



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 7th DAY OF SEPTEMBER 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 Burnett led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENTS

Jack Hugman appeared representing the San Marcos Chapter 2427 AARP - he spoke of Proposition 13 passed by the legislature which allows caps/freezes on the amount of taxes paid by senior citizens – he spoke of increase in the cost of living and difficulties being experienced by senior citizens. Commissioner Molenaar advised that the County Tax Assessor-Collector is preparing an agenda item for consideration.

Linda Anderson compared two developments in the Wimberley area – she spoke of her concerns regarding High Ridge Ranch and Cottonwood Road.

David Baker announced his opposition to the CAMPO Texas Toll Road Plan – he is opposed to making existing roads toll roads and he urged the court to vote against this. Commissioner Burnett stated that we need to urge the governor to fund roads.

22023 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$711,543.88 as presented by the County Auditor. All voting "Aye".

22024 APPROVE BUDGET AMENDMENT #04-31

The following budgets to be amended: County Judge \$500 transferred to telephone line item from dues & bonds (\$400) and cont ed (\$100) Commissioner 2 \$400 transferred from cont ed into offices supplies (\$200) and travel (\$200) Information Technology \$14,995 from various line items into countywide maint (\$8,660) and Software Pkgs (\$6,335) Human Resources \$200 transferred from employee recognition into travel (\$100) and offices supplies (\$100) R&B Operations/County Engineer \$740 transferred into office equip from staff (\$240) and office supplies (\$500) County-wide Operations \$1,216 transferred into Co Match to Eqpt & technology from law enforcement eqpt line items from Constable 1 (\$82), Constable 3 (\$161), Sheriff's Office (\$891) and Fire Marshal (\$82) DOJ/Technology '05 Grant \$12,984 transferred into law enf eqpt form revenue line items. A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 04-31 as proposed by the County Auditor. All voting "Aye".

22025 APPROVE UTILITY PERMIT #01726 (CR196/OLD PARK ROAD)

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve Utility Permit #01726 on CR196/Old Park Road issued to Verizon as submitted by the County Road Department. All voting "Aye".

22026 APPROVE SPECIFICATIONS FOR "UNIFORM SERVICES FOR HAYS COUNTY" BID #2004-B17 AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve specifications for "Uniform Services for Hays County" bid #2004-B17 and authorize Purchasing to solicit for bid and advertise. All voting "Aye".

22027 APPROVE SPECIFICATIONS FOR "HAYS COUNTY ROAD BOND PROGRAM, ROAD IMPROVEMENTS FOR HEIDENREICH LANE (CR152)" BID #2004-B19 AND AUTHORIZE PURCHASING TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve specifications for "Hays County Road Bond Program, Road Improvements for Heidenreich Lane (CR152)" Bid #2004-B19 and authorize Purchasing to solicit for bid and advertise. All voting "Aye".



22028 APPROVE REQUEST FOR PROPOSAL SPECIFICATIONS FOR PUBLIC SAFETY MESSAGE SWITCH AND THIN CLIENT SOFTWARE FOR THE HAYS COUNTY SHERIFF'S DEPT. AND AUTHORIZE PURCHASING TO SOLICIT FOR PROPOSAL AND ADVERTISE

Sheriff's Dept. Capt. Sam Williams spoke of federal copsmore technology grant received by the Sheriff's Dept. to purchase 43 laptops computers for placement in vehicles – they saved some money in purchase of the hardware and the grant is restrictive on what you can use the funds for - this software will allow the officers to run drivers license, vehicle information, etc. **A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve request for proposal specifications for public safety message switch and thin client software for the Hays County Sheriff's Dept. and authorize Purchasing to solicit for proposal and advertise. All voting "Aye".**

22029 APPROVE RENEWAL OF LEASE AGREEMENT BETWEEN DSISD FOR PRECINCT 4 OFFICES

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve renewal of lease agreement between Dripping Springs ISD and Hays County for Precinct 4 offices. All voting "Aye".

22030 ACCEPT A DONATION FROM THE HINKLE INSULATION AND DRYWALL CO., INC. OF A USED 3 TON A/C UNIT VALUED AT \$1,500.00 FOR USE AT THE HAYS COUNTY CIVIC CENTER

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to accept a donation from Hinkle Insulation & Drywall Co. Inc. for a used 3-ton air conditioner unit valued at \$1,500 for use at the Hays County Civic Center. All voting "Aye".

Clerk's Note: Agenda Item #9 RE: AWARD 2ND CONTRACT TO CLIFF CASKEY TO SUPERVISE DAY-TO-DAY OPERATIONS OF THE FINAL PHASE OF THE BLANCO RIVER CLEANUP PROJECT WAS PULLED. No discussion and No action.

22031 APPROVE RENEWAL OF THE AUTO THEFT TASK FORCE GRANT

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve renewal of the Auto Theft Task Force Grant. All voting "Aye".

Clerk's Note: Agenda Item #11 RE: [PCT. 3 #04-3-055, 2 LOTS] SKYLINE ACRES RESUBDIVISION OF LOT 10 * APPROVE FINAL PLAT was PULLED. No discussion and no action taken.

Clerk's Note: Agenda Item #12 RE: [PCT. 4 #04-4-043, 3 LOTS] THE HIGHLANDS SECTION C RESUBDIVISION OF LOT 30 * APPROVE FINAL PLAT was PULLED. No discussion and no action taken.

22032 CALL FOR A PUBLIC HEARING TO ESTABLISH TRAFFIC REGULATIONS (SET SPEED LIMIT) IN HILL COUNTRY RANCHES SUBDIVISION [T1-399]

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to call for a public hearing to be held on September 21, 2004 to consider establishing traffic regulations (speed limits) in Hill Country Ranches Subdivision. All voting "Aye".

22033 BELTERRA SUBDIVISION, MULTIPLE PHASES * PUBLIC HEARING AND ACTION TO ESTABLISH COMPREHENSIVE TRAFFIC REGULATIONS [T1-410]

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 action as proposed by the Road Department. Commissioner Molenaar advised that these signs are already in place but need to be established in order to enforce. **A motion was made by Commissioner Molenaar, Seconded by Commissioner Carter to establish comprehensive traffic regulations in the Belterra Subdivison as proposed by the County Road Department. All voting "Aye".**



Traffic regulations adopted are as follows:

BELTERRA PH 1 SEC 5A & 6A

STOP sign on Belterra Drive @ Trinity Hills Drive, on Belterra Drive @ Aspen Drive, on Palisade Drive @ Aspen Drive, on Monarch Lane @ Palisade Drive, on Eaton Lane @ Monarch Lane, on Eaton Lane @ Palisade Drive, on Brighton Lane @ Aspen Drive, on Granite Lane @ Aspen Drive, on Holly Court @ Brighton Lane and 30MPH Speed Limit on all streets in the subdivision.

BELTERRA PH 1 SEC 3A & 8

STOP sign on Belterra Drive @ Trinity Hills Drive, on Trinity Hills Drive @ Belterra Drive, on Lexington Drive @ Trinity Hills Drive, on Kensington Lane @ Lexington Drive, on Victoria Court @ Kensington Lane, on Stratton Court @ Lexington Drive, on Bolton Drive @ Trinity Hills Drive, on Abbey Drive @ Bolton Drive, on Oxford Drive @ Bolton Drive, on Bolton Drive @ Abbey Drive, and 30MPH Speed Limit on all streets in the subdivision.

BELTERRA PH 2 SEC 3B

STOP sign on Lexington Drive @ Kensington Lane and on Dorset Lane @ Kensington Lane, and 30MPH Speed Limit on all streets in the subdivision.

BELTERRA PH 2 SEC 6B

STOP sign on Palisade Drive @ Trinity Hills Drive, on Monarch Lane @ Palisade Drive, on Serenity Court @ Monarch Lane, on Longmont Lane @ Monarch Lane, on Trinity Hills Drive @ Belterra, and a 30MPH speed limit on all streets in the subdivision.

BELTERRA PH 2 SEC 2

STOP sign on Canterbury Drive @ Trinity Hills Drive, on Kingston Way @ Canterbury Drive, on Kingston Way @ Manchester Lane, on Canterbury Drive @ Manchester Lane, on Dorset Lane @ Manchester Lane, a 30MPH speed limit on all streets in the subdivision and 15MPH speed limit on Manchester Lane @ curves.

BELTERRA PH 2 SEC 9A

STOP signs on Belterra Drive @ Abbott Drive, on Grafton Lane @ Abbott Drive, on Torrington Drive @ Abbott Drive, on Cork Lane @ Torrington Drive, on Cork Lane @ Grafton Lane, on Aberdeen Court @ Cork Lane, and 30MPH speed limit on all streets in the subdivision.

Clerk's Note: RE: Discussion with possible action to approve out-of-county vehicle use for the Code Enforcement Office = This item was in the agenda packets, however it was not on the official posted agenda. No discussion and No action taken.

22034 SHELTON RANCH ROAD * PUBLIC HEARING AND ACTION TO ESTABLISH COMPREHENSIVE TRAFFIC REGULATION (25MPH SPEED LIMIT) [T1-430]

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 establishment of 25MPH speed limit on Shelton Ranch Road. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to establish comprehensive traffic regulation of 25MPH speed limit on Shelton Ranch Road as proposed by the County Road Department. All voting "Aye".**

22035 AWARD AUDITING SERVICES TO HOLTMAN, WAGNER & COMPANY, LLP. AND AUTHORIZE THE COUNTY JUDGE TO NEGOTIATE A CONTRACT [T1-445]

Purchasing received 5 proposals for the annual audit. After evaluation of each firm and checking references it is the recommendation of Purchasing to award the contract to Wagner, Holtman & Company LLP, based on qualifications, experience, past performance and current workload. Contract will be brought back to the court after negotiation. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to award auditing services to Holtman, Wagner & Company, LLP and authorize the County Judge to negotiate a contract. All voting "Aye".**

22036 APPROVE UTILITY ADJUSTMENT AGREEMENT (HC-BOND-04) WITH HAYS COUNTY AND PEDERNALES ELECTRIC COOPERATIVE, INC., AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE - HAYS COUNTY/TURNER, COLLIE & BRADEN/PEDERNALES ELECTRIC COOPERATIVE, INC. (UTILITY ADJUSTMENT AGREEMENT) [T1-458]

Environmental Health Director Allen Walther gave staff recommendation for approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve utility adjustment agreement (HC-Bond-04) with Hays County and Pedernales Electric Cooperative Inc. and authorize the County Judge to execute (Hays County/Turner, Collie & Braden/Pedernales Electric Cooperative Inc.). All voting "Aye".**



22037 ACTION REGARDING THE NURSE PRACTITIONER POSITION AT THE HAYS COUNTY HEALTH DEPARTMENT [T1-474]

Commissioner Ingalsbe advised that the salary for the Nurse Practitioner was never discussed by the court and they have received only one application and the salary being requested is \$55,000. Health Dept. Director Gay Helmly spoke of gathering information from Texas State University and other counties and the difficulty in obtaining comparable information. This position is a Grade 617 with a starting salary of \$46,417. The current Nurse Practitioner (OB/GYN speciality at the Clinic) is making \$53,943.72. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to set salary at \$53,943.72 with preferred qualification of minimum of 2 years experience. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".**

22038 ACTION TO MOVE THE POLLING LOCATION FOR PCT 447 FROM TRAVIS ELEMENTARY SCHOOL, SAN MARCOS, TX, TO THE SOUTH HAYS COUNTY FIRE STATION, 3300 HILLIARD ROAD, SAN MARCOS, TX [T1-720]

Elections Administrator Joyce Cowan recommended moving the polling location for Pct. 447 – will be a better facility for conducting the election. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve changing the polling location for Pct. 447 from Travis Elementary School (San Marcos, Texas) to the South Hays County Fire Station (3300 Hilliard Road, San Marcos). All voting "Aye".**

22039 ADOPT A RESOLUTION TO JOIN THE CITY OF SAN MARCOS FOR THE HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT ON OCTOBER 16, 2004

[T1-750] Resource Management Director Jerry Pinnix spoke in support of this event. \$6,000 is earmarked for this event. This is a countywide event that will be held at the San Marcos City Hall north parking lot. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to adopt a Resolution to join the City of San Marcos for the Household Hazardous Waste Collection Event on October 16, 2004. All voting "Aye".**

22040 PUBLIC HEARING ON A PROPOSAL TO INCREASE TOTAL TAX REVENUES FROM THE PROPERTIES ON THE TAX ROLL IN THE PRECEDING YEAR (10:00 AM). SET AND ANNOUNCE THE DATE, TIME, AND PLACE OF THE MEETING TO VOTE ON THE TAX RATE [T1-810]

Judge Powers declared the public hearing open. Joe Menard spoke of the energy plant that was built in Hays County and has now shut down – he spoke of high salaries being paid to Sheriff's Dept. Officers in Hays County. He spoke of increase in taxes, utility bills and health costs and difficulty seniors are having. Sherri Bilson spoke of promise by the court last year not to increase the tax rate. Joe Schneider spoke in opposition to a tax increase – he spoke of increase in property appraisals - he also requested that the salaries of elected officials not be increased. Clint Frankmann spoke of yearly tax increases and annual increase in property appraisals. He spoke in opposition to salary increases. Commissioner Carter spoke of people being hard pressed. Commissioner Burnett spoke of residential growth not paying for itself – we need to promote proper commercial/Industrial growth (I35 corridor). **A motion was made by Judge Powers, seconded by Commissioner Molenaar To vote on the tax rate on September 21, 2004 at @ 10:00 a.m. in the Hays County Commissioners' Courtroom. All voting "Aye".**

22041 REQUEST THE DISTRICT ATTORNEY TO RETAIN A SPECIAL INVESTIGATOR TO INVESTIGATE POSSIBLE CRIMINAL VIOLATIONS ASSOCIATED WITH THE IMPROPER RELEASE OF PRIVILEGED EXECUTIVE SESSION INFORMATION

[T1-1056] Charles O'Dell (Hays CAN) spoke of general rule of closed executive sessions – they support an investigation. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to request the District Attorney to appoint a special investigator to look into leaked executive session information or other improper conduct by any county elected official or other individuals which may have violated the law and damaged the County's interest relating to the Heatherwood lawsuits. All voting "Aye".**

PUBLIC HEARING ON THE FY 2005 HAYS COUNTY BUDGET [T1-1219]

Judge Powers declared the public hearing open. Sherri Bilson spoke of county pay raises – she does not feel like the people who previously received a 10% increase should be considered for the 4% merit increase and elected officials should not receive an increase. Public hearing was closed.



22042 SET THE SALARIES AND ALLOWANCES FOR HAYS COUNTY ELECTED OFFICIALS FOR FY 2005 (FOLLOWING PUBLIC HEARING ON BUDGET) [T1-1263]

County Auditor Bill Herzog spoke of published notice only showing the increases in salaries – he provided a list of county elected officials salaries. Commissioner Burnett spoke of a 10 county survey of salaries (a Waters survey done for Texas Association of Counties). Commissioner Carter spoke of \$52,000 that could be saved by forgoing elected officials salary increases and she spoke of items that could be funded with this money. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to not increase salaries and allowances for Hays County Elected Officials for FY2005. Commissioner Ingalsbe, Commissioner Carter, Commissioner Burnett, and Judge Powers voting “Aye”. Commissioner Molenaar voting “No”. MOTION PASSED.**

22043 ADOPT THE FY 2005 HAYS COUNTY BUDGET AFTER MAKING ANY FINAL CHANGES (FOLLOWING PUBLIC HEARING ON BUDGET) [T1-1416]

Ruben Garza, Director of Southside Community Center, gave the court their appreciation for support of social services – more people outside of San Marcos are requesting assistance. County Auditor Bill Herzog went over proposed changes to the budget. Commissioner Carter spoke of reducing salaries that were approved several years ago in order to reduce the tax rate. Bill Herzog advised that a \$1.75 million reduction in the budget would bring us down to the effective tax rate – the raises from 2 years ago were \$1.4 million. Commissioner Molenaar spoke of reducing the budget by rolling back all salaries given two years ago (\$2.3 million). [T1-1635] **A motion was made by Commissioner Carter to take back the Waters pay raises given to county employees two years ago (apprx. \$1.5 million savings). MOTION DIED FOR LACK OF A SECOND.**

County Auditor Bill Herzog presented the following changes to the FY2005 Hays County Budget (Pg 1):

HAYS COUNTY BUDGET FY 2005 FINAL BUDGET CHANGES Fund 10 – Health Services Fund	
Department 465 – TB	
Staff Salaries	- 4,050
FICA/Retirement	- 664
Insurance	- 557
Supplies	+ 700
Travel	+ 1,000
Other Expense	+ 500
Contract Svcs	<u>+ 3,700</u>
	+ 629
Department 728 – Director of Nursing	
Staff Salaries	- 2,275
FICA/Retirement	- 379
Insurance	- 115
Department 708 – Immunization	
Staff Salaries	- 11,790
FICA/Retirement	- 1,951
Insurance	- 1,563
Supplies	+ 3,908
Travel	+ 1,000
Other	+ 142
	- 10,254
Department 737 – Bioterrorism	
Staff Salaries	+ 14,780
FICA/Retirement	+ 2,178
Insurance	+ 2,213
Misc/General Supplies	- 1,430
Travel	+ 5,041
Other Expense	- 30,016
Contract Svce	+ 12,000
Misc Equipment	<u>+ 7,628</u>
	+ 12,394
TOTAL FUND 10	-0-

[T1-1691] **A Motion was made by Commissioner Burnett, seconded by Judge Powers to approve Page 1 of the final budget changes to the FY2005 Hays County Budget. Commissioner Molenaar was not present for vote, Commissioner Carter voting “No”, Commissioner Burnett, Commissioner Ingalsbe and Judge Powers voting “Aye”. MOTION PASSED.**



HAYS COUNTY BUDGET	
FY 2005	
FINAL BUDGET CHANGES	
Fund 35 - Family Health Services Fund	
Department 612 - Family Clinic	
Staff Salaries (Nurse Practitioner)	+ 7,526.72
FICA/Retirement	+ 1,240.00
	+ 8,766.72
TOTAL FUND 35	+ 8,766.72
Fund 01 - General Fund	
Department 403 - Extension Office	
Fuel & Lubes	+ 300
Office Equip. Mtc.	- 300
	-0-
Department 420 - County Judge	
Longevity	- 300
Department 482 - District Court Reporters	
Membership Fees & Bonds	+ 198
Department Human Resources	
Salaries	- 2,434
FICA/Retirement	- 401
	- 2,835
TOTAL FUND 01	- 2,937
TOTAL ALL FUNDS	+ 5,829.72

PG 2

[T1-1752] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Burnett to approve Page 2 of the final budget changes to the FY2005 Hays County Budget and take savings from elected officials pay increase to cover shortages. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye", Commissioner Carter voting "No". **MOTION PASSED**

[T1-1786] A motion was made by Judge Powers to adopt the FY2005 Hays County Budget with final changes that have been made. **MOTION DIED FOR LACK OF A SECOND.**

[T1-1947] A motion was made by Commissioner Molenaar, seconded by Judge Powers to approve funding for new District Clerk personnel (Clerk = \$6,222) and new District Attorney personnel (Misd. Prosecutor = \$15,141) to begin on January 1, 2005. Commissioner Molenaar and Judge Powers voting "Aye", Commissioner Ingalsbe, Commissioner Carter, and Commissioner Burnett voting "No". **MOTION FAILED.**

[T1-2050] A motion was made by Commissioner Burnett to add \$7,600 to the Wimberley Community Center line item. **MOTION DIED FOR LACK OF SECOND**

[T1-2070] A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to adopt the FY2005 Hays County Budget with final changes that have been made. Commissioner Molenaar, Commissioner Burnett, and Judge Powers voting "Aye", Commissioner Ingalsbe voting "No". Commissioner Carter was not present for vote. **MOTION PASSED**

Clerk's Note: EXECUTIVE SESSION PURSUANT TO 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 **was PULLED - A special meeting will be held on Wednesday September 8, 2004 at 10:00 a.m.**

Clerk's Note: 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 SEPTEMBER 7, 2004.



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

