



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 23rd DAY OF NOVEMBER A.D., 2004, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

JAMES L. POWERS	COUNTY JUDGE
DEBBIE GONZALES 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 led the Court in the Pledge of Allegiance to the Flags.

22207 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 \$481,770.75 As presented by the County Auditor. All voting "Aye".

22208 APPROVE BUDGET AMENDMENT # 05-05

Budgets being amended are: Building Mtc./Commissioner Pct. 4: \$478 from Pct. 4 to Bldg Mtc. For cost of AC/Heat unit for office District Clerk: \$40 for case binder expense. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment #05-05 as proposed by the County Auditor. All voting "Aye".

22209 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Utility Permit #1742 on Oak Run Drive issued to Verizon, #1743 on CR157 issued to Guadalupe-Blanco River Authority, #1744 on CR158 issued to Guadalupe-Blanco River Authority, #1745 on Quail Ridge issued to Guadalupe-Blanco River Authority, and #1746 on Quail Ridge issued to Guadalupe-Blanco River Authority as submitted by the Road Department. All voting "Aye".

22210 APPROVE SPECIFICATIONS FOR "OLD STAGECOACH ROAD/BLANCO RIVER BRIDGE WIDENING" AND AUTHORIZE PURCHASING AGENT TO SOLICIT FOR BID AND ADVERTISE

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve specifications for "Old Stagecoach Road/Blanco River Bridge Widening" and authorize Purchasing Agent to solicit for bid and advertise. All voting "Aye".

22211 APPROVE A/C & HEATING SERVICES TO TEJAS REFRIGERATION

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve A/C & Heating services to Tejas Refrigeration. All voting "Aye".

22212 APPROVE AGREEMENT FOR RENTAL OF RADAR EQUIPMENT FOR DPS WITH APPLIED CONCEPTS AND AUTHORIZE THE COUNTY JUDGE TO SIGN RENTAL AGREEMENT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Agreement for Rental of Radar Equipment for DPS with Applied Concepts and authorize the County Judge to sign rental agreement. All voting "Aye".

22213 [PCT. 2 #04-2-07, 2 LOTS] ELLIOTT RANCH PHASE 3 LOTS 6 & 7 AMENDED * APPROVE FINAL PLAT, WAIVE PRELIMINARY PLAN AND PUBLIC NOTIFICATION REQUIREMENTS [T1-30]

Environmental Health Director Allen Walther advised that owners are amending the common lot line – he gave staff recommendation for final plat approval and waiver of preliminary plan and public notification requirement. No additional lots are being created. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to waive the preliminary plan and public notification requirements and approve final plat of "Elliott Ranch Phase 3 Lots 6 & 7 Amended". All voting "Aye".



NOVEMBER 23, 2004

VOLUME T PAGE 121

22214 [PCT. 2 #03-2-051, 228 LOTS] **HAYS 967 * APPROVE EXTENSION OF PRELIMINARY PLAN APPROVAL** [T1-43]

Environmental Health Director Allen Walther advised that a request is being made to extend the time for preliminary plan approval. Bryan Jordan explained why they are requesting a 6 month extension. **A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe to approve a six month extension of preliminary plan for "Hays 967". All voting "Aye".**

22215 [PCT. 3 04-3-075, 2 LOTS] **RED HAWK RANCH TRACT 1 & 6 REPLAT * APPROVE FINAL PLAT, WAIVE PUBLIC NOTIFICATION AND PRELIMINARY PLAN REQUIREMENTS**

[T1-72] Environmental Health Director Allen Walther advised that this is a revision to a common lot line – he gave staff recommendation for final plat approval. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to waive public notification and preliminary plan requirements and approve final plat of "Red Hawk Ranch Tract 1 & 6 Replat". All voting "Aye".**

22216 [PCT. 3 04-3-058, 2 LOTS] **BURNETT RANCH UNIT 3 LOT 62 RESUBDIVISION * PUBLIC HEARING AND APPROVE FINAL PLAT** [T1-84]

Judge Powers declared the public hearing open. No public input was received and the public hearing was closed. Environmental Health Director Allen Walther advised that some opposition was submitted to the resubdivision – staff recommends approval of final plat. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat of "Burnett Ranch Unit 3 Lot 62 Resubdivision". All voting "Aye".**

22217 [PCT. 3 #04-3-060, 12 LOTS] **KELLY'S COUNTRY * APPROVE PRELIMINARY PLAN** [T1-133]

Environmental Health Director Allen Walther spoke of use of water wells – Trinity Ground Water Conservation District have voiced their concerns and staff has requested those comments in writing. He does not recommend shared wells – staff will recommend a plat note to not allow shared wells. **A motion was made by Commissioner Burnett, seconded by Commissioner Ingalsbe to approve preliminary plan for "Kelly's Country" with stipulation that shared water wells not be allowed. Commissioner Ingalsbe, Commissioner Burnett, Commissioner Molenaar, and Judge Powers voting "Aye". Commissioner Carter voting "No".**

22218 [PCT. 3 #04-3-070, 2 LOTS] **PARKER'S RIDGE SECTION 2 * APPROVE PRELIMINARY PLAN** [T1-191]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve preliminary plat of "Parker's Ridge Section 2". All voting "Aye".**

22219 [PCT. 4 #04-4-008] **THE PRESERVE @ LA VENTANA PHASE 1 * RELEASE CONSTRUCTION FISCAL SECURITY AND ACCEPT COMPLETION OF THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS** [T1-200]

A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to release the construction fiscal security and accept completion of the construction of street and drainage improvements and for "The Preserve @ La Ventana Phase I". All voting "Aye".

22220 [PCT. 4 #04-4-009] **LA VENTANA PHASE 6 * RELEASE CONSTRUCTION FISCAL SECURITY AND ACCEPT COMPLETION OF THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS** [T1-212]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of fiscal security and acceptance of completion of construction of street and drainage improvements. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett, to release construction fiscal security and accept completion of the construction of street and drainage improvements in "La Ventana Phase 6". All voting "Aye".**

22221 [PCT. 4 #04-4-010] **LA VENTANA PHASE 7 * RELEASE CONSTRUCTION FISCAL SECURITY AND ACCEPT COMPLETION OF THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS** [T1-224]

Road Supt/Engineer Jerry Borcharding gave staff recommendation for release of fiscal security and acceptance of completion of construction of street and drainage improvements. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to release construction fiscal security and accept completion of the construction of street and drainage improvements in "La Ventana Phase 7". All voting "Aye".**



- 22222 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. 11 - HAYS COUNTY/TC&B/KC ENGINEERING (HILLSIDE TERRACE) [T1-238]**

Bob Sutton (TC&B) explained this work authorization. A motion was made by Commissioner Carter, seconded by Commissioner Ingalsbe 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. 11 – Hays County/TC&B/KC Engineering (Hillside Terrace). All voting “Aye”.

- 22223 APPROVE AGREEMENT WITH CITY OF SAN MARCOS RELATING TO THE RELOCATION OF OVERHEAD ELECTRICAL FACILITIES ALONG MCCARTY LANE**

[T1-302] Bob Sutton spoke of need to relocate the overhead electrical facilities along McCarty Lane. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve agreement with City of San Marcos relating to the relocation of overhead electrical facilities along McCarty Lane. All voting “Aye”.

- 22224 ACTION IN SUPPORT OF PRELIMINARY ROADWAY IMPROVEMENT PROJECTS IN THE CITY OF KYLE [T1-320]**

Special Counsel Jacqueline Cullom Murphy spoke of confusion in the contract and need for additional time. Commissioner Carter spoke of the City of Kyle trying to obtain donation of right-of-way and they need more time to lower the costs. [T1-1050] Kyle City Administrator Tom Mattis advised that the City of Kyle is already in agreement with funding. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to support the preliminary roadway improvement projects in Kyle and to come back with the final contract. All voting “Aye”.

Clerk’s Note: Agenda Item #19 RE: HIRE HALFF ASSOCIATES AS THE ENGINEERING/SURVEYING FIRM FOR PHASE I PLANNING OF A BRIDGE OVER BARTON CREEK ON MCGREGOR LANE DISCUSSION WITH POSSIBLE ACTION TO ESTABLISH MAP BOOK DISTRIBUTION AND SET PRICES FOR BOOKS AND RELATED MATERIALS was PULLED. No discussion and no action taken.

- 22225 ESTABLISH MAP BOOK DISTRIBUTION AND SET PRICES FOR BOOKS AND RELATED MATERIALS [T1-363]**

Environmental Health Director Allen Walther spoke of having 600 new map books and they have received numerous requests for the book – CD’s will be available. Distribution list indicates offices that will receive a free copy and staff recommends selling the remaining books for \$20 each and CD for \$20. A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to accept the map book distribution list proposed by Environmental Health Planning & GIS and set the price for remaining books at \$20 each and CD’s at \$20 each. All voting “Aye”.

- 22226 AUTHORIZE PURCHASE OF A 21” BATTERY POWERED AUTOMATIC FLOOR SCRUBBER FOR THE HAYS COUNTY BUILDING MAINTENANCE DEPARTMENT AND AMEND THE BUDGET ACCORDINGLY [T1-478]**

Maintenance Supervisor Ron Knott spoke of staff taking a more active role in maintaining floors and reducing contract costs. Funds to come out of contract janitorial line item #5458. A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to authorize purchase of a 21” battery powered automatic floor scrubber for the Hays County Building Maintenance Department and amend the budget \$3260 out of contract janitorial line item #5458. All voting “Aye”.

- 22227 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A REAL ESTATE CONTRACT WITH VISION LAND GROUP FOR THE PURCHASE OF 1.08 ACRES OF REAL PROPERTY LOCATED ADJACENT TO THE “OLD HOSPITAL PROPERTY” IN SAN MARCOS, TEXAS (J.M. VERAMENDI LEAGUE NO. 2, A-17, CITY OF SAN MARCOS) AND ACCEPT THE DONATION OF AN ADDITIONAL ACRE AND AMEND THE BUDGET ACCORDINGLY [T1-546]**

Commissioner Ingalsbe spoke of negotiations and advised that she supports this purchase. County Auditor Bill Herzog spoke of available funding in the budget. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Judge to execute a real estate contract with Vision Land Group for the purchase of 1.08 acres of real property located adjacent to the “Old Hospital Property” in San Marcos, Texas (J.M. Veramendi League No. 2, A-17 City of San Marcos) and accept the donation of an additional acre and amend the budget accordingly. All voting “Aye”.

**22228 APPROVE RESOLUTION REVISING THE TOLL ROAD DECISION [T1-596]**

Commissioner Carter and Commissioner Burnett have been working together to revise the toll road decision and Commissioner Carter read a proposed resolution. Commissioner Burnett advised that his proposed resolution has some different wording – he does not support a State income tax (this was left off Commissioner Carter's version). Commissioner Burnett spoke of the gas tax (only 46% goes to transportation) – he does not want an increase in the gas tax, only that a larger percentage of it be used for transportation. Commissioner Carter spoke in support of not tolling existing lanes. Commissioner Burnett read his resolution and the court agreed to adopt that version. **A motion was made by Judge Powers, seconded by Commissioner Carter to adopt Resolution Revising the Toll Road Decision. All voting "Aye".**

**RESOLUTION OF HAYS COUNTY COMMISSIONERS COURT
REGARDING STATE HIGHWAY FUNDING**

Whereas, the Hays County Commissioners Court recognizes that the Texas Department of Transportation only has approximately 1/3 of the amount of the transportation needs state wide; and

Whereas, the Hays County Commissioners Court recognizes that approximately 46% of gas tax dollars go to TxDOT for transportation funding; and

Whereas, the Hays County Commissioners Court opposes a state income tax or increasing the gas tax for transportation funding,

NOW, THEREFORE, BE IT RESOLVED THAT THE HAYS COUNTY COMMISSIONERS COURT supports the Texas Legislature increasing the portion of existing gas tax to go toward transportation funding and therefore reducing the need for toll funding.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT THE HAYS COUNTY COMMISSIONERS COURT oppose the tolling of existing lanes of traffic, without approval by the voters in a local option election, and encourage all state MPO's and the Texas Legislature to do likewise.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE ONGOING NEGOTIATIONS BETWEEN HAYS COUNTY AND STATE STREET GLOBAL MARKETS, LLC REGARDING THE HAYS COUNTY JUVENILE DETENTION FACILITY. ACTION MAY FOLLOW IN OPEN COURT

Court convened into closed executive session at 10:10 a.m. and reconvened into open meeting at 10:35 a.m. No action was taken.

22229 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A TAX INCREMENT REINVESTMENT ZONE PARTICIPATION AGREEMENT WITH THE CITY OF KYLE RELATING TO THE ORDINANCE CREATING REINVESTMENT ZONE NUMBER ONE, CITY OF KYLE, TEXAS, PURSUANT TO CHAPTER 311, TEX. TAX CODE

[T1-814] Kyle City Administrator Tom Mattis spoke of Bunton Overpass improvement with this project. It is possible that money may be generated by the TIF to make future improvements to other overpasses. **A motion was made by Judge Powers, seconded by Commissioner Carter to authorize the County Judge to execute a Tax Increment Reinvestment Zone Participation Agreement with the City of Kyle relating to the Ordinance creating Reinvestment Zone Number One, City of Kyle, Texas, pursuant to Chapter 311 Texas Tax Code. 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 NOVEMBER 23, 2004.



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

