



**MINUTES OF THE WILLIAMSON COUNTY COMMISSIONERS' COURT MEETING  
JANUARY 22, 2013**

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

**BE IT REMEMBERED** that at 9:35 A.M. on TUESDAY, JANUARY 22, 2013, 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 Commissioners' Court  
Carolyn Deibler, Deputy County Clerk

**1. Review and approval of minutes.**

Motion by: Commissioner Precinct 3 Valerie Covey  
Second by: Commissioner Precinct 2 Cynthia Long  
***Motion: To approve the Minutes of the January 15, 2013 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.**

Motion by: Commissioner Precinct 4 Ron Morrison

Second by: Commissioner Precinct 2 Cynthia Long

***Motion: To note in the minutes the off right-of-way work to conduct minor grading to ensure proper drainage due to installation of culverts crossing County Road 362, just prior to the intersection with County Road 361.***

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, 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 1 Lisa Birkman

Second by: Commissioner Precinct 4 Ron Morrison

***Motion: To authorize the payment of bills totaling \$1,432,522.84 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. **To Discuss and take appropriate action on the approval of a Line Item Transfer for Fleet Maintenance.**

Motion by: Commissioner Precinct 1 Lisa Birkman

Second by: Commissioner Precinct 3 Valerie Covey

***Motion: To approve a line item transfer for Fleet Maintenance:***

| <b><i>From/To</i></b> | <b><i>Acct No.</i></b> | <b><i>Description</i></b> | <b><i>Amount</i></b> |
|-----------------------|------------------------|---------------------------|----------------------|
|-----------------------|------------------------|---------------------------|----------------------|

|             |                         |                                     |                 |
|-------------|-------------------------|-------------------------------------|-----------------|
| <b>From</b> | <b>0882-0882-003523</b> | <b>Parts</b>                        | <b>\$101.03</b> |
| <b>To</b>   | <b>0882-0882-003601</b> | <b>Employee Recognition Program</b> | <b>\$101.03</b> |

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 the District Attorney's Office.**

Motion by: Commissioner Precinct 1 Lisa Birkman  
Second by: Commissioner Precinct 3 Valerie Covey

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

| <b>From/To</b> | <b>Acct No.</b>         | <b>Description</b>        | <b>Amount</b>     |
|----------------|-------------------------|---------------------------|-------------------|
| <b>From</b>    | <b>0100-0440-004209</b> | <b>Cell Phones/Pagers</b> | <b>\$1,081.56</b> |
| <b>From</b>    | <b>0100-0440-004932</b> | <b>Trial Expenses</b>     | <b>\$1,377.78</b> |
| <b>From</b>    | <b>0100-0440-004125</b> | <b>Transcripts</b>        | <b>\$1,377.78</b> |
| <b>To</b>      | <b>0100-0440-001109</b> | <b>Cell Phone Stipend</b> | <b>\$3,200.00</b> |
| <b>To</b>      | <b>0100-0440-002010</b> | <b>FICA</b>               | <b>\$ 244.80</b>  |
| <b>To</b>      | <b>0100-0440-002020</b> | <b>Retirement</b>         | <b>\$ 392.32</b>  |

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. Acknowledge report on Emergency Services Operations Center building project P136; Vaughn Construction Change Order 28 in the amount of \$10,314.00.**

Motion by: Commissioner Precinct 1 Lisa Birkman  
Second by: Commissioner Precinct 3 Valerie Covey

***Motion: To acknowledge the report on Emergency Services Operations Center building project P136; Vaughn Construction Change Order 28 in the amount of \$10,314.00.***

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. Consider authorizing the transfer of various equipment items through inter-office transfer, auction, donation, destruction, or trade-in.**

Motion by: Commissioner Precinct 1 Lisa Birkman

Second by: Commissioner Precinct 3 Valerie Covey

***Motion: To authorize the transfer of various equipment items through inter-office transfer, auction, donation, destruction, or trade-in.***

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. Consider re-appointing Mack Sherrod and Adam Bryant to the Emergency Service District Number One Board, effectively immediately, for two year terms to expire on Dec. 31, 2014.**

Motion by: Commissioner Precinct 1 Lisa Birkman

Second by: Commissioner Precinct 3 Valerie Covey

***Motion: To re-appoint Mack Sherrod and Adam Bryant to the Emergency Services District #1 Board for a two-year term, beginning January 1, 2013 and ending on December 31, 2014.***

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. Hear TxDOT presentation on the Texas Good Roads Association's Road Hand Award.**

Executive Director Phil Wilson of the Texas Department of Transportation (TxDOT) addressed the Court and presented Commissioner Valerie Covey with the Road Hand Award. No action was taken on this item.

- 11. Hear presentation and update from Capital Area Housing Finance Corporation.**

President of the Capital Area Housing Finance Corporation Greg Boatright and Executive Director of the Capital Area Housing Finance Corporation Jim Shaw addressed the Court. No action was taken on this item.

- 12. Hear initial presentation from Evergreen Consulting LLC regarding recently awarded contract for Classification and Compensation Market Study.**

Senior Director of Human Resources Lisa Zirkle and Assistant Project Director Brian Wolfe of Evergreen Solutions, LLC addressed the Court. No action was taken on this item.

13. **To discuss and take appropriate action on the Department of Infrastructures project's and issues update.**

Senior Director of Infrastructure Bob Daigh addressed the Court and noted that the groundbreaking ceremony for Ranch-to-Market 620 has been postponed until next week and invited everyone to the groundbreaking ceremony for Interstate Highway 35 Northbound Frontage Road at Blue Springs and the access road on January 31, 2013 at 10:30 a.m.; also Facilities Project Manager Dale Butler addressed the Court. No action was taken on this item.

14. **Consider approving the "Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity" for IH 35 Northbound Frontage Road, a Pass Through Financing Project in Precinct Three.**

Senior Director of Infrastructure Bob Daigh addressed the Court.

Motion by: Commissioner Precinct 3 Valerie Covey

Second by: Commissioner Precinct 4 Ron Morrison

***Motion: To approve the "Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity" for Interstate Highway (IH) 35 Northbound Frontage Road, a Pass Through Financing Project in Precinct #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

15. **Discuss and consider granting a variance to the 25' building setback line according to the Williamson County Subdivision Regulations, Section 8, Building Setbacks, for Sendero Springs, Section 7, Block R Lots 18-28, and Block S Lots 3,4, 16-21, and 45, a total of 20 lots - Pct 3.**

This item was pulled from the Agenda.

16. **Discuss and consider approval of final plat for Sendero Springs Sec 7 subdivision - Pct 3.**

This item was pulled from the Agenda.

17. **Discuss and consider approving a new grant issued under the Help America Vote Act entitled Voting Access for Individuals with Disabilities Grant Program.**

First Assistant County Auditor Julie Kiley addressed the Court.

Motion by: Commissioner Precinct 1 Lisa Birkman

Second by: Commissioner Precinct 2 Cynthia Long

***Motion: To approve a new grant issued under the Help America Vote Act entitled Voting Access for Individuals with Disabilities Grant Program.***

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 advertising and setting date of February 19, 2013 at 3:00 PM in the Purchasing Department to receive competitive seal proposals for Oracle R-12 Upgrade for Williamson County, RFP #13RFP00113.**

Motion by: Commissioner Precinct 2 Cynthia Long

Second by: Commissioner Precinct 3 Valerie Covey

***Motion: To authorize and set the date of February 19, 2013 at 3:00 PM in the Purchasing Department to receive competitive sealed proposals for the Oracle R-12 Upgrade for Williamson County, RFP #13RFP00113.***

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 possible action on the current Commissioners committee appointments.**

No action was taken on this item.

- 20. Discuss and take appropriate action on Medicaid 1115 Waiver, including but not limited to Uncompensated Care (UC) and Delivery System Reform Incentive Payment (DSRIP) projects and related agreements.**

No action was taken on this item.

**COMMISSIONERS' COURT RECESSED TO A ROAD DISTRICT MEETING AT 11:16 A.M. ON TUESDAY, JANUARY 22, 2013.**

**COMMISSIONERS' COURT RECONVENED FROM THE ROAD DISTRICT MEETING AT 11:17 A.M. ON TUESDAY, JANUARY 22, 2013.**

**COMMISSIONERS' COURT RECESSED TO EXECUTIVE SESSION AT 11:17 A.M. ON TUESDAY, JANUARY 22, 2013.**

21. Discuss real estate matters (EXECUTIVE SESSION as per VTCA Govt. Code sec. 551.072 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 proposed acquisition of property for right-of-way for the Pond Springs Rd. project.
    - k) Discuss proposed acquisition of property for right-of-way for future parkland in Precinct 2.
    - l) Discuss proposed acquisition of property for right-of-way for Neenah Dr.
    - m) Discuss proposed acquisition of property for right-of-way for Pearson Blvd.
    - n) Discuss proposed acquisition of property for right-of-way for FM 1460.
    - o) Discuss County owned real estate adjacent to and near Inner Loop, Georgetown, Texas.

No action was taken in Executive Session.

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

No action was taken in Executive Session.

23. 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) Legal matters regarding the Williamson County Justice Center Parking Garage
- m) 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.
- n) Civil Action No. 1:12-CV-190-LY; Steven Hester v. Williamson County; In the United States District Court for the Western District of Texas, Austin Division.
- o) Cause No. 12-0721-C277; W. Paul Reed et al. v. Williamson County et al.; In the District Court of Williamson County, Texas; 277th District Court
- p) Civil Action No. A12CV00543; Kevin Jones v. Williamson County and Williamson County Sheriff's Office; In the United States District Court for the Western District of Texas, Austin Division.
- q) Hot-Mix overlay contract and performance issues
- r) Complaints regarding the November 6, 2012 elections

No action was taken in Executive Session.

**COMMISSIONERS' COURT RECONVENED FROM EXECUTIVE SESSION AT 12:34 P.M. ON TUESDAY, JANUARY 22, 2013.**

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

No action was taken on this item.

**25. Discuss and take appropriate action on Project Library.**

No action was taken on this item.



- 26. 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) Legal matters regarding the Williamson County Justice Center Parking Garage**
  - m) 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.**
  - n) Civil Action No. 1:12-CV-190-LY; Steven Hester v. Williamson County; In the United States District Court for the Western District of Texas, Austin Division.**
  - o) Cause No. 12-0721-C277; W. Paul Reed et al. v. Williamson County et al.; In the District Court of Williamson County, Texas; 277th District Court**
  - p) Civil Action No. A12CV00543; Kevin Jones v. Williamson County and Williamson County Sheriff's Office; In the United States District Court for the Western District of Texas, Austin Division.**
  - q) Hot-Mix overlay contract and performance issues**
  - r) Complaints regarding the November 6, 2012 elections**

No action was taken on this item.

**27. Comments from Commissioners.**

There were no comments.

**COMMISSIONERS' COURT ADJOURNED AT 12:34 P.M. ON TUESDAY, JANUARY 22, 2013.**

**THE FOREGOING MINUTES had at a Regular Session of Commissioners' Court of Williamson County, Texas, having been read are hereby approved this 29th day of January 2013.**

A handwritten signature in blue ink that reads "Nancy Rister". The signature is written in a cursive style with a large, stylized "N" and "R".

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

**By: Carolyn Deibler, Deputy**