



**MINUTES OF THE WILLIAMSON COUNTY COMMISSIONERS' COURT MEETING
FEBRUARY 14, 2012**

**STATE OF TEXAS)(
COUNTY OF WILLIAMSON)**

BE IT REMEMBERED that at 9:36 A.M. on TUESDAY, FEBRUARY 14, 2012, a REGULAR SESSION of the Commissioners' Court of Williamson County, Texas, was held with the following being present, to-wit:

Present: 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
County Clerk Nancy E. Rister

Others Present: Hal Hawes, Legal Advisor to Commissioner's Court
Carolyn Deibler, 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 February 7, 2012 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 Division.

No action was taken on this item.

3. **Hear County Auditor concerning invoices, bills, Quick Check Report, Wire Transfers and Electronic Payments 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 4 Ron Morrison

Second by Commissioner Precinct 1 Lisa Birkman

Motion: To authorize the payment of bills totaling \$1,616,707.98 from the computer printout, Addendum, Wire Transfer, and 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.**

Jim Dillon of Liberty Hill addressed the Court.

CONSENT AGENDA

The Consent Agenda includes non-controversial and 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 – 9).

5. **Discuss and consider approving a line item transfer for Records Management.**

Motion by Commissioner Precinct 1 Lisa Birkman

Second by Commissioner Precinct 4 Ron Morrison

Motion: To approve the line item transfer for Records Management:

<i>From</i>	<i>0385-0385-1103</i>	<i>Part time 30 hours</i>	<i>\$253.12</i>	☐	☐
<i>To</i>	<i>0385-0385-1102</i>	<i>Part time 20 hours</i>	<i>\$253.12</i>	☐	☐

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 District Attorneys Office.**

Motion by Commissioner Precinct 1 Lisa Birkman

Second by Commissioner Precinct 4 Ron Morrison

Motion: To approve the line item transfer for District Attorney's Office:

<i>From</i>	<i>0100-0440-003011</i>	<i>Office Software less than \$5,000</i>	<i>\$3,000.00</i>	<i> </i>
<i>To</i>	<i>0100-0440-003100</i>	<i>Office Supplies</i>	<i>\$3,000.00</i>	

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 accepting a \$100.00 donation for a Memorial Tree planting in Memory of Jared Ryan Moeller.

Motion by Commissioner Precinct 1 Lisa Birkman

Second by Commissioner Precinct 4 Ron Morrison

Motion: To accept a \$100.00 donation for a Memorial Tree planting in Memory of Jared Ryan Moeller.

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. Consider and take appropriate action to appoint Rob Rothenberg to the Williamson County Conservation Foundation (WCCF) Board to fill an unexpired term ending April 2012.

Motion by Commissioner Precinct 1 Lisa Birkman

Second by Commissioner Precinct 4 Ron Morrison

Motion: To appoint Rob Rothenberg to the Williamson County Conservation Foundation (WCCF) Board to fill an unexpired term ending April 2012.

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 of final plat for Omer Galle subdivision - Pct 2.

Motion by Commissioner Precinct 1 Lisa Birkman

Second by Commissioner Precinct 4 Ron Morrison

Motion: To approve the final plat for Omer Galle Subdivision - 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

REGULAR AGENDA

10. **To discuss and take appropriate action on the Department of Infrastructures projects and issues update.**

Senior Director of Infrastructure Bob Daigh addressed the Court. No action was taken on this item.

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

No action was taken on this item.

12. **Discuss and consider approving Kennedy Consulting, Ltd. Professional Service Agreement (PSA) for the CR 110/Arterial A Road Bond Project.**

Senior Director of Infrastructure Bob Daigh addressed the Court.

Motion by Commissioner Precinct 4 Ron Morrison

Second by Commissioner Precinct 3 Valerie Covey

Motion: To approve Kennedy Consulting, Ltd. Professional Service Agreement (PSA) for the County Road 110/Arterial A Road Bond Project.

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. **Consider approving Change Order No. 5 in the amount of \$44,204.92 for Second Street Roadway Improvements, a Road Bond Project in Precinct Four.**

Motion by Commissioner Precinct 4 Ron Morrison

Second by Commissioner Precinct 3 Valerie Covey

Motion: To approve Change Order No. 5 in the amount of \$44,204.92 for Second Street Roadway Improvements, a Road Bond 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

Commissioner Precinct 4 Ron Morrison

14. **Consider authorizing County Judge to execute a Real Estate Contract with Dorothy Priem Warren and Lester A. Warren for ROW needed on CR 170/AW Grimes. (PARCEL 8)**

Motion by Commissioner Precinct 4 Ron Morrison

Second by Commissioner Precinct 3 Valerie Covey

Motion: To authorize the County Judge to execute a Real Estate Contract with Dorothy Priem Warren and Lester A. Warren for Right-of-Way (ROW) needed on County Road 170/A.W. Grimes (Parcel 8).

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 County Judge to execute a Real Estate Contract with SWWC Utilities, Inc. for ROW needed on CR 170/AW Grimes. (PARCEL 19)**

Motion by Commissioner Precinct 4 Ron Morrison

Second by Commissioner Precinct 3 Valerie Covey

Motion: To authorize the County Judge to execute a Real Estate Contract with SWWC Utilities, Inc. for Right-of-Way (ROW) needed on County Road 170/A.W. Grimes (Parcel 19).

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 County Judge to execute a letter agreement with Waterstone Development for reimbursement of fencing cost associated with the donation of Right of Way needed on RM 2338. (PARCEL 6)**

Motion by Commissioner Precinct 4 Ron Morrison

Second by Commissioner Precinct 3 Valerie Covey

Motion: To authorize the County Judge to execute a letter agreement with Waterstone Development for reimbursement of fencing cost associated with the donation of Right-of-Way (ROW) needed on Ranch to Market 2338 (Parcel 6).

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 County Judge to execute a Real Estate Contract with Emogene Champion for ROW needed on US 183 Extension. (PARCEL 22)**

Motion by Commissioner Precinct 4 Ron Morrison

Second by Commissioner Precinct 3 Valerie Covey

Motion: To authorize the County Judge to execute a Real Estate Contract with Emogene Champion for Right-of-Way (ROW) needed on U.S. Highway 183 Extension (Parcel 22).

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. **Discuss and take action to amend 2011-2012 Budget Order to include Fund Policies for the Northeast Round Rock Road District, Southeast Road District, and Southwest Road District.**

First Assistant County Auditor Julie Kiley addressed the Court.

Motion by Commissioner Precinct 1 Lisa Birkman

Second by Commissioner Precinct 3 Valerie Covey

Motion: To amend the 2011-2012 Budget Order to include Fund Policies for the Northeast Round Rock Road District, Southeast Road District, and Southwest Road District.

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 consider approving the Williamson County Auditor's Office to conduct and report on the financial status of ESD # 5, and to charge the ESD no more than \$1,000.00 for costs incurred as required by the Health and Safety Code 775.082.**

First Assistant County Auditor Julie Kiley addressed the Court.

Motion by Commissioner Precinct 3 Valerie Covey

Second by Commissioner Precinct 1 Lisa Birkman

Motion: To approve the Williamson County Auditor's Office to conduct and report on the financial status of Emergency Services District (ESD) #5, and to charge the ESD no more than \$1,000.00 for costs incurred as required by the Health and Safety Code 775.082.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison
Nay: Commissioner Precinct 2 Cynthia Long

20. **Discuss and take appropriate action on renting the unused and excess portion of the Hutto Annex to Bluebonnet Trails Community Services.**

Legal Advisor to the Commissioners' Court Hal Hawes addressed the Court.

Motion by Commissioner Precinct 4 Ron Morrison
Second by Commissioner Precinct 3 Valerie Covey
Motion: To authorize Commissioner Morrison to negotiate a lease with Bluebonnet Trails which will be brought back to Commissioners' Court for final approval.

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 CONTRACT AMENDMENT TO THE INTERGOVERNMENTAL COOPERATIVE REIMBURSEMENT AGREEMENT BETWEEN THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) AND WILLIAMSON COUNTY on Contract 582-9-90416-04.**

Director of Environmental Programs for the Parks Department Gary Boyd addressed the Court.

Motion by Commissioner Precinct 4 Ron Morrison
Second by Commissioner Precinct 1 Lisa Birkman
Motion: To approve the Contract Amendment to the Intergovernmental Cooperative Reimbursement Agreement between the Texas Commission on Environmental Quality (TCEQ) and Williamson County on Contract #582-9-90416-04.

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 consider approval of an Agreement between Williamson County MOT and Texas A & M University for participation in an educational program.**

Director of Mobile Outreach Team Annie Burwell addressed the Court.

Motion by Commissioner Precinct 1 Lisa Birkman

Second by Commissioner Precinct 3 Valerie Covey

Motion: To approve the Agreement between Williamson County Mobile Outreach Team (MOT) and Texas A & M University for participation in an educational program with an update of personnel names.

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 a Professional Service Agreement between Williamson County and Jose I. Guerra Inc. for professional engineering services to be performed at the Justice Center Parking Garage and exemption of those services from the competitive bid/proposal requirements of the County Purchasing Act pursuant to the discretionary exemption for personal or professional services.**

Senior Director of Infrastructure Bob Daigh addressed the Court.

Motion by Commissioner Precinct 1 Lisa Birkman

Second by Commissioner Precinct 3 Valerie Covey

Motion: To approve the Professional Service Agreement between Williamson County and Jose I. Guerra, Inc. for professional engineering services to be performed at the Justice Center Parking Garage and exemption of those services from the competitive bid/proposal requirements of the County Purchasing Act pursuant to the discretionary exemption for personal 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

- 24. Discuss and consider executing a Takeover Agreement between Williamson County and American States Insurance Company ("American") whereby American, as the Performance Bond Surety, shall undertake the completion of the Original Contract dated January 11, 2011 with J.C. Evans Construction Co., LP for construction work on the project identified as Ronald W. Reagan Boulevard Phase III, Williamson County Project No. 11WC902.**

Senior Director of Infrastructure Bob Daigh and Legal Advisor to the Commissioners' Court Hal Hawes addressed the Court.

Motion by Commissioner Precinct 3 Valerie Covey

Second by Commissioner Precinct 1 Lisa Birkman

Motion: To approve the Takeover Agreement between Williamson County and American States Insurance Company ("American") whereby American, as the Performance Bond Surety, shall undertake the completion of the Original Contract dated January 11, 2011 with J.C. Evans Construction Company, LP for construction work on the project identified as Ronald W. Reagan Boulevard Phase III, Williamson County Project #11WC902.

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 to approve a transfer of funds from Precinct 3 Constable to Precinct 4 Constable in an amount sufficient to pay a newly created full-time deputy salary position with benefits and associated equipment costs for the period from February 15, 2012 to October 1, 2012, with the exact amount of funds to be specified in a subsequent Commissioners' Court action item.

Motion by Commissioner Precinct 4 Ron Morrison

Second by Commissioner Precinct 2 Cynthia Long

Motion: To approve the transfer of funds from Precinct #3 Constable to Precinct #4 Constable in an amount sufficient to pay a newly created full-time deputy salary position with benefits and associated equipment costs for the period from February 15, 2012 to October 1, 2012, with the exact amount of funds to be specified in a subsequent Commissioners' Court action item.

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 10:07 A.M. ON TUESDAY, FEBRUARY 14, 2012.

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 SH 195 0.805 South of Bell County Line to IH 35.
 - b) 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.
 - c) Discuss proposed acquisition of property for right-of-way for O'Connor Boulevard and 620 projects.
 - d) Discuss proposed acquisition of property for right-of-way for Ronald Reagan

Blvd. Phase II project from FM 3405 to Reagan Blvd.

e) Discuss proposed acquisition of property for right-of-way for Ronald Reagan Blvd. Phase III and Phase IV.

f) Discuss proposed acquisition of property for proposed SH 29 Project.

g) Discuss proposed acquisition of property for right-of-way along Lakeline extension.

h) Discuss proposed acquisition of property for right-of-way along CR 170.

i) Discuss proposed acquisition and/or sale of property for Arterial H.

j) Discuss fencing relocation and reimbursement on RM 2338 Phase 2.

No action was taken in Executive Session.

- 27. Discuss and deliberate economic development matters pursuant to Section 551.087, Texas Government Code (Deliberation Regarding Economic Development Negotiations), including the following:**

a) "Project Apollo"

No action was taken in Executive Session.

- 28. 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) Civil Action 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**
 - e) Case No. A11CA403 SS; Ruben Yzquierdo v. Williamson County and the Williamson County Sheriff's Department; In the United States District Court, Western District of Texas, Austin Division**
 - f) Case No. A11CA 300LY; Michelle Sheffield v. John Doe I, Individually and in his Official Capacity, Williamson County and the Williamson County Sheriff's Department; In the United States District Court, Western District of Texas, Austin Division;**
 - g) Civil Action No. 11-278; Will Aguilar v. Williamson County, Texas; Daniel Robertson, and Michael Baxter; In the United States District Court, Western District of Texas, Austin Division**
 - h) Employment related matters.**
 - i) Other confidential attorney-client matters, including contracts and certain matters related to county defense issues in which the duty of the attorney to the governmental body within the attorney/client relationship clearly conflicts with Chapter 551 of the Texas Government Code.**
 - j) Civil Action No. 1:11-cv-907, Sarah Doe et al. v. Jerald Neveleff et al., In the United States District Court for the Western District of Texas Austin Division**
 - k) Mortgage Electronic Recording Systems (MERS) litigation.**
 - l) Simmons Claim**
 - m) Legal matters regarding the Williamson County Justice Center Parking Garage**

n) Civil Action No. A12CV0062LY; Kevin Jones v. Williamson County Sheriff's Office; In the United States District Court for the Western District of Texas, Austin Division.

No action was taken in Executive Session.

COMMISSIONERS' COURT RECONVENED FROM EXECUTIVE SESSION AT 11:04 A.M. ON TUESDAY, FEBRUARY 14, 2012.

29. Discuss and take appropriate action on real estate.

No action was taken on this item.

30. Discuss and take appropriate action regarding economic development matters.

No action was taken on this item.

31. 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) Civil Action 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

e) Case No. A11CA403 SS; Ruben Yzquierdo v. Williamson County and the Williamson County Sheriff's Department; In the United States District Court, Western District of Texas, Austin Division

f) Case No. A11CA 300LY; Michelle Sheffield v. John Doe I, Individually and in his Official Capacity, Williamson County and the Williamson County Sheriff's Department; In the United States District Court, Western District of Texas, Austin Division;

g) Civil Action No. 11-278; Will Aguilar v. Williamson County, Texas; Daniel Robertson, and Michael Baxter; In the United States District Court, Western District of Texas, Austin Division

h) Employment related matters.

i) Other confidential attorney-client matters, including contracts and certain matters related to county defense issues in which the duty of the attorney to the governmental body within the attorney/client relationship clearly conflicts with Chapter 551 of the Texas Government Code.

j) Civil Action No. 1:11-cv-907, Sarah Doe et al. v. Jerald Neveleff et al., In the United States District Court for the Western District of Texas Austin Division

k) Mortgage Electronic Recording Systems (MERS) litigation.

l) Simmons Claim

m) Legal matters regarding the Williamson County Justice Center Parking Garage

n) Civil Action No. A12CV0062LY; Kevin Jones v. Williamson County Sheriff's

**Office; In the United States District Court for the Western District of Texas,
Austin Division.**

Motion by County Judge Dan A. Gattis

Second by Commissioner Precinct 2 Cynthia Long

***Motion: To approve the execution by Counsel of the Joint Defense Agreement
of Civil Action No. 1:11-cv-907, Sarah Doe et al. v. Jerald Neveleff et al.***

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

32. Comments from Commissioners.

There were no comments.

33. Financial Planning Workshop - Technology and New Software

The following persons addressed the Court:

Senior Director of Technology Services Jay Schade

First Assistant County Auditor Julie Kiley

Senior Director of Emergency Services John Sneed

**COMMISSIONERS' COURT ADJOURNED AT 12:19 P.M. ON TUESDAY, FEBRUARY 14,
2012.**

**THE FOREGOING MINUTES had at a Regular Session of Commissioners' Court of
Williamson County, Texas, having been read are hereby approved this 21st day of
February 2012.**



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

By: Carolyn Deibler, Deputy