



STATE OF TEXAS 0  
 COUNTY OF HAYS 0

ON THIS THE 21<sup>st</sup> DAY OF MAY 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 Carter led the Court in the Pledge of Allegiance to the Flags.

**PUBLIC COMMENTS**

Brandi Keith spoke of Little Arkansas Road – she has been physically landlocked from Wimberley for 7 months. She spoke of locked gate that landlocks her property and she asked the court what they are going to do about this problem. County Clerk Lee Carlisle advised Mrs. Keith that court members cannot answer questions under public comments.

**PRESENTATION BY TCDRS (TEXAS COUNTY & DISTRICT RETIREMENT SYSTEM) ON FUNDING OF THE COUNTY'S RETIREMENT PLAN**

Chuck Waters (Texas County & District Retirement System) provided information regarding the county's current retirement plan and options for the Year 2003. He went through the various plans: Present Plan, Plan 1, and Plan 2. He spoke of employer contribution rate which will drop from 8.86% to 8.82% if the county stays with its current plan. Options: 20 year retirement option (.18% increase in employer rate) and the partial lump-sum distribution option (.22% increase in employer rate). Cost of living options are also available (currently have 60% COLA) – an alternative way is a flat-rate percentage increase. Mr. Waters stated that Hays County has a healthy plan. He spoke of Plan 1 and Plan 2 alternative levels of benefits (one is an increase and one is a decrease).

**Clerk's Note: Agenda Item #2 Re:** Proclamation making Chief Bob Jesen an Honorary Citizen of Hays County was pulled. No discussion and no action.

**20281 APPROVE THE COMMISSIONERS' COURT MINUTES OF MAY 14, 2002**

A motion by Commissioner Molenaar, seconded by Commissioner Carter to approve the Commissioners' Court Minutes of May 14, 2002 as presented by the County Clerk. All voting "Aye".

**20282 APPROVE PAYMENT OF COUNTY INVOICES**

A motion by Commissioner Molenaar, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$343,857.89 as presented by the County Auditor. All voting "Aye".

TDHCA Funds	\$ 2,072.63	Auditor's Office	\$ 622.11	Treasurer's Office	\$ 192.01
Extension Office	\$ 899.63	Grants Admin Office	\$ 71.37	Juv Probation Office	\$ 1,373.74
Transfer Station	\$ 1,146.20	Building Mtc. Dept.	\$ 6,691.26	Environ Health	\$ 415.20
Civic Center	\$ 1,025.22	Countywide Oper	\$ 21,801.53	Tax A/C Office	\$ 1,604.71
District Clerk's Office	\$ 570.32	Sheriff's Office	\$ 17,841.11	Jail Operations	\$ 63,472.41
Human Resources	\$ 405.70	County Court at Law 1	\$ 527.00	District Attorneys Ofc	\$ 1,026.13
J.P. 1-1	\$ 171.50	J.P. 1-2	\$ 138.00	J.P. 2	\$ 164.00
J.P. 4	\$ 145.00	J.P. 5	\$ 19.95	DPS	\$ 1,638.17
Constable 1	\$ 262.50	Constable 2	\$ 9.04	Constable 3	\$ 216.30
Constable 4	\$ 24.97	Constable 5	\$ 133.69	District Court Oper	\$ 8,399.95
Co & JP Court Oper	\$ 1,381.22	Precinct 1	\$ 150.00	Precinct 4	\$ 77.00
Computer Services	\$ 601.02	Co Court at Law 2	\$ 260.00	DPS/License & Wgts	\$ 191.44
Fire Marshal/EMC	\$ 885.98	Assoc. Judge/Fam Law	\$ 13.03	Special Counsel Ofc	\$ 484.00
Comm Court Expenses	\$ 340.50	CJD/VOCA Grant	\$ 235.00	Waste Task Force Grnt	\$ 62.85
Juvenile Acct Grant	\$ 1,645.86	<b>General Fund Credit</b>	<b>&lt;\$107.30&gt;</b>	R&B Operations	\$ 99,998.63
Right of Way	\$ 4,500.00	<b>R&amp;B General Credit</b>	<b>&lt;\$4.92&gt;</b>	Hays Co Parks Fund	\$ 22,244.81
Rec Mng/Co Clerk	\$ 1,738.50	Health Svcs Grants	\$ 4,691.19	Juvenile Center	\$ 2,580.14
Sheriff Spec Projs Fund	\$ 307.65	Courthouse Security	\$ 127.95	Sheriffs Drug Forf Fund	\$ 180.97
Family Health Svcs	\$ 9,852.84	Tobacco Settlement	\$ 47,756.18	Road Construct S.2001	\$ 10,582.00



**20283 APPROVE BUDGET AMENDMENT 02-24**

A motion by Commissioner Molenaar, seconded by Commissioner Carter to approve Budget Amendment No. 02-24 as proposed by the County Auditor. All voting "Aye".

				AMENDMENT NO. <u>2002-24</u> FY 2002 BUDGET 05-21-02
FUND NO. <u>01</u> FUND TITLE <u>GENERAL FUND</u>				
LINE ITEM - EXPENDITURES	APPROPRIATION BEFORE <u>AMENDMENT</u>	<u>AMENDMENT</u> INCREASES DECREASES	APPROPRIATION AS <u>AMENDED</u>	
<b><u>INDIGENT CARE (408):</u></b>				
01-408-5431 Medical Services	200,000	(300)	199,700	
<b><u>DEPARTMENT OF PUBLIC SAFETY-LICENSE &amp; WEIGHTS (470):</u></b>				
01-470-5391 Other	1,975	(700)	1,275	
<b><u>SPECIAL COUNSEL (605):</u></b>				
01-605-5101 FICA/RET	15,044	<u>(385)</u> <u>(1,385)</u>	14,659	
<b><u>COMPUTER SERVICES (456):</u></b>				
01-456-5712 Data Proc Equipment	131,027	<u>1,385</u>		
<i>Transfer for replacement printers from Indigent Health and Special Counsel; for air card for lap-top from DPS/License &amp; Weights to Computer Services</i>				
<b><u>ASSOCIATE JUDGE/FAMILY LAW (492):</u></b>				
01-492-5712 Data Proc Equipment	-0-	390	390	
01-492-5211 Office Supply	750	(190)	560	
01-492-5305 Trial Expense	600	(100)	500	
01-492-5331 Con Ed	300	<u>(100)</u>	200	
		<u>390</u> <u>(390)</u>		
<i>Authorize and transfer for copier/fax/printer machine for Commissioners' courtroom and for use by Family Law Court</i>				
<b><u>JUVENILE PROBATION (405):</u></b>				
01-405-5713 Vehicle	20,950	(1,108)	19,842	
<b><u>SHERIFF'S OFFICE (418):</u></b>				
01-418-5713 Vehicle	442,000	(16,762)	425,238	
<b><u>DISTRICT ATTORNEY (423):</u></b>				
01-423-5713 Vehicle	21,500	(1,809)	19,691	
<b><u>CONSTABLE 1 (431):</u></b>				
01-431-5713 Vehicle	22,000	(1,463)	20,537	
<b><u>CONSTABLE 3 (433):</u></b>				
01-433-5713 Vehicle	22,000	(1,914)	20,086	
<b><u>CONSTABLE 4 (434):</u></b>				
01-434-5713 Vehicle	22,000	(2,857)	19,143	
<b><u>FIRE MARSHAL (472):</u></b>				
01-472-5713 Vehicle	25,500	<u>(1,318)</u> <u>(27,231)</u>	24,182	
<b><u>DISTRICT COURT (436):</u></b>				
01-436-5305 Pre-Trial/Trial	55,285	<u>27,231</u>	82,516	
<i>Transfer for Indigent trial expenses from savings of various vehicles</i>				

**20284 APPROVE UTILITY PERMITS #01579 & #01580**

A motion by Commissioner Molenaar, seconded by Commissioner Carter to approve Utility Permit #01579 on CR233/McCarty Lane issued to Grande Communications and Utility Permit #01580 on Crosscreek Road issued to Hill Country Water Supply Corp. All voting "Aye".

**20285 APPROVE THE APPOINTMENT OF MATT MANCILLAS III AS DEPUTY CONSTABLE, PCT 4, EFFECTIVE MAY 21, 2002 PURSUANT TO LOCAL GOVERNMENT CODE 86.011**

A motion by Commissioner Molenaar, seconded by Commissioner Carter to approve the appointment of Matt Mancillas III as Deputy Constable Pct. 4 effective May 21, 2002 pursuant to Local Government Code 86.011. All voting "Aye".



**20286 APPROVE PLACEMENT OF YVONNE HERNANDEZ, SANITARIAN IN ENVIRONMENTAL HEALTH, AT GRADE 28 STEP 2 AS AUTHORIZED BY HER PREVIOUS EXPERIENCE**

Environmental Health Director Allen Walther advised that Yvonne Hernandez is a registered sanitarian and has public health experience – she is actually qualified for a higher step than being requested (6 years total experience in environmental health and has been a registered sanitarian for 4 years). A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve placement of Yvonne Hernandez, Sanitarian in Environmental Health, at Grade 28 Step 2 as authorized by her previous experience - effective May 14, 2002. All voting "Aye".

**Clerk's Note: Agenda Item #9 RE:** MOUNTAIN VIEW ESTATES [PCT. 3 #-02-3-023] \* PRELIMINARY PLAT AND AGREEMENT BETWEEN HAYS COUNTY, TEXAS AND DON GRAMMER was PULLED. **No discussion – no action.**

**20287 LEDGEROCK ACRES [PCT. 3 #02-3-034] \* APPROVE FINAL PLAT [T1-427]**

This is a one lot subdivision (Lot 1 Block A = 5.03 acres) located on Ledgerock Road in Precinct 3. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. Ledgerock Subdivision is an unrecorded subdivision, therefore, no public notification is required. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat of "Ledgerock Acres". All voting "Aye".

**20288 DOUBLE "A" SUBDIVISION [PCT. 4 #02-4-035] APPROVE PRELIMINARY PLAT [T1-434]**

Teena Augustino proposes to subdivide a 14.28 acre tract into four lots - this subdivision is located on CR190/Creek Road in Precinct 4. Environmental Health Director Allen Walther gave staff recommendation for preliminary plat approval for "Double A" Subdivision. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plat of Double "A" Subdivision. All voting "Aye".

**20289 ROACH SUBDIVISION [PCT. 4 #02-4-033] \* APPROVE FINAL PLAT [T1-444]**

This is a 2 lot subdivision located on CR101/Fitzhugh Road. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Roach Subdivision". All voting "Aye".

**20290 BELTERRA SUBDIVISION [PCT. 4 #02-4-006] \* APPROVE PHASED DEVELOPMENT AGREEMENT [T1-453]**

Environmental Health Director Allen Walther advised that this is a large long-term development – terms need to be established so the court will know how it will transpire – a schedule was presented. He requested court approval of the agreement with the understanding that there may be revisions which will come back to the court. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Phased Development Agreement for "Belterra Subdivision". All voting "Aye".

**RE: Belterra Subdivision  
Development Phasing**

This letter is to inform you of our desire to develop the Belterra Subdivision and provide you with a tentative schedule for development phasing. Please understand the schedule is entirely subject to the real estate market demand and economy, and therefore subject to change. Belterra is a 1,600 acre master planned community with residential, commercial, office, and multi-family components. The development is subject to a Development Agreement between MAK Foster Ranch, LP and the City of Dripping Springs having been approved by the City council in April 2001.

Attached herewith is Conceptual Lotting Plan E# which depicts the neighborhood clusters. The neighborhood colors represent different lot width products providing and mix of home type products and affordability levels. Please understand that lot sizes may vary with market conditions. The neighborhood clusters may be developed entirely, or broken into smaller phased sections in order to be flexible with market conditions. With this in mind, the attached table and concept plan are our best guesstimate of a development schedule.

The attached development schedule is intended to provide a systematic plan for the development and construction of necessary utility and roadway infrastructure for the proposed development. The master plan will allow thoughtful and high-quality planning and development in an orderly manner to protect the health, safety and welfare of its present and future citizens, protect property values and provide growth of the County's tax base.

Clerk's note: See schedule and concept plan in resolution file



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**20291 CALL FOR A PUBLIC HEARING TO RAISE SPEED LIMIT ON LIME KILN AND HILLIARD ROADS [T1-501]**

A public hearing is being called to consider raising the speed limit from San Marcos city limits on Lime Kiln to Hilliard and from Lime Kiln to Valley View West on Hilliard from 40MPH to 45MPH. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to call for a public hearing on June 4, 2002 to increase the speed limit on Lime Kiln and Hilliard Roads. All voting "Aye".

**20292 CALL FOR A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS ON PURSLEY ROAD AT CR 198 AND MT. GAINOR ROAD AT CR 220 [T1-513]**

A public hearing is being called to consider replacing a Yield sign with a Stop sign on Pursley Road at CR198 and on Mt. Gainor Road at CR220. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett, to call for a public hearing on June 4, 2002 to establish traffic regulations on Pursley Road at CR198 and Mt. Gainer Road at CR220. All voting "Aye".

**DISCUSSION REGARDING POTENTIAL REPLACEMENT FACILITIES FOR THE HAYS COUNTY JUSTICE CENTER [T1-531]**

Environmental Health Director Allen Walther spoke of two buildings at the LEC/Law Enforcement Center that are not being used at this time (24X60) – we could purchase additional portable buildings and we have to look carefully at what we are taking out of the building. He will be getting cost estimates regarding removal of equipment and furniture without mold contamination - 4 offices have been set up at the Annex to immediately move some people out. Commissioner Ingalsbe spoke in regards to moving offices out to the LEC which would be a good location as far as computer services. Sheriff Don Montague suggested moving the Fire Marshal out to the LEC which would free up space at the Annex. Allen Walther advised that hepa filters (6) have been installed and additional ones will be purchased.

**20293 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO TEXAS HISTORICAL COMMISSION FOR THE HAYS COUNTY HISTORICAL COMMISSION FOR UP TO \$7,320 AND TO EXECUTE CONTRACTS [T1-652]**

Grants Administrator Richard Salmon explained the grant: This is a grant application by Hays County to the Texas Historical Commission for up to \$7,320 . The grant will benefit the Hays County Historical Commission to (1) develop a preservation plan for transportation and (2) to continue national register nominations countywide. Hays County provides \$5,500 annually to the Hays County Historical Commission to be used as matching funds towards this grant request. No administration funds are provided by this grant. HCHC Chair Kate Johnson spoke of need to identify, designate and preserve historic roadways. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a grant application to the Texas Historical Commissioner for the Hays County Historical Commission for up to \$7,320 and to execute contracts. All voting "Aye".

**20294 AUTHORIZE CONSTABLE LUPE CRUZ TO PURCHASE AND ENTER INTO AN AGREEMENT WITH NEXTEL PHONE SERVICE [T1-697]**

Commissioner Ingalsbe spoke of request from Constable Cruz for Nextel phone service – there is money in his budget to cover expenses. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize Constable Lupe Cruz to purchase and enter into an agreement with Nextel Phone Service. All voting "Aye".

**20295 RENEW PROFESSIONAL SERVICE AGREEMENT BETWEEN HAYS COUNTY AND SUNDAY AND ASSOCIATES, INC. WHICH EXPIRES ON JUNE 21, 2002 [T1-765]**

Sunday & Associates Inc. provides professional services to assist the county with the procurement, implementation, reporting and claims management of health and dental insurance for its employees. This company also assists in resolving claims and/or customer service issues and maintains a vision to the future for cost effective products and/or services as may be necessary and appropriate. Commissioner Ingalsbe stated that the insurance committee recommends renewal of the agreement. Human Resources Director Luis Gonzales advised that the fees have not increased. On page 2 of the contract, a change is needed from Aetna to Cigna. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to renew professional service agreement between Hays County and Sunday & Associates Inc. with correction made on page 2 as requested. All voting "Aye".



**20296 ACTION REGARDING INTERVIEW OF ARCHITECTURAL FIRMS FOR PLANNING AND DESIGN OF THE HAYS COUNTY OFFICE COMPLEX [T1-805]**

Commissioner Ingalsbe advised that the building committee met and they want the court to be part of the interview process. She asked the court how many firms they would like to interview – 23 proposals were received and the committee has selected 5 for interviews. Commissioner Burnett spoke of need to interview as quickly as possible. Road Dept. Eng/Supv. Jerry Borcharding spoke of hiring someone to put together a master plan (needs assessment/site development plan) and cost estimates. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to interview the top five firms submitting proposals for planning and design of the Hays County Office Complex. All voting “Aye”.

**20297 APPROVE CREATION OF A SERGEANT POSITION FOR THE LAW ENFORCEMENT RAPID RESPONSE TRAINING CENTER A/K/A ALERRT, PENDING FUNDING FROM THE STATE [T1-947]**

Sheriff Montague spoke of school shootings that have taken place – he spoke of sending SWAT team officers to training – after 9/11 we are now dealing with terrorist situations. Sheriff Montague spoke of teaming up with SWTSU to develop a training center that will focus on stopping active violence. Chief Steve Griffith (SMPD) gave a power point presentation regarding the center. It will be a national center aimed at training police officers to effectively respond to terrorism and violent crimes in progress. Construction is expected to begin in June – the facility will be built on a 196 acre tract at Gary Job Corps, adjacent to the San Marcos Municipal Airport. The ALERRT Center is a partnership of Southwest Texas State University, the City of San Marcos Police Department, the Hays County Sheriff's Office, Gary Job Corps, Prairie View A&M University, the Texas School Safety Center, the Texas Tactical Police Officers Association and Wackenhutt Corrections Corp. Initial funding for the center came from a \$485,000 grant from the U.S. Department of Justice - ALERRT Center organizers are currently seeking an additional \$500,000 in grants to complete first-year funding for the project. The center is planned as a state-of-the-art national police training program and facility to offer low-cost tactical police training. They will be actively seeking additional grant funding for a 3-year period. After that, they expect the training center to become self-sufficient through fee-based training courses and funded research projects. Sheriff Montague asked the court to approve a Sgt. position, pending funding from the State (would include support equipment - vehicle, etc.) SWTSU will be handling the grant funding. He spoke of regional training that will take place for small departments. Chief Griffith spoke of cost for training. Commissioner Burnett commended local law enforcement efforts. A motion was made by Judge Powers, seconded by Commissioner Molenaar to approve creation of a sergeant position for the Law Enforcement Rapid Response Training Center (AKA ALERRT) pending funding from the State. All voting “Aye”.

**20298 EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE. ACTION RELATED TO CAUSE NO. 2000-0688, HAYS COUNTY WATER PLANNING PARTNERSHIP V. HAYS COUNTY [T1-1248]**

The court convened into closed executives session pursuant to Sec. 551.071 of the Texas Government Code to receive a legal briefing and deliberate the following matter: (1) Cause No. 2000-0688 Hays County Water Planning Partnership v. Hays County. A motion was made by Judge Powers, seconded by Commissioner Molenaar to authorize outside legal counsel Jennifer Riggs to pursue an appeal of the court ruling in Cause No. 2000-0688, Hays County Planning Partnership v. Hays County, to authorize an expenditure of \$7500 to cover legal fees, and to encourage Jennifer Riggs to expedite the process as quickly as possible. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting “Aye”. Commissioner Carter voting “No”.

**Court was adjourned.**

**MINUTES APPROVED IN OPEN COURT ON THE 28<sup>TH</sup> DAY OF MAY, 2002**

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

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

