



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 20TH DAY OF JULY 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 Carter led the Court in the Pledge of Allegiance to the Flags.

PUBLIC COMMENT

Charles O'Dell, Director of HaysCAN spoke of proposed improvements to Nutty Brown Road and opposition to this project. He submitted his statement in writing as requested by Commissioner Molenaar.

21922 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 \$ 201,045.57 as presented by the County Auditor. All voting "Aye".

21923 APPROVE A TEMPORARY EMPLOYEE (CRIMINAL INVESTIGATOR) FOR THE HAYS COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE FOR APPROXIMATELY SIX WEEKS DUE TO THE ABSENCE OF A FULL-TIME EMPLOYEE WHO WILL BE ON FMLA LEAVE

A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve a temporary employee (Criminal Investigator) for the Hays County Criminal District Attorney's Office for approximately six weeks due to the absence of a full-time employee who will be on FMLA leave. All voting "Aye".

21924 APPROVE SPECIFICATIONS FOR BID #2004-B11, 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

[T1-80] Road Supt./Engineer Jerry Borcharding advised that there are a couple of right of way issues that they still need to get comfortable with. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve specifications for Bid #2004-B11, Hays County Road Program, Road improvements for Centerpoint Road (CR234) & McCarty Lane (CR233) and authorize Purchasing Agent to solicit for bid and advertise when all right-of-way issues have been resolved to the satisfaction of Commissioner Ingalsbe. All voting "Aye".

21925 ADOPT AN ORDER OF THE HAYS COUNTY COMMISSIONERS' COURT ABANDONING AND VACATING A PRESCRIPTIVE EASEMENT AND ACCEPTING A DEDICATION OF PUBLIC RIGHT-OF-WAY (FULTON RANCH ROAD) PURSUANT TO SECTION 263.006, TEXAS LOCAL GOVERNMENT CODE; AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE OR ACCEPT ON BEHALF OF THE COUNTY ANY NECESSARY CONVEYANCE DOCUMENTS [T1-101]

Dale Dugger (Flite Acres Rd resident) encouraged the court to vote to allow public access through Fulton Ranch. Clint Frankmann asked if the road has been completed in phase 2 and does it meet county specifications? Eddy Gumbert spoke representing property owners on the easement. He is not against the new road, however, they are concerned about their access to the new Fulton Ranch Road (they must cross over the old portion of the road in order to access the new one). Attorney Charles Soechting spoke of new document that has been created to address those concerns and will be signed by Mr. O'Quinn. Mike Dukes (Flite Acres Rd resident) spoke of the road being an excellent roadway. [T1-332] Charles Soechting advised that the roadway is paved and he spoke of the panoramic views along the roadway. Mr. Soechting also spoke of it being a timesaver for the Sheriff's Dept. Road Supt/Engineer Jerry Borcharding spoke of need to evaluate the roadway to determine if and where guardrails are needed and to establish traffic regulations. He spoke of old roadway being unsafe and he supports accepting the new roadway. Commissioner Carter requested postponement of action until a thorough evaluation has been done of the roadway and all documents are complete. Commissioner Molenaar voiced his concerns. Jerry Borcharding spoke of comparison of old road with new road - he supports the roadway exchange - the drainage concerns are at the top of a rise - it is a minor drainage problem that will not damage the road.



A motion was made by Judge Powers, seconded by Commissioner Burnett to adopt an Order of the Hays County Commissioners' Court abandoning and vacating a prescriptive easement and accepting a dedication of public right-of-way (Fulton Ranch Road) pursuant to Section 263.006 Texas Local Government Code; and authorizing the County Judge to execute or accept on behalf of the county any necessary conveyance documents. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".

21926 THE PARKLANDS SECTION 1 [PCT. #2 03-2-058] * APPROVE EXTENSION OF CONSTRUCTION FISCAL SECURITY [T1-577]

Environmental Health Director Allen Walther advised that time delays slowed down the construction and they are providing a replacement fiscal security for one additional year. He gave staff recommendation for extension of construction fiscal security. **A motion was made by Judge Powers, seconded by Commissioner Burnett to approve extension of construction fiscal security for "The Parklands Section 1". Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar and Judge Powers voting "Aye". Commissioner Carter voting "No".**

21927 THE SPRINGS RESUBDIVISION OF LOT 1 [PCT. 4 #04-4-046, 2 LOTS] * PRELIMINARY PLAN APPROVAL [T1-595]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval – these are commercial lots served by an existing TCEQ Permitted Wastewater System. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plan for "The Springs Resubdivision of Lot 1". All voting "Aye".**

21928 THE OAKS @ GATLIN CREEK [PCT. 4 #04-4-045, 5 LOTS] * PRELIMINARY PLAN APPROVAL [T1-640]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve preliminary plan for "The Oaks @ Gatlin Creek". All voting "Aye".**

21929 ARROYO RANCH SECTION 2 [PCT. 2 #02-2-009] * CALL FOR A PUBLIC HEARING ON AUGUST 3, 2004 TO CONSIDER THE ESTABLISHMENT OF COMPREHENSIVE TRAFFIC REGULATIONS, RELEASE OF MAINTENANCE FISCAL AND ACCEPT STREETS INTO THE COUNTY MAINTENANCE SYSTEM [T1-648]

A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to call for a public hearing on August 3, 2004 to consider the establishment of comprehensive traffic regulations, release of maintenance fiscal and accept streets into the county maintenance system. All voting "Aye".

21930 ADOPT A RESOLUTION ACKNOWLEDGING THE CITY OF KYLE'S NOTICE OF INTENT TO CREATE A TAX INCREMENT REINVESTMENT ZONE AND SUPPORTING THE CITY'S EFFORTS TOWARDS CREATION OF SAID ZONE [T1-685]

Tom Mattis, Kyle City Manager, explained the project – this is an incentive program that will provide a direct benefit to the citizens today – it will provide improvements to roadways (IH35 overpass, frontage road, & FM1626) and should encourage economic development. **A motion was made by Judge Powers, seconded by Commissioner Burnett to adopt a Resolution acknowledging the City of Kyle's Notice of Intent to create a Tax Increment Reinvestment Zone (TIRZ) and supporting the City's efforts toward creation of said zone. All voting "Aye".** Peter French (Kyle Chamber of Commerce) spoke of partnership for this project and the support it has received from the various taxing entities. The Court will need to appoint a county representative to the board next week.

DISCUSSION RE: ASSIGNMENT OF MASTER ECONOMIC DEVELOPMENT AGREEMENT FROM CABELA'S RETAIL INC. TO CABELA'S RETAIL TX, LP [T1-935]

Donna Williams (resident of LimestoneTrail) spoke in opposition to allowing 25 years of tax reduction for Cabela's. Warren Ketteman, Director of Buda Economic Development, advised that he would be glad to meet with Ms. Williams to explain the project to her. Mr. Ketteman spoke of Section 17.4 of the agreement that allows granting assignment of their rights – all the attorneys have reviewed this assignment. Commissioner Carter felt uninformed about the difference between a corporation and a limited partnership. Mr. Ketteman advised that this is a corporate issue and will not affect local taxes. **NO ACTION was taken.**



21931 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE VILLAGE OF WIMBERLEY RELATING TO THE RECONSTRUCTION ON THE INTERSECTION OF SPOKE HOLLOW AND RANCH ROAD 12 IN PRECINCT 3

[T1-1052] Road Supt/Engineer Jerry Borcharding advised that this is a safety related project and will provide for a 90 degree intersection at the intersection of Spoke Hollow Road and Ranch Road 12. The project was in the planning stages prior to incorporation of the Village of Wimberley. Adequate ROW has been donated by adjacent landowners and all required State permits and approvals have been finalized. In anticipation of Court approval, this project was put on the FY04 priority list and funds are available (\$50,000). The interlocal agreement provides for Village funding up to approximately \$13,600 if the project exceeds the County budgeted amount. Commissioner Burnett advised that he worked on this project before the Village of Wimberley was created and the money has been budgeted – this is a dangerous intersection and it took a long time for the State to approve the project. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to execute an Interlocal Agreement with the Village of Wimberley relating to the reconstruction on the intersection of Spoke Hollow and Ranch Road 12 in Precinct 3. All voting "Aye".**

Clerk's Note: Agenda Item #12 RE: AMEND THE RESOLUTION GOVERNING THE OPERATION OF THE HAYS COUNTY ROAD DEPARTMENT THAT WAS ORIGINALLY ENACTED IN JANUARY 1997 was PULLED. NO DISCUSSION AND NO ACTION TAKEN.

21932 APPROVE PROPOSED HOT-MIX PROJECTS FOR THE REMAINDER OF FY 2004

[T1-1133] Road Supt/Engineer Jerry Borcharding advised that this action would allow currently budgeted monies to be used for hot-mixing selected roads in each precinct. As plans for this effort progress, each Commissioner will be contacted and briefed on the overall impact on their respective precinct. Commissioner Burnett felt like Jerry Borcharding already has the authority to run the road dept. He commended the road department. Jerry Borcharding advised that this was placed on the agenda because it is a substantial departure from general policy (use of hot mix vs. chip seal). **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve the proposed hot-mix projects for the remainder of FY2004. 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 JULY 20, 2004.



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

