



STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 11<sup>th</sup> DAY OF MAY A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

<b>JAMES L. POWERS</b>	<b>COUNTY JUDGE</b>
<b>DEBBIE GONZALES INGALSBE</b>	<b>COMMISSIONER, PCT. 1</b>
<b>H. S. "SUSIE" CARTER</b>	<b>COMMISSIONER, PCT. 2</b>
<b>WILLIAM "BILL" BURNETT</b>	<b>COMMISSIONER, PCT. 3</b>
<b>RUSS G. MOLENAAR</b>	<b>COMMISSIONER, PCT. 4</b>
<b>LEE CARLISLE</b>	<b>COUNTY CLERK</b>

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.

**21787 ADOPT A PROCLAMATION DECLARING MAY 10 – 16, 2004 AS NATIONAL PEACE OFFICER MEMORIAL WEEK**

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to adopt a Proclamation declaring May 10-16, 2004 as "National Peace Officer Memorial Week". All voting "Aye". Commissioner Molenaar presented the Proclamation to Constable Pct. 1 Lupe Cruz – a memorial will be held on May 13, 2004 at the Hays County Courthouse.

**21788 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 \$352,926.36 as presented by the County Auditor. All voting "Aye".

**21789 APPROVE BUDGET AMENDMENT # 04-20**

The proposed budget amendment is as follows: Juvenile Probation transfer \$1,000 from Psychology Exams into Other line item. Environmental Health transfer \$2,200 into travel allowance from 911/Addressing Maintenance Grant. Constable 1 & Constable 3 increase law enforcement supply line item by \$437 from contributions received from LEAD 2004. Commissioner Pct. 2 increase data processing equipment line item \$3,182 from various other line items to purchase a power point projector and equipment. Records Mgmt/Co Clerk transfer \$1,000 from permanent records line item into building improvement for window tint in the Records building. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment No. 04-20 as proposed by the County Auditor. All voting "Aye".**

**21790 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE TEXAS HISTORICAL COMMISSION FOR THE HAYS COUNTY HISTORICAL COMMISSION FOR UP TO \$7,800.00**

This is a grant application for up to \$7,800.00 to be used for nomination of properties to the National Register of Historic Properties and for education activities, programs and publications. Activities eligible for funding in this section include development of tours of historic areas, design guidelines, production of brochures, pamphlets or videotapes promoting local history and properties or establishment of local marker program. Hays County has budgeted \$7,800 in matching funds toward the Hays County Historical Commission and has participated in this type of grants with the commission for the past 15 years. There are no administration funds provided in the grant. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to submit a grant application to the Texas Historical Commission for the Hays County Historical Commission for up to \$7,800.00. All voting "Aye".**

**21791 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE – COPS IN SCHOOL GRANT PROGRAM FOR UP TO \$875,000 AND TO EXECUTE CONTRACT**

A request has been made to Hays County by the Dripping Springs, Wimberley and Hays school districts to secure 7 school resource officers. Dripping Springs ISD is requesting 2 officers, Wimberley ISD 2 officers, and Hays ISD 3 officers. The maximum allowable grant is \$125,000 per officer for a 3-year period, therefore, for the 1<sup>st</sup> and 2<sup>nd</sup> years it will be a 100% grant. In the 3<sup>rd</sup> year Hays County would provide \$5,450 matching funds and each of the school districts would provide \$16,349. At the end of the 3-year grant period, the school districts would pay 75% of the salaries and benefits of the 2 officers and Hays County would pay the remaining 25%. Cost to the county thereafter will be \$12,233 per year. The grant does not provide any administrative, operating or equipment; only grant funds for salaries and benefits. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to submit a grant application to the U.S. Department of Justice – Cops in School Grant Program for up to \$875,000 and to execute contract. All voting "Aye".**



**Clerk's Note: Agenda Item #8 RE:** WOODBROOK PHASE 2 [PCT. 2 #03-2-085], 28 LOTS] \* APPROVE FINAL PLAT; ACCEPT COMPLETION OF CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS; AND ACCEPT THE MAINTENANCE FISCAL SECURITY **was PULLED.**

**21792 PENN SUBDIVISION REPLAT** [PCT. 4 #02-4-078, 2 LOTS] \* **APPROVE FINAL PLAT AND WAIVE PUBLIC NOTIFICATION REQUIREMENTS** [T1-78]

Environmental Health Director Allen Walther advised that there are only two lots in the subdivision and they are being reconfigured. He gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat and waive public notification requirements for "Penn Subdivision Replat". All voting "Aye".**

**21793 RIM ROCK PHASE 2** [PCT. 4 #03-4-088, 268 LOTS] \* **PRELIMINARY PLAN APPROVAL**

[T1-88] Environmental Health Director Allen Walther advised that this is part of a phased development and he gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plan for "Rim Rock Phase 2". All voting "Aye".**

**21794 RIM ROCK PHASE 3** [PCT. 4 #03-4-089, 163 LOTS] \* **PRELIMINARY PLAN APPROVAL**

[T1-101] Environmental Health Director Allen Walther advised that this is part of a phased development – he gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plan for "Rim Rock Phase 3". All voting "Aye".**

**21795 RUTHERFORD WEST** [PCT. 4 #03-4-090, 292 LOTS] \* **PRELIMINARY PLAN APPROVAL**

[T1-110] Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plan for "Rutherford West". All voting "Aye".**

**21796 PUBLIC HEARING AND ACTION APPROVING CREATION OF ROCK CREEK WATER CONTROL AND IMPROVEMENT DISTRICT #1 AND APPOINTMENT OF TEMPORARY DIRECTORS** [T1-1109]

Judge Powers declared the public hearing open. Sharlene Collins requested approval of creation of the Rock Creek Water Control and Improvement District #1 and appointment of temporary directors. Rob Baxter (Friendship Alliance) voiced his concern regarding districts being created and given authority (handing government authority over to a corporation). The public hearing was closed. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve creation of the *Rock Creek Water Control and Improvement District #1* under the terms and provisions and with the power and authority established by Chapters 49 and 51 of the Texas Water code, except that the District will not have the power to collect, transport, process and dispose of wastewater unless such power is approved by the Texas Commission on Environmental Quality under Section 51.331, Texas Water Code, and furthermore, Ed Wendler Jr., Jeff Musgrove, Sloan Spaeth, Cliff Avery and Gary Gerstenhaber are appointed as the Temporary Directors to serve until their successors are duly elected or appointed and qualified as provided by law. All voting "Aye".**

**21797 AUTHORIZE THE INSTALLATION OF WINDOW TINT AT THE RECORDS BUILDING AND AMEND THE BUDGET ACCORDINGLY** [T1-278]

County Clerk Lee Carlisle requested authorization for installation of window tint at the Records Building - there are funds available in his budget. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize the installation of window tint at the Records Building and amend the budget accordingly. All voting "Aye".**



**21798      AUTHORIZE THE INFORMATION TECHNOLOGIES DEPARTMENT TO IMPLEMENT AN ONLINE KEY WORD LIST TO THE HAYS COUNTY COMMISSIONERS COURT MINUTES BY PURCHASING A DEDICATED SERVER [T1-294]**

Information Tech Director Jeff McGill advised that the software is in place to do this but has not been implemented – we still need to purchase a dedicated server (apprx. \$3,000) for this service. This program will allow the public and Commissioners' Court to access the minutes and backup material through the internet. County Clerk Lee Carlisle advised that funds are available in the Records Management budget. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to authorize the Information Technologies Dept. to implement an online key word list to the Hays County Commissioners' Court Minutes by purchasing a dedicated server for up to \$4,000 utilizing Records Management funds. All voting "Aye".**

**PRESENTATION BY BRYAN ICE, PETER SMITH, AND BOB CUELLAR OF TURNER, COLLIE & BRADEN, INC., CONCERNING REGIONAL MOBILITY AUTHORITIES (RMA'S) AND GENERAL TOLL AUTHORITIES**

Peter Smith, Turner, Collie & Braden Vice-President of Transportation, gave a power point presentation concerning Regional Mobility Authorities (RMA's) and General Toll Authorities and provided a booklet entitled *Hays County Transportation Solutions – Organizational and Financing Options*. Al Luedecke spoke of limited TxDot (Texas Dept. of Transportation) funds and he spoke of innovative financing that could make funds available. Mr. Luedecke spoke of House Bill 3588 and Peter Smith spoke of operational options: No Toll Road Agency, Commissioners Court as Toll Road Board, Court-Appointed Incorporated Board, Regional Toll Authority, and Regional Mobility Authority. He spoke of potential funding sources (revenue bond financing, toll equity participation, pass through tolling, public-private partnerships, TIFIA loans, and SIB loans). He spoke of potential projects in Hays County. Commissioner Molenaar spoke of need for the court to look at the information provided today and suggested holding a workshop at a later date. Commissioner Burnett stated that he does not support putting a toll on existing roadways, only on new roadways with alternative free roads available. These are being considered only because of limited State highway funds.

**PRESENTATION REGARDING ENVISION CENTRAL TEXAS AND ONGOING REGIONAL/COMMUNITY PLANNING EFFORTS IN CENTRAL TEXAS [T1-1506]**

Bastrop County Judge Ronnie McDonald spoke of creation of Envision Central Texas and ongoing regional/community planning efforts in Central Texas. Beverly Silas (Executive Director of Envision Central Texas) gave a power point presentation regarding growth that will occur in this area (Bastrop, Caldwell, Hays, Travis, & Williamson counties) and how we will address that growth. She spoke of public workshops that were held and how citizen input was used to produce digitized maps indicating suggested land use. She went through various scenarios (A-D) of growth and compared each scenario's transportation indicators. Ms. Silas spoke of survey results (6,060 surveys submitted – 6 duplicates). She spoke of this program being an ongoing project and she spoke of entities helping to fund this project. Judge McDonald spoke of counties having limited powers and Envision Central Texas has the resources to get the information needed to make appropriate decisions – would like for Hays County to consider a contribution to this project. Mark Hazelwood presented members of the court with the final Envision Central Texas document on CD.

**21799      ADOPT A RESOLUTION ESTABLISHING AN ECONOMIC DEVELOPMENT POLICY FOR HAYS COUNTY PURSUANT TO CHAPTER 381 OF THE TEXAS LOCAL GOVERNMENT CODE [T1-2588]**

In adopting this Economic Development Policy as contemplated by Chapter 381 of the Texas Local Government Code, the County will consider the granting of economic incentives based on relevant factors to include the types and values of public improvements made by the applicant, the number of jobs created and maintained, and the extend to which the proposed project carries out the goals and objectives of the County. Nothing in the policy shall be construed as a guarantee that the County will provide economic incentives for any particular project. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to adopt a Resolution establishing an Economic Development Policy for Hays County pursuant to Chapter 381 of the Texas Local Government Code. All voting "Aye".**



**21800 AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE MASTER ECONOMIC DEVELOPMENT AGREEMENT BY AND AMONG THE CITY OF BUDA, THE CITY OF BUDA 4B CORPORATION, HAYS COUNTY, THE DUPRE LOCAL GOVERNMENT CORPORATION AND CABELA'S RETAIL, INC., RELATING TO ECONOMIC DEVELOPMENT INITIATIVES INVOLVING CABELA'S OPENING OF A RETAIL CENTER IN BUDA, TEXAS [T1-2849]**

Commissioner Molenaar requested an inclusion in the agreement as per letter submitted to the court by Thomas F. Ackley, Attorney representing Cabela's. Letter dated May 7, 2004 from Thomas F. Ackley to Warren Ketteman reads as follows: "As per our conversation this morning, please give the Hays County, Texas representatives my assurances as an attorney for Cabela's Retail Inc. that we understand that the County's contribution of sales tax towards the Cabela's development in the form of Chapter 381 Grants will be capped at \$4,500,000. Although this cap was not specifically set forth in the draft Master Economic Development Agreement which is included in the County's package for consideration, you have my assurances that the County will receive specific language regarding that limitation when we draft the bond documents." Buda Mayor John Trube spoke in support of this agreement. Warren Ketteman (Buda Economic Development Council) spoke in support of this agreement and introduced various people present in support of this project. Public participation/witness forms were submitted in support of this project by Benita Gunn, T. J. Higginbotham, Sam Cooper, and Jeff Coffee. Special Counsel Jacqueline Cullom Murphy advised that the agreement has been reviewed by numerous attorneys and economic development specialist and she is comfortable with it. Commissioner Molenaar stated that the letter pertains to Section 6.5 of the agreement regarding sales tax incentives – the county has no intent to give more than 33% of ½ percent and it is capped at \$4,500,000. Jeff Coffee (Buda City Council) spoke of \$4,500,000 being the initial amount of the bond - does not include interest that will be applied over the years it will be paid out. TIFF funds will be paid back in 20 years (maximum allowed by statute) and sales tax bond in 25 years. **A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize the County Judge to execute the Master Economic Development Agreement by and among the City of Buda, the City of Buda 4B Corporation, Hays County, the Dupre Local Government Corporation and Cabela's Retail Inc. relating to economic development initiatives involving Cabela's opening of a retail center in Buda, Texas and to furthermore include the letter from Cabela's Attorney Thomas F. Ackley under Section 6.5 County Grants reiterating 33% of ½ percent with the maximum amount of \$4,500,000 and not including the principal interest. All voting "Aye".**

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 MAY 11, 2004.**




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

