



STATE OF TEXAS *
 COUNTY OF HAYS *

ON THIS THE 26TH DAY OF APRIL A.D., 2005, 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
WILL CONLEY	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

Dottie Barnes spoke of Taxpayers Bill of Rights – she encouraged the court to adopt parts of it that apply at the county level. She spoke of legislature increasing taxes instead of decreasing taxes. She spoke of need to set spending limits.

22534 APPROVE BUDGET AMENDMENT 05-23

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Budget Amendment No. 05-23 as proposed by the County Auditor. All voting "Aye".

22535 APPROVE PAYMENT OF COUNTY INVOICES

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve payment of county invoices in the amount \$ 408,355.04 as presented by the County Auditor. All voting "Aye".

22536 APPROVE UTILITY PERMITS

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve Utility Permit #1800 on Nutty Brown Road issued to Capital Excavation, #1801 on CR129/Cotton Gin Road issued to Capital Excavation, and #1802 on CR157/Goforth Road issued to SBC Communications as submitted by the County Road Department. All voting "Aye".

22537 APPROVE THE PROPOSAL FROM VIVIAN R. ALEXANDER, MAI, SRA, CCIM, TO COMPLETE APPRAISALS OF SEVEN COUNTY OWNED PROPERTIES

Three quotes were obtained for appraisal services for the following seven county properties: Annex Building, Records, Building, Max C. Smith Building, Justice Center, 2 Clovis Barker Road county Buildings, Old Hospital Site, and the LBJ Museum Building. The estimated time to complete these analyses and to deliver a report will be 30 days from the date authorized to proceed with an estimated fee to complete this service of \$6,500. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve the proposal from Vivian R. Alexander, MAI,SRA,CCIM to complete appraisals of seven county owned properties. All voting "Aye".**

22538 APPROVE PURCHASE OF SUN PORTS SHADE STRUCTURES FOR PICNIC TABLE SITES AT VETTER PARK IN THE AMOUNT OF \$9,997.80 AND AUTHORIZE COUNTY JUDGE TO SIGN AGREEMENT

A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve purchase of Sun Ports shade structures for picnic table sites at Vetter Park in the amount of \$9,997.80 and authorize the County Judge to sign agreement. All voting "Aye".

22539 [PCT. 2 #03-2-051, 1 LOT] HAYS 967 SECTION 1 DUNWOODY LANE * APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY [T1-70]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. This provides for the creation of a parcel that will provide access to the subdivision. **A motion was made by Commissioner Carter, seconded by Judge Powers to approve final plat and accept fiscal surety for "Hays 967 Section 1 Dunwoody Lane". All voting "Aye".**



22540 [PCT. 3 #05-3-039, 2 LOTS] THE CROSSING LOTS 22A & 23A * APPROVE PRELIMINARY PLAN

[T1-82] The Crossing subdivision is an unrecorded subdivision – the proposal is to take 2 ½ existing unplatted tracts (Lot 23, 22 and part of Lot 21) of unequal size and plat them into two lots of equal size (Lots 22A & 23A). Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to approve preliminary plan for “The Crossing Lots 22A & 23A”. All voting “Aye”.**

22541 [PCT. 4 #05-4-002, 2 LOTS] TRES ARROYOS LOT 2 RESUBDIVISION * APPROVE PRELIMINARY PLAN [T1-120]

Environmental Health Director Allen Walther gave staff recommendation for preliminary plan approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve preliminary plan for “Tres Arroyos Lot 2 Resubidivision”. All voting “Aye”.**

22542 [PCT. 4 #05-4-040, 1 LOT] DEERFIELD ESTATES SECTION 2 PHASE 2 (LOT 27) * APPROVE FINAL PLAT [T1-132]

Environmental Health Director Allen Walther gave staff recommendation for final plat approval. **A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to approve final plat of “Deerfield Estates Section 2 Phase 2” [Lot 27]. All voting “Aye”.**

22543 [PCT. 4 #04-4-063, 15 LOTS] THE RANCHES @ HAMILTON POOL PHASE 2 * GRANT A VARIANCE FROM REQUIREMENT FOR WATER AVAILABILITY REPORT [T1-155]

Environmental Health Director Allen Walther advised that the developers have requested a variance of the water availability report requirement. This is a large subdivision with large lots and is jointly in Travis and Hays Counties. A water availability analysis would be of very limited benefit because of the size of the lots. They have drilled a well in the Travis county portion that produces an adequate supply of water. **A motion was made by Commissioner Molenaar, seconded by Commissioner to grant “The Ranches @ Hamilton Pool Phase 2” a variance from requirement for water availability report provided that there be no further resubdivision of lots smaller than 25 acres. All voting “Aye”.**

Clerk’s Note: Agenda Item # 11 RE: [PCT. 4 #05-4-023, 46 LOTS] THE PRESERVE @ LA VENTANA PHASE 2 * APPROVE FINAL PLAT AND ACCEPT FISCAL SURETY was PULLED.

22544 ACTION TO SUPPORT TEXAS TRUTH IN TAXATION LEGISLATION [T1-200]

Discussion was had regarding House Bill 1006 by Rep. Carl Isett and Rep. Dan Gattis and the Senate version, Senate Bill 18 by Sen. Tommy Williams and Sen. Kyle Janek by resolution. Commissioner Carter proposed a resolution supporting legislation that would provide for reductions in the property tax burden on homeowners caused by rapidly escalating appraisal values. She spoke of the rate of inflation and increasing home values. The Governor has proposed limiting the rate of appraisal value increases on homestead properties from 10% to 3% to reduce the burden placed on homeowners without limiting local ability to raise revenue. Judge Powers spoke of amendments to HB 1006 – revenue comes because of growth and growth requires more services to be provided. New growth and debt will be excluded from this bill. Tax Assessor-Collector Luanne Caraway advised that value is driven on market only. Commissioner Molenaar advised that he can not support SB18 which would require cutting county departments. He spoke of members of the Commissioners Court struggling every year with the county budget and he feels like school funding is the problem. *A motion was made by Commissioner Carter, seconded by Judge Powers to adopt a resolution supporting the Texas Truth in Taxation Legislation, HB1006 by Rep. Carl Isett and Rep. Dan Gattis and the Senate Version, SB18 by Sen. Tommy Williams and Sen. Kyle Janek by Resolution. Commissioner Carter voting “Aye”. Commissioner Molenaar, Commissioner Conley, Commissioner Ingalsbe, and Judge Powers voting “No”. MOTION FAILED. A motion was made by Commissioner Conley, seconded by Commissioner Molenaar to adopt Resolution submitted by Judge Powers supporting House Bill 1006. All voting “Aye”.*

**RESOLUTION OF THE HAYS COUNTY COMMISSIONERS’
COURT SUPPORTING HOUSE BILL 1006,
AS AMENDED ON APRIL 21, 2005**

WHEREAS, Chapter 26 of the Property Tax Code requires a taxing unit to comply with truth-in-taxation laws in adopting their tax rates. These laws have two purposes: 1) to make taxpayers aware of tax rate proposals, and 2) to allow taxpayers, in certain cases, to roll back or limit a tax increase; and
WHEREAS, The goal of House Bill 1006 is to further empower and better inform local taxpayers and change the process by which higher appraisals automatically provide new tax revenue to taxing entities; and
WHEREAS, In order to produce a real and lasting property tax cut for the people of Texas, we must not only lower rates, we must provide taxpayer protections that put voters in control; and
WHEREAS, Truth-in-taxation ensures greater accountability to the people; and
WHEREAS, The Amendment offered by State Representative Carter Casteel, and adopted by the House, provides protections against unfounded mandates, that requires a taxing unit to establish, expand, or change an activity in a way that requires and expenditure of revenue that would not have been required in the absence of the statutory provision, rule, or order.
NOW, THEREFORE, BE IT RESOLVED THAT THE HAYS COUNTY COMMISSIONERS’ COURT, DOES HEREBY SUPPORT H.B. 1006, AS AMENDED ON APRIL 21, 2005.

HAYS COUNTY COMMISSIONERS’ COURT MINUTES



EXECUTIVE SESSION PURSUANT TO SECTION 551.074, TEXAS GOVERNMENT CODE,
TO INTERVIEW CANDIDATES FOR THE POSITION OF PERSONAL HEALTH DIRECTOR

Judge Powers advised that no action will be taken at this time regarding the position of Personal Health Director.

Commissioner Carter left the meeting at this time.

22545 EXECUTIVE SESSION PURSUANT TO SECTION 551.071 AND 551.072, TEXAS GOVERNMENT CODE, TO MEET WITH LEGAL COUNSEL TO DISCUSS PROPERTY ACQUISITION RELATING TO THE HAYS COUNTY ROAD BOND PROGRAM AND ACTION TO INITIATE CONDEMNATION PROCEEDINGS

[T1-769] A motion was made by Commissioner Molenaar, seconded by Commissioner Conley to a find public necessity to acquire right-of-way along Nutty Brown Road and authorize the County Judge to execute resolution to initiate condemnation efforts relating to the following property: Parcel 4 John & Judith L. Serur; Parcel 15 Marvin C. Williams and M. Lynn Osler; Parcels 16, 16E, 18, 18E Owen T. Kenney and Daryl Howard; Parcel 21 Owen T. Kinney; Parcel 28 Thomas H. Davis; Parcel 32 Roger A. and Leona M. Johnson; Parcel 33 Juan and Teresa Campos; Parcel 34 Nicholas W. Burkhalter and Karen Ford; Parcel 36 Peter E. and Shirley H. Morris; Parcel 48 Edwin S. Nichols III and Amy Nichols; Parcel 50 James and Kathleen Thomerson. All present 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 APRIL 26, 2005.



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

