



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 27th DAY OF AUGUST A.D., 2002, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

<b>JAMES L. POWERS</b>	<b>COUNTY JUDGE</b>
<b>DEBBIE GONZALES INGALSBE</b>	<b>COMMISSIONER, PCT. 1</b>
<b>H. S. "SUSIE" CARTER</b>	<b>COMMISSIONER, PCT. 2</b>
<b>WILLIAM "BILL" BURNETT</b>	<b>COMMISSIONER, PCT. 3</b>
<b>RUSS G. MOLENAAR</b>	<b>COMMISSIONER, PCT. 4</b>
<b>LEE CARLISLE</b>	<b>COUNTY CLERK</b>

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Molenaar led the Court in the Pledge of Allegiance to the Flags.

**CLERK'S NOTE: Agenda Item #1** Re: PRESENTATION BY TODD VOTTELER, PH.D, REGARDING WATER AVAILABILITY was PULLED. Todd Votteler was unable to appear.

**20506 COMMISSIONERS' COURT MINUTES OF AUGUST 15, 16, 19 & 20, 2002 \* APPROVED**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve the Commissioners' Court Minutes of August 15, 16, 19, & 20, 2002 as presented by the County Clerk. All voting "Aye".

**20507 APPROVE PAYMENT OF COUNTY INVOICES**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$232,075.76 as presented by the County Auditor. All voting "Aye".

License & Permits	\$ 24.50	State Shared Rev	\$ 3,753.91	Public Safety Svcs	\$ 115.00
Fines	\$ 992.23	Sales & Auctions	\$ 23.70	Auditor's Office	\$ 59.70
Extension Office	\$ 826.76	Grants Admin	\$ 156.78	Juvenile Probation	\$ 1,616.33
Election Admin	\$ 50.00	Comm & Social Svcs	\$ 2,083.34	Transfer Station	\$ 715.16
Bldg Mtc Dept.	\$ 8,428.84	Environ Health	\$ 1,704.36	Civic Center	\$ 139.55
Countywide Oper	\$ 28,708.58	Tax A/C	\$ 186.38	District Clerks Office	\$ 206.20
Sheriffs Office	\$ 6,641.32	Jail Operations	\$ 40,618.53	County Judges Office	\$ 276.07
Human Resources	\$ 96.20	Co Court at Law 1	\$ 174.06	District Attorneys Ofc	\$ 263.91
J.P. 1-1	\$ 179.00	J.P. 1-2	\$ 989.88	J.P. 4	\$ 254.94
J.P. 5	\$ 327.70	DPS	\$ 1,460.27	Constable 2	\$ 10.00
Constable 3	\$ 46.98	Constable 4	\$ 357.42	Constable 5	\$ 214.19
District Court Oper	\$ 4,226.84	Co & JP Court Oper	\$ 2,291.72	Precinct 4	\$ 153.81
Veterans Adm Ofc	\$ 734.96	Computer Services	\$ 443.32	DPS/L&W	\$ 71.61
Comm Court Exp	\$ 519.85	CJD/Truancy Ofcr	\$ 259.80	CAPCO/Waste Task	\$ 110.60
TJPC/Title 4 Juv Prob	\$ 3,307.96	LCRA/Fire Marshal	\$ 1,257.17	General Fund Credit	< \$511.62 >
R&B Operations	\$ 85,867.81	Right of Way	\$ 974.75	R&B Gen Credit	< \$71.82 >
Sheriff Abandon Veh	\$ 7.05	Co Parks Fund	\$ 24.63	Rec Mng/County Clerk	\$ 244.61
Health Svcs Grants	\$ 189.18	Juvenile Center	\$ 14,814.81	Sheriff Spec Projects	\$ 29.39
Sheriffs Drug Forf Fund	\$ 1,160.56	Family Health Svcs	\$ 8,734.48	Tobacco Settlement	\$ 990.00
Road Bond S.2001	\$ 4,542.50				

**20508 APPROVE BUDGET AMENDMENT 02-38**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment No. 02-38 as proposed by the County Auditor. All voting "Aye".

AMENDMENT NO. 2002-38 FY 2002 BUDGET 08-27-02				
FUND NO. 01 FUND TITLE <u>GENERAL FUND</u>				
<u>LINE ITEM - EXPENDITURES</u>	<u>APPROPRIATION BEFORE AMENDMENT</u>	<u>AMENDMENT</u>		<u>APPROPRIATION AS AMENDED</u>
		<u>INCREASES</u>	<u>DECREASES</u>	
<b>EXTENSION OFFICE (403):</b>				
01-403-5331 Cont Ed	3,500	500		4,000
01-403-5712 Data Proc Equipment	4,054	2,100		6,154
01-403-5413 Vehicle Maintenance	3,065		(375)	2,690
01-403-5101 FICA/RET	9,518		(1,475)	8,043
01-403-5160 Insurance	17,569		(750)	16,819
		<u>2,600</u>	<u>(2,600)</u>	

HAYS COUNTY COMMISSIONERS' COURT MINUTES



AUGUST 27, 2002

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				AMENDMENT NO. 2002-38 FY 2002 BUDGET 08-27-02
FUND NO. 01 FUND TITLE GENERAL FUND				
LINE ITEM - EXPENDITURES	APPROPRIATION BEFORE AMENDMENT	AMENDMENT INCREASES DECREASES	APPROPRIATION AS AMENDED	
<b>GRANTS (404):</b>				
01-404-5211 Office Supply	1,688	87		1,775
01-404-5461 Printing	33	3		36
01-404-5462 Public Notices	200	400		600
01-404-5311 Travel	300		(87)	213
01-404-5448 Contract Services	8,553		(403)	8,150
		<u>490</u>	<u>(490)</u>	
<i>Transfer for grant advertising prior to award</i>				
<b>HUMAN RESOURCES (421):</b>				
01-421-5211 Office Supply	1,000	150		1,150
01-421-5489 Telephone	2,700	500		3,200
01-421-5801 Training	2,500		(650)	1,850
		<u>650</u>	<u>(650)</u>	
<i>Transfer for additional telephone line</i>				
<b>CONSTABLE, PCT. 2 (432):</b>				
01-432-5211 Office Supply	729	200		929
01-432-5271 Fuel	3,750	200		3,950
01-432-5489 Telephone	1,679	100		1,779
01-432-5413 Vehicle Maintenance	3,250		(500)	2,750
		<u>500</u>	<u>(500)</u>	
<i>Transfer for fuel and needed office supplies from repair savings</i>				
<b>CONSTABLE, PCT. 5 (435):</b>				
01-435-5212 Postage	1,150	325		1,475
01-435-5413 Vehicle Maintenance	2,000		(325)	1,675
<i>Transfer for needed postage</i>				
<b>TJPC SALARIES GRANT (463):</b>				
01-463-5497 Residential	5,491	1,672		7,163
<b>REVENUE:</b>		<b>DECREASE:</b>	<b>INCREASE:</b>	
01-384-2463 State TJPC	195,018		1,672	196,690
<i>Budget additional grant funding from agency</i>				
FUND NO. 03 FUND TITLE ROAD & BRIDGE GENERAL FUND				
<b>ROAD &amp; BRIDGE OPERATIONS (438):</b>				
03-438-5311 Travel	500	500		1,000
03-438-5331 Cont Ed	5,000	800		5,800
03-438-5351 Materials	2,345,860		(1,300)	2,344,560
		<u>1,300</u>	<u>(1,300)</u>	
<i>Transfer for additional training</i>				
FUND NO. 47 FUND TITLE TOBACCO SETTLEMENT FUND				
<b>TOBACCO PROCEEDS/SAN MARCOS CLINIC (607):</b>				
47-607-5621 Engineering	10,530	410		10,940
47-607-5711 Office Equipment	78,935	585		79,520
47-607-5448 Asbestos Contract	21,000		(995)	20,005
		<u>995</u>	<u>(995)</u>	
<i>Transfer for balance of furniture/engineering for new building</i>				

**20509 APPROVE THE SPECIFICATIONS FOR A "NEW SELF-PROPELLED BROOM" FOR THE ROAD DEPARTMENT AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve the specifications for a "New Self-Propelled Broom" for the Road Department and authorize purchasing to solicit for bid and advertise. All voting "Aye".



**20510 APPROVE ROUTINE MAINTENANCE AGREEMENT FOR THE GENERATOR AT THE JUSTICE CENTER**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve routine maintenance agreement with Waukesha-Pearce Industries, Inc. for the generator at the Justice Center. All voting "Aye".

**20511 ACCEPT INTERNAL EXAMINATION REPORT OF THE SAN MARCOS/HAYS COUNTY EMS**

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to accept the Internal Examination Report of the San Marcos/Hays County EMS. All voting "Aye".

**20512 HARLOW SUBDIVISION [PCT. 2 #02-2-001] APPROVE PRELIMINARY PLAT [T1-35]**

Property owners Richard & Virginia Harlow propose to create a two lot subdivision with access on CR131/Hill Road. Environmental Health Director Allen Walther gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve preliminary plat of "Harlow Subdivision". All voting "Aye".

**20513 HIGHLANDS SECTION A RESUBDIVISION OF LOT 1 AND A PORTION OF MORTON RESERVE [PCT. 4 #02-4-046] \* PUBLIC HEARING AND APPROVE FINAL PLAT [T1-47]**

Judge Powers declared the public hearing open – no public input was received and the public hearing was closed. Property owner Barry Wukasch is creating 3 lots for his original lot. All three lots will have direct access onto a county road (Alpine Trail & Highland Pass). A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Highlands Section A Resubdivision of Lot 1 and a portion of Morton Reserve. All voting "Aye".

**20514 HIGHLANDS SECTION A RESUBDIVISION OF LOTS 2, 3, 4 AND A PORTION OF THE MORTON RESERVE [PCT. 4 #02-4-047] \* PUBLIC HEARING AND APPROVE FINAL PLAT [T1-58]**

Judge Powers declared the public hearing open – no public input was received and the public hearing was closed. Property Owner Kenneth Wukasch is creating 5 lots out of an original 3 lots – these lots will have access onto Alpine Trail (4 will have access through a shared access driveway). Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Highlands Section A Resubdivision of Lots 2, 3, 4 and a portion of the Morton Reserve. All voting "Aye".

**20515 HIGHLANDS EAST RESUBDIVISION OF LOT 9 [PCT. 4 #02-4-062] \* APPROVE PRELIMINARY PLAT [T1-72]**

Environmental Health Director Allen Walther advised that this is a 4 lot subdivision – 3 lots will be accessed by a shared access easement (OPR Doc #99123981). He gave staff recommendation for preliminary plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plat of "Highlands East Resubdivision of Lot 9". All voting "Aye".

**20516 ARROYO RANCH SECTION 2 [PCT. 2 #02-2-009] \* APPROVE COMPLETION OF CONSTRUCTION OF THE ROAD AND DRAINAGE IMPROVEMENTS AND RELEASE CONSTRUCTION FISCAL SECURITY [T1-83]**

Road Supt/Engineer Jerry Borcharding advised that the roads in Arroyo Ranch Section 2 have been inspected and he recommends release of road construction fiscal security – maintenance security has been filed. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve completion of construction of the road and drainage improvements and release construction fiscal security for Arroyo Ranch Section 2. All voting "Aye".

**20517 PUBLIC HEARING WITH ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT SIGNS) ON FARRELL LANE IN THE DRIPPING SPRINGS AREA [T1-97]**

Judge Powers declared the public hearing open – no public input was received and the public hearing was closed. Commissioner Molenaar spoke of this being a short cul-de-sac type road – he recommended a 30MPH speed limit and asked that it be reviewed for curve signs. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to establish traffic regulation of 30 MPH speed limit on Farrell Lane in the Dripping Springs area. All voting "Aye".



**20518 ACCEPT BID ON PROPERTY HELD IN TRUST [DELINQUENT TAX PROPERTY] [T1-113]**

Tax Assessor-Collector Luanne Caraway presented 1 bid which has been approved by the Wimberley ISD – bid amount is \$1,600 for Lot 35 Woodcreek Section 8 – this bid reflects a 78% judgment recovery. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to accept bid offer of \$1600 for Lot 35 Woodcreek Section 8. All voting “Aye”.

**20519 ACTION TO CONSIDER AIR QUALITY IMPROVEMENT OPTIONS AT THE JUSTICE CENTER [T1-126]**

Commissioner Ingalsbe spoke of this being something we have been working on for some time – for the most part, the employees at the Justice Center are willing to stay at this location until a new building is built but they want and deserve some corrective measures while they stay there. Environmental Health Director Allen Walther presented a proposal for the building:

August 27, 2002

To: Commissioners Court Members

As you know, we have been working to resolve air quality issues in the Justice Center. As an alternative to temporary relocation of those offices, it may be wise to consider facility improvements at the present location. We have prices for the following remediation actions which I believe will be very beneficial to that facility, with a minimum of disruption:

- 1. Replace all existing carpet with tile \$ 48,771
  - 2. Replace all ceiling tiles (this may be marginally effective) \$ 30,000
  - 3. Clean ducts \$ 9,898
  - 4. Add UV lights to AC units (8) \$ 7,973
  - 5. Install energy recovery ventilators to reduce humidity(8) \$ 87,194
- TOTAL..... \$183,836**

If the suggested actions are pursued, I strongly encourage the court to retain someone to oversee this project. Additionally, we still need some plumbing inspected and those failures which have been identified must be corrected. When the projects listed above are completed, we will need remediation to surfaces presently affected by mold.

Maintenance Supervisor Ron Knott advised that all cost estimates include installation. \$160,000 was budgeted for this project and only a small amount has been used – insurance money has also already been received. Commissioner Burnett spoke of need to do this immediately. Special Counsel Jacqueline Cullom Murphy spoke of emergency that was declared by the Court but we did not move on quickly and she feels like we now need to go through the bidding process. Commissioner Molenaar spoke of using county employees for installation. Ron Knott spoke of vendors having the equipment and staff to do this job quickly and he is afraid if we bid this out we will not get the expertise we need. County Clerk Lee Carlisle advised that he has staff in the Justice Center and everyone down there is concerns about the air quality - this does need to be done fast. Commissioner Carter asked about use of textured cement. Ron Knott spoke of time it would take to do the textured cement. Commissioner Ingalsbe spoke in favor of the proposal with exception of the ceiling tiles. Jacqueline Cullom Murphy spoke of Local Government Code § 262.024(a)3 which exempts competitive bidding requirements if an item is necessary because of unforeseen damage to public property. County Auditor Bill Herzog advised that \$157,000 is in the current budget for Justice Center Remediation. The Court will appoint someone to oversee this project at a later date. Replacing all ceiling tiles was deleted from consideration. [T1-332] A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe that pursuant to Section 262.024(a)3 of the Government Code to instruct Purchasing Dept. to contact three (3) vendors in the area of replacing existing carpet with tile, air duct cleaning, UV lights in AC units, and energy recovery ventilators to reduce humidity, today to acquire bids on these items and furthermore to allocate \$153,836 from Justice Center Remediation funds. All voting “Aye”.



**20520 ACTION TO INSTRUCT THE COUNTY AUDITOR AND SPECIAL COUNSEL TO REVIEW COUNTY CONTRACTS WITH NONPROFIT ORGANIZATIONS AND/OR SOCIAL SERVICE AGENCIES TO DETERMINE WHETHER THE CONTRACTS COMPLY WITH LEGAL RULING CONTAINED IN TEX. ATTY GEN. OP. JC-0439 AND TO MAKE ANY RECOMMENDATIONS REGARDING CONTRACT AMENDMENTS BEFORE THE 2003-2004 BUDGET PROCESS BEGINS [T1-430]**

Commissioner Molenaar spoke of AG's Opinion No. JC-0439 regarding whether Social Services Contracts are valid and to see if we have the authority to fund these services – we may need to review our policy or establish a policy. The opinions summary basically says: *“A county may grant funds to a nonprofit entity to accomplish a statutorily authorized purpose, provided that the county determines the transaction will achieve a public purpose and that adequate controls are placed on the expenditure to ensure that the public purpose is accomplished.”* A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to instruct the County Auditor and Special Counsel to review county contracts with nonprofit organizations and/or social service agencies to determine whether the contracts comply with legal ruling contained in Tex. Atty. Gen. Op. JC-0439 and to make any recommendations regarding contract amendments before the 2003-2004 budget process begins. All voting “Aye”.

**Clerk's Note: Agenda Item #17** RE: APPOINT A COMMITTEE TO CONSIDER AMENDMENTS TO THE HAYS COUNTY SUBDIVISION & DEVELOPMENT REGULATIONS, AS MAY BE AUTHORIZED BY SB 873 **was PULLED.** Commissioner Ingalsbe advised that this will be coming back to the court.

**Court was adjourned.**

**MINUTES APPROVED IN OPEN COURT ON THE 3<sup>RD</sup> DAY OF SEPTEMBER, 2002**

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

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

