

**MINUTES OF THE WILLIAMSON COUNTY COMMISSIONERS' COURT
MEETING
NOVEMBER 10, 2009**

STATE OF TEXAS)(

COUNTY OF WILLIAMSON)(

BE IT REMEMBERED that at 9:38 A.M. on TUESDAY, NOVEMBER 10, 2009, a REGULAR SESSION of the Commissioners' Court of Williamson County, Texas, was held with the following being present, to-wit:

Present: Dan A. Gattis, County Judge
Lisa Birkman, Commissioner Precinct 1
Cynthia Long, Commissioner Precinct 2
Valerie Covey, Commissioner Precinct 3
Ron Morrison, Commissioner Precinct 4
Nancy E. Rister, County Clerk
Attendees: Henry Prejean, Chief Civil Litigator
Connie Singleton, Deputy County Clerk

1. Review and approval of minutes.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To approve the minutes of the last meeting.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

2. Consider noting in minutes any off right-of-way work on any County road done by Road & Bridge Unified System.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To note in minutes off right-of-way work:***

Permission to mow intersection for safety purposes at Hwy 183/FM 3405 Pct. #3.

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

3. **Hear County Auditor concerning invoices, bills, Quick Check Report, and Wire Transfers submitted for payment and take appropriate action including, but not limited to approval for payment provided said items are found by the County Auditor to be legal obligations of the county.**

First Assistant County Auditor Julie Kiley addressed the Court.

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To authorize the payment of bills totaling \$6,227,147.70 from computer printout and wire transfer from the proper line items, if found by the County Auditor to be legal expenses as appropriated in the County budget.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

4. **Citizen comments.**

The following addressed the Court:

Parks Director Jim Rodgers

Rob Hardy, Helen Hardy & Kristin Marshall of Williamson County 4H Hoofpicks Horse Project Club

George Strebel of GIS

Jody Giddens of Leander

Jim Dillon of Liberty Hill

CONSENT AGENDA

The Consent Agenda includes routine items that the Court may act on with one single vote. The Judge or a Commissioner may pull any item from the Consent Agenda in order that the Court discuss and act upon it individually as part of the Regular Agenda.

(Items 5 -10)

5. **Consider and take appropriate action on authorizing the transfer of various vehicles from the Williamson County Fire Chiefs' Association to the Williamson County HAZMAT Department.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To authorize the transfer of various vehicles from the Williamson County Fire Chiefs' Association to the Williamson County HAZMAT Department.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

6. **Consider and take appropriate action on authorizing the transfer of uniforms through inter-office transfer to auction/donation/destruction. (Complete list filed with official minutes)**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To authorize the transfer of uniforms through inter-office transfer to auction/donation/destruction.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

7. Consider and take appropriate action on appointment of William Beechinor to Deputy Constable to fill open position in Precinct 2.

Constable Precinct 2 Dale Vannoy and William Beechinor addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To approve the appointment of William Beechinor to Deputy Constable to fill open position in Precinct 2.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

8. Discuss and consider preliminary plat approval for Clearwater Ranch, Pct. #2.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To approve the preliminary plat for Clearwater Ranch, Pct. #2.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

9. Discuss and consider approval for San Gabriel Ridge revised preliminary plat, Pct. #2.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To approve revised preliminary plat for San Gabriel Ridge, Pct. #2.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

10. Discuss and consider replacement of yield signs on CR 394/368 with stop signs on CR 101, Pct. #4.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To approve replacement of yield signs on CR 394/368 with stop signs on CR 101, Pct. #4.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

REGULAR AGENDA

11. **Acknowledge the receipt of certificate of achievement in Financial Reporting for Fiscal Year 2008 from the Government Finance Officers Association.**

County Auditor David Flores and First Assistant County Auditor Julie Kiley and addressed the Court.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To acknowledge the receipt of Certificate of Achievement in Financial Reporting for Fiscal Year 2008 from the Government Finance Officers Association.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

12. **Acknowledge receipt of award for outstanding achievement in Popular Annual Financial Reporting for Fiscal Year 2008 from the Government Finance Officers Association.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To acknowledge receipt of award for outstanding achievement in Popular Annual Financial Reporting for Fiscal Year 2008 from the Government Finance Officers Association.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

13. **Discuss and take appropriate action on road bond program.**

No action was taken.

14. **Consider authorizing the County Judge to execute a Possession and Use agreement with Russell U. Jones regarding right-of-way on US 183.**

Attorney Charlie Crossfield addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To authorize the County Judge to execute a Possession and Use Agreement with Russell U. Jones regarding right-of-way on US 183.***

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

15. **Consider authorizing the County Judge to execute a Possession and Use Agreement with Emogene Champion and Kirkpatrick Builders, Ltd. regarding right-of-way on US 183.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To authorize the County Judge to execute a Possession and Use Agreement with Emogene Champion and Kirkpatrick Builders, Ltd. regarding right-of-way on US 183.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

16. **Consider a resolution determining the necessity and authorizing the condemnation of certain property interests required for the construction of US 183, and take appropriate action. (Giddens Parcel 17, Part 2)**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To approve a resolution determining the necessity and authorizing the condemnation of certain property interests required for the construction of US 183. (Giddens Parcel 17, Part 2)***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

17. **Consider authorizing the County Judge to execute a real estate contract with Life Springs Christian Church for right-of-way needed on US 183. (P15)**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To authorize the County Judge to execute a real estate contract with Life Springs Christian Church for right-of-way needed on US 183. (P15)***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

18. **Consider authorizing the County Judge to execute a real estate contract with Steven P. Walker and Margaret R. Stummer for right-of-way needed on RM 2338. (P24)**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To authorize the County Judge to execute a real estate contract with Steven P. Walker and Margaret R. Stummer for right-of-way needed on RM 2338. (P24)***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

19. **Consider authorizing the County Judge to execute a Possession and Use agreement with Waypoint West LLC. regarding right-of-way on RM 2338. (P33)**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To authorize the County Judge to execute a Possession and Use agreement with Waypoint West LLC. regarding right-of-way on RM 2338. (P33)***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

20. **Consider authorizing the County Judge to execute an amendment to the Kaufman contract regarding relocation of detention pond on Reagan Boulevard.**

Attorney Charlie Crossfield addressed the Court.

This item was moved to Executive Session.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To authorize the County Judge to execute an amendment to the Kaufman contract regarding relocation of detention pond on Reagan Boulevard.***

Commissioner Long withdrew the motion.

21. **Discuss and take possible action regarding granting permission to the Lower Colorado River Authority (LCRA) to close Brushy Creek Road, east of Walsh Hill Trail and west of Sam Bass Road to inspect the pipelines and interceptors within the Edwards Aquifer.**

Director of Infrastructure Bob Daigh addressed the Court.

No action was taken.

22. **Discuss and take action on Victoria County Interlocal Cooperation Agreement for out of county residential services.**

Scott Matthew of Juvenile Services addressed the Court.

Motion By: County Judge Dan A. Gattis

Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To approve the Victoria County Interlocal Cooperation Agreement for out of county residential services for juveniles.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

23. Discuss and take action on Parks interlocal agreement between Jarrell and Williamson County.

Parks Director Jim Rodgers addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To approve Parks interlocal agreement between Jarrell and Williamson County.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

24. Consider accepting donation from the Williamson County 4H Hoofpicks Horse Project Club for the Show Barn.

Parks Director Jim Rodgers addressed the Court.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve a donation from the Williamson County 4H Hoofpicks Horse Project Club for the Show Barn.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

25. Discuss and take appropriate action on approving a revised grant resolution for the Byrne Justice Assistance Grant (JAG) through the Criminal Justice Division of the Governor's Office for an Automated Fingerprinting Identification System (AFIS).

Scott Matthew of Juvenile Services and Executive Assistant to Commissioner of Precinct 2 Kathy Grimes addressed the Court.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To approve a revised grant resolution for the Byrne Justice Assistance Grant (JAG) through the Criminal Justice Division of the Governor's Office for an Automated Fingerprinting Identification System (AFIS).***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

26. Discuss and take appropriate action regarding an agreement between ESD #8, Georgetown and Williamson County.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve an agreement between ESD #8, Georgetown and Williamson County.***

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

27. Discuss and take appropriate action regarding an agreement between the City of Leander and Williamson County.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve an agreement between the City of Leander and Williamson County.***

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

28. Discuss and take appropriate action regarding an agreement between ESD #3, Hutto and Williamson County.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve an agreement between ESD #3, Hutto and Williamson County.***

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

29. Discuss and take appropriate action regarding possible reorganization of county departments which are not under the direction of elected officials.

This item was moved to Executive Session.

No action was taken.

30. Consider authorizing advertising and setting date of December 1, 2009 at 2:00 P.M. in the Purchasing Department to receive proposals for Health and Welfare Benefits Broker/Consultant Services and Deferred Compensation Plan.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To authorize advertising and set date of December 1, 2009 at 2:00 P.M. in the Purchasing Department to receive proposals for Health and Welfare Benefits Broker/Consultant Services and Deferred Compensation Plan.***

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

31. **Discuss and approve use of Homeland Security Grant Program funds to purchase an armored vehicle through the United States General Services Administration's State and Local Law Enforcement Equipment Procurement Program (1122 program) from Lenco Armored Vehicles for \$269,776.**

Purchasing Director Bob Space, Sheriff's Deputy Derrick Dutton and HAZMAT Coordinator for EMS James Herrin addressed the Court.

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To approve the use of Homeland Security Grant Program funds to purchase an armored vehicle through the United States General Services Administration's State and Local Law Enforcement Equipment Procurement Program (1122 program) from Lenco Armored Vehicles for \$269,776.***

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

COMMISSIONERS' COURT ADJOURNED TO EXECUTIVE SESSION AT 10:22 A.M. ON TUESDAY, NOVEMBER 10, 2009.

32. **Discuss real estate matters (EXECUTIVE SESSION as per VTCA Govt. Code Sec. 551.0721 Deliberation Regarding Real Estate Property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person).**

1. **Proposed or potential purchase of lease of property by the County.**

a. **Discuss proposed acquisition of property for right-of-way for RM 2338 Phase II.**

b. **Discuss proposed acquisition of property for right-of-way for US 183 project from 1000 feet south of San Gabriel to 1000 feet north of SH 29.**

c. **Discuss proposed acquisition of property for right-of-way for SH 195 project from .805 to SH 138.**

d. **Discuss proposed acquisition of property for right-of-way for CR 104 project.**

e. **Discuss proposed acquisition of property for right-of-way for O'Connor Boulevard and 620 project.**

No action was taken in Executive Session.

33. **Discuss pending or contemplated litigation, settlement matters and other confidential attorney-client legal matters (EXECUTIVE SESSION as per VTCA Govt. Code Sec. 551.071 Consultation with Attorney).**

1. **Litigation or claims or potential litigation or claims against the County or by the County (discussion and possible action).**

a. **Green Haven plat issues.**

b. Georgetown Housing Authority – County claim for repayment of Community Development Block Grant (CDBG) funds.

c. AT&T claim for property damage at 200 Indian Oaks, Liberty Hill.

2. Contract matters (legal aspects of current or proposed County contracts).

a. Proposed contract with Georgetown Housing Authority (discussion and possible action).

No action was taken in Executive Session.

34. Discuss personnel issues (EXECUTIVE SESSION as per VTCA Govt. Code sec 551.074 Deliberation Regarding Matters Concerning Personnel) Reorganization of HR Dept.

No action was taken in Executive Session.

COMMISSIONERS' COURT RECONVENED FROM EXECUTIVE SESSION AT 1:15 P.M. ON TUESDAY, NOVEMBER 10, 2009.

35. Discuss and take appropriate action on real estate.

No action was taken.

36. Discuss and take appropriate action on pending or contemplated litigation.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To decline the AT&T claim for property damage at 200 Indian Oaks, Liberty Hill.***

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

37. Discuss and take appropriate action regarding matters concerning personnel in the matter of reorganization of the Human Resources Department.

No action was taken.

38. Comments from Commissioners.

Commissioner Birkman thanked all the Veterans present in Court.

COMMISSIONERS' COURT ADJOURNED AT 1:22 P.M. ON TUESDAY, NOVEMBER 10, 2009.

THE FOREGOING MINUTES had at a Regular Session of Commissioners' Court of Williamson County, Texas, having been read are hereby approved this 17th day of November, 2009.

ATTEST: Nancy E. Rister, Clerk of Commissioners' Court, Williamson County, Texas

By: Connie Singleton, Deputy