



EXECUTIVE SESSION REGARDING POTENTIAL LITIGATION (LIME KILN/HILLIARD ROAD BOND PROJECT)

The Court convened into closed executive session to discuss potential litigation. Upon completion of the closed meeting, the court reconvened into open meeting. No action was taken.

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to **adjourn**. All voting "Aye".

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



STATE OF TEXAS
COUNTY OF HAYS

ON THIS THE 9TH DAY OF FEBRUARY, 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
WILLIAM "BILL" BURNETT
RUSS G. MOLENAAR
LEE CARLISLE

COUNTY JUDGE
COMMISSIONER, PCT. 1
COMMISSIONER, PCT. 2
COMMISSIONER, PCT. 3
COMMISSIONER, PCT. 4
COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

CALL TO ORDER & INVOCATION

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

PRESENTATIONS RE: AUSTIN-TRAVIS COUNTY LIVESTOCK SHOW

Tommy Dodd, Director of the Austin-Travis County Livestock Show, made a presentation to the Court regarding future plans for their livestock show and how it will benefit the kids of Hays County. Mr. Dodd spoke of Boards plan to open all competitive aspects of their show in the year 2000 to all surrounding counties (Caldwell, Bastrop, Lee, Williamson, Burnett, Blanco, and Hays). The children in each of these counties will be eligible in the year 2000 to compete in the livestock show, the youth fair, and the scholarship program. The advanced level of competition will allow exhibitors the benefit of competing in a major stockshow right in their own backyard. As a way for Travis County to say "welcome", in 1999 they will award two \$1500 scholarships to Hays County students (any high school senior who attends school or resides in Hays County will be eligible - they do not have to participate in the show to be eligible). The winners will be announced on Tuesday March 16, 1999 "Hays County Night". Hays County kids will be competing in the calf scramble on that date as well. He presented an invitation to all members of the court to attend the Hays County Official Announcement For the Regional Show 2000 to be held at SWTSU on Feb. 17, 1999 @ 7PM. He thanked the court for allowing him the time for this presentation.



EMPLOYEE RECOGNITION

Judge Powers recognized Mitch Johnson for 10 years of service in the Sheriff's Dept., Johnny Gruenbein for 10 years of service in the Sheriff's Dept., David Peterson for 10 years of service in the Sheriff's Department, and Debbie Moseley (DPS office) .

PUBLIC COMMENT SESSION

Ray Dunkin, speaking on his on behalf, spoke of items on the consent agenda which he feels should be action items with discussion. He would like to see more on the action agenda rather than the consent agenda. (ie grants & personnel). Judge Powers advised that any of the items on the consent agenda can be pulled for separate action and discussion upon request of a citizen or member of the court. Commissioner Burnett spoke of grant items being administrative type duties that come out of the County Judge's office and/or routine operations for the grants department and he does not feel they necessarily need discussion everytime they come before the Court. Commissioner Molenaar spoke of backup materials which is available upon request and there is nothing on the agenda that is secret. Anyone can request more details regarding agenda items or request that they be pulled for discussion. Consent agenda items do not require additional funds from the budget. Commissioner Carter spoke of performing our duties in the sunlight of public scrutiny. She feels like more discussion is needed so that people clearly understand what is going on.

Chris North (Member of the Parks Advisory Board) spoke of appointments to the parks board. They are excited about getting started and she wanted to know what is going on with this. Commissioner Burnett stated that a meeting needs to be set up so that we can get input from the committee on options (facilitator or no facilitator) and the scope of work. She feels like a facilitator would be a good idea with such a large group. They are anxious to get going. Commissioner Burnett stated that he would like to have a meeting within the next two weeks.

17621 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 \$ 366,008.32 as presented by the County Auditor. All voting "Aye".

Fines	\$ 10.00	Auditors Office	\$ 304.45	Treasurers Office	\$ 41.41
Juvenile Probation	\$ 808.53	Election Admin	\$ 50.00	Indigent Care	\$ 3,940.28
Transfer Station	\$ 99.72	Bldg. Mtc. Dept	\$ 3,760.05	Environ Health	\$ 35.00
Personal Health	\$ 9,015.26	Civic Center	\$ 533.85	Countywide Oper	\$ 63,374.76
Tax A/C	\$ 45.62	District Clerk	\$ 278.48	County Clerk	\$ 2,278.57
Sheriff's Office	\$ 6,320.88	Jail Operations	\$ 14,239.52	County Judge	\$ 0.30
Human Resources	\$ 16.90	Co Crt @ Law 1	\$ 187.52	District Attorney	\$ 317.98
J.P. 1-1	\$ 4.26	J.P. 1-2	\$ 223.23	J.P. 3	\$ 75.00
J.P. 5	\$ 20.00	DPS	\$ 187.15	Constable 1	\$ 10.50
Constable 2	\$ 78.95	Constable 3	\$ 44.20	District Court Oper	\$ 6,132.43
Co & JP Crt Oper	\$ 2,588.95	Veterans Admin	\$ 157.97	Computer Svcs	\$ 32,807.72
Co Crt @ Law 2	\$ 25.00	TJPC Salaries Grant	\$ 19.61	DPS/L&W	\$ 106.50
Crths Renov Grant	\$ 29,526.32	TJPC CCAP Grant	\$ 8,547.84	Assoc Judge/Fam Law	\$ 1,460.00
Animal Control	\$ 20.43	R&B Operating	\$ 37,837.22	Precinct 1	\$ 224.11
Precinct 2	# 485.72	Precinct 3	\$ 186.96	Precinct 4	\$ 317.63
R&B Gen Credit	<\$6,065.98>	Road Bond Constr	\$ 5,451.57	Sheriffs Abandon Veh	\$ 257.42
Anticip Notes '95	\$ 59,702.07	Rec Mng/Co Clk	\$ 3,902.51	Health Svcs Grants	\$ 1,512.91
Law Library Fund	\$ 889.85	Crths Renov/Co	\$ 69,798.23	Court Security	\$ 1,111.63
Sheriffs Drug Forf	\$ 2,701.33				

17622 APPROVE BUDGET AMENDMENT NO. 99-012

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Amendment No. 99-012 as proposed by the County Auditor. All voting "Aye".

**17623 APPROVE THE ANNUAL HAYS COUNTY SAFETY REPORT**

Human Resources Director George Aitken advised that this is the first "annual report" to Commissioners' Court. Hays County took initial steps to establish a comprehensive program in February 1998. A joint resolution was sponsored by the Court and the County Sheriff. All departments now have safety representatives and Hays County has an "advisory committee". Committee meetings were held in May, June, August, and November 1998. Our Workers' Comp lost time is low and we've had no serious injuries in 1998. The Road Department instituted "hard hats" and the County Sheriff has solid defensive driving courses in place. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the Annual Hays County Safety Report as submitted by Human Resources. All voting "Aye".

17624 AUTHORIZE A LEASE AGREEMENT WITH THE TEXAS DEPT. OF PARKS & WILDLIFE FOR OFFICE SPACE IN THE COURTHOUSE ANNEX BUILDING

Terms of the lease: \$520.00 per month rental fee (12 months) for 541 sq. ft. consisting of rooms 306-308 in the courthouse annex (3rd floor). A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize a lease agreement with the Texas Dept. of Parks & Wildlife for office space in the courthouse annex building. All voting "Aye".

17625 AUTHORIZE THE GRANTS ADMINISTRATOR TO CONTRACT WITH RABA-KISTNER TO CONDUCT LIMITED ASBESTOS AND LEAD-IN-PAINT SURVEY FOR THE WIMBERLEY MITIGATION GRANT APPLICATION FOR \$2,000

Grants Administrator Richard Salmon, advised that to compile the county's mitigation grant application, a preliminary asbestos and lead-in-paint survey will have to be conducted on a random sample of the townhouses and individual homes flooded in Wimberley who are requesting to be bought-out. This survey is needed to make a more accurate estimate of the total cost of asbestos assessment and abatement, required by law. Three other companies were contacted and were either not in asbestos abatement anymore, due to increases in liability issues, or were unable to assist in a timely fashion. Those companies were: Hejl & Lee & Associates, BEFCO Engineering, and Hicks & Company. The \$2,000 will come from the Grants Dept. Contract Services line item budget. Commissioner Burnett spoke of 25% match by the county for the grant - we must do preliminary survey to determine the amount of asbestos/lead paint that is involved. Commissioner Burnett advised that this is part of the application process. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the Grants Administrator to contract with Raba-Kistner to conduct limited asbestos and lead-in-pain survey for the Wimberley Mitigation Grant Application for \$2,000.00. All voting "Aye".



17626 APPROVE A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE OFFICE OF GOVERNOR/CRIMINAL JUSTICE DIVISION/JUVENILE JUSTICE & DELINQUENCY PREVENTION PROGRAM TO START A COUNTY TRUANCY PROGRAM FOR NO MORE THAN \$80,000

Grants Administrator Richard Salmon explained that this grant application is for up to \$80,000 to start a truancy program in San Marcos and Wimberley school districts. The grants if for 5 years, with the first year established as the base year and it decreases by 20% each year thereafter. The Sheriff's Office will hire a truant officer who will coordinate the truancy program and follow-up on referrals with the Hays County Probation Dept. and local J.P.'s. A portion of the project funds will be used to pay overtime for School Resource Officers in the San Marcos ISD and to pay overtime for deputies in the Wimberley ISD to make truancy visits as per the coordinator direction. The San Marcos High School attendance rate is 90.24%. The Wimberley High School rate is 91.1%. Hays County will provide 50% of matching funds and each school district will provide 25%. No administration funds included in the grant. Sheriff Don Montague spoke of having met with Guadalupe County Sheriff who has a tremendous program. He spoke of known fact that if we have educated young people, the likeliness of them being in our county jails or state penitentiary is going to go down drastically. If we can keep them in school then they will not be out during the day doing something they shouldn't be doing. He spoke of funds to be used in the Wimberley ISD, because they have the worse truancy rate in the county. Randy Palmatier (Wimberley ISD) spoke of school district attendance (there are sometimes 80 students out of school on a regular day) and as a small school district it is hard to address without assistance. He spoke of school funding which will increase with increased attendance. Tommy Poor asked what are the schools doing to motivate these students to stay in school. Mike Martin, San Marcos Truancy Officer, spoke of different programs that are offered. He spoke of price to educate a kid (\$3500 per yr) vs. incarcerating them (\$35,000 per yr). He spoke of it being overwhelming for one person to handle 7,000 students in San Marcos. This program will help them confront their problems before they get in trouble. Commissioner Molenaar spoke of the reason there are different programs that are used. He stated that some students that are not able to cope with education and the pressure that is put on young people. He spoke of peer pressure and pressure from adults for kids to go to college. A person with a high school education and that has a vocation can make it just as well as those with a college education. He feels like it takes a multitude of people to interact a lot of times in order to get a young person on the right track. It is not the responsibility of just the parents or the schools. Ed Cooper, Chief Juvenile Probation Officer, spoke in support of this grant program.. He feels like it will lighten his load. He spoke of J.P. Courts handling truancy in the early phases and the Juvenile Probation Office will handle the more serious crimes. Commissioner Burnett spoke of this being Federal funds that we are requesting. Commissioner Carter spoke of funds required from the county (\$40,000) and she is concerned about promoting a police state in our schools. She feels like truancy is the responsibility of the schools. Richard Salmon advised that the grant will probably come in at \$64,700 and we must come up with a 20% match and Hays County will pay 50% of the 20% (\$13,200). Ed Cooper advised that this program would keep kids out of the criminal justice system. Wimberley has no truancy officer. 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/Juvenile Justice & Delinquency Prevention Program to start a county truancy program for no more than \$80,000. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

17627 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A GRANT FROM THE U.S. DEPT. OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE - CRIMINAL ALIEN ASSISTANCE PROGRAM AND TO EXECUTE A CONTRACT FOR \$18,169

Grants Administrator Richard Salmon, advised that the U.S. Dept. of Justice provides monetary assistance to states and local governments that are being adversely affected by incarceration costs from criminal aliens. The grants received by Hays County in 1997 was for \$19,619. This year the amount is \$18,169. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to authorize the County Judge to accept a grant from the U.S. Dept. of Justice, Bureau of Justice Assistance - Criminal Alien Assistance Program and to execute a contract for \$18,169.00. All voting "Aye".

17628 APPROVE CONVERTING TWO PATROL DEPUTY POSITIONS (GRADE 28) TO SERGEANT POSITIONS (GRADE 32) IN THE SHERIFF'S DEPT.

Sheriff Don Montague wanted to clarify to the citizens and press that he does not determine what goes on the consent or action items of the agenda and he also wanted them to know that he visits with each member of the court on items he places on the agenda. Sheriff Montague advised that no additional funds are being requested and no additional positions. He explained his reasons for upgrading these positions. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve converting two patrol deputy positions (Grade 28) to sergeant positions (Grade 32) in the Sheriff's Department. All voting "Aye".

17629 T & J SUBDIVISION * PRELIMINARY PLAT APPROVAL [T1-775]

Environmental Health Director Allen Walther spoke of access to Lot 1 by a 15 ft. strip of land. He advised that this is a court ordered division and it is exempt from the minimum lot frontage requirement (will not create a safety hazard). Additional right of way is being dedicated on CR147. He gave staff recommendation for approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve preliminary plat of "T & J Subdivision". All voting "Aye".

**17630 COTTONWOOD CREEK BUSINESS PARK LOT 1 * FINAL PLAT APPROVAL [T1-806]**

Environmental Health Director Allen Walther advised that this is the first lot of a phase development. This property is located in an area that is expanding as a commercial area. He gave staff recommendation for approval. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approval final plat of "Cottonwood Creek Business Park Lot 1". All voting "Aye".

TRAIL'S END SUBDIVISION * REQUEST FOR RELEASE CONSTRUCTION SECURITY - This item was pulled

JUVENILE DETENTION FACILITY [T1-858]

Assistant District Attorney Jacquelyn Murphy spoke of January 12, 1999 meeting and request for additional information which has been provided this date. The committee has had several meetings and are asking the court to spend time looking at the information provided. Samples are being gathered of RFP's from other counties. Commissioner Burnett asked about lease purchase option. County Auditor Bill Herzog explained lease/purchase. Commissioner Molenaar stated that it depends on what proposals we get back as to whether we go with a lease/purchase option. Commissioner Burnett spoke of issue to him is whether you lump the project together or break it out. Commissioner Molenaar spoke of various options (lease/purchase, financing, bonds, etc.). Jacquelyn Murphy spoke of committee putting together several options in the future, however, more time is needed. Commissioner Carter spoke of "pay as you go" option since we have a steady revenue stream from CCI. She spoke of talking with the Texas Bond Review Board and we have again attained the infamous status of one of the ten worse counties in the State of Texas in terms of debt per person (#10) because of 3.1 million that was borrowed last year. Judge Powers spoke of lease/purchase provides a vehicle that is not a debt. Commissioner Molenaar spoke of need to get the juvenile detention out of the jail. Commissioner Ingalsbe spoke of not wanting to burden the taxpayers and that is why we are considering a lease/purchase. Commissioner Burnett spoke of Certificates of Participation being the financial vehicle of choice because you do not have to go out to the taxpayers and get bond indebtedness (it is not a debt instrument) - financed by private investors. Commissioner Molenaar stated that he does not understand how we can have a good bond rating and be one of the worse counties in the state. Commissioner Carter asked for figures on juveniles from Hays County. Chief Juvenile Probation Officer Ed Cooper spoke of long term beds that are a revenue source for the county, but short term beds are necessary. Ed Cooper spoke of success rate of the bootcamp program (75-80%). Jacquelyn Murphy requested at least another 4 weeks to obtain sample RFP's. Judge Powers told her to take as long as needed to obtain this information. No action taken this date.

17631 ESTABLISH A SPECIAL RESERVE FUND FOR TOBACCO SETTLEMENT FUNDS

[T1-1138] Commissioner Burnett spoke of \$ 1,158,813.67 million that has been received and placed in TEXPOOL investment pool. He would like to see the interest earned used for indigent/health care services. County Treasurer Michele Tuttle spoke of full amount being in TEXPOOL and we have earned just under \$3,000.00 in interest at this time. A checking account has been opened (\$1.00) and money can be transferred into it fairly quickly. Personal Health Director Gay Helmly advised that future allotments will have strings attached and those funds may be gauged on how you spend the previous allotment. She spoke of legislature looking at indigent health care (it may be altered and expanded). Criteria for eligible county residents may change and increase those people who qualify for indigent care. The interest earned on these funds may be as much as \$40-50,000 annually and she would like to see a task force put together to determine how funds will be spent. Commissioner Molenaar feels like the money should be used to supplement the health department budget and he does not see a need for a committee. Gay Helmly feels like many entities will come forward to request a part of those funds and the county may need to be proactive and as creative as possible with those funds. She spoke of need to look at facility changes. Commissioner Ingalsbe would like to see expanding facilities or a new facility for health care. Commissioner Burnett spoke of considering these requests during the budget process and that is why he wants to see the interest earned put into the general fund. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to form a committee. Gay Helmly spoke of need to have a group of people to make sure we maximize the benefits we might reap in the future. She supports a workshop session to discuss these needs. Commissioner Molenaar feels like the health dept. personnel has qualified people to present their needs and their requests can be presented in a workshop before the entire court. Commissioner Carter and Commissioner Ingalsbe withdrew their motions. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe [T1-1460] to authorize the County Auditor to establish a special reserve fund for the first installment of the tobacco settlement funds with interest on those funds to be earmarked for indigent health care or other health care related items to be budgeted by the Commissioners' Court, put into the general revenue side of the county budget and to, furthermore, be allocated as the Commissioners' Court deems worthy during the upcoming budget years. All voting "Aye".

A motion was made by Commissioner Carter, seconded by Commissioner Burnett to adjourn. 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**