

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

STATE OF TEXAS)(

COUNTY OF WILLIAMSON)(

BE IT REMEMBERED that at 9:37 A.M. on TUESDAY, MARCH 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
Valerie Covey, Commissioner Precinct 3
Ron Morrison, Commissioner Precinct 4
Nancy E. Rister, County Clerk
Absent: Cynthia Long, Commissioner Precinct 2
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 Commissioners' Court minutes on March 9th and Road Bond Work Session on March 11th.***

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

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To authorize the payment of bills totaling \$3,423,730.97 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 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

4. Citizen comments.

Kurt Johnson Sr. of Austin and Jody Giddens of Leander 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 - 13)

5. To discuss and approve a line item transfer for JP #4.

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

Motion: To approve a line item transfer for JP #4:

| | | | | |
|------|------------------|---------------------------|----------|--|
| From | 0100-0454-003005 | Office Furniture<\$5000 | \$800.00 | |
| To | 0100-0454-003010 | Computer Equipment<\$5000 | \$800.00 | |

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

6. Consider approving a line item transfer for the Elections Department.

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

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

| | | | | |
|------|------------------|--------------------------|-------------|--|
| From | 0100-0492-001107 | Temp Labor-Seasonal Help | \$35,000.00 | |
| To | 0100-0492-001150 | Election Judges/Clerks | \$35,000.00 | |

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

7. Discuss and consider approving a line item transfer for Constable Pct. #4.

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

Motion: To approve a line item transfer for Constable Pct. #4:

| | | | | |
|------|------------------|-----------------------------------|------------|--|
| From | 0100-0409-004999 | Non Dept/Miscellaneous | \$4,084.48 | |
| To | 0100-0554-003010 | Const Pct 4/Computer Equip<\$5000 | \$4,084.48 | |

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

8. Request a line item transfer for Constable Pct #4 from Printer Supplies to Office Supplies.

This item was removed from the Agenda.

9. Consider and take appropriate action on authorizing the transfer of various items 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 3 Valerie Covey ***Motion: To authorize the transfer of various items 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 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

10. Consider and take appropriate action on authorizing the transfer of various items for auction/donation/destruction. (Complete list filed with official minutes)

URS Road Administrator Greg Bergeron addressed the Court.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To authorize the transfer of various items for auction/donation/destruction.***

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

11. Consider approving property tax collections for the month of February 2010 for the Williamson County Tax Assessor/Collector.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve property tax collections for the month of February 2010 for the Williamson County Tax Assessor/Collector.***

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

12. Discuss and consider final plat approval of Teravista, Section 6, Pct. #1.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve final plat of Teravista, Section 6, Pct. #1.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

13. Discuss and consider final plat approval of Daum Estates, Section 1, Pct. #4.

Motion By: Commissioner Precinct 1 Lisa Birkman
Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve final plat of Daum Estates, Section 1, Pct. #4.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

COMMISSIONERS' COURT RECESSED TO ROAD DISTRICT MEETING AT 9:45 A.M. ON TUESDAY, MARCH 16, 2010.

COMMISSIONERS' COURT RECONVENED FROM ROAD DISTRICT MEETING AT 9:48 A.M. ON TUESDAY, MARCH 16, 2010.

REGULAR AGENDA

14. Discuss and take appropriate action on road bond program.

James Klotz Project Manager for HNTB addressed the Court.

No action was taken.

15. Consider authorizing the County Judge to execute a Possession and Use agreement with Dwayne and Darlene Stephens regarding right-of-way on RM 2338. (P17)

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 Dwayne and Darlene Stephens regarding right-of-way on RM 2338. (P17)***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

16. Consider a resolution determining the necessity of and authorizing the condemnation of certain property interests required for the construction of US 183 Ext. and take appropriate action. (Evans)

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey ***Motion: To approve a resolution determining the necessity of and authorize the condemnation of certain property interests required for the construction of US 183 Ext. (Evans)***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

17. **Consider authorizing the County Judge to execute a real estate contract with the Walter and Jane Shepherd Family Trust for right-of-way on CR 313. (Pct #3)**

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 the Walter and Jane Shepherd Family Trust for right-of-way on CR 313. (Pct #3)***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

18. **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.

19. **Discuss and take appropriate action on Williamson County comments regarding proposed EPA rule setting new ground level Ozone Standards.**

Gary Boyd Director of Environmental Programs for the Parks Department and James Red with Oris Solutions addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To approve form of Williamson County comments regarding proposed EPA rule setting new ground level Ozone Standards and give authority to Commissioners Covey and Morrison to review and edit with consultants and return to Judge for signature by Friday.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

20. **Consider approving and authorizing Linebarger Goggan Blair & Sampson, LLP to collect an additional 30% on each debt and accounts receivable, including fines and fees owing to Justice Court Pct. #4 pursuant to Article 103.0031, Texas Code of Criminal Procedure.**

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To approve and authorize Linebarger Goggan Blair & Sampson, LLP to collect an additional 30% on each debt and accounts receivable, including fines and fees owing to Justice Court Pct. #4 pursuant to Article 103.0031, Texas Code of Criminal Procedure.***

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

21. Discuss and take action on the Vista Oaks/MUD#9 off duty Officer agreement.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman ***Motion: To approve the Vista Oaks/MUD#9 off duty Officer agreement.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

22. Consider awarding bids received for asphalt cement and cut back asphalt and asphalt emulsions to the low bid meeting specifications - complete list filed with official minutes.

URS Road Administrator Greg Bergeron addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To award bids received for asphalt cement and cut back asphalt 10WCA043: primary to Martin Asphalt, secondary to Cleveland Asphalt and to award asphalt emulsions 10WCA044: primary to Ergon, secondary to Performance Grade Asphalt and tertiary to Cleveland Asphalt.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

23. Consider approving the purchasing cooperative interlocal agreement between Williamson County and the Montgomery County Hospital District.

Jonathan Harris of Purchasing addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 4 Ron Morrison ***Motion: To approve the purchasing cooperative interlocal agreement between Williamson County and the Montgomery County Hospital District.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

24. Consider awarding proposals received for proposal # 10WCP904, Southwest Regional Park Splash Pad, to the best proposer meeting specifications- Westar Construction, Inc., in the amount of \$1,119,000.00. In addition, please consider awarding Buy Board registered vendor, Kraftsman Playground & Park Equipment, for \$731,926.37.

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 award to Westar Construction, Inc., in the amount of \$1,119,000.00 proposal # 10WCP904 for Southwest Regional Park Splash Pad and award Buy Board registered vendor for Kraftsman Playground & Park Equipment in the amount of \$731,926.37.***

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

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

25. 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.

26. 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) Status Update-Pending Cases or Claims
- b) Employment related matters

No action was taken in Executive Session.

27. 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 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 along CR 214.
- h) Discuss proposed acquisition of property for right-of-way on Haybarn Lane.
- i) Discuss proposed acquisition of property for right-of-way on CR 313.
- j) Discuss proposed acquisition of property for right-of-way on CR 274/San Gabriel Parkway.
- k) Discuss proposed acquisition of property for right-of-way on CR 138.
- l) Discuss proposed acquisition of property for right-of-way along Lakeline extension.
- m) Discuss proposed acquisition of property for right-of-way along Great Oaks extension.
- n) Discuss proposed acquisition of property for right-of-way along SW By-Pass.

No action was taken in Executive Session.

COMMISSIONERS' COURT RECONVENED FROM EXECUTIVE SESSION AT 10:56 A.M. ON TUESDAY, MARCH 16, 2010.

28. Discuss and take appropriate action on real estate.

No action was taken.

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

No action was taken.

30. Comments from Commissioners.

Commissioner Covey announced that there will be an Open House for SH 195 on Thursday, March 25th from 6:00 to 8:00 P.M in the Florence Middle School.

Judge Gattis announced to the Court that Military Appreciation Day will be held on April 3rd at the Cedar Park Center from 2:00 - 4:00 P.M.

COMMISSIONERS' COURT ADJOURNED AT 10:57 A.M. ON TUESDAY, MARCH 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 March, 2010.



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

By: Connie Singleton, Deputy