



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 20th DAY OF DECEMBER A.D., 2011, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ALBERT H. COBB JR	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
MARK JONES	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RAY O. WHISENANT JR	COMMISSIONER, PCT. 4
ROSE ROBINSON	DEPUTY COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Whisenant gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called meeting to order.

PUBLIC COMMENTS

Constable Pct. 2 James Kohler made a public comment.

PRESENTATION FROM GBRA REGARDING CONSERVATION PROGRAMS AND A DROUGHT UPDATE

William "Bill" West Jr. General Manager of the GBRA spoke of the 2011 Exceptional Drought Guadalupe Blanco Authority requirements. Municipals are required by the State Water Code to provide water supplies that are derived from "firm" sources. Firm sources are defined as being available throughout repeat of the "drought of record" for the area. In this part of Texas, the record is 1947-1957. The firm yield calculations for reservoirs and other water sources are based on availability of water for that period.

28640 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve payments of County Invoices in the amount of \$987,593.97 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

An amended motion was made by Commissioner Whisenant, seconded by Commissioner Conley to add an invoice in the amount of \$ 1,010.30 to Independence Title for the Wimberley Springs Partners Ltd donation so that the closing can be done prior to the end of the year for tax purposes. All voting "Aye". MOTION PASSED

28641 APPROVE COMMISSIONERS COURT MINUTES OF DECEMBER 1 SPECIAL MEETING AND DECEMBER 6, 2011

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve Commissioners Court Minutes of December 1 Special Meeting and December 6, 2011 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28642 APPROVE RE-APPOINTMENT OF COMMISSIONER WILL CONLEY TO THE LONE STAR RAIL DISTRICT BOARD OF DIRECTORS FOR THE TWO YEAR TERM OF FEBRUARY 1, 2012 TO FEBRUARY 1, 2014

Hays County appoints one member to the Lone Star Rail District Board of Directors. The County's current appointment is Commissioner Conley. In accordance with the Rail District's governing statute (Texas Civil Statutes Article 6550c-1) and bylaws, each Board member serves a two year term; additionally, the terms are staggered so that one-half of the Board member's terms expire on February 1 of each year to ensure Board continually. Commissioner Conley's term expires on February 1, 2014. A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve re-appointment of Commissioner Will Conley to the Lone Star Rail District Board of Directors for the two year term of February 1, 2012 to February 1, 2014. All voting "Aye". MOTION PASSED

**28643 ACCEPT DONATIONS TOTALING \$900 TO THE HAYS COUNTY SHERIFF'S OFFICE**

The Sheriff Office received three donations totaling \$900.00 and request to deposit into line item 001-618-00.4610/Contributions. \$500.00 of the donation was cash. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept donations totaling \$900 to the Hays County Sheriff's Office. All voting "Aye". MOTION PASSED**

28644 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN AMENDMENT TO A SUBAWARD AGREEMENT WITH TEXAS STATE UNIVERSITY FOR THE ADVANCED LAW ENFORCEMENT RAPID RESPONSE TRAINING (ALERT) PROGRAM, TO EXTEND THE TERM TO SEPTEMBER 30, 2012

On June 28, 2011 the Commissioners Court authorized the County Judge to enter into two grant Subaward Agreements with Texas State University for County participation in the Advanced Law Enforcement Rapid Response Training (ALERT) program. These included Subaward Agreement No. 8000001412.1 for \$46,000.00 and Subaward Agreement No. 8000001480.1 for \$40,020.00, and both Agreements were for the term of October 1, 2010 to September 30, 2011. The Amendment will extend the expiration date for Subaward Agreement No. 8000001480.1 from September 30, 2011 to September 30, 2012. No other changes are proposed. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to execute an Amendment to a Subaward Agreement with Texas State University for the Advanced Law Enforcement Rapid Response Training (ALERT) program, to extend the term to September 30, 2012. All voting "Aye". MOTION PASSED**

28645 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AMENDMENT NO. 1 TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN THE LOWER COLORADO RIVER AUTHORITY AND HAYS COUNTY, PROVIDING A TIME EXTENSION TO SEPTEMBER 30, 2012

On May 21, 2010 the Commissioners Court authorized an Interlocal Cooperative Agreement with the Lower Colorado River Authority for the purpose of initiating the current drainage basin/flood protection planning study jointly conducted by the parties above the U.S Army Corps of Engineers. The original Agreement with the LCRA has term of May 4, 2010 to September 30, 2011. The Amendment No.1 will extend the term of the original Agreement to September 30, 2012 with no other changes proposed at this time. This extension will allow work to continue on the current study maintain all other existing terms of the original Agreement. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute Amendment No. 1 to the Interlocal Cooperation Agreement between the Lower Colorado River Authority and Hays County, providing a time extension to September 30, 2012. All voting "Aye". MOTION PASSED**

28646 AMEND THE GDEM CERT GRANT FOR THE PURCHASE OF TWO MISTING FANS FOR \$525.00 EACH AND TWO ICE MACHINES FOR \$1,981.00 EACH

The granting agency has approved the purchase of equipment that was not part of the original grant application. The amendment will allow the program to spend the grant award with no matching funds required from the County. Amount required \$5,012.00 (already budgeted in the CERT cost center) 001-656-99-064.5472 \$4,717.00; 001-656-99-064.5551 \$295.00. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to amend the GDEM CERT grant for the purchase of two misting fans for \$525.00 each and two ice machines for \$1,981.00 each. All voting "Aye". MOTION PASSED**

28647 APPROVE THE REAPPOINTMENT OF E. DUWAIN WHITIS, JR. AND HALLEY ORTIZ TO HAYS COUNTY ESD #2 FOR AN ADDITIONAL TWO YEAR TERM, BEGINNING JANUARY 1, 2012

E. Duwain Whitis, Jr. and Halley Ortiz have agreed to stay on for an additional two year term to expire in December 2013. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the reappointment of E. Duwain Whitis, Jr. and Halley Ortiz to Hays County ESD #2 for an additional two year term, beginning January 1, 2012. All voting "Aye". MOTION PASSED**



28648 APPROVE THE REAPPOINTMENT OF CAROL KAY CONWAY GREAVES AND JOE SEGOVIA TO HAYS COUNTY ESD #8 FOR AN ADDITIONAL TWO YEAR TERM, BEGINNING JANUARY 1, 2012

Carol Kay Conway Greaves and Joe Segovia have agreed to stay on for an additional two year term to expire in December 2013. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the reappointment of Carol Kay Conway Greaves and Joe Segovia to Hays County ESD #8 for an additional two year term, beginning January 1, 2012. All voting "Aye". MOTION PASSED

28649 ACCEPT THE LOCAL RULES OF PROCEDURE AND RULES OF DECORUM FOR THE HAYS COUNTY JUSTICE OF THE PEACE COURTS

These rules are promulgated to provide a uniform system for the fair, impartial, and prompt disposition of matters properly before the Justice Courts of Hays County. They are to be interpreted consistent with this objective. These rules govern filed in the Justice Courts of Hays County, Texas. They are promulgated pursuant to Section 27.061 of the Texas Government Code. The Justice Courts of Hays County hear: (a) Civil Cases in which the amount in controversy is \$10,000.00 or less. (b) Eviction cases, both residential and commercial, including writs of re-entry, writs of utility restoration and writs of possession. (c) Administrative hearings involving revocation of driver's licenses, towing, hearings, concealed handgun permits, etc. Each Justice Court in Hays County has a specific geographical area of jurisdiction. Precinct One serves the San Marcos area; Precinct Two serves the Kyle area; Precinct Three services the Wimberley Area; Precinct Four services the Dripping Springs area; Precinct Five serves the Buda area. Each court has its own court clerks, responsible for the setting cases on the individual docket of the court. A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to accept the Local Rules of Procedure and Rules of Decorum for the Hays County Justice of the Peace Courts. All voting "Aye". MOTION PASSED

28650 APPROVAL OF SERVICE AGREEMENT FOR 35 YARD SELF-CONTAINED COMPACTOR FOR GOVERNMENT CENTER

\$340/month plus \$380 per haul off. 001-613-00.5452. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approval of Service Agreement for 35 yard self-contained compactor for Government Center. All voting "Aye". MOTION PASSED

28651 APPROVE UTILITY PERMITS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones, to approve Waterline Utility Permit #840 on McCarty Lane issued to Texas State University and Waterline Utility Permit # 841 on Sprucewood issued to Aqua Tx. as requested by the County Road Department. All voting "Aye". MOTION PASSED

28652 AUTHORIZE VARIOUS BUDGET AMENDMENTS RELATED TO PAYROLL PAYABLES RECONCILIATION IN PREPARATION FOR THE COUNTY'S FY 2011 YEAR-END AUDIT PROCESS

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize various budget amendments related to payroll payables reconciliation in preparation for the County's FY 2011 year-end audit process. All voting "Aye". MOTION PASSED

28653 REVISED PLAT OF A PORTION OF LOT 7 AND A PORTION OF LOT 8 TRIPLE "R" RANCHETTES [11-2-42 - 1 LOT] APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING ON JANUARY 17, 2012

Clint Garza Development Services Director gave a brief explanation and staff recommendation. The Triple "R" Ranchettes Subdivision was approved and recorded in 1978. It consisted of 15 lots each over 10 acres in size. Resubdivision and conveyance by metes and bounds have increased the total taxable parcels to 45. The owner of portions of Lot 7 and Lot 8 would like to plat his 11.45 acres to get it into compliance with all Hays County regulations and receive development permit for his homestead. The property owner attempted to have neighbors join in on this replat to bring all portions of those two lots in compliance with Hays County Regulations but was unsuccessful in getting participation. Lot 7A will be served by an individual OSSF and public water supply. The division is in the City of Austin's ETJ, however the acreage (>5 acres) is exempt from City authority. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve preliminary plan of Revised plat of a portion of Lot 7 and a portion of Lot 8 Triple "R" Ranchettes 1 Lot and call for a public hearing on January 17, 2012. All voting "Aye". MOTION PASSED



28654 RICHFORD SUBDIVISION [11-4-24 - 2 LOTS] WAIVE PRELIMINARY PLAN AND APPROVE FINAL PLAT

Clint Garza Development Services Director gave a brief explanation and staff recommendation. The Richford Subdivision is a proposed division of 12.154 acres of land located off of Trautwein Road in Precinct 4. The owner is proposing to divide the land into two lots; Lot 1 – 1.052 acres; Lot 2 – 11.102 acres. There are currently three communication towers located on the proposed Lot 1 which will be restricted from residential use and limited to utility use only. Lot 2 will be platted for residential use and will be served by existing private wells and on-site sewage facilities. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to waive preliminary plan and approve final plat of Richford Subdivision. All voting "Aye". MOTION PASSED**

28655 AMENDING PLAT OF LOTS 5 AND 6, HUNTERS GLEN [11-4-32 - 2 LOTS] WAIVE PUBLIC HEARING OF PRELIMINARY PLAN; APPROVE VARIANCE TO MINIMUM LOT SIZE IN SECTION 10.1 OF HAYS COUNTY OSSF REGULATIONS AND APPROVE FINAL PLAT

Clint Garza Development Services Director gave a brief explanation. Hunters Glen is a platted subdivision located off Hilliard Road in Precinct 4. The subdivision was originally platted in 1968 as a 39 lot subdivision with lots in size from 3.07 to 7.74 acres. The owner of Lots 5 and 6 has proposed a lot line adjustment between the two 4.99 acre lots, creating Lot 5R (5.86 acres) and Lot 6R (4.13 acres). Both lots will be served by existing private wells and on-site sewage facilities to be permitted by Hays County Development Services. Even though this amended plat will not result in an increase in density, the current Hays County Minimum lot size for this area is 5 acres and approval of this replat requires formal variance approval. **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to waive public hearing of preliminary plan amending plat of Lots 5 and 6, Hunters Glen; approve variance to minimum lot size in Section 10.1 of Hays County OSSF Regulations and approve final plat. All voting "Aye". MOTION PASSED**

28656 REVISED PLAT OF LOT 3A & LOT 4A-2, CREEKSIDE ADDITION [11-4-43 - 1 LOT] WAIVE PUBLIC HEARING OF PRELIMINARY PLAN AND APPROVE FINAL PLAT

Clint Garza Development Services Director gave a brief explanation and staff recommendation. Creekside Addition is platted subdivision located off of Sycamore Creek Drive in Precinct 4. The owner of lots 3A and 4A-2 wishes to dissolve the lot line dividing the two lots and create one larger lot (8.00 acres). Water and wastewater services will be provided to lot 3A-1 by an existing private well and on-site sewage facility. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to waive public hearing of preliminary plan and approve final plat of Lot 3A & Lot 4A-2 Creekside Addition. All voting "Aye". MOTION PASSED**

28657 DRIFTWOOD HEIGHTS SUBDIVISION [11-4-44 - 2 LOTS] APPROVE PRELIMINARY PLAN

Clint Garza Development Services Director gave a brief explanation and staff recommendation. The Driftwood Heights Subdivision is a proposed 2 lot subdivision located off of Elder Hill Road in Precinct 4. The property owner would like to create 2 new lots 5.00 and 5.28 acres in size. The Lots will be served by a shared access driveway and are restricted to one single family residence per lot. Each Lot will be served by individual on-site sewage facilities and individual wells. The division lies within the boundaries of the Dripping Springs ETJ. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley approve Preliminary Plan of Driftwood Heights Subdivision 2 Lots. All voting "Aye". MOTION PASSED**

28658 AUTHORIZE PAYMENT OF INVOICES TOTALING \$325.59 FOR THE HAYS COUNTY CIVIC CENTER IN WHICH PURCHASE ORDERS WERE NOT OBTAINED

Barry Nelson, Civic Center Director spoke of the following invoices required authorization since Purchase Orders were not obtained for McCoy's Invoice 7010612 for \$89.99 and McCoy's Invoice 7010613 for \$235.60 totaling in the amount of \$325.59. In accordance with county policy, a purchase order must be issued on or before the invoice date for invoices total \$300 or more. Therefore, this invoice cannot be paid until it is granted by the court. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to authorize payment of invoices totaling \$325.59 for the Hays County Civic Center in which purchase orders were not obtained. All voting "Aye". MOTION PASSED**

28659 APPROVE THE APPOINTMENT OF SUSIE CHURCHILL TO THE HAYS COUNTY CHILD PROTECTIVE BOARD

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to approve the appointment of Susie Churchill to the Hays County Child Protective Board. All voting "Aye". MOTION PASSED



28660 AUTHORIZE THE PURCHASE OF EQUIPMENT AND SOFTWARE FOR SESSIONWORKS JUDGE EDITION TO AID IN THE PRESERVATION OF COURT RECORDS

District Clerk Beverly Crumley spoke. District and County Court at Law Judges are proposing to utilize software in each of the courtroom that will enable court proceedings to be conducted without the use of paper files in the future. SessionWorks Judge Edition will allow the control of case information efficiently and securely from the bench and will eliminate the use paper files and folders for a more efficient courtroom. Currently maintain digitized images of all documents filed within the District and County Clerk's Office. Without having to consistently pull and re-file the case binders will aid in the preservation of the records on file that are required to be kept. And will be able to dispose the case paperwork that is not permanent, thus down-sizing the need of additional storage space in the future. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the purchase of equipment and software for SessionWorks Judge Edition to aid in the preservation of court records and amend the budget accordingly in the amount of \$66,590.00 to come out of the Records Preservation Fund. All voting "Aye". MOTION PASSED**

28661 AUTHORIZE PARTIAL PAYMENT OF PROMISSORY NOTE HELD BY THE NATURE CONSERVANCY FOR THE JACOB'S WELL PROPERTY WITH FUNDS RETURNED FROM OTHER PARK BOND PROJECTS

On December 17, 2010 Hays County purchased the Jacob's Well property, which involved both a payment of funds allocated from the 2007 Park Bond and execution of a Promissory Note to The Nature Conservancy, in the amount of \$850,000.00 for the balance of the purchase price. The Note is due and payable in full on December 17, 2013. Prepayment in part or in entirety is allowed at any time without penalty, with interest ceasing on amounts prepaid. On November 22, 2011 the Commissioners Court amended the Park Bond Project Agreement with the City of San Marcos, resulting in the return of \$500,000.00 of previously allocated Bond funds to the County. It is proposed that these funds be re-allocated and applied to pay down the Note currently held on the Jacob's Well property. The County will continue to actively seek other opportunities to secure payoff of the balance of the loan. Amount required \$500,000.00 Park Funds. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to authorize partial payment of Promissory Note held by The Nature Conservancy for the Jacob's Well property with funds returned from other Park Bond projects in the amount of \$500,000.00. All voting "Aye". MOTION PASSED**

An amended motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to include the \$30,000 collection from the Wimberley Watershed Association to be part of that payment to now be \$530,000 to the Promissory Note held by the Nature Conservancy for the Jacobs Well Park.

28662 AUTHORIZE THE COUNTY AUDITOR TO TRANSFER ALL BUDGETED HEALTH & DENTAL INSURANCE FUNDING FROM THE DEPARTMENTAL BUDGETS TO THE MEDICAL & DENTAL FUND

The Treasurer's Office spends many hours per month tracking departmental health insurance premiums for all employees & transferring those funds from the departmental budget to the Payroll Fund & again from the Payroll Fund to the Medical Dental Fund. Since the County is self funded for health & dental, no purpose is served is tracking employee insurance premiums. I recommended those funds be transferred to the medical & dental fund which will reduce the workload in the Treasurer's Office and build reserves in the fund to offset future increased costs of help our GASB 45 financial commitment. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to authorize the County Auditor to transfer all budgeted health & dental insurance funding from the departmental budgets to the Medical & Dental Fund. All voting "Aye". MOTION PASSED**

28663 AUTHORIZE THE COUNTY JUDGE TO ACCEPT AND SIGN A GRANT SUB-RECIPIENT AWARD FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY, HOMELAND SECURITY GRANT PROGRAM IN THE AMOUNT OF \$18,426.09 AND AMEND THE BUDGET ACCORDINGLY

Jeff Hauff Grants Administrator gave a brief overview. Jeff Turner Office of Emergency Management Coordinator spoke of this grant providing funding to support the Community Emergency Response Team (CERT) including the purchase of equipment, lease of storage space for equipment, training and exercise cost, and public outreach expenses. A Project Worksheet was provided to the Capital Area Council of Governments, Homeland Security Grant Program in August, 2010 that detailed the various elements for which funds were requested. The CERT is a local County organization made up of volunteer members who provide support services to various agencies involved in emergency. No matching funds required. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the County Judge to accept and sign a grant Sub-Recipient Award from the Texas Department of Public Safety, Homeland Security Grant Program in the amount of \$18,426.09 and amend the budget accordingly. All voting "Aye". MOTION PASSED**



28664 APPROVE A SUPPLEMENTAL TO LOCKWOOD, ANDREWS AND NEWMAN, INC. MASTER AGREEMENT ON DACY LANE TO PROVIDE PRELIMINARY SCHEMATIC DESIGN SERVICES

Jerry Borcherding Transportation Director spoke of the funds are allocated within the project's bond program budget. Graham Moore of Lockwood, Andrews and Newman, Inc. spoke of Dacy Lane being identified as a County roadway warranting safety improvements as part of the 2008 road bond program. The project scope described in the Bond Program included the initial engineering studies required to begin environmental clearance as well as ROW preservation. The initial work authorization included only the work necessary to determine the preferred alignment for the roadway through the corridor. This work has been completed and a preferred alignment determined. This supplement to the Master Agreement Work Authorization will permit the development of a preliminary schematic setting final ROW needs for future ROW preservation. Amount required \$ 247,480.090 funds are available within the project's bond program budget. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve a supplemental to Lockwood, Andrews and Newman, Inc. Master Agreement on Dacy Lane to provide preliminary schematic design services. All voting "Aye". MOTION PASSED**

County Clerks Note Item #27 RE: *DIVIDE EMERGENCY SERVICES DISTRICT #5 APPOINTMENTS BETWEEN THE THREE HAYS COUNTY COMMISSIONERS THAT REPRESENT CITIZENS WITHIN THE BOUNDARIES OF THIS DISTRICT - No Action Taken*

28665 ADOPT A RESOLUTION IN SUPPORT OF SUBMITTING AN APPLICATION TO CAMPO TO INCLUDE IMPROVEMENTS TO FM 2001 BETWEEN ROLLING HILLS DRIVE AND STATE HIGHWAY (SH) 21 IN THE APPROVED 2035 REGIONAL TRANSPORTATION PLAN AND IN THE PLANNING PORTION OF THE FISCAL YEAR 2013-2016 TRANSPORTATION IMPROVEMENT PROGRAM

Mike Weaver of Prime Strategies spoke. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a resolution in support of submitting an application to CAMPO to include improvements to FM 2001 between Rolling Hills Drive and State Highway (SH) 21 in the approved 2035 Regional Transportation Plan and in the planning portion of the Fiscal Year 2013-2016 Transportation Improvement Program. All voting "Aye". MOTION PASSED**

28666 AMEND THE UTILITY AGREEMENT BETWEEN HAYS COUNTY AND CITY OF KYLE UTILITIES FOR SERVICES ON THE IH 35 FRONTAGE ROAD PROJECT FROM FM 1626 TO RM 150

Mike Weaver of Prime Strategies spoke. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to amend the utility agreement between Hays County and City of Kyle Utilities for services on the IH 35 Frontage Road project from FM 1626 to RM 150. All voting "Aye". MOTION PASSED**

28667 HOLD PUBLIC HEARING WITH ACTION TO ADOPT A RESOLUTION REGARDING THE TAXATION OF GOODS-IN-TRANSIT

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Commissioner Ingalsbe and Special Counsel Mark Kennedy spoke of the Goods-in-transit are commercial goods stored in independent (not controlled by the owner of the goods) warehouse awaiting further distributions. It can constitute significant amounts of taxable personal property. The legislature, in SB 1, acted to make goods-in-transit exempt from property taxes unless a taxing entity holds a hearing and adopts a resolution to tax goods-in-transit. Even counties that have previously adopted such a resolution must do so again—or goods-in-transit become exempt despite the previous action. Goods-in-transit exemption is similar to, but not quite the same as, the Freeport exemption. Freeport goods are goods in storage to be shipped outside Texas. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a resolution regarding the taxation of Goods-In-Transit. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb voting "Aye". Commissioner Whisenant not present for vote. MOTION PASSED**

28668 AUTHORIZE APPROVAL OF THE HAYS COUNTY COMMUNITY PLAN FOR COORDINATION OF CRIMINAL JUSTICE AND RELATED ACTIVITIES

Jeff Hauff Grants Administrator gave a brief overview. Marla Johnson Executive Director, Hays-Caldwell Women's Center spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize approval of the Hays County Community Plan for Coordination of Criminal Justice and Related Activities. Commissioner Whisenant not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb voting "Aye". MOTION PASSED**



28669 CLARIFY THE DATE OF JANUARY 23, 2012 ON WHICH THE LOCATION FOR FORECLOSURE SALES, PURSUANT TO CHAPTER 51 OF THE TEXAS PROPERTY CODE SHALL BE MOVED TO THE NEW HAYS COUNTY GOVERNMENT CENTER AT 712 SOUTH STAGECOACH TRAIL IN SAN MARCOS, TEXAS

Special Counsel Mark Kennedy spoke. Since the Commissioners Court voted on this new location on 712 South Stagecoach Trail, on October 25, 2011, which means that sales cannot begin until late January 23, 2012. Under Section 51.002 (b) reads as follows: the Commissioners Court of a county may designate an area other than an area at the courthouse where sales under this section will take place that is in a public place within a reasonable proximity of the county courthouse and in a location as accessible to the public as the courthouse door. The Commissioners Court shall record that designation in the real property records of the county. A sale may not be held at an area designated under this subsection before the 90th day after the date the designation is recorded. The posting of the notice required by Subsection 9 (b)(1) of a sale designated under the subsection to take place at an area other than an area of the courthouse remains at the courthouse door of the appropriate county. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to designate and clarify the effective date of January 23, 2012 on which the location for foreclosure sales, pursuant to Chapter 51 of the Texas Property Code shall be moved to the South door of the new Hays County Government Center at 712 South Stagecoach Trail in San Marcos, Texas. Commissioner Whisenant not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb voting "Aye". MOTION PASSED**

28670 APPOINT RUSSELL MOLENAAR AND KIMBERLY FREER FOR EMERGENCY SERVICE DISTRICT (ESD) #1 AND MARILYN MILLER AND STEVE JANDA FOR ESD #6 FOR A TWO YEAR TERM TO BE EFFECTIVE JANUARY 1, 2012

Kimberly Freer will be replacing Mechelle Kutach. Russell Molenaar filled the unexpired term of Jim Spencer who resigned in June 2011. **A motion was made by Judge Cobb, seconded by Commissioner Ingalsbe to appoint Russell Molenaar and Kimberly Freer for Emergency Service District (ESD) #1 and appoint Marilyn Miller and Steve Janda for ESD #6 for two year term to be effective January 1, 2012. Commissioner Whisenant not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb voting "Aye". MOTION PASSED**

28671 APPROVE PAYMENT TO THE COALITION OF CENTRAL TEXAS UTILITIES DEVELOPMENT CORPORATION ("UDC") A TOTAL OF THIRTY-TWO THOUSAND DOLLARS (\$32,000 USD), WHICH REPRESENTS HAYS COUNTY'S PRO RATA CONTRIBUTION TOWARD ADDITIONAL DUE DILIGENCE EXPENSES RELATED TO THE LCRA DIVESTITURE OF WATER SYSTEMS

The UDC may be entering into the next phase of negotiations with LCRA for the divestiture of its 32 water systems (or a portion thereof). This commitment of \$32,000.00 from Hays County would streamline the process for paying additional due diligence monies related to this ongoing negotiation. **A motion was made by Judge Cobb, seconded by Commissioner Conley to approve payment to the Coalition of Central Texas Utilities Development Corporation ("UDC") a total of Thirty-Two Thousand Dollars (\$32,000 USD), which represents Hays County's pro rata contribution toward additional due diligence expenses related to the LCRA divestiture of water systems and for the monies to come out of the LCRA Funds. Commissioner Whisenant not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb voting "Aye". MOTION PASSED**

28672 EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE, OR VALUE OF REAL PROPERTY RELATED TO RIGHT OF WAY ACQUISITION ON FM 1626

Court convened into closed executive session at 10:50 a.m. and reconvened into open court meeting at 10:58 a.m. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy and Ellie Dietz. **A motion was made by Commissioner Jones, seconded by Judge Cobb to authorize the use of power of endowment domain to acquire a half acre locate at 200 FM 1626 in Hays County Texas for Right of Way purposes concerning the widening and reconstruction of Fm 1626 to use by the traveling public. Commissioner Whisenant and Commissioner Conley not present for vote. Commissioner Ingalsbe, Commissioner Jones and Judge Cobb voting "Aye". MOTION PASSED**

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE, OR VALUE OF REAL PROPERTY RELATED TO THE MARKETING AND POTENTIAL SALE OF COUNTY OWNED PROPERTIES

Court convened into closed executive session at 10:58 a.m. and reconvened into open court meeting at 11:30 a.m. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy Dee Dee Baen Human Resources Director and Lon Shell. No Action Taken



28673 EXECUTIVE SESSION PURSUANT TO OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE 551.074, DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT AND DUTIES OF INDIVIDUAL EMPLOYEES OF THE MAINTENANCE DEPARTMENT

Court convened into closed executive session at 11:32 a.m. and reconvened into open court meeting at 11:58 a.m. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy Dee Dee Baen Human Resources Director and Lon Shell. A motion was made by Commissioner Jones, seconded by Judge Cobb to eliminate two maintenance and construction positions December 31, 2011 and add one facility maintenance position effective January 1, 2012 eliminate two custodial positions effective January 31, 2012. Commissioner Whisenant not present for vote. Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Judge Cobb voting "Aye". MOTION PASSED

EXECUTIVE SESSION PURSUANT TO OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE 551.074, DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT AND DUTIES OF INDIVIDUAL EMPLOYEES OF THE COMPLIANCE/COLLECTIONS DEPARTMENT

Court convened into closed executive session at 11:00 a.m. and reconvened into open court meeting at 11:30 a.m. In attendance in Executive Session were Commissioner Conley, Commissioner Whisenant, Commissioner Jones, Commissioner Ingalsbe, Judge Cobb, Special Counsel Mark Kennedy, Dee Dee Baen Human Resources Director and Lon Shell. No Action Taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

The Burn Ban will remain lifted due to the recent rains. County Judge urged county residents to burn responsibly and for everyone to have a safe holiday.

County Clerks Note Item #40 RE: DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PROPOSED PRECINCT 2 OFFICE; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT - was pulled

County Clerks Note Item #41 RE: DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR- was pulled

County Clerks Note Item #42 RE: DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE- was pulled

COURT WAS ADJOURNED.

I, LIZ Q. GONZALEZ, 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 20, 2011.



LIZ Q GONZALEZ, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS

