



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 13<sup>TH</sup> DAY OF JULY A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALEZ INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILLIAM "BILL" BURNETT	COMMISSIONER, PCT. 3
RUSS G. MOLENAAR	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

**PRESENTATION OF HAYS COUNTY SERVICE AWARDS**

Information Technology Director Jeff McGill presented a 15 year service pin to Virginia Sierra.

**21902 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 \$561,270.88 [July 6<sup>th</sup> run] and \$ 228,968.32 [July 13<sup>th</sup> run] as presented by the County Auditor. All voting "Aye".

**21903 APPROVE BUDGET AMENDMENT NO. 04-25**

The following budgets are being amended: Treasurer – transfer \$200 from cont ed & \$300 from equip lease into office supply line item. Election Administration – transfer \$1,500 from other election expense into printing line item. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Amendment No. 04-25 as proposed by the County Auditor. All voting "Aye".

**21904 APPROVE UTILITY PERMITS #1712 & #1713**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Utility Permit #1712 on CR133/Hillside Terrace Drive issued to Goforth Water Supply Corp. and #1713 on CR160/Harris Hill Road issued to Maxwell Water Supply Corp. All voting "Aye".

**21905 AUTHORIZE THE PURCHASE OF A TYPEWRITER FOR JP 1-2**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize purchase of a Typewriter for Justice of the Peace Pct. 1 Place 2 as requested. All voting "Aye".

**21906 APPROVE RENEWAL OF INTERLOCAL AGREEMENT WITH THE CAPITAL AREA PLANNING COUNCIL REGARDING THE PUBLIC SERVICE ANSWERING POINTS MAINTENANCE, EQUIPMENT, UPGRADE AND TRAINING AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAME**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve renewal of interlocal agreement with the Capital Area Planning Council regarding the Public Service Answering Points Maintenance, Equipment, Upgrade and Training and authorize the County Judge to execute same. All voting "Aye".

**21907 APPROVE RENEWAL OF INTERLOCAL AGREEMENT WITH THE CAPITAL AREA PLANNING COUNCIL REGARDING THE ENHANCED 9-1-1 DATABASE PROGRAM AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAME**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve renewal of Interlocal Agreement with the Capital Area Planning Council regarding the Enhanced 9-1-1 Database Program and authorize the County Judge to execute same. All voting "Aye".

**21908 APPROVE SPECIFICATIONS FOR "ANNUAL BRUSH CUTTING AND OTHER SERVICES" FOR THE ROAD DEPARTMENT AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve specifications for "Annual Brush Cutting and Other Services" for the Road Department and authorize Purchasing to solicit for bid and advertise. All voting "Aye".



**21909 APPROVE SPECIFICATIONS FOR "ANNUAL AUDIT OF HAYS COUNTY" RFP #2004-PO1 AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR REQUEST FOR PROPOSAL AND ADVERTISE**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve specifications for "Annual Audit of Hays County" RFP#2004-P01 and authorize Purchasing Agent to solicit for request for proposal and advertise. All voting "Aye".

**21910 APPROVE RENEWAL OF BID #2003-BO6 FOR "FURNISH AND INSTALL GUARDRAILS" WITH ROADWAY SPECIALTIES, INC. FOR ONE (1) ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve renewal of Bid #2003-B06 for "Furnish and Install Guardrails" with Roadway Specialties Inc. for one (1) addition year as provided in the original contact. All voting "Aye".

**Clerk's Note: Agenda Item #11 RE APPROVE RENEWAL LEASE AGREEMENT WITH LYNX PROPERTY SERVICES FOR THE LEASE OF OFFICE SPACE FOR THE HAYS COUNTY ADULT PROBATION DEPARTMENT AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAME was PULLED - NO DISCUSSION AND NO ACTION.**

**21911 ACCEPT INTERNAL EXAMINATION REPORT FOR ELECTIONS ADMINISTRATION OFFICE**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to accept Internal Examination Report for Elections Administration Office. All voting "Aye".

**21912 APPROVE BUDGET CALENDAR FOR FY 2005**

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Calendar for FY2005. All voting "Aye".

**21913 TRACTOR SUPPLY COMPANY SUBDIVISION [PCT. 4 #03-4-014, 2 LOTS] \* FINAL PLAT APPROVAL [T1-40]**

Curtis Wilson (resides on Peabody Place which adjoins this subdivision) spoke in opposition to this subdivision. The intersection of SH290 and Peabody Place is a life safety issue and he asked that a deed restriction be placed on the subdivision to prevent access from this property unto Peabody Place. He also feels like development will create a flooding situation. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. Commissioner Carter spoke of need to make sure that all elements are correct – she spoke of drainage and driveway issues that need to be addressed. Allen Walther advised that meetings have been held – drainage calculations have been reviewed by staff and we feel like that issue has been addressed and the owner makes a declaration on the plat as to ownership. Road Supt/Engineer Jerry Borcharding spoke of review of drainage issues. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "Tractor Supply Company Subdivision". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".**

**21914 WHITE WINGS SUBDIVISION LOT A2 [PCT. 4] \* RELEASE OF EASEMENTS [T1-305]**

Environmental Health Director Allen Walther advised that this property adjoins an airplane runway and a correction is needed to release easements on Lot A2 – he gave staff recommendation for approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to release easements on White Wings Subdivision Lot A2 as requested. All voting "Aye".**

**21915 PUBLIC HEARING AND ACTION TO ESTABLISH 20 MPH SPEED LIMIT IN KINGSWOOD SUBDIVISION [T1-338]**

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to establish a 20MPH speed limit in the Kingswood Subdivision. All voting "Aye".**

**21916 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS IN SAWYER RANCH SECTION 1 SUBDIVISION [T1-383]**

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding recommended the following traffic regulations be established: 3-Way STOP signs at intersections of Tom Sawyer Road & Steamboat Crossing, Tom Sawyer Road & Thatchers Court, Tom Sawyer Road & Old Mill Road, and a 4-Way STOP at Becky's Way & Huck Finn Trail. He submitted a drawing for the record. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to establish traffic regulations – STOP signs – in Sawyer Ranch Section 1 Subdivision as recommended by the County Road Department. All voting "Aye".**



**21917      DECLARE AN EMERGENCY AND AMEND THE BUDGET (2004-24-A) FOR INCREASED FUEL COSTS OF VARIOUS OFFICES FROM RESERVES** [T1-437]

County Auditor Bill Herzog spoke of not knowing what fuel cost would be when preparing the budget and departments are running out of or getting close to running out of funds. Commissioner Carter spoke of county vehicles being taken home outside of the county by employees and she suggested not allowing employees to take county vehicles home. Commissioner Molenaar felt like the Sheriff's personnel is exempt from this policy. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to declare an emergency and amend the FY2004 budget in the amount of \$90,078 from Reserve Funds to cover increased fuel costs of various offices. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

**21918      AUTHORIZE THE COUNTY JUDGE TO EXECUTE ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR FRONTAGE ROAD IMPROVEMENTS AND ON-SYSTEM BRIDGE REPLACEMENT ON INTERSTATE HIGHWAY 35 FROM NORTH OF LOOP 4 SOUTH TO FM 2001** [T1-537]

Warren Ketteman, Buda Economic Development Director, spoke of this being related to the Cabela's Project – frontage road will be widened to 3 lanes and the overpass will be a 6 lane roadway. Commissioner Burnett spoke of change order provision under Section 11c which protects the county from increased cost and Section 13 states that acquisition of right of way is the responsibility of the State – county funds will be used for construction and not for ROW. **A motion was made by Judge Powers, seconded by Commissioner Carter to authorize the County Judge to execute Advance Funding Agreement with the Texas Department of transportation for frontage road improvements and on-system bridge replacement on Interstate Highway 35 from North of Loop 4 south to FM2001. All voting "Aye".**

**21919      AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL ECONOMIC DEVELOPMENT AGREEMENT WITH DUPRE LOCAL GOVERNMENT CORPORATION (RELATING TO CABELA'S INC.)** [T1-675]

Warren Ketteman and Carol Columbo appeared regarding this item. This document was previously considered by the court on June 29<sup>th</sup> and is back with corrections requested by the court. The revisions include a clarification that the County's 4.5 million dollar cap is a present value calculation, a revision to remove the termination for cause provision since the obligations to make payments would not be effected in the event of such termination, a revision of the name of Cabela's to reflect the contemplated assignment of the Development Agreement, removal of the Public Participation Amount since County's contribution has been contemplated only to go to the payment of Bonds which will be used for road improvements and allowing the County to use a sub-account rather than a new account for the Sales Tax Fund. **A motion was made by Judge Powers, seconded by Commissioner Carter to authorize the County Judge to execute an Interlocal Economic Development Agreement with Dupre Local Government Corporation (relating to Cabela's Inc.). All voting "Aye".**

**Clerk's Note: Agenda Item #21 RE: APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 2 TO WORK AUTHORIZATION NO. 16 - HAYS COUNTY/TC&B/LAN (ROW ACQUISITION SERVICE) was PULLED. NO DISCUSSION AND NO ACTION TAKEN.**

**21920      APPROVE RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE CAPITAL AREA PLANNING COUNCIL FOR UP TO \$42,000 TO ESTABLISH BAILING OPERATIONS AT THE CITIZENS COLLECTION STATION AND THE TRANSFER STATION** [T1-717]

Resource Management Director Jerry Pinnix explained the request: the \$42,000 grant from CAPCO will be used to construct two 25X40 foot sheds, one at the Citizen's Collection Station near Dripping Springs and the other at the Transfer Station in Wimberley. The covered sheds will provide a location to install and operate vertical balers received as donations from HEB in the fall of 2003. Hays County will provide no cash match, but will instead provide in-kind match equal to the value of existing recycling facilities. The construction of these sheds and the installation of vertical balers will allow the county to shift from selling in bulk to selling baled products. Primary items to be baled will be cardboard, aluminum cans and plastics. The county will no longer accept glass because there is no market to sell to and it will reduce the county's recycling hauling costs. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Resolution authorizing the County Judge to submit a Grant application to the Capital Area Planning Council for up to \$42,000 to establish bailing operations at the Citizens Collection Station and the Transfer Station. All voting "Aye".**

**EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE ONGOING NEGOTIATIONS BETWEEN HAYS COUNTY AND STATE STREET GLOBAL MARKETS, LLC REGARDING THE HAYS COUNTY JUVENILE DETENTION FACILITY** [T1-770]

Court convened into executive session at 10:05 a.m. and reconvened into open meeting at 11:30 a.m. Judge Powers advised that no action will be taken.



**21921 ADOPT MEDICAL AND DENTAL BENEFITS FOR PLAN YEAR 2005 [T1-775]**

Burke Sunday (Sunday and Associates Inc) spoke of medical claims dropping in the month of June – we are starting to achieve a greater level of positive surplus. He provided financial information regarding the current year plan and proposed renewal offer. There was an 8% increase in fixed costs. Recommends increasing office visit co-pay from \$20 to \$25 for primary care and \$30 for specialist care and increase emergency room treatment from \$100 to \$150. Another recommended change is to increase specific stop loss from \$125,000 to \$150,000 and go from a super size network to a regular size network. There is no additional cost for premiums to the employees and minimal increase in cost to the county per employee. Mr. Sunday spoke of Disease Management Programs (Diabetes & Cardiac Disease Management) – employees are identified by the claims system and makes the employee and Doctor more aware and interactive in treatment and creates a savings in medical expenses. He also spoke of GASB 34 in 2007 - you must account for implied subsidy and liability for retiree coverage. Commissioner Carter suggested a higher emergency room co-pay (\$200), keep the super size network of physicians, and reconsider the \$100 premium paid by retirees. Recommendations of the Insurance Committee are as follows:

Medical Plan

Change Office Visit Co-pay to \$25 per visit for a primary care physician & \$30 per visit for specialist  
 Increase the Co-pay for Emergency Room treatment/care to \$150 per visit from \$100 per visit  
 Change the preferred provider network to the *Open Access Plus* from the current *Open Access*  
 Increase the Individual Specific Stop Loss coverage to \$150,000 per participant from \$125,000  
 Adopt *The CIGNA Healthcare Well Aware Program for Better Health*  
 Make NO CHANGES to the monthly cost the County charges employees to carry their dependents  
     \$237.18 spouse \$173.80 child(ren) \$421.26 family  
 Increase the County's contribution to the medical plan to \$440 per employee per mo from current \$400

Dental Plan

Increase cost the County charges employees per month to carry their dependent(s) for dental coverage  
 DPPO: \$44 spouse \$39 children \$71 family DHMO: \$21.50 spouse \$23.08 children \$34.82 family  
 Increase the County's contribution to the dental plan to \$19.50 per employee per mo from current \$16.88

**A motion was made by Judge Powers, seconded by Commissioner Ingalsbe to adopt the Medical and Dental Benefits Plan for Year 2005 as recommended by the Insurance Committee. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

**Court was ADJOURNED.**

**I, LEE CARLISLE, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on JULY 13, 2004.**



**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO  
 CLERK OF THE COMMISSIONERS' COURT OF  
 HAYS COUNTY, TEXAS**

