

**MINUTES OF THE WILLIAMSON COUNTY COMMISSIONERS' COURT
MEETING
FEBRUARY 16, 2010**

STATE OF TEXAS)(

COUNTY OF WILLIAMSON)(

BE IT REMEMBERED that at 9:48 A.M. on TUESDAY, FEBRUARY 16, 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 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.

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 3 Valerie Covey ***Motion: To authorize the payment of bills totaling \$6,188,177.65 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.

Kurt Johnson Sr. of Austin 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 - 14)

5. Consider and take appropriate action regarding authorizing a line item transfer for Information Technology Services.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To approve a line item transfer for Information Technology Services:

From	0100-0503-001101	Part Time Salaries 20-30 Hrs/Wk	\$2,500.00	
To	0100-0503-001107	Temporary Labor-Seasonal Help	\$2,500.00	

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 the Infrastructure Department.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To approve a line item transfer for the Infrastructure Department:

From	0100-0409-004999	Non Dept/Miscellaneous	\$954.00	
To	0100-0215-001109	Infrastructure/Cell Phone Stip	\$800.00	
To	0100-0215-002010	Infrastructure/FICA	\$62.00	
To	0100-0215-002020	Infrastructure/Retirement	\$92.00	

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 DPS NW.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To approve a line item transfer for DPS NW:

From	0100-0564-004999	DPS NW/Miscellaneous	\$122.50	
To	0100-0564-000507	DPS NW/Tsfr to CWICS	\$122.50	

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

8. **Discuss and consider approving a line item transfer for Human Resources.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To approve a line item transfer for Human Resources:

From	0100-0402-003010	Computer Equipment < \$5000	\$127.67	
From	0100-0402-003011	Computer Software < \$5000	\$445.00	
To	0100-0402-003005	Office Furniture < \$5000	\$572.67	

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, Pct. #4, January 2010 monthly report in compliance with Code of Criminal Procedure 103.005(b).**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison **Motion: To approve Justice of the Peace, Pct. #4, January 2010 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. **Acknowledge and enter into the official minutes of the Commissioners' Court the 2009 Certification of Compliance for County Investment Officer Vivian L. Wood, CIO, Treasurer, and Kathy Kohutek, First Assistant Treasurer.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison **Motion: To enter into the official minutes of the Commissioners' Court the 2009 Certification of Compliance for County Investment Officer Vivian L. Wood, CIO, Treasurer, and Kathy Kohutek, First Assistant Treasurer.**

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. **Acknowledge and enter into the official minutes of the Commissioners' Court the 2009 County Treasurers' Association of Texas (CTAT) Certification of Compliance for First Assistant Treasurer, Kathy Kohutek.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To enter into the official minutes of the Commissioners' Court the 2009 County Treasurers' Association of Texas (CTAT) Certification of Compliance for First Assistant Treasurer, Kathy Kohutek.***

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. **Acknowledge and enter into the official minutes of the Commissioners' Court the 2009 County Treasurers' Association of Texas (CTAT) Certification of Compliance for County Treasurer Vivian L. Wood, CIO.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To enter into the official minutes of the Commissioners' Court the 2009 County Treasurers' Association of Texas (CTAT) Certification of Compliance for County Treasurer Vivian L. Wood, CIO.***

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. **Acknowledge and enter into the official minutes of the Commissioners' Court the 2009 Certificate of Compliance, Public Funds Investment Act for Vivian L. Wood, CIO, Treasurer and Kathy Kohutek, First Assistant Treasurer.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To enter into the official minutes of the Commissioners' Court the 2009 Certificate of Compliance, Public Funds Investment Act for Vivian L. Wood, CIO, Treasurer and Kathy Kohutek, First Assistant Treasurer.***

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 re-approval of the preliminary plat of Star Ranch, Section 7, Pct. #4.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To re-approve the preliminary plat of Star Ranch, Section 7, Pct. #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

REGULAR AGENDA

15. **Hear the February 2010 monthly Construction Summary Report for Road Bond and Pass Through Financing Projects.**

Senior Director of Infrastructure Bob Daigh addressed the Court.

16. **Discussion and possible action regarding Williamson County's request for priority transportation projects and possible federal funding.**

Senior Director of Infrastructure Bob Daigh addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To submit request for federal funding on two projects with the frontage roads being the priority.***

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. **Approval of Williamson County Long Range Transportation Plan for filing an amendment of Order No. 21 of 10-13-2009 to include Transportation Plan as an attachment.**

Motion By: County Judge Dan A. Gattis

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve the Williamson County Long Range Transportation Plan for filing an amendment of Order No. 21 of 10-13-2009 to include Transportation Plan as an attachment.***

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 a resolution determining the necessity and authorizing the condemnation of certain property interests required for the construction of US 183, and take appropriate action. (5WS, LP)**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve a resolution determining the necessity and authorizing the condemnation of certain property interests required for the construction of US 183. (5WS, LP)***

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 contract with Frank A. Zamorano, Sandra Zamorano, and Francisco Palacios for right-of-way needed on RM 2338. (P16)**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To authorize the County Judge to execute a real estate contract with Frank A. Zamorano, Sandra Zamorano, and Francisco Palacios for right-of-way needed on RM 2338. (P16)***

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 a real estate contract with MGC Highway 29 Development LLC for right-of-way needed on SH 29. (P16)**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To authorize the County Judge to execute a real estate contract with MGC Highway 29 Development LLC for right-of-way needed on SH 29. (P16)***

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 authorizing the County Judge to execute a real estate contract with Shell-Hwy 195, LLC for right-of-way needed on SH 195. (P113)**

This item was removed from the Agenda.

22. **Consider authorizing the County Judge to execute a Possession and Use agreement with 5WS, LP regarding right-of-way on US 183. (P10)**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To authorize the County Judge to execute a Possession and Use agreement with 5WS, LP regarding right-of-way on US 183. (P10)***

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 authorizing the County Judge to execute a real estate contract with Joe P. Giddens Jr. and Kyra O. Giddens for right-of-way needed on US 183 Extension. (Parcel 32)**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To authorize the County Judge to execute a real estate contract with Joe P. Giddens Jr. and Kyra O. Giddens for right-of-way needed on US 183 Extension. (Parcel 32)***

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. Consider authorizing the County Judge to execute a real estate contract with Joe P. Giddens and Joan M. Giddens for right-of-way needed on US 183 Extension. (Parcel 17 Parts 1 & 2)**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To authorize the County Judge to execute a real estate contract with Joe P. Giddens and Joan M. Giddens for right-of-way needed on US 183 Extension. (Parcel 17 Parts 1 & 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

- 25. Consider and take appropriate action regarding Cedar Park recycling event.**

Senior Director of Infrastructure Bob Daigh and Waste Management Landfill Manager Bubba Smith addressed the Court.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To approve participation in the Cedar Park recycling event.***

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

No action was taken.

- 27. Discuss and take appropriate action on mitigation and participation determination for a City of Georgetown project. The project consists of improvements to a section of DB Wood Road and Shell Road at the Williams Drive Intersection and includes widening of the roadway and addition of turn lanes. WCCF Application #20100122.**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To approve mitigation and participation determination for a City of Georgetown project. The project consists of improvements to a section of DB Wood Road and Shell Road at at the Williams Drive Intersection and includes widening of the roadway and addition of turn lanes. Williamson County Conservation Foundation (WCCF) Application #20100122.***

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 take appropriate action on Linebarger Goggan Blair & Sampson, LLP contract with Williamson County for collection of delinquent court fees and fines for JP #4.**

Judge Judy Hobbs JP #4 addressed the Court.

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 2 Cynthia Long ***Motion: To approve Linebarger Goggan Blair & Sampson, LLP contract with Williamson County for collection of delinquent court fees and fines for JP #4 with stipulation of one year contract, word changes on item 6.03 and review in 6 months.***

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. **Discuss and take appropriate action regarding approval of Business Associates agreement with the Texas Pharmacy Association.**

Senior Director of Human Resources Lisa Zirkle addressed the Court.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To approve a Business Associates agreement with the Texas Pharmacy Association.***

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. **Discuss and take appropriate action on resolution of support for the City of Cedar Park application for federal funds to provide for an environmental review and design of a section of RM 1431 in Williamson County.**

Cedar Park City Manager Brenda Eivens and Georgetown Attorney Travis Lucas addressed the Court.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve a resolution of support for the City of Cedar Park application for federal funds to provide for an environmental review and design of a section of RM 1431 in Williamson County (with noted changes of wording in resolution).***

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

31. **Consider and take appropriate action on authorizing the transfer of various items including a vehicle through inter-office transfer to County departments and/or auction/donation/destruction. (Complete list filed with official minutes)**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To authorize the transfer of various items including a vehicle through inter-office transfer to County departments and/or 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

COMMISSIONERS' COURT RECESSED TO ROAD DISTRICT MEETING AT 10:50 A.M. ON TUESDAY, FEBRUARY 16, 2010.

COMMISSIONERS' COURT RECONVENED FROM ROAD DISTRICT MEETING AT 10:52 A.M. ON TUESDAY, FEBRUARY 16, 2010.

COMMISSIONERS' COURT RECESSED TO EXECUTIVE SESSION AT 10:52 A.M. ON TUESDAY, FEBRUARY 16, 2010.

32. **Discuss real estate matters (EXECUTIVE SESSION as per VTCA Govt. Code sec. 551.0721 Deliberation Regarding Real 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

- **Possible purchase of property for County facility or facilities location**

2) Proposed or potential purchase, lease or exchange of County-owned property

- **Possible sale of County real property**

No action was taken in Executive Session.

33. 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 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 on Haybarn Lane.

No action was taken in Executive Session.

34. 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 and/or other confidential attorney-client matters, including contracts (discussion and possible action)

- a) Litigation and Claims Update: Voss v. Williamson County; Shurish v. Wilson, et al.; and other cases
- b) Employment matters

No action was taken in Executive Session.

35. Discuss personnel issues (EXECUTIVE SESSION as per VTCA Govt. Code sec. 551.074 matters concerning personnel).

- Individual employees' compensation in relation to the adopted salary/new hire and promotion policies

No action was taken in Executive Session.

COMMISSIONERS' COURT RECONVENED FROM EXECUTIVE SESSION AT 12:29 P.M. ON TUESDAY, FEBRUARY 16, 2010.

36. Discuss and take appropriate action on real estate.

No action was taken.

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

No action was taken.

38. Discuss and take appropriate action on personnel issues.

No action was taken.

39. Comments from Commissioners.

There were no comments from Commissioners.

**COMMISSIONERS' COURT RECESSED AT 12:29 P.M. ON TUESDAY,
FEBRUARY 16, 2010.**

**COMMISSIONERS' COURT RECONVENED AT 1:13 P.M. ON TUESDAY,
FEBRUARY 16, 2010.**

**COMMISSIONERS' COURT ADJOURNED AT 1:14 P.M. ON TUESDAY,
FEBRUARY 16, 2010.**

THE FOREGOING MINUTES had at a Regular Session of Commissioners' Court of Williamson County, Texas, having been read are hereby approved this 23rd day of February, 2010.

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

By: Connie Singleton, Deputy