



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 20th DAY OF APRIL 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 INGALSBE	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 Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

21743 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve payment of county invoices in the amount of \$190,689.80 as presented by the County Auditor. All voting "Aye".

21744 APPROVE ADDENDUM TO AGREEMENT WITH MCGINNIS, LOCHRIDGE & KILGORE TO PROVIDE FOR THE FILING OF A LEGAL BRIEF TO THE TEXAS ATTORNEY GENERAL RELATING TO RQ-177

This addendum is intended to expand the scope of the firm's representation of the County in Cause No. 04-0284 Papalote Homes, Ltd. v. Hays County Commissioners Court. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve addendum to Agreement with McGinnis, Lochridge & Kilgore to provide for the filing of a legal brief to the Texas Attorney General relating to RQ-177. All voting "Aye".

21745 AWARD BID #2004-B10 "INSTALLATION OF CHAIN LINK FENCE FOR ROAD DEPT" TO ANCHOR GROUP, INC. IN THE AMOUNT OF \$60,569.10

Purchasing received 2 bids: Star Fence (San Marcos) = \$58,752.15 Anchor Group Inc. (New Braunfels) = \$60,569.10. The lowest bidder did not provide required bid bond or complete bid sheet by entering a completion date, therefore, it is recommended that the court award the bid to the next lowest bidder Anchor Group Inc. References were found favorable and they provided all required documents. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to award Bid #2004-B10 "Installation of chain link fence for the Road Dept." to Anchor Group Inc. in the amount of \$60,569.10. All voting "Aye".

21746 RIVER MOUNTAIN RANCH SECTION 7 [PCT. 4 #04-4-018, 5 lots] * APPROVE PRELIMINARY PLAN [T1-36]

Environmental Health Director Allen Walther advised that three of the lots are served by a Shared Access Driveway – he gave staff recommendation for preliminary plan approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plan of "River Mountain Ranch Section 7". All voting "Aye".

21747 HIDDEN CREEK SECTION 1 REPLAT OF LOTS 18A & 18B [PCT. 4 #04-4-027, 2 lots] * APPROVE FINAL PLAT AND PARTIAL VACATION; AND WAIVE PRELIMINARY PLAN AND PUBLIC NOTIFICATION REQUIREMENTS [T1-51]

Environmental Health Director Allen Walther advised two lots are being combined and a portion is being vacated and returned to the original tract – he gave staff recommendation for final plat approval and waiver of preliminary plan and public notification requirement. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat and partial vacation of "Hidden Creek Section 1 Replat of Lots 18A & 18B" and furthermore waive preliminary plan and public notification requirements. All voting "Aye".

21748 SIERRA WEST SECTION 4A [PCT. 4 #01-4-044B] * RELEASE MAINTENANCE FISCAL SECURITY AND ACCEPT ROADS INTO THE COUNTY ROAD MAINTENANCE SYSTEM; RESCIND ACTION FROM APRIL 13, 2004 ACCEPTING ALL ROADS AND MAINTENANCE IN SECTION 4B [T1-64]

There was a posting error on April 13, 2004 – action should have been on Section 4A and not 4B. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to rescind action from April 13, 2004 accepting roads and maintenance in Section 4B and release maintenance fiscal security and accept roads in the county road maintenance system in "Sierra West Section 4A". All voting "Aye". The road being accepted is "Barberry Park".



21749 APPROVE PURCHASE OF LAPTOP COMPUTER (COST SHARE WITH TEXAS A&M) FOR THE HAYS COUNTY EXTENSION OFFICE [T1-78]

County Extension Agent Susan Schramm requested approval to use extension office budgeted funds (\$900) to purchase a cost share computer. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve purchase of a laptop computer for the Hays County Extension Office. All voting "Aye".**

21750 ADOPT A JOINT RESOLUTION WITH THE CITY OF BUDA CONCERNING THE RELEASE OF THE DRAFT DEFINITIVE AGREEMENT WITH CABELA'S, INC. [T1-100]

Buda City Administrator Bob Mathis spoke of process regarding the Cabela's project. Step 1 has been completed and it has been determined that the contract is in compliance with State law – there are still issue being worked out before final resolution. Financial recommendations are being worked out. There will be a public forum with experts in each element of the definitive agreement available to answer specific questions from the public (transportation experts, financial experts, legal experts, school district will talk about benefits to the school district, public works, infrastructure, etc.). This agreement will be posted on the city website with the most updated version. This provides the ability to see the skeleton document today. [T1-200] Charles O'Dell (Executive Director of Hays CAN) felt like action should be taken when financial information is available. Mr. Mathis advised that this process allows the public time to look at the document and become familiar with it. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to adopt a Joint Resolution with the City of Buda concerning the release of the Draft Definitive Agreement with Cabela's Inc. All voting "Aye".**

21751 ACCEPT BID OF AMERICAN NATIONAL BANK FOR THE HAYS COUNTY DEPOSITORY BANK [T1-341]

County Treasurer Michele Tuttle presented a bid tabulation – bids were received from Frost Bank, Wells Fargo Bank and American National Bank. The bid from American National Bank will save the county approximately \$120,000 – no charge for services – we will have to obtain our own courier services (Jail, Annex, Courthouse & Justice Center) at an approximate cost of \$30,000 which would reduce the savings to \$90,000.00. Michele Tuttle thanked Frost Bank for the service we have received from them. **A motion was made by Judge Powers, seconded by Commissioner Burnett to accept bid of American National Bank for the Hays County Depository Bank. All voting "Aye".**

21752 ADOPT A RESOLUTION SUPPORTING THE CITY OF SAN MARCOS' SUPPORT AND OFFERING RESOLUTION DESIGNATING THE SAN MARCOS AIRPORT AS THE STATE AIRPORT FOR CENTRAL TEXAS BASED ON THE 77TH TEXAS LEGISLATURES DIRECTION TO ESTABLISH A STATE SPONSORED GENERAL AVIATION AIRPORT [T1-411]

Dan Rogers, Director of the Economic Development Council of San Marcos, advised that the San Marcos City Council adopted a letter of support to send to the State Capital offering the San Marcos Airport as a possible sight for the Central Texas General Aviation Airport. This has been an ongoing effort and we want to make known that we are ready, willing and able to offer our airport – he has contacted his counterpart in Caldwell County to get Caldwell County and the City of Lockhart onboard. Representative Patrick Rose will take this to the Legislature. This is an offer and not a binding resolution. Commissioner Ingalsbe advised that she spoke with Randall Goodman from Gary Job Corps and he felt like it would affect them in a positive way and they would be able to train their students in the area of aviation. Commissioner Carter spoke of noise and airplane traffic on the east side of IH35 – she spoke of having the Thunderhill Racetrack (noise), San Marcos Wastewater Treatment Plant (air pollution), the Power Plant (known polluter), Wackenhut Jail – everything that is unpleasant is east of I35. Mr. Rogers advised that as a general aviation airport it would be used by Texas State Agency aircraft. He advised that this would stimulate economic growth in this area. This has been in the works for a number of years and west of IH35 is sacred ground because it is over the aquifer. Commissioner Burnett spoke of potential for transportation dollars (up to \$90 million) for roadway improvements. Mr. Rogers reminded the court that they had passed a similar resolution in 2001 [see resolution #19475 adopted May 8, 2001]. **A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to adopt a Resolution Supporting the City of San Marcos' Support and Offering Resolution Designating the San Marcos Airport as the State Airport for Central Texas Based on the 77th Texas Legislatures Direction to Establish a State Sponsored General Aviation Airport. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

Clerk's Note: Agenda Item#11 RE: DISCUSSION AND POSSIBLE ACTION TO APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATION THE COUNTY JUDGE TO EXECUTE WORK AUTHORIZATION NO. 1 (OLD STAGECOACH ROAD BRIDGE DESIGN) was PULLED.



21753 APPROVE HAYS COUNTY'S HAZARD MITIGATION ACTION PLAN AND RESOLUTION AUTHORIZING THE COUNTY JUDGE TO SUBMIT TO FEMA FOR APPROVAL [T1-666]

Grants Administrator Richard Salmon advised that all the communities in Hays County joined together, at the urging of the county, to prepare a countywide Mitigation Action Plan (MA). The goal was to make Hays County "disaster resistant". Halff & Associates Inc. assisted the county in preparing the mitigation action plan. Completion of the plan makes Hays County and all participating communities eligible for funding under the Federal Hazard and Mitigation Grant Program. That program has provided millions in disaster recovery to Hays County in the past and is essential because the county is highly prone to flash floods, hurricanes, drought and other disasters. Next step will be for FEMA to review and approve. If changes are requested, the revised plan will be brought to Commissioners Court. Richard Salmon thanked publicly the following people who spent many hours at night working together to make this plan: Mark Chambers, Lamarr Peterson, Steve Floyd, Tim Vandevorte, Bob Mathis, Eddy Gumbert, Steve Harris, Ricky Wright, Frank Burn, Katherine Rosenbluthe, Michele Fisher, Jeff Wright, Jim Herman, Phillip Wilbur, Laurie Anderson, Ken Bell, Michael Muhr, Diane Wassenich, David Baker, William Taylor, John Ivy, Tim Whitefield, Kim Carrillo, and Steven Faulkner. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Hays County's Hazard Mitigation Action Plan and Resolution authorizing the County Judge to submit to FEMA for approval. All voting "Aye".**

21754 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION FOR UP TO \$107,700 FOR TITLE V FEE-FOR-SERVICE PROGRAM FOR MATERNAL-CHILD HEALTH AND FOR TITLE V-FAMILY PLANNING TO THE TEXAS DEPARTMENT OF HEALTH [T1744]

Grants Administrator Richard Salmon advised that no matching funds are required. This was a continuation grant that we have received for a number of years that has changed to a competitive bid process. The Texas Dept. of Health (TDH) is providing grant funds to provide services to eligible clients on an individual basis and may include: prenatal care, preventive and primary child care and funds to provide comprehensive family planning services to eligible clients. Title V \$80,200 for Fee-for-Service Program for Maternal-Child Health and Title V \$27,500 Fee-for-Service Family Planning to the Texas Dept. of Health. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to submit a grant application for up to \$107,700 for Title V Fee-For-Service Program for Maternal-Child Health and for Title V Family Planning to the Texas Department of Health. All voting "Aye".**

21755 ADOPT A POLICY REGARDING THE COUNTY'S 6% LCRA WATER FEE [T1-764]

Charles O'Dell, Executive Director of Hays CAN, wanted more information and details regarding use of these funds. Environmental Health Director Allen Walther advised that there are no changes to the original contract – action today is to place the funds in a dedicated account rather than in the county general fund. He stated that we have not named any projects and we haven't identified any open space because they have not come up yet – the funds will be controlled exclusively by the Commissioners' Court. A discussion was had regarding the money owed to the county by LCRA – only designated areas are required to pay the water fee. Mr. O'Dell voiced additional concern about how funds will be used and open meetings of the Hays County Water & Sewer Authority. Allen Walther advised that every project will come before the court for input. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to adopt a policy that the 6% fee from LCRA be paid to Hays County and placed in a special fund to be distributed by a majority vote by the Commissioners' Court with those funds to be used to purchase open space or to fund Hays County mitigation projects. All voting "Aye".**

DISCUSSION REGARDING STAFF PREPARATION OF A MAP OF ALL COUNTY MAINTAINED ROADS AS AUTHORIZED BY CHAPTER 258 OF THE TEXAS TRANSPORTATION CODE [T1-1204]

Commissioner Molenaar spoke of House Bill 1117 relating to mapping for county maintained roads – will not be private or city roads or driveways. Manuel Mendez (Bickerstaff, Heath & Smiley) appeared before the court with a presentation. He advised that it codifies Chapter 258 of the Transportation Code – gives county's the opportunity to clarify the public interest of county roads – sets up a process that county's could use. Commissioner Carter questioned the wording of the posted agenda for this item. Commissioner Molenaar apologized to Mr. Mendez and he pulled this item for further discussion next week.

DISCUSSION REGARDING A RESOLUTION RELATING TO THE GOVERNOR'S RECOMMENDATIONS FOR CHANGES TO SCHOOL AND COUNTY TAXING AUTHORITY [T1-306]

Rick Thomas of Texas Association of Counties introduced Gary Bale, Director of Government Relations. Mr. Bale advised that the TAC Board of Director has not formalized any position that would not be subject to change and they are not trying to promote the resolution before the court. He spoke of meetings that have been had regarding tax reform and unfunded mandates. He spoke of the proposed 3% limitation on property appraisal increases and county revenue increases - there have been discussions about split tax rolls – under the Governor's proposed school finance reform, property tax rate would be reduced on residential property from



\$1.50 to \$1.25 – commercial & industrial properties would be reduced to \$1.40. The \$1.25 & \$1.40 tax rate would merge down to 75 cents over a seven year period. Mr. Bale read the proposed language of a recently drafted constitutional amendment: *Sec. 66 Art 3 The Texas Constitution amended to read that “ The state is hereby prohibited from reducing state financed proportions of the cost of any existing activity or service required of counties. A new activity or service an increase in any activity or service beyond that required by existing law shall not be required by the legislature or any state agency or executive order of counties unless a state appropriate is first made and disbursed to pay the county for any increased cost. After January 1, 2005 the legislature shall not adopt any law that requires the expenditure of county funds for any purpose.* Discussion was had regarding the need for a 3% cap on county revenue increases which has offended many county officials – the Governor is saying that a real tax fix has to be constitutionally secured. Commissioner Molenaar spoke in support of an increase in the sales tax.

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 APRIL 20, 2004.



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

