



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 21st 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
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 Burnett led the Court in the Pledge of Allegiance to the Flags.

PRESENTATION OF HAYS COUNTY SERVICE PLAQUES

Judge Powers presented a Hays County Service Plaque to retiring Justice of the Peace Pct. 1 Place 1 Macel Sullivan (17 years of service). Judge Sullivan advised that it has been a pleasure to serve Hays County. Judge Powers presented a Hays County Service Plaque to Commissioner Pct. 3 Bill Burnett who is completing his second term of office and did not run for re-election. Commissioner Molenaar spoke in support of Bill Burnett. Former County Judge Walter "Bud" Burnett spoke of how proud he is of his son and what a great job he has done. Charlie Johnson (Wimberley resident) spoke in support of Bill Burnett.

PRESENTATION OF \$150,000 CHECK TO CAMP BEN MCCULLOCH, INC., FOR RESTORATION OF CAMP BEN PARK IN PCT. 4

Grants Administrator Richard Salmon spoke of letter of commitment from the Court. On the 24th day of May 2004 the Commissioners Court voted unanimously to award \$150,000 from county park and open space bond funds to the Camp Ben McCulloch Non-Profit Organization. Commissioner Molenaar presented a \$150,000 check to Harold Robinson and other representatives of the Camp Ben McCulloch Inc. that were present. Harold Robinson thanked the court for their involvement and improvement of Camp Ben McCulloch – they will continue to provide public access and economic development. They are now on the register of historic places. Commissioner Burnett spoke of bonds approved by voters for parks in Hays County that will last for generations.

22260 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve payment of county invoices in the amount of \$591,636.61 as presented by the County Auditor. All voting "Aye".

22261 APPROVE BUDGET AMENDMENT # 05-08

Budget being amended: County Judge (420):\$100 from dues and bonds being transferred to Grants (404) for dues & bonds plus \$90 being transferred from office supplies to books line item in the Grants Dept. budget. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Budget Amendment No. 05-08 as proposed by the County Auditor. All voting "Aye".

22262 APPROVE UTILITY PERMIT #01765

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Utility Permit #01765 on CR159/Yarrington Road issued to Guadalupe-Blanco River Authority. All voting "Aye".

22263 APPROVE SOFTWARE GROUP CAD WORKSTATION LICENSE AGREEMENT

This additional TSG CAD Workstation License was approved in the FY2005 budget. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve Software Group CAD Workstation License Agreement. All voting "Aye".



22264 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$38,300 GRANT FROM CAPCOG FOR THE HAYS COUNTY CITIZENS COLLECTION STATION AND TO EXECUTE CONTRACT

This grant will be used to provide covered sheds to install and operate vertical balers received as donations from HEB in the fall of 2003. Hays County will provide no cash match, but will instead provide in-kind match equal to the value of existing recycling facilities. The construction of these sheds and the installation of the vertical balers will allow the county to shift from selling in bulk to selling baled products. The balers will allow the county to have a products that will provide income instead of having to pay someone to pickup bulk products. Primary items to be baled will be cardboard, aluminum cans and plastics. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to accept a \$38,300 Grant from CAPCOG for the Hays County Citizens Collection Station and to execute a contract. All voting "Aye".**

22265 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 \$20,354.00

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to accept a grant from the State Homeland Security under the State Law Enforcement Terrorism Prevention Program (LETPP) for a total of \$20,354.00. All voting "Aye".

22266 AUTHORIZE THE COUNTY JUDGE TO ACCEPT GRANT FROM THE STATE HOMELAND SECURITY PROGRAM (SHSP) FOR A TOTAL OF \$319,830.00

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to accept grant from the State Homeland Security Program (SHSP) for a total of \$319,830.00. All voting "Aye".

22267 AUTHORIZE THE COUNTY JUDGE TO SIGN AMENDED BLANCO RIVER CLEANUP PROGRAM CONTRACT FROM THE OFFICE OF RURAL COMMUNITY AFFAIRS

The Blanco River Cleanup Project consists of the cleanup of 12 miles of the Blanco River, 2 miles of the Dry Cypress and the rebuilding of the low-water crossing on Haske Road. Grants have been approved by the NRCS and ORCA for a combined total of \$873,152. These grant funds were made available after President Bush declared Hays and surrounding counties a presidential disaster area on July 5, 2002. When NRCS turned over the project to Hays County we had to amend the contract to allow for expenses related to engineering and contract administration. ORCA approved the request and this is the amended contract. Hays County is not providing any funds into this project. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to sign amended Blanco River Cleanup Program Contract from the Office of Rural Community Affairs. All voting "Aye".**

22268 AUTHORIZE THE COUNTY JUDGE TO ACCEPT \$53,444.00 GRANT FROM THE TEXAS TASK FORCE ON INDIGENT DEFENSE AND TO EXECUTE CONTRACT

Under provisions of the Fair Defense Act, 77th Regular Session, some counties are eligible to receive financial assistance from the Task Force on Indigent Defense. Hays County requested a grant of \$50,538 and was awarded \$53,444. The amount was larger than requested because some counties did not apply or did not qualify. No county match required. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to accept \$53,444.00 grant from the Texas Task Force on Indigent Defense and to execute a contract. All voting "Aye".**

22269 APPROVE BY-LAWS OF THE HAYS COUNTY PARKS FOUNDATION, INC.

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the By-Laws of the Hays County Parks Foundation Inc. All voting "Aye".

22270 APPROVE THE BY-LAWS OF THE HAYS COUNTY HISTORICAL COMMISSION AS AMENDED

Amended By-Laws were approved by the Hays County Historical Commission on December 9, 2004. Since the inception of the Historical Commission and original approval of the by-laws on December 21, 1987 several additions/subtractions have been made. The latest version incorporates the aforementioned changes as well as some recent changes that should make the operation more efficient. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve the By-Laws of the Hays County Historical Commission as amended. All voting "Aye".**



22271 APPROVE REAPPOINTMENT OF MICHAEL INMAN AND ROBERT LIBENSKY TO THE NORTHWEST HAYS COUNTY EMERGENCY SERVICES DISTRICT #5

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve reappointment of Michael Inman and Robert Libensky to the Northwest Hays County Emergency Services District #5. All voting "Aye".

22272 APPROVE REAPPOINTMENT OF DAVID DRAIN, HARRELL ROBINSON, AND ORA MAE TUCKER TO THE NORTH HAYS COUNTY EMERGENCY SERVICES DISTRICT #1

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve reappointment of David Drain, Harrell Robinson, and Ora Mae Tucker to the North Hays County Emergency Services District #1. All voting "Aye".

22273 APPROVE APPOINTMENT OF ROBERT L. LOVE TO THE NORTHWEST HAYS COUNTY EMERGENCY SERVICES DISTRICT #5, REPLACING APPOINTMENT BEING VACATED BY MIKE CHESSMORE

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve appointment of Robert L. Love to the Northwest Hays County Emergency Services District #5, replacing appointment being vacated by Mike Chessmore. All voting "Aye".

22274 APPROVE REAPPOINTMENTS TO THE HAYS COUNTY HISTORICAL COMMISSION FOR TERMS BEGINNING JANUARY 1, 2005 AND ENDING DECEMBER 31, 2007; FURTHER APPROVE APPOINTMENT OF EX-OFFICIO MEMBERS FOR THE SAME TERM

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve reappointments of Jerry Kolacny, Doris Johnson, Ron Wilson, James Tate, Thomas Charles Watts, Jerry McKee Bullock, Gil Peyton, Katherine Cannon, Elvin Holt, Ann M. Storm, Kate Johnson, Raymond Lankford, Lamarr Petersen, Melissa Falcon, Lila Knight, Pete Anderson, and Richard Gachot to the Hays County Historical Commissioner for terms beginning January 1, 2005 and ending December 31, 2007; and furthermore approve appointment of Ex-Officio members Ofelia Vasquez-Philo, Frances Stovall, and Johnnie Armstead for the same term. All voting "Aye".

22275 APPROVE APPOINTMENT OF NEW MEMBERS TO THE HAYS COUNTY HISTORICAL COMMISSION FOR TERMS BEGINNING JANUARY 1, 2005 AND ENDING DECEMBER 31, 2007

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve appointment of new members Michelle M. Lopez, Lisa Hanks, J. Eric Hudgins, Jody Ginn, Jon Thompson, and Bonnie Eissler to the Hays County Historical Commission for terms beginning January 1, 2005 and ending December 31, 2007. All voting "Aye".

22276 APPROVE INTERLOCAL AGREEMENT WITH THE CITY OF KYLE RELATING TO ROAD CONSTRUCTION ON DRY HOLE ROAD AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SAME

A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve interlocal agreement with the City of Kyle relating to road construction on Dry Hole Road and authorize the County Judge to execute same. All voting "Aye".

22277 CALL FOR A PUBLIC HEARING ON JANUARY 18, 2005 TO DISCUSS THE POSSIBLE CREATION OF THE WOODCREEK NORTH ROAD DISTRICT PURSUANT TO CHAPTER 257 OF THE TEXAS TRANSPORTATION CODE [T1-250]

A Loomis-Austin representative appeared before the court and asked that they call for a public hearing to discuss the possible creation of the Woodcreek North Road District. The goal of the road district is to bring roads up to county standards so that they can be taken into the county road maintenance system. He spoke of condition of roads at this time and need for improvements. He explained funding of this project – two meetings have been held and a public hearing is necessary at this time. There are 3600 lots in the development with 600-700 residents and 33 miles of roadway. They hope to have a May bond election in the district. Commissioner Burnett spoke of county involvement in the process. Bond Counsel Dan Wegmiller (First Southwest Co) is working on this project and he explained the bond debt. The estimated project cost is \$5 million and Quicksand Development will put up \$2.5 million interest free to be paid back by future bonds. A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to call for a public hearing on January 18, 2005 to discuss the possible creation of the Woodcreek North Road District pursuant to Chapter 257 of the Texas Transportation Code. All voting "Aye".

**PUBLIC COMMENT**

[T1-558] Charlie Johnson spoke of comments made by Charles O'Dell regarding members of the court. He spoke of great job being done by Commissioner Burnett, Commissioner Russ Molenaar, Commissioner Debbie Ingalsbe, and Judge Powers.

22278 [PCT. 4 #4-4-022, 50 LOTS] **BELTERRA PHASE 2 SECTION 4 * APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY FOR THE CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS** [T1-613]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat and accept fiscal surety for the construction of road and drainage improvements for "Belterra Phase 2 Section 4". All voting "Aye".**

22279 [PCT. 4 #04-4-024, 35 LOTS] **BELTERRA PHASE 2 SECTION 5C * APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY FOR THE CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS** [T1-628]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Carter to approve final plat and accept fiscal surety for the construction of road and drainage improvements for "Belterra Phase 2 Section 5C". All voting "Aye".**

22280 [PCT. 4 #04-4-025, 24 LOTS] **BELTERRA PHASE 2 SECTION 5D * APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY FOR THE CONSTRUCTION OF ROAD AND DRAINAGE IMPROVEMENTS** [T1-638]

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 and accept fiscal surety for the construction of road and drainage improvements for "Belterra Phase 2 Section 5D". All voting "Aye".**

22281 **APPROVE APPOINTMENT OF HAYS COUNTY JUDGE JIM POWERS TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION TO REPLACE COMMISSIONER BILL BURNETT; AND FURTHERMORE APPROVE DESIGNATION OF WILL CONLEY AS A PROXY TO JUDGE POWERS** [T1-649]

CAMPO Executive Director Mike Aulick appeared before the Court and advised that Commissioner Burnett has served on the board for five years and Senator Barrientos sent him to thank Commissioner Burnett for his service on that board. Commissioner Burnett has been a vocal advocate for the county residents as well as being an effective supporter of transportation needs in the entire Central Texas Region. The next CAMPO meeting to be on January 24, 2005 and they will be facing a number of important regional transportation decisions and he urged the court to replace Commissioner Burnett as quickly as possible. **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to approve appointment of Hays County Judge Jim Powers to the Capital Area Metropolitan Planning Organization to replace Commissioner Bill Burnett and to furthermore approve designation of Will Conley as a proxy to Judge Powers. All voting "Aye".**

22282 **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. 20 - HAYS COUNTY/TC&B/PBS&J (FM 110)** [T1-721]

The Engineer will provide the following engineering services regarding the FM110 project: Phase III – public meeting, right of entry for the preferred, environmental assessment documentation, public hearing, processing of the environmental assessment through finding of no significant impact. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Molenaar 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. 20 – Hays County/TC&B/PBS&J (FM110). All voting "Aye".**



- 22283 APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH TURNER, COLLIE & BRADEN, INC. AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE SUPPLEMENTAL WORK AUTHORIZATION NO. 6 TO WORK AUTHORIZATION NO. 1 - HAYS COUNTY/TC&B (BOND PROGRAM MANAGEMENT) [T1-921]

Engineer to provide the following services: Bond Program Coordination, Engineering Judgment & Management; Perform Program Administration & File Management; Prepare Bond Program Monthly Status Report; and State Road Coordination Work. **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. 6 to Work Authorization No. 1 – Hays County/TC&B (Bond Program Management). All voting “Aye”.**

- 22284 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. 3 - HAYS COUNTY/TC&B/URS (REDWOOD ROAD) [T1-980]

Engineering services to be provide on Redwood Road are as follows: Project management coordination, update and create draft utility plan sheets, evaluate draft utility plan, and utility relocation plan. **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. 3 – Hays County/TC&B/URS (Redwood Road). All voting “Aye”.**

- 22285 AUTHORIZE THE COUNTY JUDGE TO SUBMIT A \$200,000 GRANT APPLICATION TO THE U.S. SOCCER ASSOCIATION FOR THE CONSTRUCTION OF SOCCER FIELDS AT 5-MILE DAM PARK [T1-1036]

Grants Administrator Richard Salmon advised that this is one of several attempts to obtain grants to make improvements to the 5-Mile Dam Complex which consists of the 43 acres purchased with county bond funds and the existing Dudley Johnson and Randall Vetter Parks. There is no match required and if approved by the US Soccer Association, the grant will provide \$100,000 each year for two years for a total of \$200,000. Grant funds will be used to construct soccer fields. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to submit a \$200,000 Grant Application to the U.S. Soccer Association for the construction of Soccer Fields at 5-Mile Dam Park. All voting “Aye”.**

- 22286 ACTION REGARDING THE HAYS COUNTY DELEGATION APPEARANCE BEFORE THE TEXAS TRANSPORTATION COMMISSION AND SUBSEQUENT STATE AND COUNTY DISCUSSIONS [T1-1061]

Commissioner Burnett spoke of delegation from Hays County that appeared before the Texas Transportation Commission last year requesting a partnership and accelerated construction funding for the following Hays County projects: US290, FM1626, FM967, and RR12. After a year of negotiations and discussions with TxDot the county has before it a proposal signed by TxDot Executive Director Mike Behrens. This agreement includes all the requested county projects using a hybrid of funding mechanisms including category 6 funding, county bond funding and pass through financing enabled by HB3588. Bob Sutton (TC&B) advised that TxDot is committed to the US290 project and more work is needed to prepare an acceptable package for the other roadways. Commissioner Molenaar spoke of support by Bob Daigh (TxDot/Austin District Engineer) of the Hays County projects. Dan Wegmiller (First Southwest Company) spoke of financing options (pass through revenue). [T1-1336] **A motion was made by Commissioner Burnett, seconded by Commissioner Molenaar to authorize the County Judge to send a letter to Mike Behrens agreeing to the TxDOT offer in letter dated December 8, 2004. Commissioner Burnett read the letter that will be sent to TxDOT from County Judge Jim Powers. All voting “Aye”.**

Court convened into closed executive session at 10:45 a.m. and reconvened into open meeting at 11:20 a.m.

- 22287 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 WITH ACTION IN OPEN COURT

Special Counsel Jacqueline Cullom Murphy advised that she is qualified to review fee bills that come in and she agreed with recommendation to have Commissioner Ingalsbe as a liaison. [T1-1390] **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Carter to authorize the County Judge to execute outside legal counsel agreement to engage Mike Schaunessy of Schaunessy, Burnett & Greenberg as defense counsel in Papalote Homes versus Hays County Commissioners Court in Cause No. 04-0325 and to furthermore have Commissioner Ingalsbe as the contact liaison. All voting “Aye”.**



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

Judge Powers advised that no action will be taken on this agenda item.

Clerk's Note: This is the last Commissioners' Court meeting of the year and for Commissioner Pct. 3 Bill Burnett who will be leaving office at the end of 2004. Commissioner Burnett addressed the court as follows: Commissioner Burnett stated that he has truly enjoyed working as County Commissioner with this court and the previous court and he spoke of the importance of this job and need to be fair. He feels like they have accomplished a great deal even in disagreement – that is democracy. He has especially enjoyed working with Debbie Ingalsbe and Russ Molenaar. Commissioner Ingalsbe spoke of coming onto the court at the same time as Bill Burnett and it was special when they took the oath together with their parents [former Commissioner Ralph Gonzales & former County Judge Bud Burnett] present.

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 DECEMBER 21, 2004.



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

