

**MINUTES OF THE WILLIAMSON COUNTY COMMISSIONERS' COURT
MEETING
NOVEMBER 16, 2010**

STATE OF TEXAS)(

COUNTY OF WILLIAMSON)(

BE IT REMEMBERED that at 9:41 A.M. on TUESDAY, NOVEMBER 16, 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 2 Cynthia Long

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To approve the minutes of the last meetings.

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.

Commissioner Birkman abstained in regards to payment of an invoice/s for San Gabriel Parkway. (Conflict of Interest Affidavit attached)

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To authorize the payment of bills totaling \$5,752,764.28 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.**

The following addressed the Court:
Donna Roland of Leander
Kurt Johnson Sr. of Austin

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 - 7)

5. **Discuss and consider approving a line item transfer for JP #4.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To approve a line item transfer for Justice of the Peace Precinct #4:

From	0100-0454-001100	Full/Time Salaries	\$527.60	
To	0100-0454-001107	Temporary Labor	\$527.60	

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 various items 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 4 Ron Morrison

Motion: To authorize the transfer of various items 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

7. **Discuss and consider approval of multi-way stop signs at Liberty Walk and Hill Rock.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To approve multi-way stop signs at Liberty Walk and Hill Rock.

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

8. **Discuss and take appropriate action regarding a proclamation to declare and acknowledge November 17, 2010 as National GIS Day.**

The following addressed the Court:
Director of GIS/Addressing Richard Semple
George Strebel of GIS/Addressing

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To approve a proclamation to declare and acknowledge November 17, 2010 as National GIS (Geographic Information System) Day.

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. **Acknowledge the receipt of the Certificate of Achievement in Financial Reporting for Fiscal Year 2009 and the Award for Outstanding Achievement in Popular Annual Financial Reporting for Fiscal Year 2009 from the Government Finance Officers Association.**

The following addressed the Court:
County Auditor David Flores
First Assistant County Auditor Julie Kiley

No action was taken.

10. **Discuss and take appropriate action to appoint Lt. James Carmona of the Williamson County Sheriff's Office to the County's Benefits Committee as a voting member.**

Senior Director of Emergency Services John Sneed addressed the Court.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: County Judge Dan A. Gattis

Motion: To appoint Lt. James Carmona of the Williamson County Sheriff's Office to the County's Benefits Committee as a voting member.

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

11. **Hear the 2010 Construction Summary Report for Road Bond and Pass Through Financing Projects.**

Senior Director of Infrastructure Bob Daigh addressed the Court.

12. **Consider approving Change Order No. 12 in the amount of \$230,946.86 for US 79, Section 5A, a Pass Through Financing Project in Precinct 4.**

Senior Director of Infrastructure Bob Daigh addressed the Court.

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve Change Order No. 12 in the amount of \$230,946.86 for US 79, Section 5A, a Pass Through Financing Project in Precinct 4.

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

13. **Discuss and consider approving K Friese & Associates, Inc. Professional Service Agreement (PSA) for CR 101 (US 79 to Chandler Rd.) Road Bond Program project.**

This item was removed from the Agenda.

14. **Discuss and consider approving Raba-Kistner Infrastructure, Inc. Supplemental #2 to the CEI services Professional Service Agreement (PSA) to allow for the execution of Work Authorization #3 for US 79, section 3 Pass-Through project.**

This item was removed from the Agenda.

15. **Discuss and consider approving Bury+Partners, Inc. Professional Service Agreement (PSA) for the CR 119/CR 100 (US 79 to Chandler Rd.) Road Bond Program project.**

This item was removed from the Agenda.

16. **Consider authorizing the County Judge to execute a real estate contract with Daniel Dwayne Krueger for right-of-way needed on Hwy 79. (40)**

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To authorize the County Judge to execute a real estate contract with Daniel Dwayne Krueger for right-of-way needed on Hwy 79. (40)

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 Letter Agreement with Blue Haven Partners, Inc. for an additional electric easement for Perdarnales Electric Cooperative associated with the RM 2338 expansion project. (P7)**

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To authorize the County Judge to execute a Letter Agreement with Blue Haven Partners, Inc. for an additional electric easement for Perdarnales Electric Cooperative associated with the RM 2338 expansion project. (P7)

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 Letter Agreement with Gary and Lynne Newman for an additional electric easement for Pedernales Electric Cooperative associated with the RM 2338 expansion project. (P44U)**

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To authorize the County Judge to execute a Letter Agreement with Gary and Lynne Newman for an additional electric easement for Pedernales Electric Cooperative associated with the RM 2338 expansion project. (P44U)

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

19. **Consider a resolution determining the necessity and authorizing the condemnation of certain property interests required for the construction of Ronald Reagan Blvd. and take appropriate action. (Sullivan)**

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve a resolution determining the necessity and authorize the condemnation of certain property interests required for the construction of Ronald Reagan Blvd. (Sullivan)

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. **Review and consider approving a resolution requesting a public sale of property acquired by the County of Williamson, Texas at a delinquent sale.**

Attorney Craig Morgan of McCreary, Veselka, Bragg and Allen addressed the Court.

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To approve a resolution requesting a public sale of property acquired by the County of Williamson, Texas at a delinquent sale.

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. **Consider and take appropriate action on both acquiring insurance coverage in relation to professional services provided at the Williamson County Jail and modifying or revising the employment and/or contractual relationship between Williamson County and the existing parties that provide professional services at the Williamson County Jail.**

The following addressed the Court:

Legal Advisor Commissioners' Court Hal Hawes

Budget Officer Ashlie Koenig

County Sheriff James R. Wilson

Senior Director of Emergency Services John Sneed

Financial Analyst at Sheriff's Office Kurt Showalter

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To authorize the County Judge and Sheriff James R. Wilson to work with Budget Officer Ashlie Koenig to acquire insurance coverage in relation to professional services provided at the Williamson County Jail with a premium cap of \$10,000.

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

22. **Consider and take appropriate action on Amendment No. 1 to the interlocal agreement for law enforcement services between Williamson County and Block House Creek MUD.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long

Motion: To approve Amendment No. 1 to the interlocal agreement for law enforcement services between Williamson County and Block House Creek MUD.

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 appropriate action on the Williamson County Redistricting Committee's recommendation to select, retain and enter into an agreement with Beirne, Maynard & Parsons, LLP to provide redistricting services for Williamson County (Williamson County RFP# 10WCP910).**

The following addressed the Court:
Joe Nixon and Trey Trainor Attorney's for Beirne Maynard & Parsons

Motion By: Commissioner Precinct 1 Lisa Birkman
Second By: Commissioner Precinct 3 Valerie Covey
Motion: To approve the Williamson County Redistricting Committee's recommendation to select, retain and enter into an agreement with Beirne, Maynard & Parsons, LLP to provide redistricting services for Williamson County (Williamson County RFP# 10WCP910).

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. **Discuss and take possible action on interlocal agreement between Williamson County and the City of Leander to provide Emergency Communication Services.**

This item was removed from the Agenda.

25. **Discuss and take appropriate action on obtaining public involvement for the County's long-range strategic plan.**

The following addressed the Court:
Public Information Officer Connie Watson
Tessa Doeberman for Pedernales Electric Cooperative Community Relations

No action was taken.

26. **Consider and take appropriate action regarding park damages from Tropical Storm Hermine.**

The following addressed the Court:
Senior Director of Parks & Recreation Jim Rodgers
First Assistant County Auditor Julie Kiley
Budget Officer Ashlie Koenig

Motion By: Commissioner Precinct 1 Lisa Birkman
Second By: Commissioner Precinct 2 Cynthia Long
Motion: To go forward with plans to repair parks damaged by Tropical Storm Hermine up to the amount of \$50,000.

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. **Consider awarding bids received for Bid # 10WC821, Second Street Roadway improvements, to the lowest and best bidder- FT Woods Construction Services, Inc.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To award Bid # 10WC821 for Second Street roadway improvements, to FT Woods Construction Services, Inc.

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. **Consider authorizing advertising and setting date of December 15, 2010 at 3:00 P.M. in the Purchasing Department to receive bids for O'Conner Drive Extension, bid #11WC906.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To authorize advertising and set date of December 15, 2010 at 3:00 P.M. in the Purchasing Department to receive bids for O'Connor Drive Extension, bid #11WC906.

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 11:25 A.M. ON TUESDAY, NOVEMBER 16, 2010.

29. **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 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 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.

30. **Discuss economic development issues (EXECUTIVE SESSION as per VTCA Gov't Code Section 551.076 Deliberation regarding economic development project, to-wit Toppan Printing America tax abatement.)**

No action was taken in Executive Session.

31. **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.), including the following:**

a) **Litigation or claims or potential litigation or claims against the County or by the County.**

b) **Status Update-Pending Cases or Claims**

c) **Heckman v. Williamson County, et al.**

d) **Voss v. Williamson County**

e) **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.**

f) **Employment related matters.**

g) **Other confidential attorney-client matters, including contracts.**

No action was taken in Executive Session.

COMMISSIONERS' COURT RECONVENED FROM EXECUTIVE SESSION AT 1:01 P.M. ON TUESDAY, NOVEMBER 16, 2010.

32. **Discuss and take appropriate action on real estate.**

No action was taken.

33. **Discuss and consider authorizing the County Judge to execute a Tax Abatement Agreement with Toppan Printing America, Inc.**

Curt Jackson, Director of Global Engineering/Capital Management for Toppan Photomasks addressed the Court.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To authorize the County Judge to execute a Tax Abatement Agreement with Toppan Printing America, Inc.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 2 Cynthia Long (Absent from the Dais)

Commissioner Precinct 3 Valerie Covey (Absent from the Dais)

34. **Discuss and take appropriate action on pending or contemplated litigation, settlement matters and other confidential attorney-client legal matters, including the following:**

a) **Litigation or claims or potential litigation or claims against the County or by the County.**

b) **Status Update-Pending Cases or Claims**

c) **Heckman v. Williamson County, et al.**

d) **Voss v. Williamson County**

e) 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.

f) **Employment related matters.**

g) **Other confidential attorney-client matters, including contracts.**

No action was taken.

35. Comments from Commissioners.

Judge Gattis announce that Commissioners' Court will not meet next Tuesday, November 23rd or December 28th.

**COMMISSIONERS' COURT ADJOURNED AT 1:03 P.M. ON TUESDAY,
NOVEMBER 16, 2010.**

THE FOREGOING MINUTES had at a Regular Session of Commissioners' Court of Williamson County, Texas, having been read are hereby approved this 30th day of November, 2010.



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

By: Connie Singleton, Deputy