



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 13TH DAY OF SEPTEMBER 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.

PUBLIC COMMENTS RE: NUTTY BROWN ROAD BOND PROJECT

Nick Burkhalter spoke of Nutty Brown Road Bond project appraisal that was done. He spoke of loss of value of his property and procedures that he followed in seeking a compromise. He does not feel it was a fair and equitable process. Karen Ford wanted the court to know about their experience – she feels like more was spent on not allowing them to get the money they wanted than the additional \$3500 they were requesting. She wants someone to look into this process. John Serur felt like there was no effort to negotiate. He spoke of hearing that was held and meeting he had with Mr. Hourani (TC&B) and he recommended that the court put into effect a review committee to look at the process.

22880 APPROVE BUDGET AMENDMENT # 05-41

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment No. 05-41 as proposed by the County Auditor. All voting "Aye".

22881 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$374,041.58 as presented by the County Auditor. All voting "Aye".

22882 APPROVE UTILITY PERMITS #01836-01838

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Utility Permit #01836 on Picasso Drive issued to Crystal Clear Water, #01837 on Cresthill Causeway issued to Monarch Utility, and #01838 on Summit Drive issued to Crystal Clear Water as submitted by the Road Department. All voting "Aye".

22883 APPROVE JULY 2005 TREASURER'S REPORT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve the July 2005 Treasurer's Report and Investment Report as submitted. All voting "Aye".

22884 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$70,000 VAWA GRANT FROM THE OFFICE OF THE GOVERNOR – CRIMINAL JUSTICE DIVISION AND TO REQUEST A MODIFICATION OF THE BUDGET

Federal law mandates the Violence Against Women Act. This grant will be used to pay the salary and benefits of one attorney and the VAWA program will increase from 2 staff members to 3 staff members. Matching funds will be budgeted in the District Attorney's office. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to accept \$70,000 VAWA Grant from the Office of the Governor–Criminal Justice Division and to request a modification of the budget. All voting "Aye".

22885 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$21,024 JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM GRANT FROM THE OFFICE OF THE GOVERNOR – CRIMINAL JUSTICE DIVISION AND TO EXECUTE CONTRACT

The goal of this grant is to provide mental health services to incarcerated juveniles who are not covered by private insurance or MHMR. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to accept \$21,024 Juvenile Justice and Delinquency Prevention Program Grant from the Office of the Governor – Criminal Justice Division and to execute the contract. All voting "Aye".



22886 [PCT. 4 #05-4-066, 112 LOTS] THE VINEYARD - GRANT A VARIANCE FROM THE HAYS COUNTY SUBDIVISION REGULATIONS (MINIMUM CENTERLINE RADIUS REQUIREMENT) AND APPROVE PRELIMINARY PLAN [T1-248]

Variance to the minimum centerline radius requirement is being requested because adherence to the regulations would move the entrance point on County Road 170 east which would reduce the sight distance in either direction. Environmental Health Director Allen Walther advised that a water availability report was provided and he spoke in support of variance request and gave staff recommendation for approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to grant a variance from the minimum centerline radius requirement of the Hays County Subdivision Regulations and approve the preliminary plan for "The Vineyard". All voting "Aye".**

22887 [PCT. 4 #05-4-060, 2 LOTS] ROLLING OAKS SECTION THREE RESUBDIVISION OF A 6.94 PORTION OF LOT 28 - APPROVE PRELIMINARY PLAN [T1-268]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for "Rolling Oaks Section 3 Resubdivision of 6.94 acres being a portion of Lot 28". All voting "Aye".**

22888 ACCEPT ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS IN COUNTY RIGHT-OF-WAY AND CALL FOR A PUBLIC HEARING ON SEPTEMBER 27, 2005 TO ESTABLISH TRAFFIC REGULATIONS FOR "MOUNTAIN VIEW ESTATES" SUBDIVISION [T1-280]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for acceptance of road construction and drainage improvements and call for a public hearing to consider traffic regulations (*15MPH speed limit on Currie Ranch Road and a Stop sign @ Days End Road*) for "Mountain View Estates". **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to accept the road construction and drainage improvements in county right-of-way for "Mountain View Estates" subdivision and call for a public hearing on September 27, 2005 to consider establishing traffic regulations. All voting "Aye".**

22889 CHANGE THE NAME OF A SEGMENT OF CHAPARRAL LANE TO "DEERFIELD ROAD" TO BE CONSISTENT WITH 911 ADDRESSING [T1-298]

Environmental Health Director Allen Walther spoke of this road being built in multiple segments and they want it to be consistent with 911. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to change the name of a segment of "Chaparral Lane" to "Deerfield Road" to be consistent with 911 addressing. All voting "Aye".**

22890 ACCEPT RESIGNATION OF HAYS COUNTY CONSTABLE PCT. 5, LEROY OPIELA AND APPOINT MATT MANCILLAS III, AS HIS REPLACEMENT EFFECTIVE OCTOBER 1, 2005 AS AUTHORIZED IN LOCAL GOVERNMENT CODE, § 87.041

[T1-314] Commissioner Carter requested that this item be postponed until she is more familiar with the recommended appointee – the majority of this precinct is in her precinct. Commissioner Molenaar advised that Leroy Opiela recommended the appointment of Matt Mancillas. Constable Opiela spoke of Matt's qualifications. Judge Powers spoke of normal procedure being that the person stepping down makes a recommendation for their replacement. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to accept the resignation of Leroy Opiela as Hays County Constable Pct. 5 and appoint Matt Mancillas III as his replacement effective October 1, 2005 as authorized in Local Government Code Section 87.041. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

22891 ACTION TO CONSIDER PROVIDERS AND AMOUNT OF COVERAGE FOR EMPLOYEE BASIC LIFE INSURANCE [T1-422]

Human Resources Compensation Analyst Shari Miller spoke of \$5,000 basic life insurance being provided through MetLife Insurance (current rate is \$1.25 per employee with renewal rate of \$1.35). A quote was requested for a \$10,000 policy and the lowest quote was from BCBS/Ft. Dearborn Life. Going from a \$5,000 policy to a \$10,000 policy would cost an additional \$8,190. County Auditor Bill Herzog advised that the additional funds are available in the budget. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to increase basic life insurance coverage for county employees from \$5,000 to \$10,000 with provider to be BCBS/Ft. Dearborn Life at the rate of \$2.30 per employee. All voting "Aye".**



22892 INSTRUCT THE PURCHASING DEPARTMENT TO AUCTION OR ACCEPT SEALED BIDS FOR THE SALE AND REMOVAL OF THE OLD PCT. 2 SHOP BUILDING LOCATED IN KYLE, TEXAS AND ALLOW THE FUNDS GENERATED BY THE SALE TO BE USED FOR ANTICIPATED ENVIRONMENTAL TESTING AND REMEDIATION OF THE SITE [T1-550]

Road Supt/Engineer Jerry Borcharding advised that this building is of little use to the Road Dept. at this time and needs to be demolished. A motion was made by Commissioner Carter, seconded by Commissioner Conley to instruct the Purchasing Department to auction or accept sealed bids for the sale and removal of the old Precinct 2 shop building located in Kyle, Texas and allow the funds generated by the sale to be used for anticipated environmental testing and remediation of the site. All voting "Aye".

22893 AUTHORIZE THE COUNTY JUDGE TO SIGN AN INTERLOCAL AGREEMENT WITH THE NORTH HAYS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1 FOR COLLECTION OF PROPERTY TAXES [T1-571]

The North Hays County Municipal Utility District No. 1 is requesting that Hays County collect their property taxes beginning with tax year 2005. Fees will be charged on a per parcel basis. A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize the County Judge to sign an interlocal agreement with the North Hays County Municipal Utility District No. 1 for collection of property taxes. All voting "Aye".

PUBLIC HEARING ON THE FY 2006 BUDGET [T1-660]

Judge Powers declared the public hearing open. Tax A/C Luanne Caraway spoke of position she needs during the tax season and the new positions are effective April 1st (after the tax season). She asked for this position to begin October 1st. County Auditor Bill Herzog advised it would cost \$15,571 – he suggested making it a part time position all year. Luanne Caraway spoke of difficulty in getting a person to work part-time. Nick Iccossipentarhos, Personal Health Director, spoke of part-time position in his department – this job is getting quite complicated and needs to be upgraded to an accountant/CPA instead of accounts payable clerk. The grants are getting more complex and difficult. Bill Herzog spoke of having 2 positions in place of 1 position at this time – \$27,000 is needed to keep Jennifer Smith at ¾ time (currently budgeted as a ½ time person for ½ a year). JP1-2 Margie Hernandez requested that the clerk position that was taken from her office be reinstated based on statistics she has presented. She spoke of number of cases filed on hot checks/issuance of bad checks and need for a person to process outstanding warrants. Commissioner Molenaar spoke of figures he received from the Office of Court Administration (to whom all courts report their figures monthly) – he gave figures for the other JP offices and the number of clerks they have in their offices. Judge Hernandez spoke of truancy and eviction cases in her office that requires multiple visits. Commissioner Conley spoke of comparing caseload with other JP offices. Judge Hernandez stated that she cannot continue providing the services she is now if she loses one of her employees. [T1-1497] Chief Deputy Sheriff Sam Williams spoke of needs to be re-addressed: (1) automated medical assistance system = \$20,000, and (2) security surveillance system = \$100,000 for complete implementation – they are requesting at least ½ of that amount to begin building the system. He spoke of request for laptops with docking stations to replace older desktops that are requiring continuous maintenance. IT Director Jeff Magill spoke of distributing the desktops in other areas throughout the Sheriffs Dept. (i.e. substations). Sam Williams explained why they want to replace desktops with laptops – they are mobile so the Detectives can take it with them on the road and it is a useful tool for crime scene investigations. Jeff Magill felt like this is a legitimate request. Request is for 14 laptops with docking stations = \$25,200. District Attorney Office Manager Carolyn Brown requested that the two new felony prosecutors be effective October 1, 2005. Tony Polarmo, Director of the Hays County CERT Team, thanked the court for their support. Judge Powers closed the public hearing.

22894 SET SALARIES AND ALLOWANCES FOR HAYS COUNTY ELECTED OFFICIALS FOR FY 2006 [T1-2126]

Sherry Bilson spoke of 4% salary increase for elected officials – her research on the internet indicates that the current salaries are at a good level. She feels like the increase of \$36,000 (plus fringe benefits) could be used in a better place in the budget. Commissioner Carter spoke of Texas Association of Counties information that shows what other elected officials are paid relevant to counties our size – we are paid very well and we could use this money for other purposes. Judge Powers spoke of not having a salary increase last year and he spoke of Constable salaries that were increased last year by a citizens committee. He spoke of keeping the tax rate down this year and he supports a salary increase this year. Commissioner Ingalsbe spoke of other elected officials receiving other allowances (travel allowance, etc.). Commissioner Conley spoke of lowering the tax rate and he feels like the elected officials are deserving of an increase. He also spoke of employees, departments, social services, etc. receiving increases and he is proud of what has been accomplished in this budget. Commissioner Molenaar spoke in support of the increase. A motion was made by Judge Powers, seconded by Commissioner Conley to set salaries and allowances for Hays County Elected Officials for FY2006 as published. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".



22895 ADOPT THE FY 2006 HAYS COUNTY BUDGET WITH FINAL CHANGES [T1-2480]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve request by District Attorney to delete two (2) misdemeanor prosecutors effective April 1, 2006 and add two (2) felony prosecutors effective October 1, 2005. All voting "Aye".

[T1-2520]

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to reinstate JP1-2 clerk to half-time effective April 1, 2006. Commissioner Ingalsbe, Commissioner Carter, Commissioner Conley, and Judge Powers voting "Aye". Commissioner Molenaar voting "No". County Auditor Bill Herzog advised that if the transfer is Oct 1st then JP1-2 would not have a clerk until 4/1/06. He needs clarification from the court. Commissioner Molenaar felt like this is not a new employee, it was a transfer of position from JP1-2 to JP Baker effective Oct 1, 2005. [T1-2683] A motion was made by Commissioner Molenaar to give a new employee to JP4 and ½ employee to JP1-2 effective October 1, 2005. Motion died for lack of second. [T1-2723] A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to start new JP4 clerk on April 1, 2006. All voting "Aye".

[T1-2761]

A motion was made by Commissioner Ingalsbe, seconded by Judge to approve funding the Sheriff's Dept. laptops with docking stations (\$25,200), security camera system for jail (\$100,000), and medical health record system (\$20,000) for a total of \$145,200 out of reserves. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

[T1-2826]

A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to roll over funds for DPS scales in the amount of \$47,850 into reserves. All voting "Aye".

[T1-2945]

A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to increase jail utilities by \$75,000 from current savings. All voting "Aye".

[T1-3022]

A motion was made by Judge Powers, seconded by Commissioner Molenaar to roll over \$12,968 for reimbursement for wrecked car in Sheriff's office. All voting "Aye".

[T1-3045]

A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to increase Juvenile Detention contract services \$30,000 from juvenile detention funds. All voting "Aye".

[T1-3075]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to fund the Tax Assessor-Collector new employee beginning October 1, 2005 and fund Health Dept. personnel as requested using current savings and delete the part-time position in the Treasurer's office. All voting "Aye".

[T1-3183]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to increase Justice of the Peace Pct. 2 postage by \$500.00. All voting "Aye".

[T1-3209]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to budget \$1,563 into time payment fees for Justice of the Peace Pct. 5 (roll over funds). All voting "Aye".

[T1-3238]

A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve the FY2006 Hays County Budget as proposed with changes. Commissioner Ingalsbe, Commissioner Conley, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

22896 APPROVE AN ORDER ADOPTING THE TAX RATE AT THE EFFECTIVE TAX RATE FOR FY 2006 AND LEVY THE TAXES [T1-3260]

Commissioner Ingalsbe stated that the Judge gave the court a good budget to work with and she is very satisfied with the outcome. Commissioner Carter spoke in support of the tax rate. A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt an Order Adopting the Tax Rate at the Effective Tax Rate of 45.54cents for FY2006 and levy the taxes. The breakdown for the tax rate is as follows: 32.29 cents for General Maintenance & Operations, 6.15 cents for General Debt, and 7.10 cents for Road and Bridge Maintenance & Operations. All voting "Aye".

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 13 . 2005.



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