STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 13TH DAY OF MARCH A.D., 2012, 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**
LIZ Q. GONZALEZ	**COUNTY CLERK**

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

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

Public Comment

The Boys Scout Troop #106, San Marcos, Zack Herzog, Felix Hinojosa, Derby Pinegar, Noah Hinojosa, Gabriel Hernandez, Elijah Mercado, Bill Herzog (Scoutmaster) and Mark Romesburg (Assistant Scoutmaster) attended today's Commissioners Court meeting as part of their requirement for "Citizenship in the Community" merit badge.

27933 ADOPT A PROCLAMATION DECLARING MARCH 12 – 18, 2012 AS MULTIPLE SCLEROSIS AWARENESS WEEK

Linda Coker spoke. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation declaring March 12-18, 2012 as Multiple Sclerosis Awareness Week. All voting "Aye". MOTION PASSED**

27934 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 $949,660.90 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

27935 APPROVE COMMISSIONERS COURT MINUTES OF MARCH 6, 2012

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve Commissioners Court Minutes of March 6, 2012 as presented by the County Clerk. All voting "Aye". MOTION PASSED

27936 ACCEPT THE DELIVERY OF THE INTERNAL EXAMINATION REPORT FOR THE HAYS COUNTY DEVELOPMENT SERVICES DEPARTMENT

In accordance with subsection 115.002 of the Texas Local Government Code, the Auditor's office, performed an internal examination of the Hays County Development Service Department's financial records, for the period of January 1, 2010 through August 31, 2011. The internal examination consisted of reviewing receipts, deposits refunds, fixed assets, and other supporting documentation. Based on the internal examination, except for the following findings and recommendations, cash receipts and disbursements appear to be adequately accounted for and related records appear to be accurately maintained in accordance with statutory requirements under subsection 112.001 of the Texas Local Government Code. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to accept the delivery of the Internal Examination Report for the Hays County Development Services Department. All voting "Aye". MOTION PASSED**

County Clerk's Note Agenda Item #5 Re: *APPROVE RENEWAL AGREEMENT FOR PLANNED MAINTENANCE ON THE GENERATOR AT THE HAYS COUNTY PERSONAL HEALTH DEPARTMENT, 401A BROADWAY, SAN MARCOS, TEXAS* **– was pulled**

27937 AUTHORIZE INFORMATION TECHNOLOGY TO DISPOSE OF COMPUTER EQUIPMENT

Goodwill has expressed an interest in receiving the computer equipment from the County. Information Technology has stripped the equipment of any usable parts. The recommendation to the court would be to dispose of the equipment as worthless (pursuant to Local Government Code 263.152-Disposition (3) and send to Goodwill for recycling. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize Information Technology to dispose of computer equipment. All voting "Aye". MOTION PASSED**

27938 APPROVE UTILITY PERMITS

A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve Utility Permit #846 on Valley Springs Road issued to Time Warner Cable. All voting "Aye". MOTION PASSED

27939 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A RENEWAL OF THE INTERLOCAL AGREEMENT (ILA) BETWEEN THE CITY OF WOODCREEK AND HAYS COUNTY REGARDING ROAD REPAIR AND MAINTENANCE

The Interlocal Agreement between the City of Woodcreek and Hays County has twice expired since its original term. The City has requested renewal of the Agreement. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the County Judge to execute a renewal of the Interlocal Agreement (ILA) between the City of Woodcreek and Hays County regarding road repair and maintenance. All voting "Aye". MOTION PASSED**

27940 APPROVE THE AUGUST 2011-JANUARY 2012 TREASURER'S REPORTS AND INVESTMENT REPORTS

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve the August 2011-January 2012 Treasurer's Reports and Investment Reports. All voting "Aye". MOTION PASSED

27941 APPROVE RENEWAL CONTRACT FOR RON HOOD, CONSTABLE, PRECINCT 4 WITH THE TEXAS 1033 SURPLUS PROPERTY PROGRAM AND AUTHORIZE THE COUNTY JUDGE TO EXECUTE THE CONTRACT

A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to approve renewal contract for Ron Hood, Constable, Precinct 4 with the Texas 1033 Surplus Property Program and authorize the County Judge to execute the contract. All voting "Aye". MOTION PASSED

27942 AMEND THE BUDGET OF CONSTABLE, PRECINCT 2 FOR VEHICLE MAINTENANCE FROM LAW ENFORCEMENT EQUIPMENT

Constable Kohler has issues with vehicle maintenance costs for his 2009 Dodge vehicle. The engine seized up; warranty will cover most of the $6,000 cost; however, County cost is $1,600. Constable Kohler has savings from radar & lightbar eqpt. Totaling $1,115, which he wishes to transfer to vehicle maint. to help cover the engine replacement. Amount Required $ 1,115.00 to 001-636-00.5413 Veh Maint from 001-636-00.5717_400 Law Enf. Eqpt. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to amend the Budget of Constable, Precinct 2 for vehicle maintenance from law enforcement equipment. All voting "Aye". MOTION PASSED**

27943 AUTHORIZE THE GOVERNMENT CENTER SECURITY TO ASSUME THE ELECTIONS OFFICE EQUIPMENT LEASE FOR COPIER AND AMEND THE BUDGET FOR THE COST OF THE LEASE AND FOR LAND LINES AND CELL PHONE SERVICE

The Government Center Security Office is in need of a copier in order to maintain the docket schedules on a daily basis. The Elections Office has a copier that is in their old building not being used and is willing to transfer the lease. Also, land lines and cell phones were not originally planned during the budget process and have now all been installed and distributed. Amount Required $3,740.00 (Increase Eqpt. Lease 001-613-00.5473 - $1,040, Increase Telephone 001-613-00.5489 - $2,700, Decrease Staff Salaries 001-613-00.5021 - ($2,400), Decrease Uniforms 001-613-00.5474 - ($1,340). **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to authorize the Government Center Security to assume the Elections Office equipment lease for copier and amend the budget for the cost of the lease and for land lines and cell phone service. All voting "Aye". MOTION PASSED**

27944 ACCEPT A DONATION OF $100.00 TO THE SHERIFF'S OFFICE COMMUNITY OUTREACH PROGRAM AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office received a donation in the amount of $100.00 and request to deposit into line item 052-618-00.4610/Contributions. **A motion was made by Commissioner Whisenant, seconded by Commissioner Ingalsbe to accept a donation of $100.00 to the Sheriff's Office Community Outreach Program and amend the budget accordingly. All voting "Aye". MOTION PASSED**

27945 APPROVE THE ADJUSTMENT OF THE COUNTY ELECTION PRECINCT BOUNDARIES

Joyce Cowan Elections Administrator spoke. Commissioners Court approved our County Election Precinct boundaries on September 20, 2011 and December 6, 2011. Due to a lawsuit filed in the United States District Court for the Western District of Texas opposing the State's Congressional, Senatorial and State Representative boundaries. A Court Order (March 1, 2012) has been issued adopting Plan C235 (Congressional Districts), Plan S172 (Senatorial Districts) and Plan H309 (State Rep. Districts) changing our original boundary lines therefore causing us to redraw some of our precincts. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to approve the adjustment of the county election precinct boundaries. All voting "Aye". MOTION PASSED**

27946 ACCEPT AND APPROVE THE PROPOSAL FOR THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS – RTU CONTROL UPGRADES AS SUBMITTED BY JE DUNN CONSTRUCTION AND TO WAIVE THE COUNTY PURCHASING POLICY THAT WOULD REQUIRE OBTAINING TWO ADDITIONAL QUOTES

Captain Brad Robinson of the Sheriff's Office spoke. The Commissioners Court approved $2 Million for immediately needed Jail Renovations on August 24, 2010. Hays County contracted with JE Dunn Construction to provide General Contracting Services for the HVAC Upgrades effective October 19, 2010. The installation of 30 RTUs is complete. Additional upgrades (including troubleshooting/repair of existing wiring, and additional transmitter located in the Administration Area, and upgrades to the RTUs to protect and prolong the life of the equipment) are required. JE Dunn, as the General Contractor, and Mtech, as the Subcontractor, performed the original scope of work; thus, it is being requested that the purchasing policy requiring a total of 3 quotes be waived to maintain consistency in the work and to eliminate any potential voids in existing warranties. Discussion included waiving the purchasing policy and acceptance and approval of the Proposal submitted by JE Dunn. This work does not increase the approved $2M budget; funds remaining in the HVAC Upgrades line item will be used to fund the additional scope of work. Amount required $ 17,690.00 from line item 001-645-00.5741 Countywide Miscellaneous Capital Improvements. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept and approve the Proposal for the Law Enforcement Center Immediate Needs – RTU Control Upgrades as submitted by JE Dunn Construction and to waive the County purchasing policy that would require obtaining two additional quotes. All voting "Aye". MOTION PASSED**

27947 ADOPT A RESOLUTION REQUESTING A SALE OF PROPERTY ACQUIRED BY THE CITY OF SAN MARCOS, TEXAS IN TRUST FOR ITSELF, SAN MARCOS CISD AND HAYS COUNTY AT A DELINQUENT TAX SALE

The Tax Office has received an offer to purchase a piece of real property that was bid into trust at a tax sale. The City of San Marcos owns the property in trust for several taxing units, including Hays County. The property is located in Precinct 1. An offer was made to purchase the property from the taxing units for $1,000. The approval of the governing bodies of all the taxing units with an interest in the property is required to accept this offer. The property is described as a .229 acre tract out of Lot 8 Blk 12 D.S. Combs Addition to the City of San Marcos. Unfortunately, the property is landlocked and there does not appear to be a street address. The property was bid into trust because nobody made the minimum bid at the tax sale. The offer of $1,000 is close to the Hays County Appraisal District's 2011 appraised market value of $1,200 for the property. Accordingly, MVBA recommends that Hays County pass a resolution authorizing the City of San Marcos to accept the $1,000 offer. Similar resolutions are being presented to the governing bodies of the City of San Marcos and the San Marcos Consolidated School Dist. If any of the three governing bodies do not approve the resolution, the property will not be sold. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a resolution requesting a sale of property acquired by the City of San Marcos, Texas in trust for itself, San Marcos CISD and Hays County at a Delinquent Tax Sale. All voting "Aye". MOTION PASSED**

27948 APPROVE THE SECURITY AND ACCESS POLICY FOR THE HAYS COUNTY GOVERNMENT CENTER AND FEE AMOUNT FOR THE ISSUANCE OF CARDS TO HAYS COUNTY BAR ASSOCIATION MEMBERS

Gary Cutler Hays County Sheriff spoke. Since the opening of the new Government Center, Legal Counsels and representatives from the Sheriff's Office have been developing the following policy. Introduction of this policy will enable card-carrying local bar members to bypass security for easier access to the Courts. Applications will be taken immediately and badges could be issued within 60 days. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the security and access policy for the Hays County Government Center and fee amount for the issuance of cards to Hays County Bar Association members. All voting "Aye". MOTION PASSED**

27949 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL CONTRACT WITH SOUTH CENTRAL PLANNING AND DEVELOPMENT COMMISSION FOR LICENSING OF PERMITTING SOFTWARE FOR USE IN THE DEVELOPMENT SERVICES DEPARTMENT AND AMEND BUDGET ACCORDINGLY

Clint Garza Director of Development Services spoke. The Development Services Department is beginning the process of updating the database management and permitting system used all permitting and inspection tracking performed by the department. The Interlocal Contract is with The South Central Planning and Development Commission (SCPDC), a regional planning commission and Political Subdivision of the State of Louisiana. Representative from the Capital Area Council of Governments (CAPCOG) introduced staff to the "MyPermitNow" software created and provided by SCPDC. Staff believes the new software and database management system will make the application process friendlier to the public by providing online application tracking, online application and automated permit approval messaging. Internally, the system is much more functional than the current database management system as it will integrate subdivision and planning as well as the 911/GIS information into the permitting software. Funds were budgeted in County Wide contingencies during the budget process for this project and will be moved to the IT Department budget for proper general ledger tracking. Amount Required $ 3,800.00 (Increase Software Maint: 001-680-00.5429 - $3,800, Decrease Co Wide Cont: 001-645-00.5399 – ($3,800.00). **A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize the County Judge to execute an Interlocal Contract with South Central Planning and Development Commission for licensing of permitting software for use in the Development Services Department and amend budget accordingly. All voting "Aye". MOTION PASSED**

27950 APPROVE THE APPOINTMENT OF ROSALBA MERCHANT TO THE BOARD OF DIRECTORS OF COMMUNITY ACTION INC. OF CENTRAL TEXAS

Ms. Rosalba Merchant will replace James Akers as the Hays County Commissioners Court appointment to the Board of Directors for Community Action Inc. of Central Texas. **A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to approve the appointment of Rosalba Merchant to the Board of Directors of Community Action Inc. of Central Texas. All 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 10:13 am and reconvened into open court meeting at 10:40 am. In attendance in Executive Session were Commissioners Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Lon Shell, Edward Johnson of Johnson True and CBRE Representative. No Action Taken.

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, LEASE, EXCHANGE, OR VALUE OF REAL PROPERTY RELATED TO THE DAHLSTROM RANCH PROJECT IN PRECINCT 2

Court convened into closed executive session at 10:43 am and reconvened into open court meeting at 11:50 am. In attendance in Executive Session were Commissioners Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy and Lon Shell. No Action Taken.

ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION

The Burn Ban will remain lifted.

27951 TO ACCEPT SOUTHSIDE COMMUNITY CENTER AS THE VENDOR FOR THE GOVERNMENT CENTER

Bob Hinkle spoke of the Steering Committee Evaluation food service contract for the Government Center. Hays County received proposals from two local vendors, Ruben Becerra with Gils Broiler & Manske Roll Bakery and Ruben Garza with Southside Community Center. Both would conduct business from 8-5, both will agree to either a 10% return to the County based on gross sales or negotiate a payment for rent. Gil's Broiler plans to provide all the equipment needed to conduct day to day business. They are also proposing that they pay for the space provided by Hays County in percentage of sales. Gil's Broiler is proposing that 10% of gross sales be paid to Hays County. Southside Community will provide menus for Breakfast and Lunch, Jury Menu, County Meeting Catering Menu, Dessert Menu and To-Go Menus they would also provide: Recycling Bins-staff will remove these at the end of every day, vending machines. **A motion was made by Commissioner Conley, and seconded by Commissioner Whisenant to accept Southside Community Center as the vendor for the Government Center. Commissioner Ingalsbe abstained. Commissioner Jones, Commissioner Conley, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED**

DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR

Jeff Watson gave a Progress Report on Hays county Pass Through Financing Program. FM 1626 Southern Section (FM 2270 to FM 967) – Environmental Process (45% Complete/Draft EA Report 90% Complete); Design (Schematic 95% Complete, PS&E 55% Complete), ROW Coordination & Acquisition (10% Complete), Utility Coordination & Relocation (15% Complete), Construction (0% Complete). FM 1626 Northern Section (FM 967 to Brodie Ln) – Jacobs, Environmental Process – TxDOT (98% Complete), Design (Schematic 100% Complete, PS&E 99% Complete), ROW Coordination & Acquisition (65% Complete), Utility Coordination & Relocation (20% Complete), Construction (0% Complete). FM 110 (IH 35 to SH 123) – S&B Infrastructure, Environmental Process – TxDOT (95% Complete), Design (Schematic 100% Complete, PS&E 90% Complete), ROW Coordination & Acquisition (95% Complete), Utility Coordination & Relocation (20% Complete), Construction (0% Complete). US 290 (Nutty Brown road to Trautwein Road) – Construction Complete; IH 35 Phase I (FM 2001 to FM 1626 & Kyle Crossing/CR 210 Overpass, Environmental Process (100% Complete), Design (Schematic 100% Complete), ROW Coordination & Acquisition (98% Complete), Utility Coordination & Relocation (99% Complete), Construction (98% Complete). IH 35 Phase IIA (RM 150 Realignment) – URS, Environmental Process (100% Complete), Design (Schematic 99% Complete, PS&E Complete), ROW Coordination & Acquisition (50% Complete), Utility coordination & Relocation (25% Complete), Construction (0% Complete). IH 35 phase IIB (FM 1626 to Yarrington) – CP&Y, Environmental Process (95% Complete), Design (Schematic 99% Complete PS&E 95% Complete), ROW Coordination & Acquisition (100% Complete), Utility Coordination & Relocation (60% Complete), Construction (0% Complete). FM 2001 (Frontage Road Connector) – Construction Complete.

DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE

Commissioner Whisenant spoke of Hays County Water and Sewer Authority and the LCRA Divestiture will be accepted on Thursday at 10:00 am meeting.

A motion was made by Commissioner Jones, seconded by Judge Cobb to adjourn court.

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 March 13, 2012.

COMMISSIONERS COURT HAYS COUNTY, TEXAS

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