

**MINUTES OF THE WILLIAMSON COUNTY COMMISSIONERS' COURT
MEETING
OCTOBER 20, 2009**

STATE OF TEXAS)(

COUNTY OF WILLIAMSON)(

BE IT REMEMBERED that at 9:36 A.M. on TUESDAY, OCTOBER 20, 2009, 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: Henry Prejean, Chief Civil Litigator
Connie Singleton, Deputy County Clerk

1. Review and approval of minutes.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***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

Other: Commissioner Precinct 4 Ron Morrison (Absent from the Dais)

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 invoices for Gabriels Funeral Chapel. (Conflict of Interest Affidavit attached)

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To authorize the payment of bills totaling \$9,799,581.62 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.

Public Information Officer Connie Watson addressed the Court.

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 - 11)

5. Discuss and consider approving a line item transfer for the County Wide Records Management Fund.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long

Motion: To approve a line item transfer for the County Wide Records Management Fund:

From	0390-0390-004550	Imaging & Microfilming	\$330.00	
To	0390-0390-005740	Computer Equipment >\$5000	\$330.00	

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 EMS.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long

Motion: To approve a line item transfer for EMS:

From	0100-0409-005000	Non Dept/Capital Outlay>\$5000	\$8,306.74	
To	0100-0540-003010	EMS/Computer Equipment <\$5000	\$8,306.74	

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 Jail.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long

Motion: To approve a line item transfer for the Jail:

From	0100-0570-003003	Radio Equipment<\$5000	\$840.00	
To	0100-0570-000507	Radio Communication System	\$840.00	

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 and take appropriate action on authorizing the sale of a vehicle to the City of Jarrell, the trade-in of vehicles towards the purchase of new ambulances and the transfer of various items to auction/donation/destruction. (Complete list filed with official minutes)**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To approve authorizing the sale of a vehicle to the City of Jarrell, the trade-in of vehicles towards the purchase of new ambulances and the transfer of various items 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

9. **Consider approving Justice of the Peace #4, September 2009, monthly report in compliance with Code of Criminal Procedure 103.005(b).**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To approve Justice of the Peace #4, September 2009, monthly report in compliance with Code of Criminal Procedure 103.005(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

10. **Consider approving property tax collections for the month of September 2009 for the Williamson County Tax Assessor/Collector.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To approve property tax collections for the month of September 2009 for the Williamson County Tax Assessor/Collector.***

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. Discuss and consider final plat approval of Sonterra West, Section 8D, Pct #3.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To approve final plat for Sonterra West, Section 8D, 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

12. Discuss and take action regarding the recognition of October as National Breast Cancer Month.

Marjorie Gallence Patient Navigator for Williamson County Client Services at the Breast Cancer Resource Center addressed the Court.

Motion By: County Judge Dan A. Gattis

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To recognize the month of October as National Breast Cancer Month.***

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 road bond program.

Richard Ridings of HNTB addressed the Court.

No action was taken.

14. Consider approving Change Order No. 8 in the amount of \$686,352.92 for CR 111/Westinghouse Rd (WilCo Project No. 08WC608) in Precinct 1.

Richard Ridings of HNTB addressed the Court.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve Change Order No. 8 in the amount of \$686,352.92 for CR 111/Westinghouse Rd (WilCo Project No. 08WC608) in Precinct 1.***

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 take appropriate action on right of way acquisition project for FM 112, Brushy Creek Relief Agreement between Williamson County and TxDOT.

This item was moved to Executive Session.

No action was taken.

- 16. Consider authorizing the County Judge to execute a real estate contract with Wong, Chiu and Huang for right of way needed on US 183.**

This item was moved to Executive Session.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To authorize the County Judge to execute a real estate contract with Wong, Chiu and Huang for right of way needed on US 183.***

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 3 Valerie Covey (Absent from the Dais)

- 17. Consider authorizing the County Judge to execute a real estate contract with Homer E. Mick, Jr. for right of way needed on RM 2338.**

This item was moved to Executive Session.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To authorize the County Judge to execute a real estate contract with Homer E. Mick, Jr. for right of way needed on RM 2338.***

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 3 Valerie Covey (Absent from the Dais)

- 18. Consider authorizing the County Judge to execute a real estate contract with Brian and Ericka Gregor for right of way needed on RM 2338.**

This item was moved to Executive Session.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To authorize the County Judge to execute a real estate contract with Brian and Ericka Gregor for right of way needed on RM 2338.***

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 3 Valerie Covey (Absent from the Dais)

- 19. Consider authorizing the County Judge to execute a Possession and Use Agreement with American Dream RV's, Inc. regarding right-of-way on US 183.**

This item was moved to Executive Session.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To authorize the County Judge to execute a Possession and Use Agreement with American Dream RV's, Inc. regarding right-of-way on US 183.***

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 3 Valerie Covey (Absent from the Dais)

- 20. Discuss and take appropriate action regarding securing another vendor for the balcony seating for restoration of Williamson County historic 26th District Courtroom.**

Building Projects Manager Gary Wilson and Chief Civil Litigator Hank Prejean addressed the Court.

Motion By: County Judge Dan A. Gattis

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To terminate the contract with Assigned Seating of California for failure to perform.***

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 action regarding the Jester Williamson County Annex and the Public Safety Building in Round Rock and other matters related thereto.**

No action was taken.

- 22. Consider and take appropriate action on establishing a fee for bow hunting recreational program on the Williamson County Tract.**

Parks Director Jim Rodgers addressed the Court.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To approve a fee for bow hunting recreational program on the Williamson County Tract.***

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. Consider and take appropriate action to authorize execution of two Special Warranty Deeds to the City of Taylor and Taylor Parks Foundation respectively.**

Parks Director Jim Rodgers addressed the Court.

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To authorize execution of two Special Warranty Deeds to the City of Taylor and Taylor Parks Foundation respectively, with proper official signatures.***

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 appropriate action regarding appointment of the Williamson County Sick Leave Pool Committee Members for FY 2010.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve the appointments of Spencanna Bartlett – Sheriff's Office and Lisa Zirkle, Interim HR Director and reappoint Greg Bergeron – URS, Alma Lira – Tax Office, Marilyn Cavender – County Clerk, Charly Skaggs – Juvenile Services and Jennifer Jackson, Public Health Nurse, WCCHD to the Williamson County Sick Leave Pool Committee for FY 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

25. Discuss and take appropriate action on supplement appointment of Judges and Alternate Judges.

Elections Administrator Rick Barron addressed the Court.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To approve appointment of the supplemental list of Judges and Alternate Judges for the November 2nd general election.***

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. Discuss and take appropriate action on authorizing a joint election with the City of Hutto.

Elections Administrator Rick Barron addressed the Court.

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To authorize a joint election with the City of Hutto.***

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

27. Discuss and consider approving Fleet - Pooled Car Policy/Procedures.

Budget Manager Ashlie Koenig addressed the Court.

Motion By: County Judge Dan A. Gattis

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To approve Fleet - Pooled Car Policy/Procedures with rental rates of \$20 per car and \$40 per van.***

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. Discuss and consider approving appointment of Laura T. Golding to the Williamson County ESD No. 1 Board, with her term beginning January 1, 2010.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: County Judge Dan A. Gattis ***Motion: To approve the appointment of Laura T. Golding to the Williamson County ESD No. 1 Board, with her term beginning January 1, 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

29. Consider declaring an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment for unspent donations received in FY2009 from Bluebonnet Trails Community MHMR Center for the purpose of establishing public service announcements related to mental health awareness.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To declare an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment for unspent donations received in FY2009 from Bluebonnet Trails Community MHMR Center for the purpose of establishing public service announcements related to mental health awareness:

From/To	Acct No.	Description	Amount	
	0100-0341-001107	Temp Labor - Seasonal Help	\$9,607.00	
	0100-0341-002010	FICA	\$735.50	

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

30. Consider declaring an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment to acknowledge additional expenditures for the County Attorney Legislative Supplement paid by the State of Texas.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To declare an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment to acknowledge additional expenditures for the County Attorney Legislative Supplement paid by the State of Texas:

From/To	Acct No.	Description	Amount	
	0100-0475-001100	Full-time Salaries	\$50,400.00	
	0100-0475-002010	FICA	\$3,855.60	
	0100-0475-002020	Retirement	\$5,745.60	
	0100-0475-004902	Co Atty Leg Supp.	\$2,498.80	

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 ADJOURNED TO ROAD DISTRICT MEETING AT 10:29 A.M. ON TUESDAY, OCTOBER 20, 2009.

COMMISSIONERS' COURT RECONVENED AT 10:30 A.M. ON TUESDAY, OCTOBER 20, 2009.

COMMISSIONERS' COURT ADJOURNED TO EXECUTIVE SESSION AT 10:30 A.M. ON TUESDAY, OCTOBER 20, 2009.

31. 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 a 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 US 183 project from 1000 feet south of the San Gabriel to 1000 feet north of SH 29.

b) Discuss proposed acquisition of property for right-of-way for SH 195 project from the Williamson County/Bell County line to SH 138.

c) Discuss proposed acquisition of property for right-of-way for SH 195 project from IH 35 to proposed Reagan Blvd. intersection.

d) Discuss proposed acquisition of property for right-of-way for RM 2338 Phase 2 project from FM 3405 to Reagan Blvd.

No action was taken in Executive Session.

32. 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.)

1) Pending or potential litigation or claims against the County or by the County, contract legal issues or other confidential attorney-client matters:

a) Green Haven Plat Issues

b) Assigned Seating and Manufacturing Group, Inc. Purchase Contract (possible termination of contract and solicitation of proposals from other vendors)

c) Voss v. Williamson County

No action was taken in Executive Session.

COMMISSIONERS' COURT RECONVENED FROM EXECUTIVE SESSION AT 11:42 A.M. ON TUESDAY, OCTOBER 20, 2009.

33. Discuss and take appropriate action on real estate.

No action was taken.

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

No action was taken.

35. Comments from Commissioners.

There were no comments.

COMMISSIONERS' COURT ADJOURNED AT 11:46 A.M. ON TUESDAY, OCTOBER 20, 2009.

THE FOREGOING MINUTES had at a Regular Session of Commissioners' Court of Williamson County, Texas, having been read are hereby approved this 27th day of October, 2009.

X

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

By: Connie Singleton, Deputy