# MINUTES OF THE WILLIAMSON COUNTY COMMISSIONERS' COURT MEETING NOVEMBER 17, 2009

STATE OF TEXAS )(

COUNTY OF WILLIAMSON )(

**BE IT REMEMBERED** that at 9:35 A.M. on TUESDAY, NOVEMBER 17, 2009, a REGULAR SESSION of the Commissioners' Court of Williamson County, Texas, was held with the following being present, to-wit:

Present: 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

Absent: Dan A. Gattis, County Judge

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 previous meetings.* 

Aye: 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.

 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 invoices for San Gabriel Parkway and Gabriels Funeral Chapel. (Conflict of Interest Affidavits attached)

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long *Motion: To authorize the payment of bills totaling \$871,669.11 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: 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:

Parks Director Jim Rodgers Sue Wiseman of the Native Plant Society of Texas from Leander Jim Stauber of Liberty Hill

### **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 -12)

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

Motion By: Commissioner Precinct 3 Valerie Covey Second By: Commissioner Precinct 2 Cynthia Long

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

From	0100-0402-004209	Cell Phone/Pager	\$400.00
From	0100-0402-001100	F/T Salaries	\$200.00
То	0100-0402-001109	Cell Phone Stipend	\$600.00

Aye: Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

6. Consider approving Justice of the Peace, Pct. #4, October 2009 monthly report in compliance with Code of Criminal Procedure 103.005(b).

Motion By: Commissioner Precinct 3 Valerie Covey

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

Aye: Commissioner Precinct 1 Lisa Birkman Commissioner Precinct 2 Cynthia Long Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

7. Consider approving property tax collections for the month of October 2009 for the Williamson County Tax Assessor/Collector.

Motion By: Commissioner Precinct 3 Valerie Covey

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

Aye: Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

8. Consider approving property tax refunds over \$2,500 for the month of October 2009 for the Williamson County Tax Assessor/Collector.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long *Motion: To approve property tax refunds over* \$2,500 for the month of October 2009 for the Williamson County Tax Assessor/Collector.

Aye: Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

9. Consider various lane closures on Amberglen, the frontage road of RM 620 and Parmer Lane from 7:30 A.M. until 9:30 A.M. on Saturday, Dec. 5th, 2009 for the annual Reindeer Run.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long *Motion: To approve lane closures on Amberglen, the frontage road of RM 620 and Parmer Lane from 7:30 A.M. until 9:30 A.M. on Saturday, Dec. 5th, 2009 for the annual Reindeer Run.* 

Aye: Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

10. Consider and take appropriate action on authorizing the trade-in of two Ferno Powerflexx+ systems to Stryker EMS equipment and 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 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long *Motion: To authorize the trade-in of two Ferno Powerflexx+ systems to Stryker EMS equipment and the transfer of various items including a vehicle through inter-office transfer to County departments and/or auction/donation/destruction.* 

Aye: Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

11. Discuss and consider preliminary plat for Diamond T subdivision, Pct. #3.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long *Motion: To approve the preliminary plat for Diamond T subdivision, Pct. #3.* 

Aye: Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

12. Discuss and consider preliminary approval for Hilltop at Stable Oaks subdivision, Pct. #2.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long *Motion: To approve the preliminary plat for Hilltop at Stable Oaks subdivision, Pct. #2.* 

Aye: Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

#### **REGULAR AGENDA**

13. Hear update from Central Texas Regional Mobility Authority.

Executive Director of CTRMA Mike Heiligenstein addressed the Court.

14. Hear the November 2009 Monthly Construction Summary Report for Road Bond and Pass Through Finance projects.

Director of Infrastructure Bob Daigh addressed the Court.

15. Hear presentation on status of EPA Ambient Air Quality Standards and effects to Williamson County transportation planning and adaptations.

This item was moved to the December 1st meeting.

16. Hear presentation from GIS on recent projects and efforts, as well as upcoming and proposed projects.

GIS Coordinator/Analyst Richard Semple addressed the Court.

17. Discuss and take appropriate action regarding a proclamation to declare and acknowledge November 18, 2009 as National GIS Day.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey *Motion: To approve a proclamation to declare and acknowledge November 18, 2009 as National GIS Day.* 

Aye: Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

18. Discuss and consider approving TBG Partners Supplemental #1 to their County Road roadside landscape specifications Professional Service Agreement (PSA).

Director of Infrastructure Bob Daigh addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long *Motion: To approve TBG Partners*Supplemental #1 to their County Road roadside landscape specifications Professional Service Agreement (PSA).

Aye: Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

19. Consider and take appropriate action regarding F.T. Woods Construction's Williams Drive Phase II contract settlement.

This item was moved to Executive Session.

Director of Infrastructure Bob Daigh addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long *Motion: To authorize the County Judge or presiding officer to sign a settlement agreement to receive \$100,000 for damages from F.T. Woods Construction, who will withdraw their bid for the Williams Drive Phase II project.* 

Aye: 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 relocation packet for Family Care Christian Services for the US 183 Extension project. (Parcel 14)

Attorney Charlie Crossfield addressed the Court.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 4 Ron Morrison *Motion: To authorize the County Judge to execute a relocation packet for Family Care Christian Services for the US 183 Extension project. (Parcel 14)* 

Aye: 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 first amendment to development agreement with Somerset Hills, Ltd. regarding reimbursement for construction of Reagan Blvd. from SH 29 to SH 195.

This item was moved to Executive Session.

Director of Infrastructure Bob Daigh addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 4 Ron Morrison *Motion: To authorize the County Judge or presiding officer to execute a first amendment to development agreement with Somerset Hills, Ltd. regarding reimbursement for construction of Reagan Blvd. from SH 29 to SH 195.* 

Aye: Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

22. Discuss and take appropriate action on an interlocal agreement with the City of Leander for the construction, operation and maintenance of San Gabriel Parkway, including improvements to the intersection of San Gabriel Parkway and Bagdad Road.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 4 Ron Morrison *Motion: To approve an interlocal agreement with the City of Leander for the construction, operation and maintenance of San Gabriel Parkway, including improvements to the intersection of San Gabriel Parkway and Bagdad Road.* 

Aye: Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 1 Lisa Birkman (Abstain)

23. Consider and take appropriate action regarding re-advertising the Williams Drive Phase II project.

This item was moved to Executive Session.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 4 Ron Morrison Motion: To table this item.

Aye: Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

24. 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.

25. Consider authorizing budget transfer of 2006 GO Park funds for the Walburg Park Project in the amount of \$25,000 to transfer from non-departmental (P164) to Walburg Park Project (P212).

Parks Director Jim Rodgers addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long *Motion: To authorize a budget transfer of 2006 general obligation (GO) park funds for the Walburg Park Project in the amount of \$25,000 to transfer from non-departmental (P164) to Walburg Park Project (P212).* 

Aye: Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long Commissioner Precinct 3 Valerie Covey Commissioner Precinct 4 Ron Morrison

26. Consider approving a resolution to provide community support to the Williamson County Recycling Coalition of Cities.

Hutto Mayor Pro Tem Debbie Holland addressed the Court.

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 3 Valerie Covey Motion: To approve a resolution to provide community support to the Williamson County Recycling Coalition of Cities.

Aye: Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

27. Discuss and take appropriate action on the resolution in support of the Safe Routes to School Project Grant application by the City of Georgetown concerning Mitchell Elementary School.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long *Motion: To approve the resolution in support* of the Safe Routes to School Project Grant application by the City of Georgetown concerning *Mitchell Elementary School.* 

Aye: Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

28. Discuss and take action on building lease located at 3800 CR 123 for relocation of EMS station housing Medic 12.

This item was moved to Executive Session.

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 2 Cynthia Long Motion: To table this item.

Aye: 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 on an agreement with Lone Star Circle of Care for participation in Williamson County Mental Health Grant Program.

Kathy Grimes Executive Assistant to Commissioner of Precinct 2 addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 4 Ron Morrison *Motion: To approve an agreement with Lone Star Circle of Care for participation in Williamson County Mental Health Grant Program.* 

Aye: Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long Commissioner Precinct 3 Valerie Covey Commissioner Precinct 4 Ron Morrison

30. Consider awarding proposals and approving contract received for EMS billing services to the best proposal meeting specifications - DM Medical Billings.

Emergency Medical Services Operation Manager Kenny Schnell addressed the Court.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey *Motion: To approve winning bid and contract received for EMS billing services to DM Medical Billings.* 

Aye: Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

31. Consider awarding qualifications received for professional architectural/engineering design services for the Williamson County Emergency Services Operations Center, RFQ#: 09WCRFQ907 to Parsons Commercial Technology Group, Inc.

Emergency Operations Director John Sneed addressed the Court.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey *Motion: To award a professional services* contract to Parsons Commercial Technology Group, Inc. for architectural/engineering design services for the Emergency Services Operations Center, RFQ#: 09WCRFQ907.

Aye: Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

32. Consider an order declaring an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment to acknowledge additional revenues for November 2009 Voluntary Duty.

Motion By: Commissioner Precinct 3 Valerie Covey Second By: Commissioner Precinct 2 Cynthia Long

Motion: To approve an order declaring an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment to acknowledge additional revenues for November 2009 Voluntary Duty:

From/To	Acct No.	Description	Amount
	0100-0000-341220	Voluntary Duty Rev, SO	\$19,432.13
	0100-0000-341226	Voluntary Duty Rev, Juv Serv	\$2,534.63
	0100-0000-341230	Voluntary Duty Admin Fee	\$997.24
	0100-0000-341223	Voluntary Duty Rev, Const 3	\$168.98
	0100-0000-341224	Voluntary Duty Rev, Const 4	\$1,824.93
	0100-0000-341214	Vehicle Usage Fee, Const 4	\$288.00
	0100-0000-341234	Voluntary Duty Admin Fee	\$144.00

Aye: Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

33. Consider an order declaring an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment to acknowledge additional expenditures for November 2009 Voluntary Duty pay.

Motion By: Commissioner Precinct 3 Valerie Covey Second By: Commissioner Precinct 2 Cynthia Long

Motion: To approve an order declaring an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment to acknowledge additional expenditures for November 2009 Voluntary Duty pay:

From/To	Acct No.	Description	Amount
	0100-0560-001117	Voluntary Duty Pay, SO	\$15,000.00
	0100-0560-002010	FICA	\$1,147.50
	0100-0560-002050	Worker's Comp	\$750.00
	0100-0570-001117	Voluntary Duty Pay, Jail	\$2,250.00
	0100-0570-002010	FICA	\$172.13
	0100-0570-002050	Worker's Comp	\$112.50
	0100-0553-001117	Voluntary Duty Pay, Const 3	\$150.00
	0100-0553-002010	FICA	\$11.48
	0100-0553-002050	Worker's Comp	\$7.50
	0100-0554-001117	Voluntary Duty Pay, Const 4	\$1,620.00
	0100-0554-002010	FICA	\$123.93
	0100-0554-002050	Worker's Comp	\$81.00
	0100-0576-001117	Voluntary Duty Pay, Juv Serv	\$2,250.00
	0100-0576-002010	FICA	\$172.13
	0100-0576-002050	Worker's Comp	\$112.50

Aye: Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

34. Discussion of possible actions regarding 04-961-C277; Sheryl Hayes-Pupko v. Williamson County, Texas, Derrick Dutton; in the 277th Judicial District Court of Williamson County, Texas.

This item was moved to Executive Session.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long *Motion: To authorize the County Judge or presiding officer to settle cause #04-961-C277; Sheryl Hayes-Pupko v. Williamson County, Texas, Derrick Dutton; in the 277th Judicial District Court of Williamson County in the amount of \$40,000.* 

Aye: Commissioner Precinct 1 Lisa Birkman Commissioner Precinct 2 Cynthia Long Commissioner Precinct 3 Valerie Covey 35. Discuss and take appropriate action to approve a resolution nominating Judge Gattis to serve on the Conference of Urban Counties Board of Directors as Vice Chairman of Policy.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey *Motion: To approve a resolution nominating Judge Gattis to serve on the Conference of Urban Counties Board of Directors as Vice Chairman of Policy.* 

Aye: 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 10:52 A.M. ON TUESDAY, NOVEMBER 17, 2009.

COMMISSIONERS' COURT RECONVENED FROM ROAD DISTRICT MEETING AT 10:54 A.M. ON TUESDAY, NOVEMBER 17, 2009.

### COMMISSIONERS' COURT ADJOURNED TO EXECUTIVE SESSION AT 10:54 A.M. ON TUESDAY, NOVEMBER 17, 2009.

- 36. 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. Reagan Blvd.

No action was taken in Executive Session.

- 37. 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. Litigation or claims or potential litigation or claims against the County or by the County (discussion and possible action).

- a. Georgetown Housing Authority County Claim for repayment of Community Development Block Grant (CDBG) Funds; possible agreement on repayment.
- b. Cause No. 04-961-C277; Sheryl Hayes-Pupko v. Williamson County, et al-possible grant of settlement authority.
- c. Proposed settlement of County's claim/potential claims regarding Bid No. 09WC722, F.T. Woods Construction Services, Williams Drive, Phase II.

No action was taken in Executive Session.

### COMMISSIONERS' COURT RECONVENED FROM EXECUTIVE SESSION AT 12:07 P.M. ON TUESDAY, NOVEMBER 17, 2009.

38. Discuss and take appropriate action on real estate.

No action was taken.

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

No action was taken.

40. Comments from Commissioners.

**Commissioner Covey** thanked the Court and all who participated in the "Cookies for the Troops" program. It was a great success due to the response of County employees and many local citizens who brought cookies and brownies.

## COMMISSIONERS' COURT ADJOURNED AT 12:17 P.M. ON TUESDAY, NOVEMBER 17, 2009.

THE FOREGOING MINUTES had at a F	Regular Session of Commissioners' Court of Williamson County, Texas,
having been read are hereby approved t	this 1st day of December, 2009.
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ATTEOT N. E. D. J. CO. J. CO.	

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

By: Connie Singleton, Deputy