



STATE OF TEXAS ①
COUNTY OF HAYS ①

ON THIS THE 12th DAY OF SEPTEMBER 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 INGALSBE GONZALES | 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.

PRESENTATION OF EMPLOYEE SERVICE PINS

County Clerk Lee Carlisle presented a 15 year pin to Patricia Lackey. Tax Assessor-Collector Luanne Caraway presented a 5 year pin to Rebekah Ramos and recognized Nelda Mendoza for 23 years of service. District Clerk Cecelia Adair presented a 15 year pin to Jo Ann Prado and a 10 year pin to Jimmie Kitchen. Personal Health Representative Karen Bradski presented a 5 year pin to Ema Villarreal and to Becky Waldrip. Judge Powers presented a 5 year pin to County Extension Agent Billy Kniffen.

18977 APPROVE THE COMMISSIONERS' COURT MINUTES OF SEPTEMBER 5, 2000

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the Commissioners' Court Minutes of September 5, 2000 as presented by the County Clerk. All voting "Aye".

18978 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 \$ 194,632.49 as presented by the County Auditor. All voting "Aye".

| | | | | | |
|-------------------------|-------------|----------------------------|-------------------------|--------------------------|--------------|
| Public Safety Services | \$ 50.00 | Auditor's Office | \$ 82.84 | Treasurer's Office | \$ 784.11 |
| Extension Office | \$ 946.71 | Grants Admin | \$ 68.65 | Juvenile Probation | \$ 224.00 |
| Transfer Station | \$ 396.91 | Bldg Mtc. Dept. | \$ 6,960.31 | Environmental Health | \$ 1,307.92 |
| Civic Center | \$ 279.18 | Countywide Oper | \$ 8,891.68 | Tax A/C Office | \$ 377.55 |
| District Clerk's Office | \$ 551.79 | County Clerk's Ofc | \$ 436.11 | Sheriff's Office | \$ 13,993.43 |
| Jail Operations | \$ 8,479.46 | District Attorney's Ofc | \$ 98.01 | J.P. 1-2 | \$ 123.06 |
| J.P. 2 | \$ 275.16 | J.P. 4 | \$ 501.76 | DPS | \$ 1,391.86 |
| Constable 1 | \$ 15.53 | Constable 2 | \$ 103.63 | Constable 3 | \$ 254.96 |
| Constable 4 | \$ 34.52 | Constable 5 | \$ 19.90 | District Court Oper | \$ 1,665.00 |
| Co & JP Court Oper | \$ 1,868.76 | Computer Services | \$ 4,396.56 | DPS/L&W | \$ 707.36 |
| TABC Office | \$ 125.95 | Assoc Judge/Family Law | \$ 38.05 | Special Counsel Ofc | \$ 129.00 |
| CJD/VOCA Grant | \$ 708.59 | CJD/Truancy Ofcr Grant | \$ 169.95 | MRCS/Dam Site 5 | \$ 39,909.75 |
| CAPCO/911 Addrs Mtc | \$ 1,446.36 | General Fund Credit | <\$182.99> | Road & Bridge Operations | \$ 45,639.21 |
| Precinct 1 | \$ 4.84 | Precinct 2 | \$ 39.32 | Road Reconstruction | \$ 42,813.14 |

| | | | | | |
|-------------------------|-------------|-------------------------|---------------|--------------------------|-----------|
| County Engineer Ofc | \$ 144.22 | R&G General Fund Credit | <-\$1,900.03> | Sheriff Abandon Veh Fund | \$ 98.50 |
| Health Svcs Grants | \$ 2,210.83 | Law Library Fund | \$ 308.63 | Courthouse Security Fund | \$ 225.00 |
| Medical & Dental Insur | \$ 150.00 | Sheriffs Drug Forf Fund | \$ 65.00 | Family Health Svcs Fund | \$ 687.79 |
| Tobacco Settlement Fund | \$ 6,514.66 | | | | |

18979 APPROVE BUDGET AMENDMENT NO. 00-36

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Amendment No. 00-36 as proposed by the County Auditor. All voting "Aye".

HAYS COUNTY COMMISSIONERS' COURT MINUTES



VOL R PG 828

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SEPTEMBER 12, 2000

| | | | | AMENDMENT NO. 00-36 FY 2000 BUDGET |
|---|---------------|---------------|-----------------|--|
| FUND NO. 01 FUND TITLE <u>GENERAL FUND</u> | | | | |
| <u>LINE ITEM - EXPENDITURES</u> | APPROPRIATION | AMENDMENT | | APPROPRIATION |
| | BEFORE | INCREASES | DECREASES | AS AMENDED |
| JUVENILE PROBATION (405): | | | | |
| 01-405-5213 Books | 500 | 250 | | 750 |
| 01-405-5271 Fuel | 2,550 | 650 | | 3,200 |
| 01-405-5321 Dues & Bonds | 425 | 35 | | 460 |
| 01-405-5331 Cont Ed | 2,500 | 360 | | 2,860 |
| 01-405-5413 Vehicle Maintenance | 1,200 | 1,000 | | 2,200 |
| 01-405-5431 Med/Dent Services | 3,000 | 2,500 | | 5,500 |
| 01-405-5434 Psychological Exams | 4,600 | 4,700 | | 9,300 |
| 01-405-5461 Printing | 550 | 360 | | 910 |
| 01-405-5489 Telephone | 6,950 | 955 | | 7,905 |
| 01-405-5491 Juv Detention | 35,000 | | (10,810) | 24,190 |
| | | <u>10,810</u> | <u>(10,810)</u> | |
| <i>Transfer for needed expense</i> | | | | |
| COUNTY CLERK (417): | | | | |
| 01-417-5711 Office Equipment | -0- | 356 | | 356 |
| 01-417-5489 Telephone | 5,000 | | (356) | 4,644 |
| <i>Transfer for chair</i> | | | | |
| SHERIFF (418): | | | | |
| 01-418-5021 Staff | 2,083,588 | 20,200 | | 2,103,788 |
| 01-418-5192 Uniform Allowance | 30,240 | 3,410 | | 33,650 |
| 01-418-5211 Office Supply | 12,000 | 3,750 | | 15,750 |
| 01-418-5213 Books | 1,179 | 180 | | 1,359 |
| 01-418-5235 Law Enforcement Supply | 17,875 | 300 | | 18,175 |
| 01-418-5271 Fuel | 155,135 | 7,500 | | 162,635 |
| 01-418-5391 Other/Alarms | 450 | 500 | | 950 |
| 01-418-5311 Travel | 500 | 150 | | 650 |
| 01-418-5480 Utilities | 25,675 | 1,500 | | 27,175 |

| | | | | |
|--|---------|---------------|-----------------|---------|
| 01-418-5489 Telephone & data lines | 77,159 | 8,850 | | 86,009 |
| 01-418-5366 Reserve Exp | 1,500 | | (300) | 1,200 |
| 01-418-5101 FICA/RET | 384,997 | | <u>(1,500)</u> | 383,497 |
| | | 51,395 | <u>(1,800)</u> | |
| COUNTY-WIDE OPERATIONS (414): | | | | |
| 01-414-5091 Salary Adjustment | 101,424 | | <u>(44,540)</u> | 56,884 |
| | | <u>51,395</u> | <u>(51,395)</u> | |
| <i>Transfer for minimum amounts to end FY from allocation of 5% step authorized adjustment</i> | | | | |
| JAIL OPERATIONS (419): | | | | |
| 01-419-5231 Medical Supply | 56,911 | 10,000 | | 66,911 |
| 01-419-5232 Prisoner Food | 295,000 | 5,000 | | 300,000 |
| 01-419-5234 Inmate Uniform & Other | 9,000 | 2,000 | | 11,000 |
| 01-419-5235 Law Enforcement Supply | 700 | 250 | | 950 |
| 01-419-5431 Medical/Dental Svcs | 97,421 | 15,000 | | 112,421 |
| 01-419-5452 Trash hauling | 5,000 | 900 | | 5,900 |
| 01-419-5480 Utilities | 222,638 | 5,000 | | 227,638 |
| 01-419-5061 Longevity | 25,895 | | (885) | 25,010 |
| 01-419-5451 Contract Building Maint | 124,020 | | (2,500) | 121,520 |
| 01-419-5474 Unif Rental-maint/kitchen | 3,000 | | <u>(2,000)</u> | 1,000 |
| | | 38,150 | <u>(5,385)</u> | |
| COUNTY-WIDE OPERATIONS (414): | | | | |
| 01-414-5091 Salary adjustment | 56,884 | | <u>(32,765)</u> | 24,119 |
| | | <u>38,150</u> | <u>(38,150)</u> | |
| <i>Transfer for minimum amounts to end FY from allocation of 5% step authorized adjustment</i> | | | | |
| EXTENSION OFFICE (403): | | | | |
| 01-403-5021 Staff | 57,876 | | (500) | 57,376 |
| 01-403-5101 FICA/RET | 7,173 | | (900) | 6,273 |
| 01-403-5160 Insurance | 14,265 | | (1,100) | 13,165 |
| 01-403-5741 Building Improvements | -0- | <u>2,500</u> | | 2,500 |
| | | <u>2,500</u> | <u>(2,500)</u> | |
| <i>Authorize and transfer for work stations from personnel savings</i> | | | | |

HAYS COUNTY COMMISSIONERS' COURT MINUTES



SEPTEMBER 12 , 2000

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VOL R PG 829

| | | | | AMENDMENT NO. <u>00-36</u> FY 2000 BUDGET |
|---|-------------------------|-----------|-----------|---|
| FUND NO. <u>03</u> | | | | |
| FUND TITLE <u>ROAD & BRIDGE GENERAL FUND</u> | | | | |
| LINE ITEM - EXPENDITURES | APPROPRIATION BEFORE | AMENDMENT | | APPROPRIATION AS |
| | AMENDMENT | INCREASES | DECREASES | AMENDED |
| PRECINCT 1 (439): | | | | |
| 03-439-5712 Data Proc Equipment | 380 | 2,725 | | 3,105 |
| 03-349-5021 Staff | 17,956 | | (2,725) | 15,231 |
| <i>Authorize and transfer for laptop and computer equipment and warranty from personnel savings</i> | | | | |

18980 APPROVE UTILITY PERMIT #00-412

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Utility Permit #00-412 on CR197/Henly Loop issued to Pedernales Electric Cooperative. All voting "Aye".

18981 APPROVE REFUND OF DOUBLE PAYMENTS AND/OR OVERPAYMENTS ON TAXES

Tax Assessor-Collector Luanne Caraway submitted the following application for tax refund: 6 billboards Hays CISD – Austin Outdoor Adv = \$ 896.61. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve refund of double payments and/or overpayments on taxes as submitted by the County Tax Assessor-Collector. All voting "Aye".

18982 AUTHORIZE JENKINS ENVIRONMENTAL CONSULTING TO PROVIDE SERVICES FOR ABATEMENT OF ASBESTOS AND AIR MONITORING FOR THE WIMBERLEY DEMOLITION PROJECT

Quotes were received from Jenkins Environmental Consulting/Austin (\$5,020), STC/San Antonio (\$7,050), Raba Kistner/San Antonio (\$9,750), Clean Environmental/San Antonio (\$11,820), and Burcham/San Antonio (\$8,100). Grants Administrator Richard Salmon and Purchasing Agent Debbie Bilbrey recommended awarding the contract to Jenkins Environmental Consulting for abatement of asbestos for the Wimberley Demolition Project. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize Jenkins Environmental Consulting to provide services for abatement of asbestos and air monitoring for the Wimberley Demolition Project. All voting "Aye".

18983 AUTHORIZE ASSOCIATE JUDGE, ROAD ENGINEER AND SPECIAL COUNSEL TO RECEIVE 5% SALARY INCREASE IN THE FY2001 BUDGET [T1-125]

Judge Powers advised that these 3 positions are not on the pay grade chart – this is a housekeeping issue. All other county employees received a 5% salary increase in FY2001. A motion by Commissioner Molenaar, seconded by Commissioner Burnett to authorize Associate Judge, Road Engineer and Special Counsel to receive 5% salary increase in the FY2001 Budget. Commissioner Carter spoke of having no backup to show what the salaries are for these positions and where they lie respective to other employees in similar situations – she asked if the grade/step committee has reviewed this. Commissioner Burnett spoke of 5% raise that was approved for all employees and he stated that she had not specifically singled out these 3 employees at that time. She spoke in opposition to percentage pay raises because there are some people who are not paid what the position would command in a similar situation in another county. She spoke of Special Counsel being an Assistant District Attorney and the other Asst. D.A.'s are making probably \$20,000 less already. Commissioner Carter spoke of current salary of the Road Engineer being close to what Comal County Engineer is making. She feels like these 3 positions are already well paid and others, not on the grade & step chart, will want to be increased. Commissioner Molenaar, Commissioner Burnett, Judge Powers, and Commissioner Ingalsbe voting "Aye". Commissioner Carter voting "No".

18984 CALL FOR A PUBLIC HEARING ON SEPTEMBER 26, 2000 TO ESTABLISH TRAFFIC REGULATIONS IN ROLLING HILLS [T1-184]

Road Supt/Co. Engineer Jerry Borcharding spoke of there not being any stop signs established when this subdivision was developed. This creates a dangerous situation and he is requesting stop signs at all intersections in the Rolling Hills Subdivision. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on September 26, 2000 to establish traffic regulations in Rolling Hills Subdivision. All voting "Aye".



18985 APPOINT AN EVALUATION COMMITTEE TO REVIEW PROPOSALS RECEIVED FROM RIGHT-OF-WAY AGENTS AND EMINENT DOMAIN LAWYERS [T1-202]

Commissioner Molenaar spoke of need for a committee to evaluate the bids and proposals from right-of-way agents and eminent domain lawyers to provide right of way acquisition services on an on-call basis for the county. He recommended limiting the committee to 4 people (Commissioner Molenaar, Special Counsel Jacqueline Cullom Murphy, Road Director Jerry Borcharding, & Purchasing Agent Debbie Bilbrey). Commissioner Carter felt like the Auditor should be on the committee for financial reasons. Commissioner Molenaar advised that Debbie Bilbrey represents the County Auditor's office. A motion was made by Commissioner Molenaar, seconded by Judge Powers to appoint an evaluation committee composed of Commissioner Molenaar, Jacqueline Cullom Murphy, Jerry Borcharding, and Debbie Bilbrey to review proposals received from right-of-way agents and eminent domain lawyers. All voting "Aye".

DISCUSSION REGARDING CONVEYANCE OF APPROXIMATELY ¼ ACRE OF ABANDONED RIGHT-OF-WAY TO ADJACENT PROPERTY OWNER [T1-236]

Summary: The ¼ acre of abandoned right of way lies on BeBee Road (CR122) – when BeBee Road was realigned by the Hays County Road Dept. , 300 ft. of road frontage was eliminated and a low water bridge was removed that served as the adjacent property owner's entrance – the CAD has estimated the fair market value to be \$500-700 – the land will have to be surveyed – Hays County Attorney will draw up a deed – other landowners will be contacted. Commissioner Carter spoke of this being a similar situation to one in Pct. 1 - the individual wanting to buy it has been mowing it and keeping it clean and he will have it surveyed. Judge Powers asked if other adjacent property owners have been notified. Commissioner Carter spoke of opinion of David Brooks that approval by other property owners is not necessary. Commissioner Burnett asked about appraised value of the property. Commissioner Carter spoke of improvements made to BeBee Road that affected the access to the individual wanting to purchase this property (she feels like he has damages that he could ask the county for and perhaps he would not seek damages if we sell him the property). Commissioner Ingalsbe advised that she personally contacted the adjoining property owners regarding the abandoned property in her precinct and she asked if this was not necessary. Commissioner Carter advised that she will notify the property owners. Special Counsel Jacqueline Cullom Murphy spoke of LGC 263.002 requiring the court to determine need for this right of way and she feels like all abutting property owners would have to agree to abandonment. Commissioner Carter advised that David Brooks was unable to provide his opinion in writing and she took notes over the phone from him and he said it is not contingent on their agreement. Jacqueline Cullom Murphy recommended the court not take action to abandon ro-w until that happens and then we will execute a quitclaim deed and a motion that declares that it is no longer a public roadway and the owner issues a release (county having no liability). Commissioner Burnett felt like the court needs something in writing from the CAD regarding the appraised value of this property. Road Supt./Engineer Jerry Borcharding advised that he would like to look at the property closer to see if it could be a material storage area. No action was taken this date.

18986 WORKSHOP SESSION REGARDING USE OF THE CIVIC CENTER AND ACTION TO CREATE A COMMITTEE TO PRESENT A PROPOSAL [T1-392]

Commissioner Molenaar spoke of need to come up with solutions for the civic center and make a commitment to the youth association (possibly go out for a bond election). Commissioner Ingalsbe agreed with Commissioner Molenaar and she felt like things were moving forward - she spoke of sale of old hospital site which could be used for improvements to the facility. Commissioner Ingalsbe spoke of heat and dust at the Civic Center and she supports working toward a better facility. Commissioner Molenaar spoke of Youth Livestock Association having purchased property in Kyle that they may use for their new facility. He recommended putting together a short-term committee to put together a proposal. Commissioner Carter asked about taxes for property owned by the Youth Association. James Holt (President of the Hays County Livestock Expo) spoke of 20 acres they still own at the Civic Center location - taxes are being charged on their property. He spoke of need to get a letter from the County Judge that the county is using this property so that they can be tax exempt. Commissioner Molenaar spoke of need to discuss use of facility and not taxes. Mr. Holt spoke of history of this property and how they came up with 20 acres of the property. He spoke of agreement for a study and that study resulted in the county voting to move forward with improvements - there was support for going out with a bond election - they would provide \$1 million plus - they bought 46 acres (\$60,000) in Kyle by the race track to build their ag building on. Mr. Holt spoke of taxes for the property next to the civic center (estimated @ \$8,000) - once they put a building on it, they will be tax exempt or it can become tax exempt if the County Judge will sign a letter that the county is using the property (parking lot). Judge Powers stated that he would speak with the

CAD regarding this matter. Commissioner Molenaar spoke of need for a committee to work out details. James Holt spoke of discussions that have been ongoing - they are soliciting funds for their facility and they have been unable to get satisfaction from the Commissioners' Court and they don't want to rock along any further. Commissioner Carter spoke of need for money to move forward with improvements. She suggested looking for properties that could be sold to generate funding for this project. Commissioner Molenaar spoke of need for a committee that would come back in October with solutions. James Holt spoke of wanting a commitment from the county for a covered arena (approximate cost = \$650,000) and to move forward with a bond election. Lamaar Lacaze stated that this is for the youth of Hays County. Jim Holt advised that they are the only organization that uses this facility that is countywide and they are looking for more activities. They feel like it would be a benefit to the county extension office if they build their facility next to the Civic Center.

HAYS COUNTY COMMISSIONERS' COURT MINUTES



SEPTEMBER 12 , 2000 00000 00000 VOL R PG 831

[T1-750] Jim Holt stated that they would build the ag building (30,000 sq.ft. building designed to hold 34 group meetings at a time). Their board would rather go along with the county. Commissioner Molenaar spoke of need for a commitment from the county - he suggested himself and Jacqueline meeting with James Holt to work out a proposal. James Holt stated that they want a commitment from the county to build the covered arena in 2001.

[T1-840] Rene Ruiz (member of Civic Center board since 1997) spoke of focus being on the youth association goals and objections and he feels like other users need to be included in the discussions. He spoke of discussions regarding fund raisers, hotel/motel tax, etc. - they are in support of the complex issues and they feel like it will be well received across the state. He feels like it is extremely important to move forward and include all the users. [T1-893] Guy Trimble, Civic Center Director, stated that we have been having successful shows at the civic center, however, the biggest complaint is the heat and dust. He spoke of getting as many bookings as he can during the summer but the fact that there is no air conditioning affects those bookings. He spoke of need for insulation and A/C and a covered outdoor arena. Mr. Trimble felt like we could look for corporate sponsorship and fundraising to make the necessary improvements and if those improvements are made we should be able to keep the facility booked up. He spoke of calls he has received from rodeo associations in the San Antonio area (due to current construction going on there) and this would require an outdoor arena with bleachers to accommodate the number of people attending those events. Commissioner Burnett spoke of the Civic Center being in a perfect location and he spoke of need to get estimates for insulation and air conditioning. He spoke of possibly using jail inmates to assist in some of the improvements. Guy Trimble spoke of possible use by RV Associations, however, no air conditioning affects their decisions. Commissioner Molenaar requested additional time to meet with users, etc. regarding solutions. Jim Holt stated that the county has been saying the same thing for a long period of time and he asked for a commitment (find the money) - the youth association is committed to building the ag building.

[T1-805] A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize Commissioner Molenaar, Jacqueline Cullom Murphy, and James Holt to prepare a proposal to bring back to the Commissioners' Court. Commissioner Ingalsbe asked to be included in this - motion was amended to include Commissioner Ingalsbe. Motion was WITHDRAWN by Commissioner Molenaar.

[T1-1048] Daniel Heideman asked what answers the committee will give you? Commissioner Molenaar stated that we need to prepare a proposal that the court will accept (bring issues back to the court from previous discussions). Not all members of the court were involved in the previous discussions and some members do not remember everything that was discussed. He stated that either this court will make a commitment or they will not. Commissioner Carter spoke of need to find the money for this project. Commissioner Burnett spoke of need to work with the Livestock Association - he feels like it is very important to have this facility here. Jim Holt felt like the court has agreed that this is the right location - the question is how are you going to build it. He asked for a commitment to the outside arena. Rene Ruiz spoke of feasibility study that was done - they are looking for basic improvements to take us to a different level - we need to get an estimate of what these improvements will cost (for basic necessities and the outdoor arena).

[T1-1163] A motion was made by Commissioner Molenaar, seconded by Judge Powers to create a committee composed of the Commissioner Molenaar, Commissioner Ingalsbe, Jacqueline Cullom Murphy, Guy Trimble, Billy Kniffen, a Civic Center Board Member, and James Holt, to prepare a proposal for consideration by the

Commissioners' Court regarding improvements to the Hays County Civic Center. All voting "Aye".

Commissioner Molenaar stated that they will come up with a solution (for a final answer) and it should be made by October 2000.

COURT ADJOURNED.

MINUTES APPROVED IN OPEN COURT ON THE 19th DAY OF SEPTEMBER, 2000.

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

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

