



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 27TH 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
LEE CARLISLE	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.

21933 ADOPT A PROCLAMATION RECOGNIZING AUGUST 3, 2004 AS "NATIONAL NIGHT OUT" IN HAYS COUNTY

Deputy Sheriff Mike Thielen spoke of the National Night Out activities that will be held throughout the county (approximately 50 parties). Sheriff Don Montague spoke in support of this event. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to adopt Proclamation recognizing August 3, 2004 as "National Night Out" in Hays County. All voting "Aye".**

PUBLIC COMMENT

Charles O'Dell spoke of Papalote Homes law suit to be discussed in executive session – he asked that Special Counsel Jacqueline Cullom Murphy and Judge Powers recuse themselves from executive session because of comments that were previously made by them .

21934 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve payment of county invoices in the amount of \$ 347,196.59 as presented by the County Auditor. All voting "Aye".

21935 APPROVE BUDGET AMENDMENT 04-26

Budgets to be amended are as follows: Grants – transfer \$250 from office supplies into telephone Civic Center – transfer \$500 from utilities into vehicle maintenance Tax Assessor – transfer \$650 from insurance into software District Clerk – transfer \$600 from printing into office supplies Sheriff/Jail – transfer \$7,350 from various line items into telephone Human Resources - transfer \$616 from various line items into postage (\$145) and travel (\$471) Constable 2 – transfer \$270 from various line items into vehicle maintenance R&B Operations – transfer \$21,200 from contract road work into various line items TDH/Child Health – transfer \$700 from supplies into travel TDH/Immunization – transfer \$500 from supplies into travel Courthouse Security fund - County Court – transfer \$200 from equipment maintenance into misc. equipment Personal Health - \$1,100 transfer from equipment lease into travel (\$1000) and cont ed (\$100). **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Budget Amendment No. 04-26 as proposed by the County Auditor. All voting "Aye".**

21936 APPROVE UTILITY PERMITS #1714-1717

The following Utility Permits were submitted for approval:

PERMIT #	CO ROAD NAME	UTILITY COMPANY
01714	CR117 / Old San Antonio Road	Verizon – Wimberley
01715	CR231 / Summit Dr. East	Wimberley Water Supply Corp
01716	CR157 / Goforth Road	Center Point Energy
01717	CR151 / Bunton Lane	Center Point Energy

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve Utility Permit #01714-01717 as submitted by the Road Department. All voting "Aye".

21937 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A GRANT APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE, DEPARTMENT OF JUSTICE FOR UP TO \$11,686 AND TO EXECUTE CONTRACT

This grant will be used to purchase technology based equipment that is not included in the normal budgets of the Sheriff's office, Constables, and District Attorney's office. The 10% matching funds will be budgeted in the FY2004-2005 budget. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to authorize the County Judge to submit a grant application to the Bureau of Justice Assistance, Department of Justice for up to \$11,686 and to execute contract. All voting "Aye".**



21938 APPROVE DECEMBER 2003 THROUGH FEBRUARY 2004 TREASURER'S REPORTS AND INVESTMENT REPORTS

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve December 2003 through February 2004 Treasurer's Reports and Investment Reports. All voting "Aye".

21939 APPROVE RENEWAL CONTRACT WITH TEXAS ASSOCIATION OF REGIONAL COUNCILS AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR FY 2004 - 2005 CITIZENS CORP PROGRAM

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve renewal contract with Texas Association of Regional Councils and the Federal Emergency Management Agency for FY2004-2005 Citizens Corp Program. All voting "Aye".

21940 APPROVE PURCHASE OF TRUTH IN TAXATION SOFTWARE FROM KAVOUSSI & ASSOCIATES FOR THE HAYS COUNTY TAX OFFICE

This is the software used to calculate the effective tax rates. Money is available in the tax office budget, however, a budget amendment is necessary to cover this expense. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve purchase of Truth in Taxation Software from Kavoussi & Associates for the Hays County Tax Office. All voting "Aye".

21941 THE COUNTRYSIDE REPLAT OF LOTS 1C & 1D [PCT. 1#04-1-047, 2 LOTS] * FINAL PLAT APPROVAL AND WAIVER OF PRELIMINARY PLAN AND PUBLIC NOTIFICATION REQUIREMENTS [T1-150]

Environmental Health Director Allen Walther advised that common lot lines are being reconfigured and he gave staff recommendation for final plat approval and waiver of preliminary plan and public notification requirements. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve final plat and waive preliminary plan and public notification requirements for "The Countryside Replat of Lots 1C & 1D". All voting "Aye".

Clerk's Note: Agenda Item #10 RE: RANCHO LADERA [PCT. 3 #04-3-036, 8 LOTS] * FINAL PLAT APPROVAL AND GRANT VARIANCE TO MAXIMUM LENGTH OF SHARED ACCESS DRIVEWAY was PULLED. No discussion and no action taken.

21942 THE PRESERVE PHASE 1 LOT 13A & PHASE 2 LOT 15A REPLAT [PCT. 4 #04-4-051, 1 LOTS] * FINAL PLAT APPROVAL AND WAIVE THE PRELIMINARY PLAN AND PUBLIC NOTIFICATION REQUIREMENTS [T1-169]

Environmental Health Director Allen Walther advised that common lot line is being reconfigured and he gave staff recommendation for final plat approval and waiver of preliminary plan and public notification requirements. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat and waive the preliminary plan and public notification requirements for "The Preserve Replat of Phase 1 Lot 13A & Phase 2 Lot 15A". All voting "Aye".

21943 THE OAKS @ GATLIN CREEK [PCT. 4 #04-4-045, 5 LOTS] * FINAL PLAT APPROVAL

[T1-188] Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve final plat of "The Oaks @ Gatlin Creek". All voting "Aye".

21944 APPROVE A MEMORANDUM OF UNDERSTANDING AND REIMBURSEMENT AGREEMENT BETWEEN THE FEDERAL BUREAU OF INVESTIGATION AND THE HAYS COUNTY SHERIFF'S OFFICE FOR A JOINT TERRORISM TASK FORCE

[T1-201] Sheriff Don Montague spoke of discussions with the FBI – the task force will be comprised of Austin PD, Travis SO, Williamson County SO, Secret Service, DEA, INS, and U.S. Customs. This provides an Officer with direct access to the FBI and the ability to receive information to address foreign and domestic terrorism. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve a Memorandum of Understanding and Reimbursement Agreement between the Federal Bureau of Investigation and the Hays County Sheriff's Office for a Joint Terrorism Task Force. All voting "Aye".

21945 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH LANDATA TECHNOLOGIES, INC. REGARDING SCANNING & INDEXING OF HISTORICAL RECORDS FOR ARCHIVAL PURPOSES [T1-254]

County Clerk Lee Carlisle advised that this will be an ongoing program to archive records in the County Clerk's Office over the next four years to be paid out of the new archival fee. A motion was made by Commissioner Molenaar, seconded by Judge Powers to authorize the County Judge to enter into a contract with Landata Technologies Inc. regarding scanning and indexing of Historical Records for Archival purposes. All voting "Aye".



21946 AUTHORIZE THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH EICHMAN SOFTWARE CONSULTANTS TO ACT AS AGENT TO RENEGOTIATE CLERK'S CONTRACT WITH AFFILIATED COMPUTER SERVICES (ACS) REGARDING THE DIGITIZATION OF OFFICIAL PUBLIC RECORDS [T1-281]

County Clerk Lee Carlisle advised that ACS provides daily digitization of the Official Public Records in the County Clerk's office – the contract comes due Dec 31, 2004 and he would like to lower the price. He has tried to negotiate with ACS and has not been successful and would like to hire a consultant that will attempt negotiations – payment would be made from the savings, if the price is reduced, and there will be no fee if negotiations are unsuccessful. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to authorize the County Judge to enter into a contract with Eichman Software Consultants to act as Agent to renegotiate County Clerk's contract with affiliated computer services (ACS) regarding the digitization of Official Public Records. All voting "Aye".**

21947 ACTION TO APPROVE \$250,000, FROM COUNTY PARK BOND FUNDS FOR THE CITY OF BUDA'S SPORTSPLEX PARK PROJECT IN THE FORM OF A LETTER OF COMMITMENT [T1-360]

A power point presentation was given to the court. Warren Ketteman (Buda Economic Development Director) spoke of the project – 15 acres are being donated from the private sector, 2.23 acres donated from the school district, and 55 acres purchased by the BEDC (NW corner adjacent to Dahlstrom Middle School). He spoke of improvements that will be made to the property (soccer & softball fields, playgrounds, hiking trails, enhanced wetlands, picnic tables & benches) – on the frontage road of FM 967 there will be a Buda fire station and the lots owned by BEDC will be sold to help repay loans. There will be a use facilities agreement with the school district so that they can utilize the facilities during school hours. The City of Buda Parks Department will eventually own the property. The Letter of Commitment sets out the following conditions: (1) *term of commitment is for one year, ending on July 27, 2005*, (2) *City of Buda must commit to improvements and maintenance of park*, (3) *City of Buda must work with county grants office to locate additional funds*, (4) *City of Buda must acquire matching funds equal to county award*. **A motion was made by Commissioner Carter, seconded by Commissioner Molenaar to approve \$250,000.00 from County Park Bond Funds for the City of Buda's Sportsplex Park Project in the form of a Letter of Commitment for no more than twelve (12) months. All voting "Aye".**

21948 APPROVE ASSIGNMENT OF MASTER ECONOMIC DEVELOPMENT AGREEMENT FROM CABELA'S RETAIL INC. TO CABELA'S RETAIL TX, LP [T1-715]

Sam Cooper, a CPA and Buda EDC Board President, explained why a business would want an assignment from a corporation to a limited partnership (exemption from state franchise tax). Commissioner Carter spoke in opposition to the assignment. Commissioner Molenaar and Commissioner Burnett spoke in support of it. **A motion was made by Judge Powers, seconded by Commissioner Burnett to approve Assignment of Master Economic Development Agreement from Cabela's Retail Inc. to Cabela's Retail Tx, LP. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE PAPALOTE HOME, INC. V. HAYS COUNTY, CAUSE NO. 04-0325 [T1-1020]

Court convened into closed executive session at 10:15 a.m. and reconvened into open meeting at 11:15 a.m. Judge Powers advised that there is no action to be taken.

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 27, 2004.



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