



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 17th DAY OF AUGUST A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR 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 Molenaar led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENTS

Roger Kew appeared representing "The Friendship Alliance" – they are concerned about fiduciary responsibilities – he suggested that \$30 million may not even be enough to build a county office complex. The citizens would like to be involved in the project.

Charles O'Dell, Director of Hays CAN, spoke of higher taxes and increased spending – he urged the county to tighten its operating budget and spend more wisely.

21978 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 \$179,297.41 as presented by the County Auditor. All voting "Aye".

21979 APPROVE BUDGET AMENDMENT #04-28

Proposed budget amendments were as follows: Human Resources - \$500 transfer from telephone into books for TAC salary survey data Sheriffs Office & Jail Operations - \$103,925 transfer between various line items as needed Fire Marshal - \$900 transfer from continuing education into misc/emergency supplies Road & Bridge Operations - \$457,550 transfer for materials, road work & signs for bal of FY04 from personnel savings. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Amendment No. 04-28 as proposed by the County Auditor. All voting "Aye".

21980 AUTHORIZE THE COUNTY JUDGE TO ACCEPT A \$5,000 TOBACCO COMPLIANCE BLOCK GRANT FROM THE TEXAS COMPTROLLER'S OFFICE

The Texas Comptroller's Office is making block grants available to counties and cities to be used by local law enforcement agencies to enforce Subchapter H and N. Chapter 161 of the Texas Health and Safety Code. The goal is to reduce the extent to which cigarettes and tobacco products are sold or distributed to persons under the age of 18. Grant funds can be used for the following compliance activities: (1) on-site inspections of tobacco permitted retail outlets for the unlawful sale of products; (2) on-site inspections that may result in the issuance of citations; (3) compliance education for the community, retailers, and school children; (4) monthly/quarterly activity reports to the Texas Comptroller. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to accept a \$5,000.00 Tobacco Compliance Block Grant from the Texas Comptroller's Office. All voting "Aye".

21981 APPROVE REAPPOINTMENT OF CHARLES BLANKENSHIP TO THE HILL COUNTRY MHMR CENTER BOARD OF TRUSTEES FOR A TERM FROM SEPTEMBER 1, 2004 THROUGH AUGUST 31, 2006

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve reappointment of Charles Blankenship to the Hill Country MHMR Center Board of Trustees for a term from September 1, 2004 through August 31, 2006. All voting "Aye".

21982 ACCEPT INTERNAL EXAMINATION REPORTS FOR THE JUSTICE OF THE PEACE, PRECINCT 1, PLACE 2 OFFICE AND THE COUNTY CLERK

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to accept internal examination reports for the Justice of the Peace Precinct 1 Place 2 office and the County Clerk. All voting "Aye".



21983 AWARD OF BID #2004-B15 FOR BRUSH CUTTING AND OTHER SERVICES TO ASPLUNDH TREE EXPERT COMPANY

Purchasing received only one bid for brush cutting and other services. Other vendors were contacted as to why they did not bid and the responses were that they could not take on anymore work or they didn't feel they had the equipment to hand to job. Asplundh Tree Expert Co. has had our contract for the past 3 years and have performed a good job for the county, therefore, it is the recommendation of Purchasing and the Road Dept. to award the contract to Asplundh. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to award bid #2004-B15 for "brush cutting and other services" to Asplundh Tree Expert Company. All voting "Aye".**

Clerk's Note: Agenda Item #7 RE: GRANDE VISTA [PCT. 2 #04-2-050, 19 LOTS] – APPROVE PRELIMINARY PLAN was PULLED. No discussion and no action taken.

21984 RANCHO LADERA [PCT. 3 #04-3-036, 8 LOTS] – FINAL PLAT APPROVAL AND GRANT VARIANCE FROM MAXIMUM LENGTH OF SHARED ACCESS DRIVEWAY [T1-117]

Environmental Health Director Allen Walther advised that the shared access driveway slightly exceeds county standards and he gave staff recommendation for variance and final plat approval. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar To grant a variance form maximum length of shared access driveway and approve final plat of "Rancho Ladera". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

HIGHLANDS SECTION C RESUBDIVISION OF LOT 30 [PCT. 4 #04-4-043, 3 LOTS] – PUBLIC HEARING [T1-140]

Judge Powers declared the public hearing open. Elizabeth Baker (resident of the Highlands) spoke of paperwork she received when she bought her property that restricted lot size to 5 acre minimum. Subdivision Coordinator Jon Thompson read from the recorded restrictive covenants #5 allowing resubdivision into 2 or more smaller tracts. He advised that there have been other resubdivisions in this subdivision. Commissioner Carter felt like more research is needed regarding restrictive covenants. Commissioner Molenaar advised that other items need to be completed before final approval is given. The public hearing was closed. No action was taken at this time.

Clerk's Note: Agenda Item #10 RE: PATRICIA FALLS [PCT. 4 #04-4-052, 3 LOTS] – APPROVE FINAL PLAT was PULLED. This item was posted incorrectly as a resubdivision.

21985 BELTERRA PHASE 2 SECTION 2 [PCT. 4 #03-4-076] – RELEASE CONSTRUCTION FISCAL AND ACCEPT MAINTENANCE FISCAL [T1-277]

County Road Engineer Supt. Jerry Borchering gave staff recommendation for release and acceptance as requested. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to release construction fiscal security and accept maintenance fiscal for "Belterra Phase 2 Section 2". All voting "Aye".**

21986 ACCEPT BID ON PROPERTY HELD IN TRUST (DELINQUENT TAX PROPERTY)

[T1-288] County Tax Assessor-Collector Luanne Caraway spoke of property and bid received. This property consist of a mobile home which is in a serious state of disrepair – tax years in judgment date back to 1993. Both the City of San Marcos and San Marcos CISD have accepted the bid and she recommends acceptance by the county. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to accept bid of \$593.42 for personal property held in trust, consisting of a mobile home (Acct. #12-5200-1990-02801-3). All voting "Aye".**

21987 ESTABLISH A 501(C)(3) NON-PROFIT FOUNDATION FOR THE SOLE PURPOSE OF HOLDING LAND FOR HAYS COUNTY FOR FUTURE PARKS AND OPEN SPACE

[T1-343] Jim Green thanked the court for proceeding with a 501c3 non-profit foundation for park projects. Grants Administrator Richard Salmon spoke of purpose for this non-profit foundation for the sole purpose of holding land for future parks and open space – he spoke of grants received for Dudley Johnson Park – he spoke of lengthy period of time involved in the grant process. Jim Green invited everyone @ 10AM for dedication of Veters Parks at Dudley Johnson Park. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to establish a 501(c)3 Non-profit Foundation for the sole purpose of holding land for Hays County for future parks and open space. All voting "Aye".**



21988 APPROVE A RESOLUTION IN SUPPORT OF A PROPOSED REGENT CARE CENTER

[T1-508] Commissioner Ingalsbe spoke of proposed nursing home project and need for additional beds in Hays County. They are only asking for support of need. Gary Allen, Regent Care Services, spoke of nursing homes they own and operate – they are going to apply for a community needs waiver and a resolution of support is necessary. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve a resolution in support of a proposed Regent Care Center. All voting “Aye”.**

21989 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY RELATING TO THE FAILURE TO APPEAR PROGRAM WHICH ASSISTS COUNTIES IN COLLECTION OF VIOLATIONS [T1-623]

Deputy Constable Pct. 1 Clemente Verastegui spoke of difficulty in collection of fines and fees when defendants have moved out of Hays County – he spoke of program that would help them in collection. Charles Brothers, President of Omnibase Services of Texas, explained their FTA Program. There is no cost to participate but requires computers and staff to enter offenses and collection of \$30 FTA fee. Their database totals since program inception: total offenses entered = \$2,653,700 and total offense cleared = 1,436,567 with a clearance rate of 54.1%. The \$30 FTA fees is distributed as follows: \$20 to DPS \$6 to Omnibase \$4 to County. Constable Pct. 1 Lupe Cruz spoke of fees that were generated by adding his warrant officer and this service would provide even more funds. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Judge to execute an interlocal agreement with the Texas Department of Public Safety relating to the failure to appear program which assists counties in collection of violations. All voting “Aye”.**

21990 APPROVE RENEWAL CONTRACT BETWEEN HAYS COUNTY, TEXAS AND FIRST SOUTHWEST COMPANY FOR A TERM OF FIVE YEARS [T1-817]

Dan Wegmiller, First Southwest Company, gave an overview of the current contract – no changes. They are in the process of preparing paperwork to sell road bonds. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve renewal contract between Hays County and First Southwest Company for a term of five years from date of renewal. All voting “Aye”.**

Clerk’s Note: Agenda Item #17 RE: ACTION REGARDING FINANCING OPTIONS RELATING TO A HAYS COUNTY OFFICE COMPLEX was PULLED. No discussion and no action taken.

21991 HAYS COUNTY BUDGET WORKSHOP WITH ACTION ON PARTICULAR BUDGET LINE ITEMS MAY FOLLOW AS WELL AS POSSIBLE ADOPTION OF A PROPOSED BUDGET. FURTHER DISCUSSION AND ACTION MAY INCLUDE SETTING DATES AND TIMES OF FUTURE BUDGET WORKSHOPS [T1-864]

Commissioner Burnett was not present at beginning of this agenda item.

COUNTY RETIREES

Britany Richey spoke of Retiree Committee meeting that was held – they recommend no changes to the current retirement requirements, continue Unicare insurance as a supplement to Medicare for those retirees over 65 as a cheaper option, and cost of living increase of 2% to current retirees. County Auditor Bill Herzog spoke of having funds in the new budget (insurance line item) that could be used to fund the 2% increase = \$9,127.53 so it would not affect the tax rate. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to continue with the current retirement plan which offers supplemental insurance to Medicare And approve a COLA increase of 2%. Judge Powers and Commissioner Molenaar voting “Aye”. Commissioner Ingalsbe and Commissioner Carter abstained [Their fathers are county retirees] MOTION FAILED.**

Commissioner Burnett came back to the meeting during this item.

DISTRICT CLERK’S OFFICE

District Clerk Cecelia Adair spoke of request she made for grade changes. Human Resources Director Luis Gonzales felt like this change was made last year and budget needs to be updated. Cecelia Adair spoke of 2 new employees she requested that were reduced to one employee for ½ year (beginning April 1st). She spoke of continuing education (\$1,000) and records preservation (\$74,000 needed). County Auditor Bill Herzog advised that there is \$75,000.00 in the records preservation fund which has not been allocated to any department and can be utilized by various departments. He requested a plan that could be voted on by the court.

CONSTABLE PCT. 3

Constable Pct. 3 Ron Magill spoke of salaries for Constable – they are requesting parity equal to salary of Sheriff’s Sgt. He gave the history of salary increases given to the Sheriff’s Dept. and he spoke of responsibilities of Constables and asked why they were given less money than the lowest paid supervisors in the Sheriff’s Dept.

**PAWS**

Commissioner Carter asked about expenses going up – she is concerned that all communities get the same treatment – they should all be charged on the same system. Judge Powers spoke of fee based on population figures. County Auditor Bill Herzog advised that \$13,040 was collected from cities.

ROAD DEPARTMENT

Road Engineer Supt. Jerry Borcharding advised that he was given less money this year than last year (\$230,476 reduction). County Auditor Bill Herzog advised that last year he had an increase because of roll over funds and he does not have the same amount of roll over funds this year. Jerry Borcharding advised that he will still have a good year FY2005 with the amount of funds budgeted, however, he will have to make some adjustments in each precinct.

RETIREE BENEFITS

[T1-1836] A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to keep the current retirement requirements, continue to offer supplemental insurance to medicare, and provide a cost-of-living increase of 2% at a cost of \$9,127.53 to be taken out of overages in the insurance line item. Commissioner Molenaar, Commissioner Burnett, and Judge Powers voting "Aye". Commissioner Ingalsbe and Commissioner Carter abstained. Motion PASSED.

[T1-1877] County Auditor Bill Herzog gave an update of changes made so far.

HAYS COUNTY SOIL & WATER CONSERVATION DISTRICT

Commissioner Ingalsbe spoke of page 7 expenditures for Hays County SWCD#51 – she received info that the Upper SM Watershed District is maintaining the dams – she felt like we need more info from HCSWCD as to what they do. Commissioner Molenaar advised that he will have someone appear before the court next Monday.

Clerk's Note: Agenda Item #19 RE: EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE PAPALOTE HOMES V. HAYS COUNTY CAUSE NO. 0325 was PULLED.

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 17, 2004.



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

