



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 23<sup>rd</sup> DAY OF AUGUST A.D., 2005, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
H. S. "SUSIE" CARTER	COMMISSIONER, PCT. 2
WILL CONLEY	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 and Commissioner Conley led the Court in the Pledge of Allegiance to the Flags.

**22807 ACCEPT RESIGNATION OF HAYS COUNTY SHERIFF DON MONTAGUE AND APPOINT SGT. ALLEN BRIDGES AS HAYS COUNTY SHERIFF PURSUANT TO SECTION 87.041 TEXAS LOCAL GOVERNMENT CODE EFFECTIVE AUGUST 31, 2005**

County Judge Jim Powers presented a plaque to Sheriff Montague in appreciation for his 18 years of service to Hays County. Sheriff Montague spoke of his beginning with Hays County and gave his appreciation to everyone. Commissioner Molenaar gave his appreciation to the Sheriff and others associated with the Sheriff's Dept. Commissioner Conley and Commissioner Ingalsbe thanked Sheriff Montague for his service to our community. Commissioner Carter also spoke. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to accept the resignation of Hays County Sheriff Don Montague and appoint Sgt. Allen Bridges as Hays County Sheriff pursuant to Section 87.041 Texas Local Government Code effective August 31, 2005. All voting "Aye".**

#### PUBLIC COMMENT

Commissioner Conley introduced his mother, aunt, fiancé, & grandparents (here from Shreveport) and thanked them for being here today.

Peter French (T1-159), President of Kyle Area Chamber of Commerce and Developer of the Plum Creek Community in Kyle, spoke of the Kohlers Crossing Bond Road Project. He stated that the City of Kyle has approved the interlocal agreement and requested that Commissioner Carter place this on the Commissioners Court agenda and she has chosen not to, therefore, he requested that some other member of the court proceed with the wishes of the Kyle City Council and place this on the agenda so that this project can move forward.

**22808 APPROVE BUDGET AMENDMENT # 05-38**

**A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment No. 05-38 as proposed by the County Auditor. All voting "Aye".**

**22809 APPROVE PAYMENT OF COUNTY INVOICES**

**A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$437,336.17 as presented by the County Auditor. All voting "Aye".**

**22810 APPROVE UTILITY PERMIT #01832**

**A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Utility Permit #01832 on CR200/Deer Creek Circle issued to Deer Creek Water Company as submitted by the Road Department All voting "Aye".**

**22811 AUTHORIZE THE COUNTY JUDGE TO ACCEPT GRANT APPLICATION FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, JAG GRANT PROGRAM FOR \$14,332.00 AND TO EXECUTE CONTRACT**

The purpose of this grant will be to purchase tasers as another non-lethal option to improve public safety. The Sheriff's office, Constables and District Attorney's office will utilize the funds. No administrative funds included in the grant and there is no match. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to accept Grant Application from the U. S. Department of Justice, Bureau of Justice Assistance, JAG Grant Program for \$14,332.00 and to execute a contract. All voting "Aye".**



- 22812 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR \$182,244 TO THE TEXAS DEPARTMENT OF HEALTH SERVICES FOR BIOTERRORISM ASSESSMENT AND PLANNING TO INCLUDE THE CREATION OF NEW POSITION (IF GRANT EXPIRES, THE POSITION WILL EXPIRE) AND EXECUTE CONTRACT**

The Texas Dept. of Health is providing grant funds to upgrade local health department's bio-terrorism preparedness and response to other outbreaks of infectious disease and other public health threats and emergencies for FY2005. Grant funds would be used to add one more staff member. No match required. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the County Judge to submit a grant application for \$182,244 to the Texas Department of Health Services for Bio Terrorism Assessment and Planning to include the creation of a new position (if grant expires, the position will expire) and to execute contract. All voting "Aye".**

- 22813 APPROVE RENEWAL OF CONTRACT FOR "BRUSH CUTTING AND OTHER SERVICES" FOR THE HAYS COUNTY ROAD DEPT. WITH ASPLUNDH TREE EXPERT FOR ONE ADDITIONAL YEAR AS PROVIDED IN THE ORIGINAL CONTRACT**

The Road Department recommends renewal of contract for one year – all terms and conditions remain unchanged and in full force and effect. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approval renewal of contract for "Brush Cutting and other Services" for the Hays County Road Department with Asplundh Tree Expert for one additional year as provided in the original contract. All voting "Aye".**

- 22814 APPROVE AWARD OF BID #2005-B10 WIMBERLEY BY-PASS TO RGM CONSTRUCTORS, LP IN THE AMOUNT OF \$2,992,823.05**

Purchasing received 4 bids and after tabulation and review it is the recommendation of Purchasing and TC&B to award the bid to low bidder RGM Construction. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve award of bid #2005-B10 Wimberley By-Pass to RGM Constructors LP in the amount of \$2,992,823.05. All voting "Aye".**

- 22815 APPROVE OUT-OF-STATE TRAVEL FOR JOHN HENRY CAVANAUGH AND JULIE SCHNEIDER OF THE HAYS COUNTY SHERIFF'S OFFICE JAIL MEDICAL UNIT**

Training is being provided by the National Commission on Correction Health Care and the Academy of Correctional Health Professionals and will provide the jail infirmary staff with valuable resources to combat the aggressively climbing costs of providing health care to the inmates. The cost of the program is minimal in comparison to this type of medical training being provided elsewhere. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve out-of-state travel for John Henry Cavanaugh and Julie Schneider of the Hays County Sheriff's office Jail Medical Unit. All voting "Aye".**

- 22816 AUTHORIZE THE PURCHASE OF 25 HEAVY-DUTY BODY BAGS FOR ALL HAYS COUNTY JUSTICE OF THE PEACE OFFICES**

Each unit cost less than \$30 – the mortuary charges the county \$150 per unit. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to authorize the purchase of 25 heavy-duty body bags for all Hays County Justice of the Peace Offices. All voting "Aye".**

**Clerk's Note: Agenda Item #10 RE: [PCT. 3 #04-3-076, 12 LOTS] CIELO RANCH – APPROVE FINAL PLAT AND ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS IN COUNTY R-0-W AND MAINTENANCE BOND was PULLED. No discussion and no action taken.**

- 22817 [PCT. 4 #05-4-059, 3 LOTS] REPLAT OF HARMON HILLS SECTION 1 LOT H-30 – PUBLIC HEARING AND APPROVE FINAL PLAT [T1-187]**

Judge Powers declared the public hearing open. Tommy Johnson asked for a moratorium for development in the subdivision. He spoke of commercial usage and tracts being divided into as many as 6 tracts. The restrictions for this subdivision state that "the tracts in this subdivision are set aside for single family dwelling units, and commercial usage shall not be permitted". Commissioner Molenaar spoke of property owners being able to file a suit regarding violation of restrictions. Commissioner Carter spoke of county subdivision rule which she feels applies. Environmental Health Director Allen Walther advised that the county does not have the authority to regulate land use. Special Counsel Jacqueline Cullom Murphy advised that we are not a party to the subdivision restrictions and cannot enforce them. Wendy Armstrong spoke of this being the only time they were notified of a resubdivision – they want direction on what they can do in situations like this. Commissioner Molenaar invited Mr. Johnson and Ms. Armstrong to come to his office and he will provide them with statutes that show what the court can and cannot do. Judge Powers closed the public hearing. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of "Replat of Harmon Hills Section 1 Lot H-30". Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**



**22818 PUBLIC HEARING AND ACTION TO ABANDON RIGHT OF WAY ALONG WHITE HAWK CIRCLE IN PRECINCT 4 [T1-459]**

Judge Powers called the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther spoke of appraisal that has been done and he recommends abandonment. Commissioner Molenaar spoke of property owner owning both sides of the road which ends in a culdesac at their home. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to abandon right-of-way along White Hawk Circle in Precinct 4. All voting "Aye".**

**22819 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (3 WAY STOP) IN MEADOW OAKS SUBDIVISION [T1-511]**

Judge Powers called the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for 3-Way Stop at the intersection of 2 county roads and 1 private road: Stop traffic on Morgan Hills Drive @ Meadow Lane, on Meadow Lane @ Morgan Hills Drive, and on Broken Lance Drive @ Meadow Lane. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to establish traffic regulations as recommended by the Road Department: a 3-way STOP at the intersection of county roads Meadows Lane and Morgan Hill Drive and private road Broken Lance Drive. All voting "Aye".**

**22820 CALL FOR A PUBLIC HEARING ON SEPTEMBER 6, 2005 TO CONSIDER ESTABLISHING TRAFFIC REGULATIONS (SPEED LIMIT) ON COTTONWOOD ROAD AND DAYS END ROAD [T1-525]**

**A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to call for a public hearing on September 6, 2005 to consider establishing traffic regulations (speed limit) on Cottonwood Road and Days End Road. All voting "Aye".**

**22821 APPROVE SUPPLEMENTAL WORK AUTHORIZATION #4 TO WORK AUTHORIZATION #3 FOR ADDITIONAL UTILITY, ENGINEERING, AND SURVEY WORK ALONG REDWOOD ROAD (HAYS COUNTY/TCB/URS) [T1-536]**

**A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Supplemental Work Authorization #4 to Work Authorization #3 for additional utility, engineering, and survey work along Redwood Road (Hays County/TCB/URS). All voting "Aye".**

**22822 APPROVE SUPPLEMENTAL WORK AUTHORIZATION #1 TO WORK AUTHORIZATION #23 FOR CONSTRUCTION PHASE SERVICES FOR NUTTY BROWN & THE WIMBERLEY BY-PASS (HAYS COUNTY/TCB) [T1-546]**

**A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Supplemental Work Authorization #1 to Work Authorization #23 for construction phase services for Nutty Brown & the Wimberley By-Pass (Hays County/TCB). Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

**22823 AUTHORIZE THE COUNTY JUDGE TO EXECUTE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM AGREEMENT WITH CATHOLIC, ARCHDIOCESE OF SAN ANTONIO, INC. [T1-560]**

Human Resources Director Luis Gonzales spoke of this being a federally funded program – Human Resources would be a training site. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to authorize the County Judge to execute Senior Community Service Employment Program Agreement with Catholic Archdiocese of San Antonio Inc. All voting "Aye".**

**22824 APPROVE REVISED BASE FLOOD ELEVATION REQUIREMENT ON LOT 214 RIVER MOUNTAIN RANCH SECTION II [T1-578]**

Environmental Health Director Allen Walther spoke of base elevations being placed on the recorded plat, however, map changes in 1998 reduced the base elevations by about 6-7 feet. A base flood elevation requirement of 759 feet is recommended. Allen Walther gave staff recommendation for approval of a lower base elevation. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve revised base flood elevation requirement on Lot 214 River Mountain Ranch Section II. All voting "Aye".**



**22825 EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE §551.071 AND § 551.072 TO MEET WITH LEGAL COUNSEL TO DISCUSS PROPERTY ACQUISITION RELATING TO THE HAYS COUNTY ROAD BOND PROGRAM AND SUBSEQUENT ACTION**

The Court convened into closed executive session at 10:10 a.m. and reconvened into open meeting at 10:20 A.M.

[T1-666] **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to declare a public need to make improvements to Posey Road and Redwood Road in Hays County and in order to make these improvements certain properties need to be acquired by the County, and furthermore the following parcels are needed for such improvements, including drainage and construction, and that the County and the owners have been unable to agree on compensation for the parcels and therefore the court should grant counsel for the county the authority to condemn these parcels: Parcels 4,5, and 7 on Posey Road owned by JOQ-San Marcos Ventures, LP; Parcels 8 and 8CE on Posey Road owned by James M. Sims III; and Parcel 12 on Redwood Road owned by Glenn Ray Pape. All voting "Aye".**

[T1-686] **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to declare a public need to make improvements to Sawyer Ranch Road in Hays County and in order to make these improvements certain properties need to be acquired by the County, and furthermore the following parcels are needed for such improvements, including drainage and construction, and that the County and the owners have been unable to agree on compensation for the parcels and therefore the court should grant counsel for the county the authority to condemn these parcels: Parcel 30 owned by Dr. Harold D. Lewis and Peggy Lewis, and Parcel 37 owned by Sawyer 290 Crossing Ltd. All voting "Aye".**

**HAYS COUNTY BUDGET WORKSHOP [T1-728]**

**HAYS COUNTY CRIME STOPPERS [T1-709]**

Roger Myers, Executive Director of Hays County Crime Stoppers, spoke in support of any funds available for crime stoppers.

**HUMAN RESOURCES [T1-768]**

Human Resources Director Luis Gonzales spoke of service award pins – had budgeted for service pins and retirement watches which was deleted from the budget. He advised that he can get service pins: 300 pins/minimum order = \$750.

**SALARY and POSITION CHANGES**

Human Resources Director Luis Gonzales presented a Salary Classification Package and he reminded the court that we have not had a reclassification since 2003. This recommendation exceeds budgeted funds by approximately \$45,000 + fringes. Compensation Analyst Shari Miller spoke of major market competitor being the City of San Marcos – we are very competitive in paying our employees. She is not recommending moving/making adjustment to our Salary Schedule. She presented documentation that compares county job positions with City of San Marcos job positions.

**Recommendations:**

Building Maintenance –re-grade Maintenance Coordinator and re-titling to Facilities & Construction Director (from grade 616 to 617). Because of added construction emphasize there are 2 employees in a lead capacity – recommending re-titling to Facilities Lead & Construction Lead (from grade 913 to 915) and to Facilities & Construction Worker (from grade 913 to 914).

Commissioner's support staff for the court – Re-grade and Re-title Executive Secretary I to Executive Assistant (from grade 914 to 916).

County Judge's Executive Assistant – Re-grade and Re-title to Special Assistant to the County Judge (from grade 916 to 918).

District Attorney's Chief Investigator and Investigators – re-grade Chief Investigator (from grade 322 to 323) and Investigators (from grade 321 to 322).

District Court – re-grade District Court Administrator (from grade 916 to 917) and Assistant Administrator (from grade 912 to 914).

Extension Office – re-grade and re-title Office Administrator to Administrative Coordinator (from grade 912 to 915) and re-title Clerical Assistant to Staff Assistant (from grade 911 to 914).

Health Dept. – re-grade Social Worker (from grade 915 to 916) and Clinical Manager (from grade 616 to 617).

Human Resource Dept. Re-grade and re-title Safety Specialist to Risk Manager (from grade 914 to 917) and Director of Human Resources (from 618 to 619).

Information Technology Dept. – re-grade Assistant IT Director (from grade 617 to 618), Network Engineer (from grade 615 To 617), and Internal Systems Specialist (from grade 615 to 617).

Juvenile Prob Dept. – recommending changing 2 Juvenile Probation Officers to Specialized Juvenile Probation Officer (from grade 916 to 917) and re-grading 1 Senior Juvenile Probation Officer (from grade 917 to 918) and changing 2 Juvenile Probation Officers to Senior Juvenile Probation Officer (from grade 916 to 918).

Law Library – re-grade Law Librarian part-time position (from grade 913 to 914).

Parks Dept. – re-title Parks Administrator to Parks Director and re-grade (from grade 916 to 917).

Road & Bridge Dept. – re-title Infrastructure Coordinator to Infrastructure Services Superintendent and re-grade (from grade 916 to 919), re-title Executive Assistant to Staff Assistant (from grade 916 to 914), Road Maintenance Worker Lead downgraded to Road Maintenance Worker (from grade 915 to 912), and Road Maintenance Worker Specialist downgraded to Road Maintenance Worker (from grade 913 to 912).



Sheriffs Dept. – re-grade 1 of the 14 Communications Operator to a Lead Communications position (from grade 916 to 917). And re-title Senior Building Maintenance to Building Maintenance Worker (no change in grade – title change only).

Tax Assessor/Collector –re-grade Tax Deputy II (from grade 912 to 914).

Victims Advocacy – requested that one Victims Advocate be raised to a Director – unable to substantiate the request

County Clerk Lee Carlisle spoke of feeling like he was left out of the loop on the upgrade process. He spoke of asking for a long time for re-grade of Linda Fritsche in his office. County Auditor Bill Herzog asked about Environmental Health Director and Engineering Director – City of San Marcos match for those positions makes \$77,000 and ours make \$69,371. He spoke of other positions such as Accountants. Luis Gonzales spoke of accountants that were compared in 2003 (Hays Co. Accountant / City Investor) and the City no longer has the investor position at the City. Commissioner Conley asked for county turnover rates. Environmental Health Director Allen Walther spoke of turnover for various reasons – he does not lose his employees to the city, but to the private sector. Luis Gonzales spoke of “internal worth” as a consideration for re-grading. Commissioner Carter spoke of requirements that need to be considered for positions being matched. Road Supt/Engineer Jerry Borcharding spoke of his employee considerations – he is trying to reduce numbers but feels like his dept. should get credit for that reduction – money should stay in his budget for those reductions. Chief Juvenile Probation Officer Ed Cooper spoke of comparing positions to City of San Marcos – his losses were to the Austin Police Dept. District Judge Charles Ramsay thanked the court for what has been given to the District Court – he feels like County Court at Law and District Court should be equal. Charles O'Dell spoke of need to look at turnover rate – all organizations have a natural turnover rate. [T1-2151] Commissioner Ingalsbe felt like we were suppose to look at market for all positions every other year and adjust the scale/schedule for all positions. Luis Gonzales spoke of using benchmarks for each grade (pay group). Judge Powers stated that we want to know only the turnover rate for county employees (broken down as retirees, terminations, & voluntary resignation). Commissioner Conley wants to know if we are losing employees that affect our services. He feels like “internal worth” is important. Allen Walther suggested sending out a memo to all department heads for input as to why they are losing their employees. Commissioner Molenaar wants overall percentages of employees leaving – one report before the Waters Study and another after and leave out juvenile detention facility employees altogether. Commissioner Ingalsbe requested this information as quickly as possible.

**Court agreed to schedule a budget workshop for Monday, August 29th at 10:00 a.m.**

Court was adjourned.

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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 23, 2005.




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

