224.94	District Court Reprtrs	\$ 394.06	Assoc Judge/Family	\$ 161.88
Spec Counsel Ofc	\$ 192.37	VOCA Grant	\$ 100.00	Truancy Officer Grant	\$ 149.99
911 Adrrs Mtc Grant	\$ 370.32	Juv Justice Alt Ed	\$ 17.04	General Fund Credit	< \$ 7.49 >
Road & Bridge Oper	\$ 40,936.27	Hays Co Parks Fund	\$ 813.91	Rec Mng/Co Clerk	\$ 11,140.10
Health Svcs Grants	\$ 613.65	Law Library Fund	\$ 17.71	Juvenile Center	\$ 26,551.38
Courthouse Security	\$ 66.44	Family Health Svcs	\$ 1,087.93	Tobacco Settlement	\$ 467.84

20397 APPROVE BUDGET AMENDMENT NO. 02-31

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve Budget Amendment No. 02-31 as proposed by the County Auditor. All voting "Aye".



AMENDMENT NO. <u>2002-31</u> FY 2002 BUDGET 07-09-02				
FUND NO. <u>01</u> FUND TITLE <u>GENERAL FUND</u>				
<u>LINE ITEM - EXPENDITURES</u>	APPROPRIATION	AMENDMENT		APPROPRIATION
	<u>BEFORE</u> <u>AMENDMENT</u>	<u>INCREASES</u>	<u>DECREASES</u>	<u>AS</u> <u>AMENDED</u>
<u>DISTRICT COURT REPORTER (482):</u>				
01-482-5331 Cont Ed350	150	500		
01-482-5321 Dues & Bonds <i>Transfer for needed expense</i>	150		(150)	-0-
<u>ASSOCIATE JUDGE/FAMILY LAW (492):</u>				
01-492-5211 Office Supply	605	100		705
01-492-5305 Trial Expense <i>Transfer for balance of tapes</i>	600		(100)	500
<u>CONSTABLE, PCT. 4 (434):</u>				
01-434-5211 Office Supply	400	150		550
01-434-5212 Postage	400	200		600
01-434-5321 Dues & Bonds	100	75		175
01-434-5717 Law Enf Equipment	6,153		(425)	5,728
		<u>425</u>	<u>(425)</u>	
<i>Transfer for needed expense from equipment savings</i>				
<u>CONSTABLE 5 (435):</u>				
01-435-5212 Postage	950	200		1,150
01-435-5101 FICA/RET	12,005		(100)	11,905
01-435-5411 Office Equipment Maintenance	100		(100)	-0-
		<u>200</u>	<u>(200)</u>	
<i>Transfer for needed expense</i>				
FUND NO. <u>12</u> FUND TITLE <u>LAW LIBRARY FUND</u>				
<u>LAW LIBRARY (447):</u>				
12-447-5213 Books/Updates	25,000	1,955		26,955
12-447-5712 Data Proc Equipment	2,000		(1,955)	45
<i>Transfer for needed expense</i>				

CLERK'S NOTE: Agenda Item #5 PCT. 2-02-2-053. RUBY RANCH PHASE 5 BLOCK A LOT 10 * APPROVE VARIANCE TO MINIMUM LOT SIZE REQUIREMENT. **THIS ITEM WAS PULLED - NO DISCUSSION AND NO ACTION.**

20398 ROLLING OAKS SECTION 2 REPLAT OF LOTS 9 & 10 [PCT. 4 #02-4-038] * APPROVE PRELIMINARY PLAT [T1-313]

Environmental Health Director Allen Walther advised that three lots (Lots 9A, 10A & 10B) will be created from two – he gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnet to approve preliminary plat of “Rolling Oaks Section 2 Replat of Lots 9 & 10”. All voting “Aye”.

20399 HENDERSON SUBDIVISION [PCT. 4 #02-4-051] * APPROVE PRELIMINARY PLAT [T1-323]

Environmental Health Director Allen Walther advised that 2 lots are being created in this subdivision – he gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plat of the “Henderson Subdivision”. All voting “Aye”.

20400 APPROVE SUBMISSION OF A GRANT APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE, DEPARTMENT OF JUSTICE FOR UP TO \$28,319 AND TO EXECUTE CONTRACT [T1-334]

The Local Law Enforcement Block Grant (LLEBG) is administered by the Bureau of Justice Assistance, U.S. Dept. of Justice. The 104th U.S. Congress passed the LLEBG Act in 1996. The purpose of the grant is to reduce crime and improve public safety. Hays County Sheriff's Office uses the grant to purchase technology based equipment, that is not included in their normal budget. If approved, this will be the 6th year we have received this grant. No administration funds are included in the grant and the 10% matching funds is budgeted in the Sheriff's Fiscal Year 2002-2003 budget. Total of grant (\$28,319) and match (\$3,146) is \$31,465. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve submission of a Grant Application to the Bureau of Justice Assistance, Department of Justice for up to \$28,319 and to execute a contract. All voting “Aye”.



CLERK'S NOTE: Agenda Item # 10 RE: APPROVE AN INTERLOCAL AGREEMENT WITH LCRA TO DESIGN A PARKING LOT, TRAILS, AND PICNIC FACILITIES AT DUDLEY JOHNSON PARK AND TO AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WAS PULLED - NO DISCUSSION AND NO ACTION TAKEN.

20401 ACCEPT PHASE I (COUNTY ROAD 213) OF THE ROADWAY EXCHANGE AUTHORIZED BY THE ORDER ENACTED BY THE COMMISSIONERS' COURT ON APRIL 17, 2001 AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE APPLICABLE CONVEYANCE DOCUMENTS [T1-351]


Brandi Keith (resides on CR213) spoke of not having a road to drive on for 9 months – this road exchange deal has put her in the position she is in at this time. She spoke of having no rights – this road has been used by her family for over 100 years – she asked about ingress and egress to her property. Commissioner Burnett spoke of legal deeded access. Brandi Keith spoke of reciprocal easement agreement on file in the County records. Jacqueline Collum Murphy spoke of this being a private legal matter between property owners – there is pending litigation at this time. Commissioner Molenaar spoke of Little Arkansas Road being a prescriptive easement and the county's action does not affect her legal access – the county is giving up maintenance on a prescriptive easement road and this has nothing to do with her ingress and egress rights – the courts are her recourse and not the county. Brandi Keith requested that the county maintain this county road until the road exchange goes through. [T1-498] Charles Soechting (Attorney for Mr. O'Quinn) feels like the new road will be a great improvement over the existing roadway – he spoke of the second segment of the roadway. He spoke of money that has been spent by the property owner for this improvement. The second segment will assist the Sheriff's Dept. to get where they need to go. He spoke of legal responsibility with the old road. Charles Soechting announced that Mr. O'Quinn is donating land adjacent to the Freeman Ranch to SWTSU for their agriculture program. [T1-588] Michael Dukes (resident of Flite Acres Road) spoke of watching the new road construction and using the old roadways for a number of year. Mr. Dukes spoke of extra time and distance using the old roadway. He thanked Commissioner Burnett and Special Counsel Jacqueline Cullom Murphy for working diligently to get the old Fulton Ranch Road back up and in shape so that it was travelable again. Mr. Dukes stated that there is no comparison to the new road and the old road – it is a vast improvement. Mr. Dukes spoke of fence that will improve safeness of the road regarding deer – he feels like Mr. O'Quinn is a good caretaker of the land. [T1-673] Sam Davis spoke of his understanding regarding this new road - the new road is not as they drew it on their original plans and it was not built to state and county standards to the standpoint of grade. This road is much safer than a lot of county roads, however, he has a problem with accepting it as built. Mr. Davis felt like the information given in 2001 was misleading. He spoke of the county not having a binding agreement in place and he requested delay until an agreement is approved. Commissioner Burnett spoke of Order adopted in 2001 speaks to phase 1 – phase 2 was discussed but no action was taken. The court adopted an order requiring the road to be built to applicable county standards – the road grade is a concern to some people. County Road Supt/Engineer Jerry Borcharding advised that the road does not meet county standards – additional guardrail is needed up slope as well as signage. [T1-780] Locking gates could be added to prevent traffic in bad weather (during freezing and ice). Commissioner Burnett stated that this road does not meet county standards. Sheriff Don Montague spoke of driving the old road (you cannot go over it in a car) and the new road is a lot better - Phase 2 will help the Sheriff's Dept. tremendously – this will not be the only road in the county with problems if the roadway ices up. Commissioner Molenaar spoke of this being an arterial road and not a subdivision road. Jerry Borcharding agreed that no new subdivisions will be accessing this road to the best of his knowledge. Commissioner Molenaar spoke of other roads that have been accepted with similar conditions (steep grades) – he has driven the new road and sees no liability to the county as long as proper signage is installed. Commissioner Burnett spoke of coming back at a later date with Phase 2 agreement. Phase 1 is for the lower section of the easement and Phase 2 is the upper section. Commissioner Ingalsbe spoke of being confused with action taken in 2001 – she thought Phase 2 was included because it was shown on the drawings submitted. Special Counsel Jacqueline Cullom Murphy advised that it was drawn on the map but was not included (by metes and bounds) in the order. Commissioner Ingalsbe spoke of grade concerns on the new roadway – safety is the main concern. Jerry Borcharding spoke of his understanding that Phase 2 will be built according to county specs and plans will be submitted for approval. [T1-998] Eddie Gumbert spoke of easements and plat that need to be filed to address discrepancies. Judge Powers spoke of his frustration regarding this issue – we have to consider what is best for the citizens of Hays County as a whole and not for certain individuals. Commissioner Molenaar spoke of people that need to be protected according to the minutes of April 2001. Commissioner Burnett spoke of documents that were sent out to property owners – not all these have been returned. [T1-1092] Eddie Gumbert spoke of giving up his rights on the old road in order to use the new road and he wants to make sure that these rights are filed of record – several pages of the document are being redone. Charles Soechting advised that they are waiting to file the documents as soon as the county takes action today – he spoke of changes that need to be initialed. Mr. Gumbert asked that the minutes today reflect that the easements be filed. Jacqueline Cullom Murphy advised that to her knowledge Kent and Brandi Keith are the only party not entering into easements with Mr. O'Quinn because of their pending litigation regarding whether they have a deeded right. Commissioner Burnett spoke of comparisons with the new road versus the old road: new road is a paved road vs. unpaved road, straight with a better line of sight than the old road, completely removes the road from the floodplain, there is guardrail on the road where the old road has none, 70 ft. of R-O-W dedication vs. prescriptive easement, and at a cost of \$2.71 million - none of which is county taxpayer expense. He stated that it is better than what we now have.



[T1-1245] Charles Soechting spoke of additional guardrail (\$17,000 worth) that has been ordered and he asked Jerry Borcharding how much was needed. Jerry Borcharding spoke of not having discussed this with anyone - he wants additional guardrail at the top of the hill. Commissioner Burnett made a motion, seconded by Commissioner Molenaar to accept Phase I - this motion was later amended as follows. Charles Soechting asked that someone tell them today where they want the additional guardrail. Commissioner Burnett stated that the reason we are requiring extra guardrail is because the road was not built to county standards. Commissioner Burnett and Jerry Borcharding agreed to go out on site and determine how much additional safety measures are needed. [T1-1352] A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to accept Phase I (County Road 213) of the Roadway Exchange authorized by the Order enacted by the Commissioners' Court on April 17, 2001 and authorize the County Judge to execute applicable conveyance documents as soon as all discussed safety measures are agreed upon, by the end of July 9, 2002, and all signed easement documents be filed once all the conveyance documents are filed. County Road Supt/Engineer Jerry Borcharding advised that he will recommend additional safety measures, but that does not indicate that he feels like the road is safe - he stated that he does not think the road is safe. Commissioner Molenaar, Commissioner Burnett, Commissioner Ingalsbe and Judge Powers voting "Aye". Commissioner Carter abstained.

Clerk's Note: The following letter was filed and is made a part of this record:

Jacqueline Cullom Murphy
 Special Counsel to the Hays County Commissioners Court



Hays County Courthouse
 111 E. San Antonio
 San Marcos, Texas 78666
 (512) 393-2208

July 9, 2002

Mr. E. F. "Rocky" Romano III
 P. O. Box 607
 Wimberley, Texas 78676

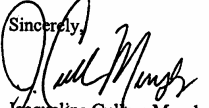
RE: Hays County and O'Quinn Land and Cattle Co., Ltd. Right-of-Way Exchange

Dear Mr. Romano:


This letter is a follow-up to the action taken by the Hays County Commissioners Court today regarding the above-referenced right-of-way exchange. Pursuant to the Court's motion to accept Phase I, the Court requested that additional safety measures be put into place as recommended by the Hays County Engineer. Accordingly, O'Quinn Land and Cattle Co., Ltd. agrees to complete the following:

- 1) Install a steep grade sign where Phase I and Phase II intersects;
- 2) Replace existing 25 mile per hour traffic signs with 15 mile per hour traffic signs and add three additional 15 mile per hour traffic signs;
- 3) Add 200 additional feet of guardrail to the northwest portion of Phase I;
- 4) Add chevrons every fifty (50) feet starting at curve sign at northeast corner of Phase I;
- 5) Add guardrail reflectors to current and additional guardrail every 20 feet.

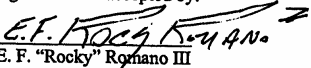
Sincerely,




Jacqueline Cullom Murphy
 Special Counsel



Agreed to and accepted by:



E. F. "Rocky" Romano III
 Representative of O'Quinn Land and Cattle Co., Ltd.



Notarized:

Court was adjourned.

MINUTES APPROVED IN OPEN COURT ON THE 16TH DAY OF JULY, 2002

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

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

