



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 15th DAY OF JUNE A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS
 DEBBIE GONZALEZ INGALSBE
 H. S. "SUSIE" CARTER
 WILLIAM "BILL" BURNETT
 RUSS G. MOLENAAR
 LINDA C. FRITSCHÉ

COUNTY JUDGE
 COMMISSIONER, PCT. 1
 COMMISSIONER, PCT. 2
 COMMISSIONER, PCT. 3
 COMMISSIONER, PCT. 4
 DEPUTY COUNTY CLERK

WHEN THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

PUBLIC COMMENTS - Charles O'Dell spoke of previous actions taken by the court regarding the Heatherwood subdivision.

21852 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$592,768.71 as presented by the County Auditor. All voting "Aye".

21853 APPROVE SPECIFICATIONS FOR BID #2004-B12 "REGULATORY, WARNING & OTHER ROAD SIGNS FOR HAYS COUNTY AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve specifications for Bid #2004-B12 "Regulatory, Warning & Other Road Signs for Hays County and authorize purchasing agent to solicit for bid and advertise. All voting "Aye".

21854 APPROVE UPGRADE OF PHONE PLANS FOR NEXTEL CELL PHONES FOR COUNTY OFFICES

An analysis was done by The Wireless Store on all the Nextel cell phones countywide – they looked at current usage and rate plans that the departments were using and came up with new rate plans that would meet the departments needs and provide the county with a substantial savings each month. The estimated savings is \$1800 per month. To change the rate plan will require signing a one year contract and upgrade to one of the cell phones offered. **A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve upgrade of phone plans for Nextel cell phones for county offices. All voting "Aye".**

21855 AUTHORIZE COUNTY JUDGE TO ACCEPT REVISED TDH TITLE V AC FAMILY HEALTH GRANT CONTRACT DUE TO INCREASE IN AMOUNT

This is an existing contract – the grant amount has been increased from \$52,522 to \$72,522 therefore a revised contract needs to be approved. **A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to authorize the County Judge to accept revised TDH Title V AC Family Health Grant contract due to increase in amount. All voting "Aye".**

Clerk's Note: Agenda Item #2 RE: APPROVE SPECIFICATIONS FOR BID #2004-B11, HAYS COUNTY BOND PROGRAM, HAYS COUNTY BOND PROGRAM, ROAD IMPROVEMENTS FOR CENTERPOINT ROAD (CR 234) & MCCARTY LANE (CR 233) AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR BID AND ADVERTISE was PULLED. NO DISCUSSION & NO ACTION TAKEN.



- 21856 SHADOW CREEK SUBDIVISION (FKA, BIG SKY RANCH) [PCT. 2 #04-2-035] * APPROVE AN ASSIGNMENT FROM DONALD L. "BUD" HUDGINS, PRESIDENT OF BIG SKY RANCH, LTD. TO RICHARD TOPFER, PRESIDENT OF HAYS SHADOW CREEK DEVELOPMENT, INC. AS ALLOWED BY THE BIG SKY PHASING AGREEMENT APPROVED BY THE COMMISSIONERS' COURT ON APRIL 1, 2003 [T1-85]**

Attorney Robin Melvin appeared representing Big Sky Ranch Ltd. and spoke of documents being submitted – she requested that the court approve the Consent of Assignment of Phasing Agreement. Commissioner Carter spoke of expiration period for subdivisions and gave a brief history of events for this particular subdivision. She feels like the original plat has expired and there are significant changes that have been made. Environmental Health Director Allen Walther spoke of phased developments that go outside of our usual time lines – the agreement approved in April 2003 states that the preliminary plan does not expire – they needed additional time to address issues of water and wastewater. Mr. Walther feels like it is valid to submit this for approval. Robin Melvin advised that the Phasing Agreement was effective as of the date of approval by the Court – the consent to assignment ratifies the phasing agreement. Special Counsel Jacqueline Cullom Murphy advised that the one year requirement is not applicable in this case because of the phasing agreement. Allen Walther gave staff recommendation for approval. Commissioner Ingalsbe advised that she contacted TAC (Texas Assoc. of Counties) to make sure that the 2003 agreement was in effect even though it was not signed and they advised that as long as there was a recorded action by the court, it was in effect. **A motion was made by Commissioner Burnett, seconded by Judge Powers to approve the Assignment from Donald L. "Bud" Hudgins, President of Big Sky Ranch Ltd. to Richard Topfer, President of Hays Shadow Creek Development Inc. as allowed by the Big Sky Phasing Agreement approved by the Commissioners Court on April 1, 2003. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

- 21857 SHADOW CREEK SUBDIVISION (FKA, BIG SKY RANCH) [PCT. 2 #04-2-035, 1440 LOTS] * APPROVE REVISED PRELIMINARY PLAN [T1-302]**

Environmental Health Director Allen Walther advised that there has been a slight reconfiguration of roads and less lots than in the original preliminary plan – he gave staff recommendation for revised preliminary plan. **A motion was made by Judge Powers, seconded by Commissioner Burnett to approve revised preliminary plan for "Shadow Creek Subdivision (FKA Big Sky Ranch). Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

- 21858 HIGHLANDS SECTION A RESUBDIVISION OF LOT 16 [PCT. 4 #04-4-030, 4 LOTS] * PUBLIC HEARING AND CONSIDER APPROVAL OF FINAL PLAT [T1-322]**

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Highlands Section A Resubdivision of Lot 16". All voting "Aye".**

- 21859 PUBLIC HEARING AND ACTION TO ESTABLISH TRAFFIC REGULATIONS (STOP SIGNS) AT THE INTERSECTIONS OF LIVE OAK LOOP WITH OAK GROVE ROAD AND RED OAK ROAD WITH OAK GROVE ROAD [T1-340]**

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Road Supt/Engineer Jerry Borcharding gave staff recommendation for approval. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to establish traffic regulations – STOP signs – on Live Oak Loop and Red Oak Road at their intersection with Oak Grove Road. All voting "Aye".**

Clerk's Note: Agenda Item #10 RE: AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN OUTSIDE LEGAL COUNSEL AGREEMENT WITH SMITH, ROBERTSON, ELLIOTT, GLEN, KLEIN & BELL, L.L.P. TO HANDLE ENVIRONMENTAL COMPLIANCE MATTERS RELATING TO VARIOUS ROAD AND PARK PROJECTS was PULLED. NO DISCUSSION AND NO ACTION TAKEN.

- 21860 ACKNOWLEDGE RECEIPT OF THE CITY OF BUDA'S NOTICE OF A PUBLIC HEARING RELATING TO THE CREATION OF A REINVESTMENT ZONE PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE AND WAIVE SIXTY-DAY NOTICE REQUIREMENTS [T1-362]**

Warren Ketteman, Buda Economic Dev. Council, spoke of this being in conjunction with the Cabela's project – they will post and publish notice in Buda and are requesting waiver of the 60 day notice requirements. He spoke of size of project and public improvements to be made. **A motion was made by Commissioner Carter, seconded by Commissioner Burnett to acknowledge receipt of the City of Buda's Notice of a Public Hearing relating to the creation of a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code and do hereby waive the sixty (60) day notice requirement. All voting "Aye".**



21861 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF BUDA RELATING TO REINVESTMENT ZONE NUMBER ONE, CITY OF BUDA (CABELA'S RETAIL, INC. PROJECT) [T1-476]

Warren Ketteman asked the court to authorize execution of the interlocal agreement – he also asked the court to be prepared to appoint a member to the board or waive the county appointment. Mr. Ketteman advised that Exhibit A (missing from the agenda packet but passed out in court) is the location of the zone and under Section 4 Term of Agreement (i) date is July 6, 2024. **A motion was made by Commissioner Carter, seconded by Judge Powers to authorize the County Judge to execute an Interlocal Agreement with the City of Buda relating to Reinvestment Zone Number One, City of Buda (Cabela's Retail Inc. Project) with the date of July 6, 2024 being the final date under Section 4(i). All voting "Aye".**

21862 ADOPT RIGHT OF WAY ACQUISITION PROCESS AND AUTHORIZE THE COUNTY JUDGE TO SIGN PURCHASE AGREEMENTS [T1-600]

Charles O'Dell felt like more information should have been provided to the public. He encouraged the court to not take action today. Commissioner Molenaar explained the process and Bob Sutton (TC&B) spoke of proposed process – this is intended only for road bond projects. Commissioner Burnett spoke of need for a process to be followed for right-of-way acquisition. Commissioner Molenaar advised that this is no different from process that has been followed in the past. Special Counsel Jacqueline Collum Murphy spoke of need to streamline the process by authorizing the County Judge to sign the purchase agreements. The check, purchasing the property, is approved by the Court under consent items. Commissioner Molenaar advised that if the property owner wants more than the appraised value, that issue would come before the court for possible condemnation proceedings. Commissioner Burnett felt like these issues should be addressed to the precinct commissioner and not the entire court. Bob Sutton spoke of alternative wording giving the Commissioner authority to approve an offer above appraised value – if a Commissioner does not wish to do so, then it would go to the court for consideration. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to adopt a Right of Way Acquisition Process for Hays County Bond Road projects and authorize the County Judge to sign purchase agreements with alternative wording regarding approval of settlement – County Approval of Settlement by Precinct Commissioner instead of Commissioners Court. All voting "Aye".**

21863 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AGREEMENT WITH THE HILL COUNTRY COMMUNITY MHMR CENTER FOR THE PROVISION OF MEDICATIONS FOR OFFENDERS RETURNED TO THE JAIL FROM A STATE HOSPITAL [T1-1040]

The Memorandum of Understanding establishes an agreement between Hill Country CMHMRC and the Hays County Sheriff's Office for the provision of new generation medications for offenders returned to jail from a state hospital. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to authorize the County Judge to execute an agreement with the Hill Country Community MHMR Center for the provision of medications for offenders returned to the jail from a State Hospital. All voting "Aye".**

21864 AUTHORIZE AN ADDITIONAL DEPUTY CONSTABLE FOR PRECINCT 1 [T1-1063]

Constable Pct. 1 Lupe Cruz spoke of additional revenue that could be generated with an additional Deputy Constable. Commissioner Ingalsbe spoke of revenue that could be generated for the JP offices and she advised that the Constable would provide the service currently being performed by Loomis (daily bank deposits). DPS Officers are no longer serving civil warrants and they have lost one of their warrants clerks and will eliminate that position in next year's budget. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize an additional Deputy Constable for Precinct 1 effective July 1, 2004. 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 JUNE 15, 2004.



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