



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 21st 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
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

AND THE FOLLOWING MEMBER WAS ABSENT: COMMISSIONER PCT. 1 DEBBIE GONZALES INGALSBE; 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

Linda Anderson requested that the High Ridge Subdivision be vacated – she feels like it is in a non compliance state. Commissioner Burnett advised that there will be an agenda item once staff has the information needed.

22065 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 \$339,063.94 as presented by the County Auditor. All present voting "Aye".

22066 APPROVE UTILITY PERMIT #01729

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Utility Permit #01729 on Cross Creek Road issued to L.C.R.A. as submitted by the County Road Dept. All present voting "Aye".

22067 AWARD THE BID FOR "ROAD BUILDING MATERIALS" TO MULTIPLE VENDORS

Bids were submitted by Colorado Materials, TXI, Industrial Asphalt, Braun Tex Materials, Centex Materials, Koch Materials, Ergon Asphalt & Emulsions, Yarrington Road Materials, & Transit Mix. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to award the bid for "Road Building Materials" to multiple vendors. All present voting "Aye".

22068 APPROVE JUNE 2004 TREASURER'S REPORT AND INVESTMENT REPORT

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the June 2004 Treasurer's Report and Investment Report. All present voting "Aye".

22069 APPROVE RENEWAL OF CONTRACT FOR PRESCRIPTION & OTC DRUGS FOR THE HAYS COUNTY JAIL FOR ONE (1) ADDITIONAL YEAR WITH THORPE LANE PHARMACY AS PROVIDED IN THE ORIGINAL CONTRACT

Purchasing advised that the Jail is pleased with the performance of Thorpe Lane Pharmacy and wish to renew their contract. There will be an increase in the dispensing fee of .50 cents as provided for in the original contract (from \$2.35 to \$2.85). A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to renew the contract for prescription and OTC drugs for the Hays County Jail for one additional year with Thorpe Lane Pharmacy as provided in the original contract. All present voting "Aye".

22070 ACCEPT INTERNAL EXAMINATION REPORT FOR THE JUSTICE OF THE PEACE PRECINCT 5 OFFICE

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to accept internal examination report for the Justice of the Peace Pct. 5 office. All present voting "Aye".

22071 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION RENEWAL TO THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR THE 2005 PUBLIC HEALTH PREPAREDNESS (BIOTERRORISM) GRANT

The amount of the grant that has been allocated to Hays County for FY05 is \$183,247. The deadline for submission is September 30, 2004. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to submit a Grant Application Renewal to the Texas Department of State Health Services for the 2005 Public Health Preparedness Grant. All present voting "Aye".



22072 [PCT. 3 #04-3-061, 3 LOTS] **HILL COUNTRY ESTATES SECTION 2 RESUBDIVISION OF LOT 22 * APPROVE PRELIMINARY PLAN** [T1-92]

Environmental Health Director Allen Walther advised that these lots will be served by rainwater collection systems. He noted the access easement on the plat (supplemental easement allowing access from Hugo Road rather than RR12) and the existing water well on Lot 22A which will be plugged by the owner. Commissioner Carter suggested a plat note restricting Lots 22B & 22C to rain water collection only. Subdivision Coordinator Jon Thompson advised that these are commercial lots that fall under a different section of the subdivision rules and the commercial use for these lots are intended to be for environmentally friendly businesses. The rainwater collection system is not required, however, it is what the developer is proposing. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve preliminary plan of "Hill Country Estates Section 2 Resubdivision of Lot 22". Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

22073 [PCT. 3 #04-3-060] **KELLY'S COUNTRY VARIANCE REQUEST - GRANT A VARIANCE FROM HAYS COUNTY ROAD STANDARDS** [T1-294]

Charles O'Dell questioned this variance and asked for the reason for this request. Commissioner Burnett advised that Road Supt/Engineer Jerry Borchering is in support of this request. Subdivision Coordinator Jon Thompson advised that standards for a "country lane" has a cutoff of 10 lots and there are 12 lots in this subdivision - the issue pertains to curve radius - the topography of the land creates a problem with radius at curves for "local street" standards. Commissioner Burnett stated that he does not support variances unless there is a compelling reason and he feels like safety is the issue on this private dead-in road. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to grant a variance on roadway designation from a "local street" to a "country lane" in the Kelly's Country Subdivision. Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

22074 [PCT. 3 #01-4-038] **HILL COUNTRY RANCHES - PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (SPEED LIMIT)** [T1-455]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Dept. recommendation is for a 25 MPH speed limit on Plainview Road, Frio Lane, Rabbit Road, Lakeside Drive, Angostura Lane, Montell Road, and Buzzard High Road in Hill Country Ranches Subdivision. **A motion was made by Commissioner Burnett, seconded by Judge Powers to establish traffic regulation of 25MPH speed limit on roads in the "Hill Country Ranches" subdivision. All present voting "Aye".**

22075 **APPROVE PURCHASE OF SIGN TRUCK FOR THE ROAD DEPARTMENT** [T1-508]

This is a replacement vehicle for current unit. This vehicle will be purchased from state contract in the amount of \$34,553 - funds are available. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve purchase of a sign truck for the Road Department as per request. All present voting "Aye".**

22076 **APPROVE PURCHASE OF MODEL 1800 HYDRAULIC TRUCK CONVEYOR FOR THE ROAD DEPARTMENT** [T1-513]

This unit will side discharge base or cold mix/hot mix from the bed of a dump truck. As material is discharged a leveling devise uniformly distributes the material. A front bumper mounted roller is then used to compact the material. This unit will be used Countywide for edge/shoulder road repairs. The cost of the unit is \$15,064.50 and is a sole source through Lone Star Machinery Co. Funds are available. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve purchase of Model 1800 Hydraulic Truck Conveyor for the Road Department. All present voting "Aye".**

22077 **APPROVE CONTRACTS WITH DR. ANDERSON AND DR. SANTOS FOR MEDICAL OVERSIGHT OVER THE NURSE PRACTITIONER AT THE HEALTH DEPARTMENT**

[T1-520] Gay Helmly spoke of this being a part of the process to get a Nurse Practitioner in place at the Health Dept. The funds to pay for these services will come from Indigent Health Care. The agreed upon fee is \$100 per clinic and will be paid on a monthly basis. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve contracts with Dr. Anderson and Dr. Santos for medical oversight over the Nurse Practitioner at the Health Department. All present voting "Aye".**

22078 **SALARY GRIEVANCE COMMITTEE**

Special Counsel Jacqueline Cullom Murphy explained the reason for the selection of this 9 public member salary grievance committee pursuant to Local Government Code Chapter 152. Judge Powers randomly selected 18 names (9 members & 9 alternates) from the 2003 grand jury membership as required by law. The first 9 members selected were: Frank Deleon, Richard Giberson, Nicole Danielle Crow, Donald L. Bilson, Anna Marie Weaver, Nancy Eileen Trapp, Darrell Ross Potter, Pedro Rodriguez Jr., Linda Foley Clement - the 9 alternates were: Christy G. Moore, Michael Lee Long, Diana H. Rodriguez, Robert Cameron Ehlers, Julia Ferguson Fountain, Sharon Kay Pfluger, Paul Randall, Dana Kay Williams, and Jerry Clinton Langston.



22079 ADOPT AN ORDER SETTING THE TAX RATE FOR FY 2005 BUDGET AND LEVY TAXES [T1-614]

County Auditor Bill Herzog advised that the proposed tax rate is 46.30 cents. With the deduction of the elected officials salaries from the budget, the tax rate could be as low as 46.23 cents (.07 difference). Ralph Davis asked about difference between the FY2005 budget and FY2004 budget. Bill Herzog spoke of FY2005 budget being an approx \$1.5 increase over the FY2004 budget – increase includes road bond debt, new positions, etc. The breakdown for the 46.30 cents tax rate are as follows [all figures are in pennies per \$100 taxable property valuations]:

General Maintenance and Operations	32.25 cents
General Debt	6.95 cents
Road and Bridge M&O	<u>7.10 cents</u>
TOTAL AD VALOREM TAX RATE	
FOR FISCAL YEAR 2005	46.30 cents

A motion was made by Commissioner Burnett, seconded by Judge Powers to adopt an Order Setting The Tax Rate for Fiscal Year 2005 for Hays County at 46.30 cents [32.25 cents for general maintenance & operations, 6.95 cents for general debt, and 7.10 cents for road & bridge maintenance & operations]. Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting “Aye” Commissioner Carter voting “No”.

EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE DEPARTMENT HEAD EVALUATIONS

Court did not convene into closed executive session. [T1-740] Luis Gonzales provided members of the court with a pamphlet regarding employees appraisals (evaluations). Court discussed schedule for review and department head evaluations. No action was taken.

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 21, 2004.



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

