



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 10th DAY OF AUGUST 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
LEE CARLISLE	COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

PRESENTATION OF HAYS COUNTY SERVICE AWARDS

County Clerk Lee Carlisle presented a five year service pin to Linda Duran.

INTRODUCTION OF RECENTLY HIRED EMPLOYEES

District Attorney Office Administrator Carolyn Brown introduced new employees Benjamin Grijalva and Rhonda Nix. Environmental Health Director Allen Walther introduced new employee Cindy Gonzales (administrative technician).

21962 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$293,230.62 as presented by the County Auditor. All voting "Aye".

21963 APPROVE BUDGET AMENDMENT #04-27

Proposed budget amendments: Civic Center transfer \$1,500 from utilities to supplies (arena supplies) County-wide Operations transfer \$150,000 from communication equipment into autopsy/inquest (\$50,000), Self-insurance (\$50,000), & Juvenile Prob/juvenile detention (\$50,000) Commissioner 2 transfer \$247 from various line items into books line item Constable 4 transfer \$1,352 from various line items into vehicle maintenance line item Information Technology transfer \$8,000 from software maintenance into county-widemaintenance TEEX/CCP/CERT'04 Grant transfer \$20,810 from revenue into operating (\$20,204) and admin (\$606) Road & Bridge Operations transfer \$31,257 from auction sales revenue into roadway striping Family Health Services transfer \$9,860 from Personal Health contract services into various line item for family practice clinic. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 04-27 as proposed by the County Auditor. All voting "Aye".

21964 APPROVE UTILITY PERMITS

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Utility Permits #01718 on CR190/Creek Road issued to Pedernales Electric Coop. , #01719 on CR101/Fitzhugh Road issued to Pedernales Electric Coop., and #01720 on Valley View East issued to CenturyTel of San Marcos as submitted by the Road Department. All voting "Aye".

21965 APPROVE APPOINTMENT OF COMMISSIONER SUSIE CARTER TO THE CAPITAL AREA PLANNING COUNCIL GENERAL ASSEMBLY

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve appointment of Commissioner Susie Carter to the Capital Area Planning Council General Assembly. All voting "Aye".

21966 CYPRESS CREEK ACRES RESUBDIVISION OF LOT 18 [PCT. 3 #04-3-039, 2 LOTS] - PUBLIC HEARING AND FINAL PLAT APPROVAL [T1-75]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. He advised that there was one letter of concern and it has been addressed. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat of "Cypress Creek Acres Resubdivision of Lot 18". All voting "Aye".



21967 PATRICIA FALLS [PCT. 4 #04-4-052, 3 LOTS] –PRELIMINARY PLAN APPROVAL [T1-107]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plan for "Patricia Falls". All voting "Aye".

21968 ARROYO RANCH SECTION 2 – RELEASE OF MAINTENANCE FISCAL AND ACCEPT THE STREETS INTO THE COUNTY MAINTENANCE SYSTEM [T1-114]

Road Supt/Engineer Jerry Borcharding advised that inspections have been done and repairs have been made and he gave staff recommendation for release and acceptance. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to release maintenance fiscal security and accept streets in "Arroyo Ranch Section 2" into the county maintenance system. All voting "Aye".

21969 HEATHER HILLS [PCT. 4 #01-4-038] – CALL FOR PUBLIC HEARING ON AUGUST 24, 2004 FOR THE ESTABLISHMENT OF COMPREHENSIVE TRAFFIC REGULATIONS AND CONSIDER THE RELEASE OF THE MAINTENANCE FISCAL AND ACCEPT THE ROADS INTO THE COUNTY MAINTENANCE SYSTEM AT THE TIME OF PUBLIC HEARING [T1-130]

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to call for a public hearing on August 24, 2004 for the establishment of comprehensive traffic regulations, release of maintenance fiscal security and accept roads into the county maintenance system in "Heather Hills" subdivision. All voting "Aye".

21970 BELTERRA PHASE 2 SECTION 9A [PCT. 4 #03-4-043] –RELEASE OF CONSTRUCTION FISCAL AND ACCEPT MAINTENANCE FISCAL [T1-165]

Road Supt/Engineer Jerry Borcharding advised that construction is complete and maintenance fiscal has been submitted. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to release construction fiscal security and accept maintenance fiscal security for "Belterra Phase 2 Section 9A". All voting "Aye".

21971 APPROVE A NEW AND REVISED TAX ABATEMENT AGREEMENT WITH GENLYTE THOMAS GROUP LLC (WIDE-LITE) [T1-181]

Commissioner Ingalsbe spoke of 7 year tax abatement previously given by the court (Sept. 9, 2000). The economy had slowed the process and now they are ready to move forward building a new facility and are requesting a revised agreement. Joe Murphy (General Manager of Genlyte) advised that the City of San Marcos approved an 8 year agreement to allow additional time to meet their requirements. *Recap of the Project: Genlyte owns 38.5 acres located in the 1500-1600 blocks of Clovis Barker Road. They are building a new manufacturing facility approx. 225,000 sq. ft. at a cost of approx. \$18,500,000. The facility will be completed by December 31, 2005 and equipment installed by December 31, 2006. Genlyte will retain 164 full-time jobs and create 105 NEW full-time jobs by April 30, 2006. The abatement will not include any inventory, materials, or other personal property other than equipment, nor any increase in the value of the property (after construction of the facility).* A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve a new and revised Tax Abatement Agreement with Genlyte Thomas Group LLC (Wide-Lite). All voting "Aye".

DISCUSSION REGARDING PURCHASE OF AN ORECK ORBITER MULTI-PURPOSE FLOOR MACHINE FOR THE JUSTICE CENTER [T1-251]

Commissioner Ingalsbe spoke of request from County Court at Law to purchase a floor machine so that the ladies at the Justice Center won't have to get on their hands and knees to scrub floors. Maintenance Supervisor. Ron Knott spoke of this unit being a household type unit and he has requested, in the upcoming budget, a high speed floor machine. No Action.

21972 AUTHORIZE CONSTRUCTION OF A PRIVACY FENCE AT THE HEALTH DEPARTMENT ON BROADWAY ST. IN SAN MARCOS [T1-327]

Commissioner Ingalsbe advised that a privacy fence should have been constructed on one side and the backside of the Health Dept. shortly after construction was completed. We have received complaints from neighbors about noise coming from the 4 air conditioning units and the generator. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize construction of a privacy fence at the Health Department on Broadway Street in San Marcos. All voting "Aye".



21973 APPROVE REVISED UTILITY ADJUSTMENT AGREEMENTS WITH MCI (MCCARTY LANE) AND COUNTY LINE W.S.C. (HEIDENREICH LANE) FOR THE HAYS COUNTY ROAD BOND PROGRAM [T1-380]

Maen Hourani, TC&B Sr. Project Manager, spoke of changes requested by the utility companies (move away from lump sum cost and go with actual cost). MCI rejected the clause related to 10% reduction if work is not done **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Revised Utility Adjustment Agreements with MCI (McCarty Lane) and County Line W.S.C. (Heidenreich Lane) for the Hays County Road Bond Program. All voting "Aye".**

21974 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. 19 – HAYS COUNTY/TC&B/LAI (WIMBERLEY BYPASS) [T1-427]

Commissioner Burnett explained the work authorization - engineer services to include environmental services (jurisdictional waters assessment, endangered species act section 7 consultation, golden-cheeked warbler mitigation resources review and GIS analysis), surveying services (additional design survey at RR12 intersection), Project management and coordination, and construction phase services. Road Supt/Engineer Jerry Borcharding advised that approval is needed before the project can move forward. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to 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. 19 – Hays County/TC&B/LAI (Wimberley ByPass). Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

21975 AUTHORIZE COUNTY JUDGE TO SUBMIT PRELIMINARY GRANT APPLICATION RENEWAL TO THE TEXAS DEPARTMENT OF HEALTH FOR FY 2005 BIOTERRORISM GRANT FOR \$183,247.00 AND ACCEPT EXTENSION ON FY2004 WORK PLAN UNTIL 2005 GRANTS ARE APPROVED BY TDH [T1-481]

Gay Helmly, Personal Health Director, advised that this is an extension of the existing plan – this is separate from law enforcement preparedness. She explained the application and read a letter from the State. Gay Helmly spoke of travel and amount of training required – we cannot do these services blindly without the education. **A motion was made by Judge Powers, seconded by Commissioner Burnett to authorize the County Judge to submit preliminary grant application renewal to the Texas Department of Health for FY2005 Bioterrorism Grant for \$183,247.00 and accept extension on FY2004 Work Plan until 2005 grants are approved by TDH. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

DISCUSSION OF THE ATTORNEY GENERAL'S OPINION #GA-0223 [T1-837]

Commissioner Carter spoke of receipt of Attorney General's Opinion #GA-0223 RE: *Whether a condominium development is a subdivision subject to county regulations under Local Government Code chapter 232* and she recommended employing Karen Watkins and Phillip Schmandt to review and revise Hays County Subdivision and Wastewater Rules. Commissioner Molenaar advised that it confirmed what we already thought to be and it is already in our subdivision rules. Commissioner Carter spoke of water availability rules. Commissioner Molenaar was not in support of having attorneys revise our subdivision rules. He spoke of a TAC book recommending Hays County Subdivision Rules to other counties.

PRESENTATION BY THE FACILITIES COMMITTEE CONCERNING FACILITY/SPACE NEEDS FOR HAYS COUNTY OFFICES [T1-1098]

Commissioner Burnett was not present at this time. Commissioner Ingalsbe spoke of court discussing office space needs back in March. She spoke of the facility/space needs committee work that has been done. A power point presentation was given. Information Technology Director Jeff McGill spoke of committee analyzing the county buildings in San Marcos. Abel Velasquez, County Safety Officer, spoke of safety issues at the buildings and inadequate work space. Jeff McGill spoke of parking at the county buildings being inadequate. He also showed pictures inside the Justice Center, etc. showing inadequate space on court days. Justice Center - District Clerk Cecelia Adair spoke of need for access to her records (10 yr window in which cases must be easily accessible). She spoke of inadequate restroom facilities and she spoke of population increase creates increase in cases being filed. District Judge Gary Steele spoke of back up in civil cases – he is trying civil cases that date back to 1997 and he spoke of need for more district judges. Jody Ginn, District Attorney Chief Investigator, read a letter of support from District Attorney Mike Wenk for a new county facility. Cecelia Adair spoke of need for all the county offices to be in one building. Judge CCL Howard Warner spoke of inadequate parking at the justice center and he spoke of the justice center being a temporary solution when it was renovated in 1995. J.P. 1-2 Margie Hernandez spoke of inadequate space and crowded conditions – storage space is very inadequate. Jeff McGill spoke of being over capacity in his air conditioned space for equipment and having to use the telephone room which is not air conditioned. He spoke of serious security situations in the back hall when prisoners are being transferred to court.



Courthouse Annex – Jeff McGill spoke of public access area where tax roll books are kept and there is inadequate space for storage and safety concerns. Adult Probation – Lynda Turley spoke of their office being in a strip mall behind the university which houses a bar and other inappropriate businesses – she spoke of inadequate parking and storage – the county is paying \$84,000 for lease of this space. Office cubicles are separated using file cabinets. Juvenile Probation Office – Ed Cooper spoke of having 3 officers in one office – they have no room for growth. Environmental Health Building - Environmental Health Director Allen Walther spoke of inadequate office space – people are having to share offices and no place to meet with developers and the public. He spoke of it being inconvenient for the public to have to go from one office to another (EH office to county clerk and sometimes to the tax office). Elections Office – Joyce Cowan spoke of need for storage space - she does not have space to store the new equipment (which is more cumbersome than the current equipment) and she needs space for training purposes. Jeff McGill spoke of how much space will be needed for the new voting equipment and the need for security and climate control for storage. Records Building - Linda Fritsche spoke of the second floor being a fire hazard which is a concern for the permanent records being stored there. Cecelia Adair spoke of population projections from 2005 – 2014 (68% growth per year). She spoke of possibility of dedicating funds from civil cases to help pay for expense of building courts (new fee created by legislature) – could generate \$50,000 per year (\$15 per civil case) from this fee. Commissioner Ingalsbe spoke of possible revenue sources: sale of buildings (\$3-3.5 million), adult probation office lease (\$100,800 per year), parking lot at annex lease (\$4740 per year), savings in utilities (\$15,000 per year), data lines (\$35,000 per yr), computer equipment (\$65,000 in dedicated servers), and A/C maintenance/repairs/upgrades (\$15,000 per yr). She spoke of projected annual savings of \$185,540.00 per year (rent, data lines, utilities, maintenance, etc.). Commissioner Ingalsbe spoke of having a one-stop facility for county residents (taxes, courts, records, jury duty, etc.), increase in staff efficiency (less travel for employees between locations, records in same location as courts, consolidated network for computer systems) and shared resources. The County Fire Marshal and City Fire Marshal inspected the county buildings. County Fire Marshal Mark Chambers advised that he will supply reports of the inspections (Annex, Records Bldg, Justice Center) – he spoke of number of people in the justice center at one time with only one exit – inadequate egress – another problem at the building is the fire sprinkler system which is in violation of life safety code and the air conditioners (using halls as return air which is in violation of life safety code). Commissioner Ingalsbe advised that the facility committee recommends that a new county facility be addressed during the FY2005 budget process – the need is immediate – committee recommends funding through certificates of obligation. [T2-132] County Auditor Bill Herzog spoke of lease/purchase option would be difficult which leaves General Obligation & Certificate of Obligation Bonds which are meant for immediate needs like this – the interest rate on bonds will continue to increase. Commissioner Molenaar spoke of rate of growth. Commissioner Ingalsbe spoke of it being time to address these needs. She spoke of survey that was passed out to citizens and came back with a majority indicating poor conditions. Judge Powers spoke of not being ready to make a decision at this time. Bill Herzog advised that \$30 million would increase taxes 2 cents, however, this could be divided out over the next two years (\$15 million per year). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to instruct Auditor to include in the proposed budget, funding for a new government building Motions withdrawn.**

21976 PRESENTATION OF THE COUNTY JUDGE'S PROPOSED FY2005 HAYS COUNTY BUDGET AND ACTION TO SET FUTURE BUDGET WORKSHOP DATES AND TIMES

[T2-401] Judge Powers presented his proposed FY2005 Hays County Budget. Commissioner Carter left the meeting at this time. **Budget highlights:** Valuations increased from \$6,219,522,602 to \$6,775,176,010 – an increase of \$555,653,408 which includes new improvements of \$484,054,830. The current tax rate is 44.61¢, effective tax rate is 43.58¢, and the proposed tax rate is 46.30¢. The proposed tax rate represents a 1.69¢ increase in the current tax rate and an increase over the effective tax rate of 2.72¢ of which 1.0¢ is for new debt for voter approved road bonds. 1¢ of tax rate in FY2004 generated \$590,855 and 1¢ of tax rate in FY2005 will generate \$643,642. Taxes generated this year FY2004 = \$26,323,209 and taxes generated new year FY2005 = \$29,763,638. Included in the FY2005 budget are: 4% for merit increases as determined by department heads; health insurance increases for reserves of approximately \$300,000 (10%); \$243,000 for housing Hays County adult prisoners out of county; 16 new positions (effective 4/1/05); requires a use of General Fund Reserves of \$346,359 for TxDOT/Cabellas\ infrastructure improvements, election equipment lease payment and new scales for DPS; requires a use of Road & Bridge Reserves of \$236,494 for road equipment; and 4% salary increase for Elected Officials that have salaries set by Commissioners' Court. A proposed Budget Calendar was considered. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to have budget workshop on Monday August 16 @ 10a.m and Tuesday August 17th after Commissioners Court. All present voting "Aye".**

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 AUGUST 10, 2004.



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