

**MINUTES OF THE WILLIAMSON COUNTY COMMISSIONERS' COURT
MEETING
NOVEMBER 2, 2010**

STATE OF TEXAS)(

COUNTY OF WILLIAMSON)(

BE IT REMEMBERED that at 9:36 A.M. on TUESDAY, NOVEMBER 2, 2010, 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: Hal Hawes, Legal Advisor Commissioners' Court
Connie Singleton, Deputy County Clerk

1. Review and approval of minutes.

Motion By: Commissioner Precinct 1 Lisa Birkman

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.

No action was taken.

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.

Accounts Payable/Payroll Manager Donna Baker addressed the Court.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey **Motion: To authorize the payment of bills totaling \$3,617,853.98 from computer printout, Addendum, Wire Transfer, Quick Check Report 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.

No were no citizen comments.

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. Discuss and consider approving a line item transfer for Non Departmental.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To approve a line item transfer for Non Departmental (with change of amounts on 0100-0409-001943 to \$80,008.40, 0100-0409-002010 to \$32,129.35 and 0100-0409-002020 to \$47,879.05:

From	0100-0409-001943	Non Dept/Incentive Pay	\$80,008.40	
To	0100-0409-002010	Non Dept/FICA	\$32,129.35	
To	0100-0409-002020	Non Dept/Retirement	\$47,879.05	

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 approving the Treasurer's Report on the Williamson County Finances for September 2010.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey **Motion: To approve the Treasurer's Report on the Williamson County Finances for September 2010.**

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 approving the investment reports for July and August 2010 which were approved by the investment committee on October 6, 2010.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve the investment reports for July and August 2010 which were approved by the investment committee on October 6, 2010.***

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. **To discuss and approve the wording of the County Clerk's certification to be included on any plat coming before the Court.(Appendix C 5)**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve the wording of the County Clerk's certification to be included on any plat coming before the Court. (Appendix C 5)***

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 take action on the road closure request for the annual Resolution Run through the Brushy Creek neighborhood. The event will take place on January 1, 2011 starting at 11:00. This request has been through the road closure request process and all reviewers approved this event.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve the road closure request through the Brushy Creek neighborhood for the annual Resolution Run on January 1, 2011 starting at 11:00.***

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. **Consider and take appropriate action on authorizing the transfer of various items including a vehicle through inter-office transfer to County departments and/or auction/donation/destruction. (Complete list filed with official minutes)**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To authorize the transfer of various items including a vehicle through inter-office transfer to County departments and/or 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

REGULAR AGENDA

11. **Consider declaring the month of November as Home Care and Hospice Month in Williamson County, Texas.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To declare the month of November as Home Care and Hospice Month in Williamson County, Texas.***

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. **Hear Update from Dan Wegmiller of Specialized Public Finance Inc. on refunding of bonds.**

Dan Wegmiller of Specialized Public Finance Services and County Auditor David Flores addressed the Court.

13. **Hear presentation from County Auditor's office on Williamson County Contract Database.**

The following addressed the Court:

County Auditor David Flores

Internal Audit Director Kathy Wierzowiecki

Legal Advisor Commissioners' Court Hal Hawes

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

No action was taken.

15. **Consider approving Change Order No. 22 in the amount of \$58,327.13 for Pond Springs, a Road Bond Project in Precinct One.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To approve Change Order No. 22 in the amount of \$58,327.13 for Pond Springs, a Road Bond Project in Precinct One.***

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 authorizing 2006 Road Bond transfer per recommendation of Mike Weaver, Road Bond Manager of the following projects: Right of Way (P180) \$7,472,825.54, transfer \$6,997,753.64 to SH 195 (P149), \$66,632.45 to CR 138 Extension (P179), \$2,263.00 to Williams Drive (P183), \$7,840.35 to FM 1460 (P195), \$68,206.80 to CR 104 Phase (P210) and \$330,129.30 to SH 29 Safety Improvement (P217).**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To authorize 2006 Road Bond transfer per recommendation of Mike Weaver, Road Bond Manager of the following projects: Right of Way (P180) \$7,472,825.54, transfer \$6,997,753.64 to SH 195 (P149), \$66,632.45 to CR 138 Extension (P179), \$2,263.00 to Williams Drive (P183), \$7,840.35 to FM 1460 (P195), \$68,206.80 to CR 104 Phase (P210) and \$330,129.30 to SH 29 Safety Improvement (P217).***

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 Yvonne Denise Newman and Lawrence Mark Irvine for right-of-way needed on SH 195. (P118)**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To authorize the County Judge to execute a real estate contract with Yvonne Denise Newman and Lawrence Mark Irvine for right-of-way needed on SH 195. (P118)***

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 Waypoint West, LLC for right-of-way needed on RM 2338. (P33)**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To authorize the County Judge to execute a real estate contract with Waypoint West, LLC for right-of-way needed 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

19. **Consider and take appropriate action on concurrence with Williamson County Conservation Foundation issuing determination letter and participation agreement on Great Oaks Real Estate, LLC, Sara B. Anwar, 9648 Cypress Garden Lane, Elk Grove, CA 95757.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To approve concurrence with Williamson County Conservation Foundation issuing a determination letter and participation agreement on Great Oaks Real Estate, LLC, Sara B. Anwar, 9648 Cypress Garden Lane, Elk Grove, CA 95757.***

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

20. **Consider and take appropriate action on concurrence with Williamson County Conservation Foundation issuing a determination letter and participation agreement on Hy-Land North Joint Venture, aka, Section 6 and Section 7, Sendero Springs; approximately 57.87 acres in three tracts – Williamson County Appraisal District property identification numbers R432306, R055399 and R420220.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To approve concurrence with Williamson County Conservation Foundation issuing a determination letter and participation agreement on Hy-Land North Joint Venture, aka, Section 6 and Section 7, Sendero Springs; approximately 57.87 acres in three tracts – Williamson County Appraisal District property identification numbers R432306, R055399 and R420220.***

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

21. **Discuss and take appropriate action regarding Williamson County Incentive Pay Plan for FY 2011.**

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To approve Williamson County Incentive Pay Plan Option 2.***

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

22. **Discuss and take appropriate action on Tropical Storm Hermine.**

This item was removed from the Agenda.

23. **Consider awarding proposal received for lease of Belford Square property located at 310-C West 7th Street, Suite 103, Georgetown to Smoking Gun Bail Bonds, the proposer best meeting specifications.**

Legal Advisor Commissioners' Court Hal Hawes addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To award a one year lease of Belford Square property located at 310-C West 7th Street, Suite 103, Georgetown to Smoking Gun Bail Bonds.***

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 an order declaring an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment to acknowledge additional revenues for the County Tax Assessor/Collector.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To approve an order declaring an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment to acknowledge additional revenues for the County Tax Assessor/Collector:

From/To	Acct No.	Description	Amount	
	0100-0000-362220	VIT Contributions	\$120.00	

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. Consider an order declaring an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment to acknowledge additional expenditures.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To approve an order declaring an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment to acknowledge additional expenditures:

From/To	Acct No.	Description	Amount	
	0100-0509-004211	Telephone & Cable	\$120.00	

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 RECESSED TO EXECUTIVE SESSION AT 10:27 A.M. ON TUESDAY, NOVEMBER 2, 2010.

26. 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 third person.)

1. Proposed or potential purchase or 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 SH 195 0.805 south of Bell County Line to IH 35.

c) Discuss proposed acquisition of property for right-of-way for US 183 Extension from 1,000 feet south of San Gabriel to 1,000 feet north of SH 29.

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

- e) Discuss proposed acquisition of property for right-of-way for Ronald Reagan Blvd. Phase II project from FM 3405 to Reagan Blvd.
- f) Discuss proposed acquisition of property for right-of-way for Ronald Reagan Blvd. Phase III and Phase IV.
- g) Discuss proposed acquisition of property for proposed SH 29 project.
- j) Discuss proposed acquisition of property for right-of-way on Haybarn Lane.
- k) Discuss proposed acquisition of property for right-of-way on CR 274/San Gabriel Parkway.
- l) Discuss proposed acquisition of property for right-of-way along Lakeline extension.
- m) Discuss proposed acquisition of property for right-of-way along Great Oaks extension.
- n) Discuss proposed acquisition of property for right-of-way along SW By-Pass.
- o) Discuss proposed acquisition of property for right-of-way along Pearson and Neenah.
- p) Discuss proposed Northwoods Road District.
- q) Discuss conveyance of University Boulevard right-of-way.
- r) Discuss proposed acquisition of property for right-of-way for US 79 Section 3 from East of Hutto to CR 402.

No action was taken in Executive Session.

27. 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.)

Litigation or claims or potential litigation or claims against the County or by the County and/or other confidential attorney-client matters, including contracts

- a) Status Update-Pending Cases or Claims
- b) Heckman v. Williamson County, et al.
- c) Voss v. Williamson County
- d) Cause No. 10-1107-C368; Jana Duty, County Attorney of Williamson County, Texas vs. Dan A. Gattis, County Judge of Williamson County, Lisa Birkman, Cynthia Long, Valerie Covey, and Ron Morrison County Commissioners, David Flores, County Auditor, and Ashlie Koenig, Budget Officer; In the District Court, Williamson County, Texas 368th Judicial District.
- e) Other pending cases or claims

No action was taken in Executive Session.

COMMISSIONERS' COURT RECONVENED FROM EXECUTIVE SESSION AT 11:26 A.M. ON TUESDAY, NOVEMBER 2, 2010.

28. Discuss and take appropriate action on real estate.

No action was taken.

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

a) Status Update-Pending Cases or Claims

b) Heckman v. Williamson County, et al.

c) Voss v. Williamson County

d) Cause No. 10-1107-C368; Jana Duty, County Attorney of Williamson County, Texas vs. Dan A. Gattis, County Judge of Williamson County, Lisa Birkman, Cynthia Long, Valerie Covey, and Ron Morrison County Commissioners, David Flores, County Auditor, and Ashlie Koenig, Budget Officer; In the District Court, Williamson County, Texas 368th Judicial District.

e) Other pending cases or claims

No action was taken.

30. Comments from Commissioners.

COMMISSIONERS' COURT ADJOURNED AT 11:26 A.M. ON TUESDAY, NOVEMBER 2, 2010.

THE FOREGOING MINUTES had at a Regular Session of Commissioners' Court of Williamson County, Texas, having been read are hereby approved this 9th day of November, 2010.



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

By: Connie Singleton, Deputy