



**STATE OF TEXAS
COUNTY OF HAYS**

ON THIS THE 12th DAY OF JANUARY, A.D., 1999, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

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

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

THE FOLLOWING MEMBER WAS ABSENT THIS DATE: WILLIAM "BILL" BURNETT, COMMISSIONER PCT. 3

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

CALL TO ORDER & INVOCATION

Judge Powers called the meeting to order, the County Clerk called roll, and Judge Powers gave the invocation.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG & TO THE TEXAS FLAG

Commissioner Carter led everyone in the pledge of allegiance to the flags.

PRESENTATIONS

Judge Powers presented Constable #2 James Kohler with a certificate for his 20 years of service to Hays County. He was first elected in 1978 and has been elected to 5 full terms and 1 unexpired term. Constable Kohler is a community leader who says his job is "taking care of the youth of Hays County..... plus everybody else". He is involved in every aspect of society from calling football games to being a charter members of the Northern Hays County Optimists club. When asked what part of the job he loves most, he'll tell you it's "taking care of the kids".

PUBLIC COMMENT SESSION

Judge Powers asked for public comments.

Mr. Howard Clagett submitted several documents regarding issues that he has addressed with the court for a number of years. He spoke of being unable to sell lots in his subdivision "Ryan Hill Subdivision". He spoke of not being able to afford a lawyer to represent him in this matter. He asked the Commissioners' Court to read the information he provided. Judge Powers advised that he will provide this information to the county's legal counsel.

17552 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 \$77,976.06 as presented by the County Auditor. All present voting "Aye".

Auditors Office	\$ 357.19	Treasurers Office	\$ 154.35	Grants Admin	\$ 413.00
Juvenile Probation	\$ 2,151.73	Transfer Station	\$ 158.63	Bldg Mtc. Dept.	\$ 3,081.27
Personal Health	\$ 101.48	Countywide Oper	\$ 17,418.90	District Clerk	\$ 1,940.00
County Clerk	\$ 1,639.54	Sheriffs Office	\$ 5,349.51	Jail Operations	\$ 4,670.82
County Judge	\$ 147.80	Human Resources	\$ 141.79	Co Crt @ Law 1	\$ 135.00
District Attorney	\$ 93.68	J.P. 1-2	\$ 248.90	J.P. 2	\$ 12.50
J.P. 3	\$ 245.81	Constable 2	\$ 60.42	Constable 3	\$ 113.10
Constable 4	\$ 21.32	Dist Crt Oper	\$ 357.25	Co & JP Crt Oper	\$ 711.26
Computer Svcs	\$ 583.00	TJPC Salaries Grant	\$ 2,479.67	DPS/L&W	\$ 38.25
TABC	\$ 82.55	TJPC CCAP Grant	\$ 6,032.00	Gen Fund Credit	<\$19.50>
R&B Operations	\$ 12,343.20	Precinct 1	\$ 374.23	Precinct 2	\$ 543.27
Precinct 3	\$ 30.51	Precinct 4	\$ 323.01	R&B Gen Credit	<\$98.99>
Road Bond Constr	\$ 3,829.28	Rec Mng/Co Clk	\$ 522.70	Health Svcs Grants	\$ 2,092.78
Crths Renov/County	\$ 8,047.24	Sheriffs Drug Forf	\$ 1,047.61		

**17553 APPROVE BUDGET AMENDMENT NO. 99-007**

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve Budget Amendment No.99-007 as proposed by the County Auditor. All present voting "Aye".

17554 ACCEPT INTERNAL AUDIT OF THE CIVIC CENTER AND TREASURER'S OFFICE

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to accept the internal audit of the Civic Center and Treasurer's office as presented. All present voting "Aye".

17555 APPROVE SPECIFICATIONS FOR THE COLLECTION OF DELINQUENT TAXES FOR HAYS COUNTY AND AUTHORIZE THE PURCHASING AGENT TO ADVERTISE FOR PROPOSALS

Commissioner Ingalsbe asked about the status of the current contract. Debbie Bilbrey, Purchasing Agent, advised that the current contract expires on January 31, 1999. Mr. Force has agreed to extend the contract. Proposals are due back January 28, 1999 and will need to be evaluated by a committee (to be set up by the Commissioners' Court). Judge Powers suggested the Tax AC, himself, and Commissioner Molenaar be put on this committee in place. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve specifications for the Collection of Delinquent Taxes for Hays County and authorize the Purchasing Agent to advertise for proposals. All present voting "Aye".

17556 AWARD ROAD MATERIALS CONTRACT FOR ASPHALT, OIL & EMULSION TO KOCH MATERIALS, GULF STATES ASPHALT CO., INC. & MOLECULAR COATING SPECIALISTS AND AWARD LIME CONTRACT TO AUSTIN WHITE LIME CO.

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to award road materials contract for asphalt, oil, & emulsion to Koch Materials; Gulf States Asphalt Co., Inc.; & Molecular Coating Specialist and award the lime contract to Austin White Lime Co. All present voting "Aye".



- 17557 APPROVE UTILITY PERMIT #99-202 ON CR 123 & #99-203 ON CR157 TO GOFORTH WATER SUPPLY CO.; #99-204 ON CR157 TO TIME WARNER CABLE; #99-404 ON SAWYER RANCH ROAD TO ECO RESOURCES; #99-205 ON CR157 & BRENT BLVD. TO ENTEX INC.**

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve Utility Permit #99-202 on CR123 and #99-203 on CR157 to Goforth Water Supply Co.; #99-204 on CR157 to Time Warner Cable; #99-404 on Sawyer Ranch Road to ECO Resources; and #99-205 on CR157 and Brent Blvd. to Entex Inc. as submitted by the County Road Department. All present voting "Aye".

- 17558 APPROVE THE HIRING OF ATTORNEY TATE SAUNDERS AT GRADE 34 STEP 3, LEGAL SECRETARIES LINDA MACE & KERRY CHEESEMAN AT GRADE 23 STEP 2 AND THE PROMOTION OF CAROLYN BROWN AS LEGAL OFFICE ADMINISTRATOR AT GRADE 26 STEP 3**

Commissioner Inglassbe requested additional backup information for items such as this in the future. District Attorney Mike Wenk spoke of previous experience of Tate Saunders. He stated that it will require a minimal adjustment to his budget and whatever the shortfall is, he will cover with discretionary funds (hot check fee funds). A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve the hiring of Assistant District Attorney Tate Saunders at Grade 34 Step 3, legal secretaries Linda Mace & Kerry Chesseman at Grade 23 Step 2 and the promotion of Carolyn Brown as legal office administrator at Grade 26 Step 3 as requested by the District Attorney. All present voting "Aye".

- 17559 ACCEPT THE RESIGNATION OF DAVID DRANE FROM THE NORTH HAYS COUNTY EMERGENCY SERVICE DISTRICT #1 AND APPOINT ELMER DALLEY TO FILL THAT TERM (JAN 1999 - DEC 2000)**

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to accept the resignation of David Drane from the North Hays County Emergency Service District #1 and appoint Elmer Dalley to fill that term (Jan 1999 - Dec 2000). All present voting "Aye".

- 17560 APPROVE REFUND OF DOUBLE PAYMENTS AND/OR OVERPAYMENT OF TAXES**

Tax Assessor-Collector Luanne Caraway requested approval to refund the following overpayments: \geq Friendship Ranch Phase II Lot 41 = \$ 1,127.12 \leq The Hills of Texas Phase I Lot 27 = \$ 852.50. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve refund of double payments/overpayment of taxes as requested by the County Tax Assessor-Collector. All present voting "Aye".

- 17561 APPOINT CAROLYN NICHOLS TO THE WIMBERLEY RURAL FIRE PREVENTION DISTRICT TO REPLACE MIKE BONI (UNEXPIRED TERM 1998-1999)**

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to appoint Carolyn Nichols to the Wimberley Rural Fire Prevention District Board to replace Mike Boni (deceased) - unexpired term 1998-1999. All present voting "Aye".

EXECUTIVE SESSION - LIME KILN & HILLIARD ROAD PROJECTS

The court convened into closed executive session to discuss the Lime Kiln/Hilliard Road Bond Project. Upon completion of closed session, the court reconvened into open meeting. No action was taken.

- 17562 MOUNTAIN CREST UNIT 4 * FINAL PLAT APPROVAL [T1- 261]**

Environmental Health Director Allen Walther spoke of use of lot averaging in this subdivision. The individual lots are less than one acre. The subdivision does meet all the rules. He gave staff recommendation for approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Inglassbe to approve final plat of "Mountain Crest Unit 4". All present voting "Aye".

**17563 FIRE AND EMS TAXING DISTRICTS * AUTHORIZE COUNTY AUDITOR TO GO OUT FOR PROPOSALS FOR AUDIT SERVICES [T1-313]**

Commissioner Molenaar spoke of bonds set at \$10,000 by previous county judge and Judge Powers now needs to determine the amount for new bonds being filed. There is a question as to what the court wants in an audit for review. Assistant District Attorney Jacquelyn Murphy spoke of statutes governing these districts that is very clear as to what is required of the district: provide a professional audit conducted by a CPA. If that is not done by June 1st of each year, the Commissioners' Court may order the county auditor to perform the audit or contract it out. The districts must pay for the audit. Commissioner Molenaar spoke of cost for audits for these districts and they need assistance from the county to help them get reduced prices for audit services. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to direct the County Auditor to send a letter to each fire and emergency service district advising them of their responsibilities and the county's responsibilities and to furthermore authorize the county auditor to go out for proposals for audit services for these districts. All present voting "Aye".

17564 COUNTY TRAVEL POLICY * APPOINTED COMMISSIONER PCT. 1 & PCT. 2 TO REVIEW [T1-409]

County Auditor Bill Herzog spoke of travel policy previously provided to members of the court. Commissioner Barton took the proposed policy and was in the process of evaluating it and since he is no longer a county commissioner someone else needs to take on that project. The County needs to have a travel policy. Judge Powers suggested Commissioner Ingalsbe take over this project. A motion was made by Commissioner Molenaar, seconded by Judge Powers to appoint Commissioner Ingalsbe and Commissioner Carter to review the County Travel Policy and bring it back to the court for consideration. All present voting "Aye".

17565 AUTHORIZE THE COURT TO ESTABLISH A LEGISLATIVE ACTION COMMITTEE FOR THE 76TH LEGISLATIVE SESSION [T1-445]

Environmental Health Director Allen Walther spoke of legislature coming into session and there are items (subdivisions, fees, chapter 213 rules) that need to be addressed. He spoke of importance of having our concerns heard. There are Bills that are being drafted and we have a short time span in which to be heard. He suggested creating a committee to make sure our concerns are heard.. Assistant District Attorney Jacquelyn Murphy volunteered in a supporting role for this committee. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to create a Legislative Action Committee for the 76th Legislative Session with each member of the Commissioners' Court making an appointment to the committee, and to furthermore set an initial meeting date of January 19, 1999 after the Commissioners' Court regular meeting. All present voting "Aye".

17566 ADOPT RESOLUTION IN OPPOSITION TO THE PROPOSED EPA PHASE II STORMWATER RULES [T1-520]

Commissioner Ingalsbe suggested re-adoption of the October 6, 1998 resolution by the new court which will further strengthen Hays County's opposition of the proposed EPA Phase II Stormwater regulations as currently proposed. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to adopt a resolution in opposition of the proposed E.P.A. Phase II Stormwater regulations as currently proposed. All present voting "Aye".

**STAFF REPORTS** [T1-547]

Environmental Health Director Allen Walther spoke of the death of Neil Franklin who was a civil engineer practicing in Hays County for many years - he did a great deal of wastewater designs and he served on some very critical committees (subdivision and wastewater rules committees) and gave a lot of his time pro bono to county services and was instrumental in a lot of the county rules. He was a friend to Hays County and he will be missed.

17567 JUVENILE DETENTION CENTER * APPOINT A COMMITTEE TO GATHER INFORMATION [T1-571]

Commissioner Molenaar spoke of bids & proposals for the Juvenile Detention Center. The Court voted to go out for proposals and there have been differences of opinion regarding the proposals. He spoke of having conferred with Bickerstaff, Health & Smiley to cleanup what we had. He felt the original proposal was good. He would like to come up with a legal proposal to present to contractors. Tom Polland (Bickerstaff, Health & Smiley) spoke of having reviewed the previous proposal and he provided a memorandum of his analysis. The court needs to make sure we are doing what we want to do. He suggested getting an option on the land first (all proposals would be made on a selected site). The main question is "management" because some firms offer different options. He spoke of financing issues that must be addressed. He suggested separating financing from operation. He suggested asking the proposed operators to agree to assist in the design phase of the facility. He spoke of need for construction firms to have experience in building jails/detention facilities. The architect could be combined with the contractor. On paying for the structure the court must focus on revenues (suggested a lease/purchase arrangement). The cost of the land could be included, construction, costs, etc. built into the arrangement. Operational cost would come from revenue generated from juvenile detention from other counties and from funds provided by the State. The downside to the lease/purchase arrangement would be if you don't have enough revenue coming in from juveniles detained, the court may have to commit other funds to the project. Biggest issue is making sure that bidders are experienced. Need to make sure that proposals are competitive in the market place and need to have flexibility. Going out for proposals gives you the opportunity to negotiate the contract. Judge Powers asked why there is a sense of urgency on this issue. Mr. Polland spoke of time involved in preparation and he is here to answer questions regarding the process. In response to a question from Commissioner Carter, he advised that Milam County, Duvall County, El Paso County, Webb County, & Kerr County have followed these procedures. Sheriff Don Montague spoke of developing projections regarding jail needs in 2-3 years. He spoke of retro-fitting done to that portion of the jail utilized for juvenile detention and it will require time (3-6 months) and money to put it back into normal jail operation. He feels like a separate facility is needed for juvenile detention. There are ways to have a facility without increasing taxes. Commissioner Molenaar spoke of prisoner contracts being important to generate revenues for the jail to offset expenses. Sheriff Montague advised that it is not his primary goal to generate revenues from contract prisoners. He spoke of separation of certain types of prisoners causes him to have to turn down some contract prisoners. Revenues: \$43 per contract prisoner & \$70-80 for juveniles. Chief Juvenile Probation Officer Ed Cooper spoke of opening the 12 bed detention center (short-term) and 64 bed boot camp program at the LEC. Both programs have served the county very well. Most of the detention kids are from Hays County and some are from other counties. Most of the bootcamp kids are contract from out-of-county (we have 3 there at this time). That program is well known around the state and is being used. He spoke of support he is receiving from parents, attorneys, and schools regarding the bootcamp program. He spoke of educational program and success rate of the bootcamp. Bootcamp is a 6 month program and has a 75% success rate. Ed Cooper spoke of State revamping of the juveniles laws that took place in 1997 and decreased their referrals. District Attorney Mike Wenk spoke of intolerable situation when he first came to work in Hays County when we had to release juveniles back into the community (no consequences to their behavior) and he spoke of options at that time. He stated that it would be unacceptable from a public safety prospective to go back to the way it was in 1987. Ed Cooper spoke of current contract with CCI gives the county a portion of revenues generated from other counties and we get a number of free beds. County Auditor Bill Herzog advised that \$600,000 is being generated from revenues. Ed Cooper spoke of state funds received from detention. He spoke of counseling and recreational programs offered to juveniles in the bootcamp. Commissioner Molenaar suggested that members of the court go with Ed Cooper to see how it operates. Judge Powers stated that he does have some more questions regarding this matter and needs more time to digest the issues before we possibly burden the taxpayers. Ed Cooper spoke of having a 3 year track record that we didn't have before. Judge Howard Warner (Juvenile Judge) spoke of numbers of juveniles handled (increases as the population grows). He gave history of the situation. We need to know where to build it, how large to build it, and how to finance it without burdening the taxpayers. He is seeing juveniles get into more serious crimes (felonies) that need to be detained in a facility. Discussed other counties that are utilizing our 12 bed detention facility. Judge Powers spoke of getting proposals together to bring specifics to the table. Judge Warner stated that the facility would best serve the departments involved if it was located in the San Marcos area along the IH35 corridor. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to form a committee consisting of Commissioner Ingalsbe, Commissioner Molenaar, Asst. District Attorney Jacquelyn Murphy, Chief Juvenile Probation Officer Ed Cooper, Sheriff Don Montague, & Purchasing Agent Debbie Bilbrey to work with legal counsel to gather information and develop proposals to bring back to the court in approximately four weeks. All voting "Aye".

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

