



STATE OF TEXAS \*  
 COUNTY OF HAYS \*

ON THIS THE 7<sup>th</sup> DAY OF DECEMBER 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 Ingalsbe led the Court in the Pledge of Allegiance to the Flags.

**PUBLIC COMMENT**

Charles O'Dell spoke in opposition to settlement with **Papalote Homes Ltd.** (Heatherwood Subdivision).

**22230 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 **\$722,345.16** (11/30/04 disbursements) and **\$262,331.16** (12/07/04 disbursements) as presented by the County Auditor. All voting "Aye".

**22231 APPROVE BUDGET AMENDMENT # 05-06**

Budget being amended: Sheriff (418) = \$1,471 transfer from photo supply/processing into misc. equipment to fund ID photo printers for security badges. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Budget Amendment No. 05-06 as proposed by the County Auditor. All voting "Aye".

**22232 APPROVE UTILITY PERMITS #01747-01759 & 01761**

The following Utility Permits were submitted by the Road Department for approval:

PERMIT #	CR#/NAME	UTILITY COMPANY
01761	Oakwood Loop	Time Warner Cable
01759	Mason Dixon Drive	Time Warner Cable
01758	Tortuga Racing Lane	Time Warner Cable
01757	Bubba's Bluff	Time Warner Cable
01756	Westward Look	Time Warner Cable
01755	Eastward Look	Time Warner Cable
01754	West Cave Circle	Time Warner Cable
01753	Montevista Cove	Time Warner Cable
01752	Montecito Blvd	Time Warner Cable
01751	Fawn Crossing	Time Warner Cable
01750	West Cave Blvd.	Time Warner Cable
01749	West Cave Crossing	Time Warner Cable
01748	Kit Carson	LCRA
01747	West Fitzhugh Road	P.E.C.

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve Utility Permits #01761 and 01747- 01759 as submitted by the Road Department. All voting "Aye".

**Agenda Item #4** RE: APPROVE REAPPOINTMENT OF FIRE COMMISSIONERS RON SPANGENBERG, DAVID SLIDER, AND EDDIE GUMBERT TO THE HAYS COUNTY EMERGENCY SERVICES DISTRICT #4 was **PULLED**. No discussion and no action taken.

**22233 PARKER'S RIDGE SECTION 2 [PCT. 3 #04-3-070, 2 LOTS] \* APPROVE FINAL PLAT**

[T1-85] Environmental Health Director Allen Walther gave staff recommendation for final plat approval. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve final plat of "Parker's Ridge Section 2". All voting "Aye".



22234 [PCT. 4 #04-4-079, 2 LOTS] HAYS COUNTRY ACRES LOT 15 RESUBDIVISION \* APPROVE PRELIMINARY PLAN [T1-93]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plan for "Hays Country Acres Resubdivision of Lot 15". All voting "Aye".**

22235 [PCT. 4 #04-4-073, 2 LOTS] HIGHLANDS EAST LOT 6 RESUBDIVISION \* APPROVE PRELIMINARY PLAN [T1-103]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve preliminary plan for "Highlands East Resubdivision of Lot 6". All voting "Aye".**

22236 [PCT. 4 #04-4-080, 4 LOTS] GLENN KOTHMANN PROPERTIES SUBDIVISION LOTS 51A & 51B RESUBDIVISION \* APPROVE PRELIMINARY PLAN [T1-115]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve preliminary plan for "Glenn Kothmann Properties Resubdivision of Lots 51A & 51B". All voting "Aye".**

22237 PUBLIC HEARING REGARDING PETITION FOR CREATION OF PROPOSED PUBLIC IMPROVEMENT DISTRICT (PID) - (POLO COUNTRY CLUB PUBLIC IMPROVEMENT DISTRICT) [T1-126]

Judge Powers declared the public hearing open. Charles O'Dell advised that the City Council of Dripping Springs let this item die on their agenda and he recommended postponing any action until all questions are answered (i.e. where will the centralized treatment plant be located?). Parke Patterson (Consultant representing Rooster Springs LP) and Attorney Mark Zeppa appeared before the court. He stated that all the information has been provided to the Commissioners Court and City of Dripping Springs – the water reclamation plant will be located on property across the street and adjacent to Belterra and the water will be irrigated to the golf course. He stated that the City of Dripping Springs decided to not take action on the PID – they felt like it was the county's duty to create the PID. Commissioner Carter spoke of MUD's and PID's and she spoke of taxation in these districts without government control. Parke Patterson spoke of county having oversight of the district – they do not propose an assessment greater than their competition (Belterra) and they do not want to overtax anyone. The county would be responsible for appointing the board of directors and have final say about debt being issued. Matt Felps (Engineer) spoke of well reduction addressed in agreement and permit (2003) issued by the Trinity Groundwater Conservation District. Well water dependency will be reduced as more lots are developed and more effluent is available for irrigating the golf course. Judge Powers closed the public hearing. No action was taken today. Commissioner Molenaar spoke of other issues that will be under consideration by the PID. Environmental Health Director Allen Walther advised that it would be helpful to know what areas of the golf course will be dependent on ground water and unable to use effluent irrigation.

22238 ACTION TO CONSIDER A REQUEST FROM THE CITY OF SAN MARCOS TO WAIVE THE SIXTY-DAY STATUTORY NOTICE REQUIRED FOR THE CREATION OF A TAX INCREMENT REINVESTMENT ZONE (PROPOSED TIRZ IS GENERALLY BOUNDED BY POST ROAD ON THE EAST, BLANCO RIVER ON THE WEST, OLD STAGECOACH ON THE SOUTH AND LOOP 110 ON THE NORTH) [T1-863]

Bill Calderon (Hawes Hill Calderon LLP) appeared before the court and advised that this reinvestment zone is being proposed as a financing mechanism to repay the developer for costs associated with the construction of a railroad overpass. He is only requesting a waiver of the sixty day statutory notice required. They will come back to the court in the future regarding participation in the TIRZ. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to approve request from the City of San Marcos to waive the sixty (60) day statutory notice required for the creation of a Tax Increment Reinvestment Zone (proposed TIRZ is generally bounded by Post Road on the east, Blanco River on the west, Old Stagecoach on the south, and Loop 110 on the North). All voting "Aye".**

AGENDA ITEM#11 RE: APPROVE INTERLOCAL AGREEMENT WITH THE CITY OF KYLE RELATING TO ROAD CONSTRUCTION ON DRY HOLE ROAD AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAME was PULLED. No discussion and no action taken.

22239 ACCEPT RESIGNATION OF RODNEY VAN OUDERKERKE AND APPROVE APPOINTMENT OF RICHARD GACHOT AS CHAIR OF THE HAYS COUNTY HISTORICAL COMMISSION [T1-1002]

**A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to accept resignation of Rodney Van Ouderkerke and approve appointment of Richard Gachot as Chair of the Hays County Historical Commission. All voting "Aye".**

HAYS COUNTY COMMISSIONERS' COURT MINUTES



22240 APPROVE A CHANGE IN TITLE/RANK FROM JAIL LIEUTENANT TO JAIL CAPTAIN [T1-1036]

Chief Deputy Sheriff Sam Williams spoke of restructuring in the Jail – they have a Lieutenant & a Captain who are performing the same duties, therefore, they would like to raise the Lieutenant to a Captain – the cost will be \$7440 for the remainder of the fiscal year which can be funded through attrition (staff salaries line item #01-419-5521). **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to approve a change in title/rank from Jail Lieutenant to Jail Captain to be effective this date and funded out of staff salaries line item #01-419-5521. All voting “Aye”.**

**22241 CALL FOR LOCAL OPTION ELECTION TO BE HELD ON MAY 7, 2005, IN JUSTICE PRECINCT 4 [T1-1123]**

Election Administrator Joyce Cowan advised that 2 petitions have been presented and confirmed for an election to be called in accordance with terms and provisions of the Texas Alcoholic Beverage Code in Justice Precinct 4 for the purpose of submitting to the legally qualified voters of said area the determination of (1) “the legal sale of beer and wine” (2) “the legal sale of mixed beverages in restaurants by food and beverage certificate holders only”. Commissioner Molenaar stated that he supports the people’s rights to have an election but he does not support the sale of alcohol. Charlie Johnson spoke of Justice Precinct 3 – this is an economic issue and he feels like the people have the right to vote on this issue. Commissioner Burnett spoke of costs to hold these elections. **A motion was made by Commissioner Molenaar, seconded by Commissioner Burnett to call for a local option election to be held on May 7, 2005 in Justice Precinct 4 for the purpose of submitting to the legally qualified voters of said area the determination of “the legal sale of beer and wine” and “the legal sale of mixed beverages in restaurants by food and beverage certificate holders only”. All voting “Aye”.**

**22242 APPOINT A COUNTY REPRESENTATIVE TO THE TAX INCREMENT REINVESTMENT ZONE #1 BOARD OF DIRECTORS IN KYLE TEXAS OR WAIVE THE HAYS COUNTY APPOINTMENT [T1-1218]**

Executive Assistant Brad Bailey explained the request and advised that the other taxing entities have waived their appointments to the board. **A motion was made by Judge Powers, seconded by Commissioner Molenaar to waive the Hays County appointment to the Tax Increment Reinvestment Zone #1 in Kyle, Texas. All voting “Aye”.**

**22243 AUTHORIZE THE COUNTY JUDGE TO SIGN INTERLOCAL AGREEMENT WITH CIRA FOR WEBSITE DESIGN FOR TAX OFFICE [T1-1253]**

Gail Latham explained the interlocal agreement with CIRA and services to be provided for the Tax Office. Stan Reed (Texas Association of Counties) was present. Funds are paid to CIRA by TAC. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar to authorize the County Judge to sign an interlocal agreement with CIRA for website design for the tax office. All voting “Aye”.**

**EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS AND DELIBERATE *PAPALOTE HOMES, LTD. V. HAYS COUNTY COMMISSIONERS COURT*, CAUSE NO. 04-0325**

[T1-1368] Charles O’Dell spoke of costs for the two **Papalote Homes** lawsuits. He spoke of outside counsel’s opinion regarding this matter. When asked how he knew this information, he advised that he probably heard or read the comment – he can’t remember. Commissioner Carter spoke of issue of open meeting allegations. She feels like there was sufficient backup in the meeting in question and she spoke of what is required by law for agenda items. **The court convened into closed executive session at 10:45 a.m. and reconvened into open meeting at 11:45 a.m. [T1-1572] Judge Powers advised that no action will be taken.**

COURT WAS ADJOURNED.

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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 DECEMBER 7, 2004.



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

