



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 20TH DAY OF JANUARY 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 GONZALES INGASLBE	COMMISSIONER, PCT. 1
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

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Judge Powers called the meeting to order and gave the invocation. Commissioner Carter led the Court in the Pledge of Allegiance to the Flags.

21530 APPROVE PAYMENT OF COUNTY INVOICES.

County Auditor Bill Herzog advised that a check to Hays County Abstract Company in the amount of \$279,551 for park property needs to be added to the list of county invoices. **A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$269,430.35. All voting "Aye".**

21531 APPROVE UTILITY PERMITS

The Road Dept. presented the following utility permits for approval: #01684 on CR200/Deer Creek Circle issued to Deer Creek Water Company and #01683 on CR131/Windy Hills Road issued to J. C. Evans Construction. **A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve Utility Permits #01683 & #01684. All voting "Aye".**

21532 APPROVE BUDGET AMENDMENT #04-09

Budget Amendment #04-09 amends the budget of the Civic Center in the amount of \$500 for marketing expense and the District Clerk's budget in the amount of \$185 for office supplies. **A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 04-09 as proposed by the County Auditor. All voting "Aye".**

21533 APPROVE REFUND OF OVERPAYMENT ON TAXES

The County Tax Assessor-Collector Luanne Caraway presented an application for tax refund in the amount of \$800.00 for Tract 28 Thomas J. Chambers Survey. **A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve refund of overpayment on taxes as submitted by the County Tax Assessor-Collector. All voting "Aye".**

21534 APPROVE DEPARTMENT NAME CHANGE OF COMPUTER SERVICES TO INFORMATION TECHNOLOGY

The industry standard for computer departments is Information Technology. This name change will better reflect the function and services of this department. The name change will not represent a change in pay grades – future recruitment and retention of staff could be improved with the minor alteration. **A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve Department name change of Computer Services to "Information Technology". All voting "Aye".**

21535 AWARD BID #2004-B6, ANNUAL STRIPING CONTRACT, TO UNITED RENTALS HIGHWAY TECHNOLOGIES

Purchasing received two bids: United Rentals Highway Technologies and Westhill Paving Inc. It is the recommendation of Purchasing and the Road Dept. to award the contract to United Rentals Highway Tech. **A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to award Bid #2004-B6 Annual Striping Contract to United Rentals Highway Technologies. All voting "Aye".**



21536 APPROVE REAPPOINTMENT OF MIKE BOYLE, SCOTT BROWN, AND PHILLIP EDINGTON TO THE WIMBERLEY EMERGENCY SERVICES DISTRICT BOARD

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve re-appointment of Mike Boyle, Scott Brown, and Phillip Edington to the Wimberley Emergency Services District Board. All voting "Aye".

21537 APPROVE REAPPOINTMENTS OF CARL SCUDDER AND CHUCK WARE TO THE WIMBERLEY FIRE – HAYS COUNTY EMERGENCY SERVICES DISTRICT #4 BOARD

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve re-appointments of Carl Scudder and Chuck Ware to the Wimberley Fire - Hays County Emergency Services District #4 Board. All voting "Aye".

21538 RE-APPOINT ROB HAYDEN TO THE NORTHWEST HAYS COUNTY EMERGENCY SERVICES DISTRICT #5

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve re-appointment of Rob Hayden to the Northwest Hays County Emergency Services District #5. All voting "Aye".

21539 [PCT.4 #00-4-097] RELEASE CONSTRUCTION SECURITY FOR ROADS AND DRAINAGE IMPROVEMENTS WITHIN ACORN ACRES SUBDIVISION [T1-41]

Environmental Health Director Allen Walther advised that the Road Dept. has completed inspection of these private roads and he gave staff recommendation for release of construction security. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to release construction security for roads and drainage improvements within Acorn Acres Subdivision. All voting "Aye".**

Clerk's Note: Agenda Item # 11 RE: Establish traffic regulations (speed limit) on Darden Hill Road was **PULLED** – no discussion and no action taken.

21540 RELEASE CONSTRUCTION BONDS FROM PRIVATE SUBDIVISIONS NOT SEEKING INCLUSION IN COUNTY MAINTENANCE SYSTEM [T1-52]

³ Commissioner Burnett spoke of receiving this list last week for consideration today. Environmental Health Director Allen Walther gave staff recommendation for release of construction bonds for River Mountain Ranch Sections 4 & 5, River Mountain Ranch Section 6, Lost River Ranches Section 1, South River Business Park, Wimberley Ranch Estates, River Mountain Ranch Phase 6 Section 2, and Lost Springs Ranches. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to release construction bonds for private subdivisions not seeking inclusion in the county road maintenance system as follows: River Mountain Ranch Sections 4 & 5, River Mountain Ranch Section 6, Lost River Ranches Section 1, South River Business Park, Wimberley Ranch Estates, River Mountain Ranch Phase 6 Section 2, and Lost Springs Ranches. All voting "Aye".**

21541 GRANT THE LCRA A TEMPORARY CONSTRUCTION EASEMENT AT THE HAYS COUNTY LAW ENFORCEMENT CENTER FOR THEIR CANYON TO SAN MARCOS TRANSMISSION LINE PROJECT AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE CONTRACT [T1-72]

Executive Assistant Brad Bailey spoke of request from LCRA – this easement will be for a period of up to 1 year and does not interfere with Sheriff's operations. **A motion was made by Judge Powers, seconded by Commissioner Carter to grant the LCRA a temporary construction easement at the Hays County Law Enforcement Center for their Canyon to San Marcos transmission line project and authorize the County Judge to execute the contract. All voting "Aye".**

21542 APPOINT ROBERT LABENSKI AND WILLIAM HOPKINS TO THE NORTHWEST HAYS COUNTY EMERGENCY SERVICES DISTRICT #5 REPLACING JUSTIN MCNAIR AND GLEN SHELTON [T1-96]

Commissioner Molenaar spoke of resignations and applications received for replacement – Robert Labenski will replace Justin McNair and William Hopkins will replace Glen Shelton.

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe All voting "Aye".



21543 ENTER INTO AN INTERLOCAL AGREEMENT WITH CALDWELL COUNTY FOR THE CONSTRUCTION AND MAINTENANCE OF HAYS COUNTY RD. 266 AND CALDWELL COUNTY RD. 101 (AKA OLD BASTROP HWY.) BETWEEN THE SAN MARCOS RIVER AND STATE HIGHWAY 80 [T1-114]

Commissioner Ingalsbe spoke of previous discussions regarding this interlocal agreement (reimbursement of cost for reconstruction of CR266 between the San Marcos River and Highway 80). The cost for each county is approximately \$18,420.00. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to enter into an interlocal agreement with Caldwell County for the construction and maintenance of Hays County Road #266 and Caldwell County Road #101 (AKA Old Bastrop Highway) between the San Marcos River and State Highway 80. All voting "Aye".**

21544 APPOINT SAN MARCOS CITY ENGINEER LAURIE ANDERSON, P.E., TO THE EDWARDS AQUIFER AUTHORITY WATER QUALITY TASK FORCE [T1-136]

Commissioner Burnett spoke of task force being formed – he recommends appointment of Laurie Anderson from the City of San Marcos and she has agreed to serve on this board. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to appoint San Marcos City Engineer Laurie Anderson, P.E., to the Edwards Aquifer Authority Water Quality Task Force. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter abstained.**

21545 CALL FOR A PUBLIC HEARING ON FEBRUARY 3, 2004 TO CONSIDER INFRASTRUCTURE REGULATIONS FOR MULTI-UNIT DEVELOPMENTS [T1-186]

Commissioner Molenaar spoke of regulations for multi-unit developments – water availability and infrastructures rules which would apply to multi-unit developments. Environmental Health Director Allen Walther spoke of Senate Bill 873 which was codified in Local Government Code 232.100 – they want to clarify the issue by putting them out to the public for discussion. The new rules are similar to the Manufactured Home Rental Unit regulations already in place. Discussion was had regarding opinion of Attorney William Brooks. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to call for a public hearing on February 3, 2004 to consider Infrastructure Regulations for Multi-Unit Developments. Commissioner Molenaar, Commissioner Burnett, Commissioner Ingalsbe and Judge Powers voting "Aye". Commissioner Carter voting "No".** A copy of the proposed regulations will be posted on the county website [www.co.hays.tx.us]

Clerk's Note: Agenda Item #19 RE: Amend Section B of the Resolution governing the Hays County Road Department to provide clarification on the creation of a priority list and distinction between routine maintenance and substantial road projects **was PULLED – No discussion and no action taken.**

DISCUSSION REGARDING THE HEATHERWOOD OSSF SITE SUITABILITY LETTER WRITTEN DEC. 18, 2003 AND FILING A MOTION FOR RECONSIDERATION OF TCEQ'S CONTRIBUTING ZONE PLAN FOR HEATHERWOOD [T1-459]

Commissioner Carter spoke of correspondence and minutes regarding Heatherwood development. She feels like the developer is breaking rules. Dr. Bruce Renfro asked the court to support and issue a request to remove the contributing zone permit that has been issued by Environmental Health. A suitability letter is necessary. Environmental Health Director Allen Walther advised that the permitting authority is Hays County and no OSSF permit has been issued. He spoke of need for a preliminary site plan and wastewater plan – this is prepared and sealed by a registered engineer. He must give TCEQ his opinion if the proposed type of plan is appropriate for this development. Charles O'Dell spoke of their being 2 issues here: agree on filing a motion to TCEQ to reconsider and remove their CZP approval and discipline staff for not complying with courts actions. Commissioner Molenaar read the letter from Allen Walther – he also read the action taken by the court regarding "condominium developments" which Heatherwood is no longer considered a condominium. Allen Walther spoke of developer changing their plans from condominiums to single owner development, therefore, the issue as discussed in court and directed to him was no longer applicable - Mr. Brooks was speaking of "condominiums". Allen Walther spoke of county not having authority to issue permits for cluster development - TCEQ advised that Hays County would be the permitting authority for this development. Commissioner Carter stated that the deficiency is that the Trinity Ground Water District President has very strong concerns that he wants TCEQ to look at and address, the TCEQ rules are not being followed, nor or the Hays County subdivision rules for driveways. [T1-979] **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to file a motion for reconsideration of TCEQ's contributing zone plan for Heatherwood and remove that approval. Commissioner Ingalsbe and Commissioner Carter voting "Aye". Judge Powers, Commissioner Burnett, and Commissioner Molenaar voting "No". MOTION FAILED.**



21546 APPROVE RESOLUTION AUTHORIZING THE COMMITMENT OF \$700,000 IN PARK AND OPEN SPACE BOND FUNDS TO THE WIMBERLEY BLUE HOLE PARK PROJECT [T1-1035]

Grants Administrator Richard Salmon spoke of Hays County Parks and Open Space Project #3 (purchase 126 acres to develop Blue Hole Park. A powerpoint presentation was provided. The goals of this project will address River/Creek access, trails, tent camp sites, picnic grounds, fresh water swimming areas, and fishing stations/Piers. The terms of the sale are that the Village of Wimberley will reimburse Peter Way for any expenses incurred during the 24 month holding period, fund the sale no later than December 2005, and own and maintain the park. The partners in this project are Hays County, Village of Wimberley, Peter Way, Texas Parks & Wildlife Dept., LCRA Partnership in Parks Program, Private Foundations, Individual Donors, Trust for Public Land, and the Nature Conservancy. Commissioner Burnett is asking the county to commit \$700,000.00 in parks and open space bond funds as "seed money" toward the City of Wimberley's purchase of Blue Hole and the adjacent 127 acres. The amount is approximately 25% of the total cost of \$2.5 million and will be used by Wimberley as matching funds on January 31st when they apply for a Regional Park Grant for \$1 million. As stated in local newspapers recently, a local benefactor has purchased the property and will hold it for two years for the City of Wimberley to allow them time to come up with the remaining funds. A number of grants will be submitted by the City of Wimberley to federal and state sources and non-profit foundations. The amount from the county is critical because it will provide the "seed money" to get the grant process started. Richard Salmon feels very confident that the remaining funds can be raised. [T1-1169] Carolyn Nichols (Village of Wimberley City Council) spoke of Wimberley By-Pass project and a center turn lane on RR12 and sidewalks on both sides of the road. There will be a 6 mile hike and bike trail making a loop in their village and Blue Hole is just a piece of that project, but a necessary piece. She spoke of this bringing the downtown area into the project – Nature Conservancy is doing some streamside restoration planning along with the State Forest Service and Trust for Public Land will help in the total fund raising package. They intend to match the money being committed by the county. Richard Salmon advised that the county has committed \$300,000 for the Buda Project and \$279,500 to the Five Mile Dam Project. Carolyn Nichols advised that this will be a regional park with public access. [T1-1259] Jan Fulkerson spoke in support of this project and requested additional funding if possible from the county. [T1-1278] Malcolm Harris (Chairman of the Wimberley Park Board) urged the court for maximum support of this project – it is comparable in size to Zilker Park in Travis County – it is an extraordinary project for Hays County – he would like to see \$700,000 instead of \$600,000 being committed. [T1-1330] Curt Busk (Vice Chairman of Wimberley P&Z) spoke of opportunity to save Blue Hole for the future – its not only a swimming hole, it has flat areas (for ball fields) and small hills (for hiking/biking). The Village of Wimberley will maintain the park and have committed to acquiring the land and get enough funding to develop the land (\$4.2) matching grants. They are requesting at least \$700,000 today but would like the court to consider doubling the funds (\$120,000) from the county. [T1-1481] John Graddy (Mayor Pro-Tem Village of Wimberley) spoke of support for this project in Wimberley – whatever money they get will be multiplied several times over. [T1-1543] Bill Johnson (adjacent property owner) spoke of need to correct some of the historical information (Blue Hole was opened 100 years ago) and he also spoke of this area being in the new movie of The Alamo. [T1-1566] Steve Klepfer, Village of Wimberley Mayor, thanked Commissioner Burnett, former County Judge Eddie Etheredge, and Judge Powers for their vision and encouragement – he also thanked Representative Rose and his office & Senator Wentworth and his office to help line up some of the grant funds for this project. He also wanted to thank property owner Peter Way who has bought and will sell this property to the Village of Wimberley at no profit to him – he will hold the property for up to 24 months. The GBRA and other entities are taking action to be included in this regional plan for the grant. It is a 4.3 million dollar project – he spoke of funding commitments already received (\$150,000 from local residents, \$200,000 from LCRA, and \$20,000 from the Soccer Association). The county has an opportunity to be involved in this regional park - there will be a need for limited access (only a certain number of people can get into the swimming hole at any one time). Commissioner Burnett spoke in support of this project. [T1-1720] **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to adopt a resolution authorizing a commitment of \$700,000 in Parks and Open Space funds for the Wimberley Blue Hole Park Project. All voting "Aye".**

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 JANUARY 20, 2004.



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