



**MINUTES OF THE WILLIAMSON COUNTY COMMISSIONERS' COURT MEETING
NOVEMBER 6, 2012**

STATE OF TEXAS)(
COUNTY OF WILLIAMSON)(

BE IT REMEMBERED that at 9:36 A.M. on **TUESDAY, NOVEMBER 6, 2012**, a **REGULAR SESSION** of the **Commissioners' Court of Williamson County, Texas**, was held with the following being present, to-wit:

Present: Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison
County Clerk Nancy E. Rister

Absent: County Judge Dan A. Gattis

Others Present: Hal Hawes, Legal Advisor to Commissioners' Court
Carolyn Deibler, 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 October 30, 2012 meeting.

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

Other: County Judge Dan A. Gattis (Absent)

2. Consider noting in minutes any off right-of-way work on any County road done by Road & Bridge Division.

No action was taken on this item.

3. **Hear County Auditor concerning invoices, bills, Quick Check Report, Wire Transfers and Electronic Payments 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.

Motion by: Commissioner Precinct 3 Valerie Covey

Second by: Commissioner Precinct 2 Cynthia Long

Motion: To authorize the payment of bills totaling \$3,191,858.73 from the computer printout, Addendum, Wire Transfer, and 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

Other: County Judge Dan A. Gattis (Absent)

4. **Citizen comments.**

Tom Madden of Georgetown 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 - 8)

5. **Discuss and consider approving a line item transfer for JP 4.**

Motion by: Commissioner Precinct 4 Ron Morrison

Second by: Commissioner Precinct 3 Valerie Covey

Motion: To approve a line item transfer for the Justice of the Peace, Precinct #4:

<i>From/To</i>	<i>Acct No.</i>	<i>Description</i>	<i>Amount</i>
<i>From</i>	<i>0100-0454-001100</i>	<i>Salaries</i>	<i>\$1,125.60</i>
<i>To</i>	<i>0100-0454-001107</i>	<i>Temp Labor</i>	<i>\$1,125.60</i>

Aye: Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Other: County Judge Dan A. Gattis (Absent)

6. **Consider approving the investment report for April through September 2012 and the Quarters June 30, 2012 and September 30, 2012, which was approved by the investment committee on October 29, 2012.**

Motion by: Commissioner Precinct 4 Ron Morrison

Second by: Commissioner Precinct 3 Valerie Covey

Motion: To approve the Investment Reports for April through September 2012 and the Quarters June 30, 2012 and September 30, 2012, which were approved by the Investment Committee on October 29, 2012.

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

7. **Consider authorizing the transfer of various equipment items through inter-office transfer, auction, donation, destruction, or trade-in.**

Motion by: Commissioner Precinct 4 Ron Morrison

Second by: Commissioner Precinct 3 Valerie Covey

Motion: To authorize the transfer of various equipment items through inter-office transfer, auction, donation, destruction, or trade-in.

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

8. **Discuss and consider approval of preliminary plat for Sefcik subdivision - Pct 3.**

Motion by: Commissioner Precinct 4 Ron Morrison

Second by: Commissioner Precinct 3 Valerie Covey

Motion: To approve the preliminary plat for Sefcik subdivision - Precinct #3.

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

REGULAR AGENDA

9. **To discuss and take appropriate action on the Department of Infrastructure's projects and issues update.**

No action was taken on this item.

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

No action was taken on this item.

11. Consider and take appropriate action on donation of Thanksgiving Lunch for Department of Infrastructure employees and the members of the Williamson County Commissioner's Court by former Williamson County Commissioner Limmer.

Motion by: Commissioner Precinct 4 Ron Morrison

Second by: Commissioner Precinct 2 Cynthia Long

Motion: To approve a donation of Thanksgiving Lunch for the Department of Infrastructure employees by former Williamson County Commissioner Frankie Limmer.

Aye: Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Nay: Commissioner Precinct 1 Lisa Birkman

Other: County Judge Dan A. Gattis (Absent)

12. Consider authorizing the County Judge to execute a claim for actual moving expenses for a billboard relocation on US 183/Parcel 2.

Motion by: Commissioner Precinct 3 Valerie Covey

Second by: Commissioner Precinct 2 Cynthia Long

Motion: To authorize the presiding County Judge to execute a claim for actual moving expenses for a billboard relocation on U.S. Highway 183/Parcel 2.

Aye: Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Nay: Commissioner Precinct 1 Lisa Birkman

Other: County Judge Dan A. Gattis (Absent)

13. Consider authorizing County Judge to execute a Real Estate Contract with APW Corp. a Texas Corporation for ROW needed on SH 195. (PARCEL 122/125)

Motion by: Commissioner Precinct 3 Valerie Covey

Second by: Commissioner Precinct 2 Cynthia Long

Motion: To authorize the presiding County Judge to execute a Real Estate Contract with APW Corp., a Texas Corporation, for Right-of-Way (ROW) needed on State Highway 195. (Parcel 122/125)

Aye: Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Other: County Judge Dan A. Gattis (Absent)

14. Consider authorizing County Judge to execute a Real Estate Contract with Tommy Dale Arnold for ROW needed on CR 170. (PARCEL 15)

Motion by: Commissioner Precinct 3 Valerie Covey

Second by: Commissioner Precinct 2 Cynthia Long

Motion: To authorize the presiding County Judge to execute a Real Estate Contract with Tommy Dale Arnold for Right-of-Way (ROW) needed on County Road 170. (Parcel 15)

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

Other: County Judge Dan A. Gattis (Absent)

15. Consider authorizing County Judge to execute a Real Estate Contract with L.G. Schwartz and Tommy D. Arnold for ROW needed on CR 170. (PARCEL 16)

Motion by: Commissioner Precinct 3 Valerie Covey

Second by: Commissioner Precinct 2 Cynthia Long

Motion: To authorize the presiding County Judge to execute a Real Estate Contract with L.G. Schwartz and Tommy D. Arnold for Right-of-Way (ROW) needed on County Road 170. (Parcel 16)

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

Other: County Judge Dan A. Gattis (Absent)

16. Discuss and consider approving the field agreement for Wildlife Damage Management and Predator Control.

Budget Analyst Rebecca Clemons addressed the Court.

Motion by: Commissioner Precinct 3 Valerie Covey

Second by: Commissioner Precinct 4 Ron Morrison

Motion: To approve the field agreement for Wildlife Damage Management and Predator Control.

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

Other: County Judge Dan A. Gattis (Absent)

17. **Consider approving First Amendment to Interlocal Agreement with The Ranch at Cypress Creek MUD.**

Motion by: Commissioner Precinct 2 Cynthia Long

Second by: Commissioner Precinct 3 Valerie Covey

Motion: To approve the First Amendment to the Interlocal Agreement with The Ranch at Cypress Creek Municipal Utility District (MUD).

Aye: Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Other: County Judge Dan A. Gattis (Absent)

18. **Discuss and take appropriate action regarding an Extension Agreement of that certain Professional Services Agreement for Dental Services at the Williamson County Jail between Todd C. Harris, P.C. and Williamson County regarding dental services for inmates at the Williamson County Jail; and exemption of these services from the competitive bid/proposal requirements of the County Purchasing Act pursuant to the discretionary exemption for personal or professional services, as set forth under Section 262.024(a)(4) of the Texas Local Government Code.**

Financial Analyst at the Sheriff's Office Kurt Showalter addressed the Court.

Motion by: Commissioner Precinct 2 Cynthia Long

Second by: Commissioner Precinct 3 Valerie Covey

Motion: To approve an Extension Agreement of that certain Professional Services Agreement for Dental Services at the Williamson County Jail between Todd C. Harris, P.C. and Williamson County regarding dental services for inmates at the Williamson County Jail; and exemption of these services from the competitive bid/proposal requirements of the County Purchasing Act pursuant to the discretionary exemption for personal or professional services, as set forth under Section 262.024(a)(4) of the Texas Local Government Code.

Aye: Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Other: County Judge Dan A. Gattis (Absent)

19. **Discuss and take appropriate action regarding an Extension Agreement of that certain Professional Services Agreement for Medical Services at the Williamson County Jail between Adam Barta, M.D. and Williamson County regarding medical services for inmates at the Williamson County Jail in accordance with Chapter 2254 of the Texas Government Code and, to the extent necessary, exemption of these services from the competitive bid/proposal requirements of the County Purchasing Act pursuant to the discretionary exemption for personal or**

professional services, as set forth under Section 262.024(a)(4) of the Texas Local Government Code.

Financial Analyst at the Sheriff's Office Kurt Showalter addressed the Court.

Motion by: Commissioner Precinct 2 Cynthia Long

Second by: Commissioner Precinct 3 Valerie Covey

Motion: To approve an Extension Agreement of that certain Professional Services Agreement for Medical Services at the Williamson County Jail between Adam Barta, M.D. and Williamson County regarding medical services for inmates at the Williamson County Jail in accordance with Chapter 2254 of the Texas Government Code and, to the extent necessary, exemption of these services from the competitive bid/proposal requirements of the County Purchasing Act pursuant to the discretionary exemption for personal or professional services, as set forth under Section 262.024(a)(4) of the Texas Local Government Code.

Aye: Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Other: County Judge Dan A. Gattis (Absent)

20. Discuss and consider approving Williamson County's continued participation in the CAPCOG Regional Emergency Notification System (ENS).

Emergency Management Coordinator Jarred Thomas addressed the Court.

Motion by: Commissioner Precinct 2 Cynthia Long

Second by: Commissioner Precinct 3 Valerie Covey

Motion: To approve Williamson County's continued participation in the Capital Area Council of Governments (CAPCOG) Regional Emergency Notification System (ENS).

Aye: Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Other: County Judge Dan A. Gattis (Absent)

21. Consider approving the addition of Georgetown Commercial Properties LLC, represented by Tim Harris and Bob Brent to the list of vendors for real estate brokers/agents for Williamson County, RFQ #07WCRFQ505.

Commissioner Birkman abstained from voting on this item. (Conflict of Interest Affidavit attached).

Motion by: Commissioner Precinct 2 Cynthia Long

Second by: Commissioner Precinct 3 Valerie Covey

Motion: To approve the addition of Georgetown Commercial Properties LLC, represented by Tim Harris and Bob Brent, to the list of vendors for real estate brokers/agents for Williamson County, RFQ #07WCRFQ505.

Aye: Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Other: County Judge Dan A. Gattis (Absent)

Commissioner Precinct 1 Lisa Birkman (Abstain)

- 22. Consider authorizing extension of Belford Square Lease, 310 W 7th Street, Suite 102, Georgetown to November 30, 2013 with Stacey Cardwell d/b/a True Blue Bail Bonds.**

Motion by: Commissioner Precinct 3 Valerie Covey

Second by: Commissioner Precinct 2 Cynthia Long

Motion: To authorize the extension of Belford Square Lease with Stacey Cardwell d/b/a True Blue Bail Bonds, 310 West 7th Street, Suite 102, Georgetown from December 1, 2012 to November 30, 2013.

Aye: Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Other: County Judge Dan A. Gattis (Absent)

COMMISSIONERS' COURT RECESSED TO EXECUTIVE SESSION AT 9:48 A.M. ON TUESDAY, NOVEMBER 6, 2012.

- 23. Discuss and deliberate economic development matters pursuant to Section 551.087, Texas Government Code (Deliberation Regarding Economic Development Negotiations), including the following:**
- a) acute care hospital in City of Round Rock with Round Rock RE Holdings, LLC.**

No action was taken in Executive Session.

- 24. Discuss real estate matters (EXECUTIVE SESSION as per VTCA Govt. Code sec. 551.072 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 SH 195 0.805 South of Bell County Line to IH 35.**
 - b) 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.**
 - c) Discuss proposed acquisition of property for right-of-way for O'Connor Boulevard and 620 projects.**
 - d) Discuss proposed acquisition of property for right-of-way for Ronald Reagan**

Blvd. Phase II project from FM 3405 to Reagan Blvd.

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 Lakeline extension.

h) Discuss proposed acquisition of property for right-of-way along CR 170.

i) Discuss proposed acquisition and/or sale of property for Arterial H.

j) Discuss proposed acquisition of property for right-of-way for the Pond Springs Rd. project.

k) Discuss proposed acquisition of property for right-of-way for future parkland in Precinct 2.

l) Discuss proposed acquisition of property for right-of-way for Neenah Dr.

m) Discuss proposed acquisition of property for right-of-way for Pearson Blvd.

n) Discuss proposed acquisition of property for right-of-way for FM 1460.

No action was taken in Executive Session.

- 25. 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.), including the following:**
- a) Litigation or claims or potential litigation or claims against the County or by the County.**
 - b) Status Update-Pending Cases or Claims;**
 - c) Cause No. 06-453-C277; Kerry Heckman et al. v. Williamson County, et al., In the District Court of Williamson County, Texas, 277th Judicial District**
 - d) Civil Action No. 1:10-CV-869-LY; Heather Clark, David Claxton & David M. Compton v. Williamson County; In the United States District Court for the Western District of Texas, Austin Division**
 - e) Case No. A11CA403 SS; Ruben Yzquierdo v. Williamson County and the Williamson County Sheriff's Department; In the United States District Court, Western District of Texas, Austin Division**
 - f) Case No. A11CA 300LY; Michelle Sheffield v. John Doe I, Individually and in his Official Capacity, Williamson County and the Williamson County Sheriff's Department; In the United States District Court, Western District of Texas, Austin Division;**
 - g) Civil Action No. 11-278; Will Aguilar v. Williamson County, Texas; Daniel Robertson, and Michael Baxter; In the United States District Court, Western District of Texas, Austin Division**
 - h) Employment related matters.**
 - i) Other confidential attorney-client matters, including contracts and certain matters related to county defense issues in which the duty of the attorney to the governmental body within the attorney/client relationship clearly conflicts with Chapter 551 of the Texas Government Code.**
 - j) Civil Action No. 1:11-CV-907, Sarah Doe et al. v. Jerald Neveleff et al., In the United States District Court for the Western District of Texas Austin Division**
 - k) Mortgage Electronic Recording Systems (MERS) litigation.**
 - l) Legal matters regarding the Williamson County Justice Center Parking Garage**
 - m) Civil Action No. A12CV0062LY; Kevin Jones v. Williamson County Sheriff's Office; In the United States District Court for the Western District of Texas, Austin Division.**

- n) Civil Action No. 1:12-CV-190-LY; Steven Hester v. Williamson County; In the United States District Court for the Western District of Texas, Austin Division.
- o) Cause No. 12-0721-C277; W. Paul Reed et al. v. Williamson County et al.; In the District Court of Williamson County, Texas; 277th District Court
- p) Civil Action No. A12CV00543; Kevin Jones v. Williamson County and Williamson County Sheriff's Office; In the United States District Court for the Western District of Texas, Austin Division.
- q) Complaint(s) in relation to electioneering.

No action was taken in Executive Session.

COMMISSIONERS' COURT RECONVENED FROM EXECUTIVE SESSION AT 10:35 A.M. ON TUESDAY, NOVEMBER 6, 2012.

- 26. Discuss and take appropriate action concerning economic development matters.**

No action was taken on this item.

- 27. Discuss and take appropriate action on real estate.**

No action was taken on this item.

- 28. Discuss and take appropriate action on pending or contemplated litigation, settlement matters and other confidential attorney-client legal matters, including the following:**

- a) Litigation or claims or potential litigation or claims against the County or by the County.
- b) Status Update-Pending Cases or Claims;
- c) Cause No. 06-453-C277; Kerry Heckman et al. v. Williamson County, et al., In the District Court of Williamson County, Texas, 277th Judicial District
- d) Civil Action No. 1:10-CV-869-LY; Heather Clark, David Claxton & David M. Compton v. Williamson County; In the United States District Court for the Western District of Texas, Austin Division
- e) Case No. A11CA403 SS; Ruben Yzquierdo v. Williamson County and the Williamson County Sheriff's Department; In the United States District Court, Western District of Texas, Austin Division
- f) Case No. A11CA 300LY; Michelle Sheffield v. John Doe I, Individually and in his Official Capacity, Williamson County and the Williamson County Sheriff's Department; In the United States District Court, Western District of Texas, Austin Division;
- g) Civil Action No. 11-278; Will Aguilar v. Williamson County, Texas; Daniel Robertson, and Michael Baxter; In the United States District Court, Western District of Texas, Austin Division
- h) Employment related matters.
- i) Other confidential attorney-client matters, including contracts and certain matters related to county defense issues in which the duty of the attorney to the governmental body within the attorney/client relationship clearly conflicts with Chapter 551 of the Texas Government Code.
- j) Civil Action No. 1:11-CV-907, Sarah Doe et al. v. Jerald Neveleff et al., In the

United States District Court for the Western District of Texas Austin Division

k) Mortgage Electronic Recording Systems (MERS) litigation.

l) Legal matters regarding the Williamson County Justice Center Parking Garage
m) Civil Action No. A12CV0062LY; Kevin Jones v. Williamson County Sheriff's Office; In the United States District Court for the Western District of Texas, Austin Division.

n) Civil Action No. 1:12-CV-190-LY; Steven Hester v. Williamson County; In the United States District Court for the Western District of Texas, Austin Division.

o) Cause No. 12-0721-C277; W. Paul Reed et al. v. Williamson County et al.; In the District Court of Williamson County, Texas; 277th District Court

p) Civil Action No. A12CV00543; Kevin Jones v. Williamson County and Williamson County Sheriff's Office; In the United States District Court for the Western District of Texas, Austin Division.

q) Complaint(s) in relation to electioneering.

No action was taken on this item.

29. Comments from Commissioners.

There were no comments.

COMMISSIONERS' COURT ADJOURNED AT 10:35 A.M. ON TUESDAY, NOVEMBER 6, 2012.

THE FOREGOING MINUTES had at a Regular Session of Commissioners' Court of Williamson County, Texas, having been read are hereby approved this 13th day of November 2012.



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

By: Carolyn Deibler, Deputy