



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 29TH DAY OF JUNE A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN SPECIAL MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALEZ 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.

PUBLIC COMMENTS

Charles O'Dell spoke of his respect for the Commissioners' Court and his right to freedom of speech. He spoke of request made by Commissioner Molenaar regarding statements he previously made in court and presented an affidavit to special counsel Jacqueline Cullom Murphy.

21883 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve payment of county invoices in the amount of \$ 405,465.29 as presented by the County Auditor. All voting "Aye".

21884 APPROVE BUDGET AMENDMENT NO. 04-23

Budgets being amended: Civic Center \$4,000 in donations received for equipment and other expenses J.P. Pct. 2 \$140 transfer from dues & bonds to office supplies \$298 transfer from cont ed to postage Animal Control \$1,000 transfer from Sheriff's vehicles to animal care Special Counsel \$150 transfer from office supplies to books \$300 transfer from telephone to cont ed. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve Budget Amendment No. 04-23 as proposed by the County Auditor. All voting "Aye".

21885 AUTHORIZE THE COUNTY JUDGE TO ACCEPT GRANT FROM THE STATE HOMELAND SECURITY PROGRAM (SHSP) FOR A TOTAL OF \$63,369, WHICH IS COMPRISED OF A BASE AMOUNT OF \$38,369 AND AN ADDITIONAL AMOUNT OF \$25,000 FOR AN EXERCISE PROGRAM

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize the County Judge to accept grant from The State Homeland Security Program (SHSP) for a total of \$63,369, which is comprised of a base amount of \$38,369 and an additional amount of \$25,000 for an exercise program. All voting "Aye".

21885a AUTHORIZE THE COUNTY JUDGE TO ACCEPT GRANT FROM THE STATE HOMELAND SECURITY UNDER THE STATE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM (LETPP) FOR A TOTAL OF \$14,018

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize the County Judge to accept grant from The State Homeland Security under the State Law Enforcement Terrorism Prevention Program (LETPP) for a total of \$14,018. All voting "Aye".

21886 APPROVE SPECIFICATIONS FOR "SUB-DEPOSITORY BANK" BID #2004-B14 AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve specifications for "Sub-Depository Bank" Bid #2004-B14 and authorize Purchasing Agent to solicit for bid and advertising. All voting "Aye".

21887 APPROVE SPECIFICATIONS FOR "METAL PIPE" BID #2004-B13 AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve specifications for "Metal Pipe" Bid #2004-B13 and authorize Purchasing Agent to solicit for bid and advertise. All voting "Aye".



21888 RANCHO LADERA [PCT. 3 #04-3-036, 8 lots] * **APPROVE PRELIMINARY PLAN** [T1-141]

Property owner Howard B. Nicols proposes to subdivide 105.290 acres on RR32 into 8 lots – 4 of the lots will have a shared access driveway. Subdivision Coordinator Jon Thompson gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve preliminary plan for “Rancho Ladera”. All voting “Aye”.**

21889 CYPRESS CREEK ACRES RESUBDIVISION OF LOT 18 [PCT. 3 #04-3-039, 2 LOTS] * **APPROVE PRELIMINARY PLAN** [T1-158]

Property owners James & Ellen Sheffield propose to resubdivide Lot 18 (2.514 acres) into 2 lots. Subdivision Coordinator Jon Thompson gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve preliminary plan for “Cypress Creek Acres Resubdivision of Lot 18”. All voting “Aye”.**

21890 HIGH RIDGE SUBDIVISION [PCT. 3 #04-3-011, 33 LOTS] * **FINAL PLAT APPROVAL** [T1-178]

This subdivision is partially in Comal County (25 lots) and Hays County (8 lots). Subdivision Coordinator Jon Thompson advised that the Comal County plat has already been approved and filed for record – he gave staff recommendation for final plat approval. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat of “High Ridge Subdivision”. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting “Aye”. Commissioner Carter abstained.**

21891 THE HIGHLANDS SECTION C RESUBDIVISION OF LOT 30 [PCT. 4 #04-4-043, 3 LOTS] * **APPROVE PRELIMINARY PLAN** [T1-223]

Property owner Amy Boyd proposes to resubdivide Lot 30 into 3 lots with a shared access driveway on Thurman Road. Subdivision Coordinator Jon Thompson gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plan for “The Highlands Section C Resubdivision of Lot 30”. All voting “Aye”.**

21892 JMJ SUBDIVISION RESUBDIVISION OF LOT 1 [PCT. 4 #03-4-044, 3 LOTS] * **APPROVE FINAL PLAT AND WAIVE PUBLIC NOTIFICATION AND PUBLIC HEARING REQUIREMENTS** [T1-241]

Subdivision Coordinator Jon Thompson advised that additional property was added to the lot, therefore, staff recommends waiver of public notification and public hearing requirements - he gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat, waive public notification and public hearing requirements for “JMJ Subdivision Resub of Lot 1”. All voting “Aye”.**

TRACTOR SUPPLY COMPANY SUBDIVISION [PCT. 4 #03-4-014, 2 LOTS] * **ACTION ON FINAL PLAT POSTPONED** [T1-264]

Curtis Wilson (lives on Peabody Place) spoke in opposition to plat as proposed – he spoke of runoff from this property – he feels like access to Peabody Place (residential area) should be restricted and he does not feel like Hwy 290 can handle the additional traffic. Road Supt/Engineer Jerry Borcharding advised that he reviewed the drainage calculations and he feels like there will be no drainage impact downstream from this property. There will be a retention pond. Felix Manka (CMA Engineering) advised that Lot 1 is at the corner of Peabody Place & Hwy 290 and Lot 2 is on Purcell Lane and Hwy 290 – Lot 1 will have the Tractor Supply Company and Lot 2 has no plans at this time. He spoke of conversations with TxDOT, school district and city of Dripping Springs and they are satisfied with the proposed development. The owner is seeking annexation by the City of Dripping Springs. Discussion was had regarding right-of-way width of Purcell Road. **NO ACTION WAS TAKEN AT THIS TIME.**

21893 BRIDLEWOOD SECTION 2 [PCT. 3 #03-3-020] – **RESCIND ACTION OF JUNE 4, 2004 RELEASING MAINTENANCE SECURITY AND ACCEPTING ROADS INTO THE COUNTY MAINTENANCE SYSTEM** [T1-570]

Subdivision Coordinator Jon Thompson spoke of mistake made on agenda request form on June 4, 2004 - it should have read to release construction security and accept maintenance security. **A motion was made by Commissioner Burnett, seconded by Commissioner Carter to rescind Resolution #21835 adopted on June 4, 2004 releasing Bridlewood Section 2 maintenance security and accepting roads into the county maintenance system. All voting “Aye”.**



21894 BRIDLEWOOD SECTION 2 [PCT. 3 #03-3-020] * RELEASE CONSTRUCTION FISCAL SECURITY AND ACCEPT MAINTENANCE FISCAL SECURITY [T1-601]

Road Supt/Engineer Jerry Borcharding gave staff recommendation to release construction fiscal security and accept maintenance fiscal security. **A motion was made by Commissioner Burnett, seconded by Commissioner Carter to release construction fiscal security and accept maintenance fiscal security for "Bridlewood Section 2". All voting "Aye".**

21895 CALL FOR A PUBLIC HEARING ON JULY 13, 2004 TO ESTABLISH 20 MPH SPEED LIMIT IN KINGSWOOD SUBDIVISION [T1-615]

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to call for a public hearing on July 13, 2004 to consider establishing traffic regulation of 20 MPH speed limit in the Kingswood Subdivision. All voting "Aye".

21896 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 3 TO WORK AUTHORIZATION NO. 4 - HAYS COUNTY/TC&B/OTHON (HEIDENREICH LANE) [T1-630]

Maen Hourani, Senior Project Manager for TC&B, spoke of modifications (additional PS&E development, r-o-w documents, and additional construction phase services). **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 3 to Work Authorization No. 4 – Hays County/TC&B/Othon (Heidenreich Lane). All voting "Aye".**

21897 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 4 TO WORK AUTHORIZATION NO. 8 - HAYS COUNTY/TC&B/PBS&J (MCCARTY LANE) [T1-660]

Maen Hourani, Senior Project Manager for TC&B, spoke of McCarty Lane project – the number of driveways has been increased, therefore, additional parcel plats and metes & bounds descriptions are needed. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 4 to Work Authorization No. 8 – Hays County/TC&B/PBS&J (McCarty Lane). All voting "Aye".**

21898 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 2 TO WORK AUTHORIZATION NO. 9 - HAYS COUNTY/TC&B/HNTB(NUTTY BROWN ROAD) [T1-716]

Maen Hourani, Senior Project Manager for TC&B, spoke of Nutty Brown Road project. The work under this supplement includes design and surveying services required for r-o-w acquisition, tree survey, and design services for schematic and final design changes and additional meetings with citizens groups. **A motion was made by Commissioner Carter, seconded by Commissioner Burnett to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 2 to Work Authorization No. 9 – Hays County/TC&B/HNTD (Nutty Brown Road). All voting "Aye".**

21899 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 1 TO WORK AUTHORIZATION NO. 21 - HAYS COUNTY/TC&B/SURVCON & COBB FINDLEY (UTILITY COORDINATION) [T1-758]

The services to be provided by the engineer are utility coordination and subsurface utility exploration. **A motion was made by Judge Powers, seconded by Commissioner Carter to approve agreement for engineering services with Turner, Collie & Braden Inc. and authorize the County Judge to execute Supplemental Work Authorization No. 1 to Work Authorization No. 21 – Hays County/TC&B/SURVCON & Cobb Findley (Utility Coordination). All voting "Aye".**

21900 ACTION TO SUPPORT CITY OF SAN MARCOS ANNEXATION OF A SEGMENT ALONG CENTERPOINT ROAD [T1-833]

Hermann Vigil, Civil Engineer and Consultant for Hunter Hollow, requested support from the county for annexation of a strip of land along Centerpoint Road by the City of San Marcos so that the Hunter Hollow subdivision can be annexed. **A motion was made by Commissioner Ingalsbe, seconded by Judge Powers to support City of San Marcos annexation of a segment along Centerpoint Road. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".**



21901 ACTION TO WAIVE THE COUNTY'S RIGHT TO MAKE AN APPOINTMENT OF A HAYS COUNTY REPRESENTATIVE TO THE TAX INCREMENT REINVESTMENT ZONE (TIRZ) BOARD OF DIRECTORS IN BUDA, TEXAS [T1-1053]

Warren Ketteman, Executive Director of the Buda Economic Development Council, gave current members of the TIRZ Board of Directors and they are asking the taxing entities to waive appointments – the school district, fire dept. and ESD have already agreed to waive their appointments. The board will supply information and reports to the county on a monthly basis. The County Auditor and County Judge will receive those reports. **A motion was made by Judge Powers, seconded by Commissioner Burnett to waive the county's right to make an appointment of a Hays County representative to the Tax Increment Reinvestment Zone (TIRZ) Board of Directors in Buda, Texas. All voting "Aye".**

DISCUSSION REGARDING AUTHORIZATION FOR THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL ECONOMIC DEVELOPMENT AGREEMENT WITH DUPRE LOCAL GOVERNMENT CORPORATION [T1-1182]

Attorney Richard Donoghue (McCall, Parkhurst & Horton) spoke of agreement regarding the Cabella's project in Buda. He also spoke of changes in the agreement. Commissioner Molenaar requested postponement of authorization until the court has a clean copy of the agreement. County Auditor Bill Herzog did not feel like a separate fund account is necessary. **NO ACTION WAS TAKEN.**

Court convened into closed executive session at 10:50 a.m. and reconvened into open meeting at 11:10 a.m.

EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEXAS GOVERNMENT CODE, TO DISCUSS AND DELIBERATE THE ACQUISITION OF RIGHT-OF-WAY RELATING TO THE HAYS COUNTY ROAD BOND PROGRAM [T1- 1302]

Upon completion of the closed executive session, Judge Powers announced that no action will be taken and he adjourned court.

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 JULY 29, 2004.



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

