

**MINUTES OF THE WILLIAMSON COUNTY COMMISSIONERS' COURT
MEETING
JANUARY 26, 2010**

STATE OF TEXAS)(

COUNTY OF WILLIAMSON)(

BE IT REMEMBERED that at 9:45 A.M. on TUESDAY, JANUARY 26, 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: 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 2 Cynthia Long ***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.

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.

Donna Baker Accounts Payable/Payroll Manager addressed the Court.

Commissioner Birkman abstained in regards to bills for Gabriels Funeral Chapel. (Conflict of Interest Affidavit attached)

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To authorize the payment of bills totaling \$1,983,434.91 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:
 Jane Van Praag of Bartlett
 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 - 14)

5. Discuss and consider approving a line item transfer for Parks and Recreation.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve a line item transfer for Parks and Recreation:

From	0100-0510-003001	Small Equipment/Tools<\$5000	\$182.00	
To	0100-0510-005003	Equipment > \$5000	\$182.00	

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 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve a line item transfer for EMS:

From	0100-0409-004100	Non Dept/Professional Svcs	\$23,279.93	
To	0100-0540-004610	EMS/Rent	\$11,279.93	
To	0100-0540-004510	EMS/Facility Maint/Repair	\$12,000.00	

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

7. To note in the minutes continuing education hours for County Clerk Nancy E. Rister.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To note in minutes continuing education hours for County Clerk Nancy E. Rister.***

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. Discuss and take action on CR 313 East road closure.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To approve CR 313 East road closure.***

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 and take appropriate action on authorizing the transfer of various items through inter-office transfer 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 through inter-office transfer 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

10. Discuss and take action on the appointment of James Daniels to ESD Board #7. This appointment replaces Lee Roy Knauth and the term will be the remainder of the unexpired term of Jan 1, 2009 to Jan 1, 2011.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To approve the appointment of James Daniels to ESD Board #7.***

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 approving the 2009 Racial Profiling report for the Pct. #3 Constable's Office.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To approve the 2009 Racial Profiling report for the Pct. #3 Constable's Office.***

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. **Our agency was recently contacted by TxDOT and was selected to receive \$4,000 incentive award for our participation in the statewide 2009 Labor Day Impaired Driving Mobilization. TxDot would like to present Constable Ruble with this award on Tuesday February 2 ,at 9:30 A.M. in Commissioners' Court upon your approval.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To approve TxDot presentation of a \$4,000 incentive award to Constable Ruble on Tuesday February 2 ,at 9:30 A.M. in Commissioners' Court.***

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 the 2009 Racial Profiling report for approval as required by the Criminal Code of Procedure Articles 2.133 and 2.134.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To approve the 2009 Racial Profiling report for Pct. #4 as required by the Criminal Code of Procedure Articles 2.133 and 2.134.***

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 preliminary plat approval for Batten subdivision, Pct. #3.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To approve the preliminary plat for Batten subdivision, 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. **Hear presentation by BWM and take appropriate action on Conceptual Park master plan for the Williams Tract.**

Senior Director of Parks & Recreation Jim Rodgers and Tim Bargainer Principal for BWM Group addressed the Court.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve Conceptual Park master plan for the Williams Tract with corrected plan as presented today.***

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. Discuss and take appropriate action on road bond program.

No action was taken.

17. Consider authorizing the County Judge to execute a Possession and Use agreement with Kevin and Angela Hill for right-of-way needed on RM 2338. (P12)

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To authorize the County Judge to execute a Possession and Use agreement with Kevin and Angela Hill for right-of-way needed on RM 2338. (P12)***

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 real estate agreement with Jeffrey Scott Lloyd for right-of-way needed on SH 29. (P2)

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To authorize the County Judge to execute a real estate agreement with Jeffrey Scott Lloyd for right-of-way needed on SH 29. (P2)***

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. Consider authorizing the County Judge to execute a real estate agreement with Union State Bank for right-of-way needed on RM 2338. (P9)

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To authorize the County Judge to execute a real estate agreement with Union State Bank for right-of-way needed on RM 2338. (P9)***

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. **Consider authorizing the County Judge to execute the first amendment to the real estate contract with Circle B-Y Partners, Ltd. and Myra Ann Young for right-of-way needed on RM 2338. (P2)**

This item was moved to Executive Session.

This item was removed from the Agenda.

21. **Consider approval of an Inter-Governmental Services agreement between ICE and Williamson County regarding the T. Don Hutto Facility and authorize the County Judge to execute the said agreement and all other addenda associated with the agreement.**

The following addressed the Court:

Assistant County Attorney Hal Hawes

Facility Administrator for Corrections Corporation of America Evelyn Hernandez

Contracting Officer & Technical Representative for Immigration & Customs Enforcement George Robertson

Assistant Field Office Director for Immigration & Customs Enforcement Arturo Perez

Motion By: County Judge Dan A. Gattis

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To approve an Inter-Governmental Services agreement between ICE and Williamson County regarding the T. Don Hutto Facility and authorize the County Judge to execute the said agreement and all other addenda associated with the agreement with amendments.***

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 approval of an agreement between Corrections Corporation of America and Williamson County regarding the management and operation of the T. Don Hutto Facility pursuant to the terms and conditions set forth in an Inter-Governmental Services agreement between Immigration & Customs Enforcement (ICE) and Williamson County and authorize the County Judge to execute the said agreement and any other addenda relating to the agreement.**

Assistant County Attorney Hal Hawes and Sergeant John Foster of Williamson County Sheriff's Office addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To approve an agreement between Corrections Corporation of America and Williamson County regarding the management and operation of the T. Don Hutto Facility pursuant to the terms and conditions set forth in an Inter-Governmental Services agreement between ICE and Williamson County and authorize the County Judge to execute the said agreement and any other addenda relating to the agreement.***

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

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

Building Projects Manager Gary Wilson addressed the Court.

No action was taken.

24. **Discuss and take appropriate action on concrete trail work for Berry Springs Park trail extension in the amount of \$156,450 with annual contract provider Westar Construction.**

Senior Director of Parks & Recreation Jim Rodgers addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To approve concrete trail work for Berry Springs Park trail extension in the amount of \$156,450 with annual contract provider Westar Construction.***

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

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

25. **Discuss and take appropriate action on providing oral testimony to Environmental Protection Agency (EPA) at the Houston Public Hearing, February 2, at the Hilton Houston Hobby Airport, Moody Ballroom, 8181 Airport Boulevard and to provide written comments during the period ending March 22, 2010.**

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

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: County Judge Dan A. Gattis ***Motion: To authorize Commissioners Morrison and Covey to coordinate with Gary Boyd regarding the written and oral testimony to be presented at the Houston Public Hearing for the EPA on February 2, 2010.***

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

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

26. **Discuss and take appropriate action to approve Letter of Intent to convey + or - 5 acres of land to the City of Taylor for an indoor recreation facility.**

Senior Director of Parks & Recreation Jim Rodgers and City Manager of Taylor Jim Dunaway addressed the Court.

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To approve a Letter of Intent to convey + or - 5 acres of land to the City of Taylor for an indoor recreation facility.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison
Other: Commissioner Precinct 2 Cynthia Long (Absent from the Dais)

27. Consider waiving Penalty and Interest to customer as requested by the Tax Assessor/Collector.

Motion By: Commissioner Precinct 1 Lisa Birkman
Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve waiving Penalty and Interest to customer as requested by the Tax Assessor/Collector.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison
Other: Commissioner Precinct 2 Cynthia Long (Absent from the Dais)

28. Consider the approval of the Safeware Inc. Device Supply and Maintenance agreement and use of 2008 Homeland Security Grant Funds for acquisition.

Manager of Emergency Management Jarred Thomas and HAZMAT Coordinator for EMS Marty Herrin addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey
Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To approve the Safeware Inc. Device Supply and Maintenance agreement provided by 2008 Homeland Security Grant.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison
Other: Commissioner Precinct 2 Cynthia Long (Absent from the Dais)

29. Consider exempting the solicitation of competent firms or individuals for the preparation of redistricting plans for Williamson County from the requirements of the competitive proposal procedure pursuant to the discretionary exemption under Texas Local Government Code Section 262.024(a)(4) as a personal or professional service.

The following addressed the Court:
Mary Clark, Executive Assistant to Commissioner Precinct 1
Chief Civil Litigator Henry (Hank) Prejean
Assistant County Attorney Hal Hawes

Motion By: Commissioner Precinct 1 Lisa Birkman
Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To approve exempting the solicitation of competent firms or individuals for the preparation of redistricting plans for Williamson County from the requirements of the competitive proposal procedure pursuant to the discretionary exemption under Texas Local Government Code Section 262.024(a)(4) as a personal or professional service.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

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

30. **Consider authorizing advertising and setting the date of March 8, 2010 at 2:00 P.M. in the Purchasing Department to receive submission of qualifications from competent firms or individuals for the preparation of redistricting plans for Williamson County, RFQ #109WCP905.**

Purchasing Director Bob Space addressed the Court.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To authorize advertising and set the date of March 8, 2010 at 2:00 P.M. in the Purchasing Department to receive submission of qualifications from competent firms or individuals for the preparation of redistricting plans for Williamson County, RFQ #10WCRFQ1002 (this RFQ number was corrected from #109WCP905 by Purchasing Manager Bob Space).***

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

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

31. **Discuss and take appropriate action regarding reappointment of David Singleton (who's current term expires on January 31, 2010) to the Central Texas Regional Mobility Authority (CTRMA) Board effective February 1, 2010.**

Motion By: County Judge Dan A. Gattis

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve the reappointment of David Singleton to the CTRMA Board effective February 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

COMMISSIONERS' COURT ADJOURNED TO EXECUTIVE SESSION AT 11:56 A.M. ON TUESDAY, JANUARY 26, 2010.

32. **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 CR 104 project.

e) Discuss proposed acquisition of property for right-of-way for O'Connor Boulevard and 620 project.

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.

No action taken in Executive Session.

33. 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.)

Litigation or claims or potential litigation or claims against the County or by the County, legal aspects of contracts and other confidential attorney-client legal matters (discussion and possible action)

- Employment matter(s)

No action taken in Executive Session.

COMMISSIONERS' COURT RECONVENED FROM EXECUTIVE SESSION AT 12:40 P.M. ON TUESDAY, JANUARY 26, 2010.

34. Discuss and take appropriate action on real estate.

No action was taken.

35. Discuss and take appropriate action on pending or contemplated litigation, settlement matters and other confidential attorney-client legal matters.

No action was taken.

36. Comments from Commissioners.

Commissioner Birkman announced that the 2nd Annual Dinosaur Day will be held on May 1, 2010 at Champions Park.

Commissioner Covey told the Court that this Friday at 2:00 P.M. the Jarrell ESD is having the Grand Opening of their new facility on CR 313 on the east side of IH 35.

COMMISSIONERS' COURT ADJOURNED AT 12:41 P.M. ON TUESDAY, JANUARY 26, 2010.

THE FOREGOING MINUTES had at a Regular Session of Commissioners' Court of Williamson County, Texas, having been read are hereby approved this 2nd day of February, 2010.



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

By: Connie Singleton, Deputy