

**MINUTES OF THE WILLIAMSON COUNTY COMMISSIONERS' COURT  
MEETING  
JANUARY 18, 2011**

STATE OF TEXAS )(

COUNTY OF WILLIAMSON )(

**BE IT REMEMBERED** that at 9:11 A.M. on TUESDAY, JANUARY 18, 2011, 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  
Absent: Nancy E. Rister, County Clerk  
Attendees: Marilyn Cavender, Executive Assistant County Clerk  
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.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To note in the minutes off right-of-way work in Precinct 3:  
To be on property of Elmer Friedrich to distribute wood chipping.***

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.**

Accounts Payable/Payroll Manager Donna Baker addressed the Court.

**Commissioner Birkman** abstained in regards to payment of invoices for San Gabriel Parkway and Gabriels Funeral Chapel. (Conflict of Interest Affidavits attached)

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To authorize the payment of bills totaling \$2,515,183.72 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:

Jim Dillon of Liberty Hill

Kurt Johnson 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 - 14)

5. **Discuss and consider approving a line item transfer or the District Attorney's Office.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

***Motion: To approve a line item transfer or the District Attorney's Office:***

From	0100-0440-001940	DA Judicial Apportionment Sup	\$3,000.00	
To	0100-0440-001107	Temporary Labor	\$2,785.00	
To	0100-0440-002010	FICA	\$215.00	

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

6. **Discuss and consider approving a line item transfer for Parks.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

**Motion: To approve a line item transfer for Parks:**

From	0100-0409-004998	Non Dept/Contingencies	\$6,966.00	
To	0100-0510-004542	Parks/Grounds Maint	\$6,966.00	

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

**7. Discuss and consider approving a line item transfer for the Budget Office.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

**Motion: To approve a line item transfer for the Budget Office (with change of acct # 0101000491004999 to 0100-0491-004999 and acct # 0101000191004350 to 0100-0491-004350:**

From	0100-0491-004999	Miscellaneous	\$150.00	
To	0100-0491-004350	Printed Materials/Binding	\$150.00	

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

**8. To discuss and consider approving a line item transfer for Constable Pct. #3.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

**Motion: To approve a line item transfer for Constable Pct. #3:**

From	0100-0553-001100	Full-time Salaries	\$5,000.00	
To	0100-0553-001110	Overtime	\$5,000.00	

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

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

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

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

From	0100-0454-001100	Salaries	\$821.09	
To	0100-0454-001107	Temporary Labor	\$821.09	

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. To discuss and take appropriate action on the approval of a line item transfer for Road and Bridge.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

***Motion: To approve a line item transfer for Road and Bridge:***

From	0200-0210-000777	Transfer to Capital Projects	\$5,592.60	
To	0200-0210-004211	Telephone Service	\$5,592.60	

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

**11. Consider and take appropriate action on authorizing the transfer of various items between County departments and to auction/donation/destruction. (Complete list filed with official minutes)**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To authorize the transfer of various items between County departments and 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

**12. Discuss and take action on the re-appointment of Stacy Swatcher and Cindy Wehling to the ESD#6 Board in Weir. Their terms will be 1-Jan 2011 to 1-Jan 2013.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To re-appointment Stacy Swatcher and Cindy Wehling to the Emergency Services District #6 Board in Weir with terms beginning January 2011 and ending January 2013.***

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 the appointment of Dan Waters for ESD #6 Board. He will be replacing Lou Harper and the term for this position is Jan 1, 2011 to Jan 1, 2013.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To approve the appointment of Dan Waters for Emergency Services District #6 Board, the term beginning on January 1, 2011 and ending on January 1, 2013.***

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

**14. Discuss and consider final plat approval for Sendero Springs, Section 8, Pct. #3.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To approve the final plat for Sendero Springs, Section 8, 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

## **REGULAR AGENDA**

**15. Recognize medical first response by Williamson County Jail staff.**

The following addressed the Court:

EMS Kenny Schnell

Sheriff James R. Wilson

Terri Countess, Executive Assistant to Commissioner Precinct #3

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

Senior Director of Infrastructure Bob Daigh addressed the Court.

No action was taken.

**17. Hear the 2011 Construction Summary Report for Road Bond and Pass Through Construction Projects.**

Senior Director of Infrastructure Bob Daigh addressed the Court.

**18. 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. (Cobb)**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve a resolution determining the necessity of and authorize the condemnation of certain property interests required for the construction of Ronald Reagan Boulevard.***

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. **Discuss and take action on the ILA between Chisholm Trail SUD and Williamson County regarding the repair of certain water system improvements.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To approve the interlocal agreement between Chisholm Trail Special Utility District and Williamson County regarding the repair of certain water system improvements.***

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. **Discuss and take appropriate action on agreement with CAPCOG.**

Senior Director Technology Services Jay Schade addressed the Court.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To approve an agreement with Capital Area Council of Governments (CAPCOG) with change of "Historical Court House" to Williamson County Museum.***

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 a contract to retain the law firm of McCreary, Veselka, Bragg and Allen to represent Williamson County in relation to the collection of delinquent justice court fines, fees, court costs, restitution, debts and accounts receivable for the Williamson County Justice of the Peace Precinct No. 3, in accordance with Article 103.0031, Texas Code of Criminal Procedure; and exemption of those attorney services from the competitive bid/proposal requirements of the County Purchasing Act pursuant to the discretionary exemption for personnel or professional services.**

Justice of the Peace Precinct 3 Steve Benton addressed the Court.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve a contract to retain the law firm of McCreary, Veselka, Bragg and Allen to represent Williamson County in relation to the collection of delinquent Justice Court fines, fees, court costs, restitution, debts and accounts receivable for the Williamson County Justice of the Peace Precinct No. 3, in accordance with Article 103.0031, Texas Code of Criminal Procedure; and exemption of those attorney services from the competitive bid/proposal requirements of the County Purchasing Act pursuant to the discretionary exemption for personnel or professional services.***

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. **Discuss and take appropriate action on the Burn Ban that was issued on January 4th, 2011.**

The following addressed the Court:  
Senior Director of Emergency Services John Sneed  
Commissioners' Court Legal Advisor Hal Hawes

Motion By: County Judge Dan A. Gattis

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To rescind the Burn Ban that was issued on January 4th, 2011 with the stipulation that we will consider the ban again next week.***

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 possible action regarding Texas legislative issues and bills that relate to county business.**

No action was taken.

24. **Consider awarding bids received for Printing Services to the lowest and best bid meeting specifications.  
Primary vendor - Speedy Gonzales Printing; Secondary vendor - Safeguard Business Systems**

Purchasing Director Bob Space addressed the Court.

No action was taken.

25. **Consider approving the addition of UGL Services, represented by Keith Zimmerman and Lawrence J. Meldman to the list of vendors for Real Estate Brokers/Agents for Williamson County, RFQ #07WCRFQ505.**

Purchasing Director Bob Space addressed the Court.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve the addition of United Group Limited (UGL) Services, represented by Keith Zimmerman and Lawrence J. Meldman to the list of vendors for real estate brokers/agents for Williamson County, RFQ #07WCRFQ505.***

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. **Consider awarding bids received for O'Connor Drive extension, bid number 11WC906, to the lowest and best bidder- Dan Williams Company.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To award O'Connor Drive extension, bid number 11WC906 to Dan Williams Company.***

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 the Commissioners' Court filing a grievance complaint with the State Bar Association against the Williamson County Attorney.**

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To proceed with filing a grievance complaint with the State Bar Association against the Williamson County Attorney.***

There was no Executive Session today.

28. **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.
- h) Discuss proposed acquisition of property for right-of-way on CR 274/San Gabriel Parkway.
- i) Discuss proposed acquisition of property for right-of-way along Lakeline extension.
- j) Discuss proposed acquisition of property for right-of-way along SW By-Pass.
- k) Discuss proposed acquisition of property for right-of-way along Pearson and Neenah.
- l) Discuss proposed Northwoods Road District.
- m) Discuss conveyance of University Boulevard right-of-way.
- n) Discuss proposed acquisition of property for right-of-way for US 79 Section 3 from East of Hutto to CR 402.
- o) Discuss proposed realignment project along FM 1660.
- p) Discuss proposed acquisition of property for right-of-way along Pond Springs Road.

No action was taken.



- 29. 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) Cause No. 10-1166-C277; GTE Southwest Incorporated d/b/a Verizon Southwest vs. Williamson County, in the District Court of Williamson County, Texas, 277th Judicial District.**

No action was taken.

- 30. 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) Cause No. 06-453-C277; Kerry Heckman et al. v. Williamson County, et al., In the District Court of Williamson County, Texas, 277th Judicial District**

**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) Cause No. 1:10-cv-869-LY; Heather Clark, David Claxton & David M. Compton v. Williamson County; In the United States District Court for the Western District of Texas, Austin Division**

**f) Cause No. 1:10-cv-905; Kimberly Lee & Sharon McGuyer v. Williamson County; In the United States District Court for the Western District of Texas, Austin Division**

**g) Employment related matters.**

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

No action was taken.

- 31. Discuss and take appropriate action on real estate.**

No action was taken.

- 32. 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) Cause No. 06-453-C277; Kerry Heckman et al. v. Williamson County, et al., In the District Court of Williamson County, Texas, 277th Judicial District**

**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) Cause No. 1:10-cv-869-LY; Heather Clark, David Claxton & David M. Compton v. Williamson County; In the United States District Court for the Western District of Texas, Austin Division**

**f) Cause No. 1:10-cv-905; Kimberly Lee & Sharon McGuyer v. Williamson County; In the United States District Court for the Western District of Texas, Austin Division**

**g) Employment related matters.**

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

No action was taken.

- 33. Comments from Commissioners.**

**Judge Gattis** asked if anyone had business in regards to the Northeast Round Rock Road District #1, Avery Ranch Road District. As there was no response, he postponed the Road District Meeting until next week.

**COMMISSIONERS' COURT ADJOURNED AT 9:51 A.M. ON TUESDAY,  
JANUARY 18, 2011.**

THE FOREGOING MINUTES had at a Regular Session of Commissioners' Court of Williamson County, Texas, having been read are hereby approved this 25th day of January, 2011.



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

By: Connie Singleton, Deputy