



**MINUTES OF THE WILLIAMSON COUNTY COMMISSIONERS' COURT MEETING
NOVEMBER 4, 2014**

STATE OF TEXAS)(
COUNTY OF WILLIAMSON)(

BE IT REMEMBERED that at 9:36 A.M. on **TUESDAY, NOVEMBER 4, 2014**, a **REGULAR SESSION** of the **Commissioners' Court of Williamson County, Texas**, was held with the following being present, to-wit:

Present: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 4 Ron Morrison
County Clerk Nancy E. Rister

Absent: Commissioner Precinct 3 Valerie Covey

Others Present: Hal C. Hawes, General Counsel to Williamson County Commissioners' Court
Stan O. Springerley, Assistant General Counsel to Williamson County Commissioners' Court
Carolyn Deibler, Deputy County Clerk

1. Review and approval of minutes.

Motion by: Commissioner Precinct 1 Lisa Birkman

Second by: Commissioner Precinct 2 Cynthia Long

Motion: To approve the Minutes of the October 28, 2014 meeting.

Aye: County Judge Dan A. Gattis
Commissioner Precinct 1 Lisa Birkman
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 3 Valerie Covey (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 Lead Nathan Zinsmeyer addressed the Court.

Motion by: Commissioner Precinct 1 Lisa Birkman

Second by: Commissioner Precinct 2 Cynthia Long

Motion: To authorize the payment of bills totaling \$5,393,549.31 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: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 3 Valerie Covey (Absent)

4. Citizen comments.

Jim Dillon of Liberty Hill addressed the Court.

CONSENT AGENDA

The Consent Agenda includes non-controversial and 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 – 6)

5. Discuss, consider and take appropriate action regarding request of Williamson Constable, Pct. 4 for approval of Joel Fischetti to open Deputy Constable position pursuant to Tex. Loc. Gov't Code § 86.011.

Motion by: Commissioner Precinct 1 Lisa Birkman

Second by: Commissioner Precinct 4 Ron Morrison

Motion: To appoint Joel Fischetti to the paid position of Deputy Constable Precinct #4 pursuant to Texas Local Government Code § 86.011.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 3 Valerie Covey (Absent)

6. Discuss, consider and take appropriate action on authorizing the disposal of various county assets through inter-office transfer, auction, donation, destruction, or trade-in (complete list attached).

Motion by: Commissioner Precinct 1 Lisa Birkman

Second by: Commissioner Precinct 4 Ron Morrison

Motion: To authorize the transfer of various county assets through inter-office transfer, auction, donation, destruction, or trade-in (complete list attached).

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 3 Valerie Covey (Absent)

REGULAR AGENDA

7. Recognition of Williamson County EMS New Members successful completion of training academy.

Director of Emergency Medical Services (EMS) Kenny Schnell and Commander of Clinical Practices Terri King addressed the Court. No action was taken on this item.

8. To discuss, consider and take appropriate action on the Department of Infrastructure's projects and issues update.

Senior Director of Infrastructure Bob Daigh invited everyone to Open Houses on Improvement Concepts for Interstate Highway 35 between 5:00 and 7:30 p.m. on Tuesday, November 18, 2014 at the Allen R. Baca Senior Center and Tuesday, November 20, 2014 at the Georgetown High School Cafeteria and online virtual open house at www.mobility35.org beginning Tuesday, November 18 and ending Monday, December 1, 2014. No action was taken on this item.

9. Discuss, consider and take appropriate action on approving a variance request to Sec B3-6-1 of the 2013 WCSD for Ph 2 of the Rio Ancho subdivision - Pct 2.

Senior Director of Infrastructure Bob Daigh addressed the Court.

Motion by: Commissioner Precinct 2 Cynthia Long

Second by: Commissioner Precinct 4 Ron Morrison

Motion: To approve a variance request to Section B3-6-1 of the 2013 Williamson County Subdivision Regulations for Phase 2 of the Rio Ancho subdivision - Precinct #2.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 3 Valerie Covey (Absent)

10. Discuss, consider and take appropriate action on approval of preliminary plat for Ph 2 of the Rio Ancho subdivision - Pct 2.

Senior Director of Infrastructure Bob Daigh addressed the Court.

Motion by: Commissioner Precinct 2 Cynthia Long

Second by: Commissioner Precinct 4 Ron Morrison

Motion: To approve preliminary plat for Phase 2 of the Rio Ancho subdivision - Precinct #2.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 3 Valerie Covey (Absent)

11. Discuss, consider, take appropriate action on 2006 Road Bond transfer request per recommendation by Mike Weaver, Road Bond Manager to close following projects and move balances from O'Connor Blvd (P127) \$71,317.00, CR 179 (P124) \$43,456.00, CR 185/New Hope (P172) \$371,073.00, Hero Way (P189) \$498,199.00, 2nd Street UPRR Drainage (P155) \$234,474.00 and Chandler Road 3A (P247) \$190,648.00 to non-departmental (P156). In addition, move and close Seward Junction Improvement Study (P233) \$500,000.00 to Lakeline Blvd Ext Phase 2 (P170) and \$231,054.00 Bagdad Rd (CR 280-SH 29) (P272), and 2nd Street @ Taylor (P244) \$803,203.00 to CR 170 (P213). Also, move \$1,000,000.00 from non departmental (P156) to SH 195 (P149).

Senior Director of Infrastructure Bob Daigh addressed the Court.

Commissioner Birkman abstained in regards to Bagdad Road (Conflict of Interest Affidavit attached).

Motion by: Commissioner Precinct 2 Cynthia Long

Second by: Commissioner Precinct 4 Ron Morrison

Motion: To approve 2006 Road Bond transfer request per recommendation by Road Bond Manager Mike Weaver to close following projects and move balances from O'Connor Blvd (P127) \$71,317.00, County Road 179 (P124) \$43,456.00, County Road (CR) 185/New Hope (P172) \$371,073.00, Hero Way (P189) \$498,199.00, 2nd Street Union Pacific Railroad (UPRR) Drainage (P155) \$234,474.00 and Chandler Road 3A (P247) \$190,648.00 to non-departmental (P156). In addition, move and close Seward Junction Improvement Study (P233) \$500,000.00 to Lakeline Boulevard Extension Phase 2 (P170) and \$231,054.00 Bagdad Road (CR 280-State Highway (SH) 29) (P272), 2nd Street @ Taylor (P244) \$803,203.00 to CR 170 (P213), and move \$1,000,000.00 from non departmental (P156) to SH 195 (P149).

Aye: County Judge Dan A. Gattis

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 1 Lisa Birkman (Abstain)

Commissioner Precinct 3 Valerie Covey (Absent)

12. Discuss, consider and take appropriate action on a Quitclaim Release of Easement for the CR 267/CR 268 Right of Way.

Motion by: Commissioner Precinct 2 Cynthia Long

Second by: Commissioner Precinct 1 Lisa Birkman

Motion: To authorize the County Judge to execute a Quitclaim Release of Easement for the County Road (CR) 267/CR 268 Right of Way.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 3 Valerie Covey (Absent)

13. Discuss, consider and take appropriate action of a Transfer of Right of Way for Williams Drive to the City of Georgetown.

This item was pulled from the Agenda.

14. Discuss, consider and take appropriate action a Contract between Williamson County, Texas and City Of Hutto, Texas (WM-City of Hutto and Hutto ISD Landfill Fund) relating to a disbursement of landfill user fees from the WM-City of Hutto and Hutto ISD Landfill Fund to be used for payment of restoration costs associated with the restoration of the Hutto Co-op's southern cotton gin building as an open air community pavilion.

Motion by: Commissioner Precinct 4 Ron Morrison

Second by: Commissioner Precinct 2 Cynthia Long

Motion: To authorize the County Judge to execute a Contract between Williamson County, Texas and City Of Hutto, Texas (Williamson (WM)-City of Hutto and Hutto (Independent School District (ISD) Landfill Fund) relating to a disbursement of landfill user fees from the WM-City of Hutto and Hutto ISD Landfill Fund to be used for payment of restoration costs associated with the restoration of the Hutto Co-op's southern cotton gin building as an open air community pavilion.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 3 Valerie Covey (Absent)

15. **Discuss, consider and take appropriate action on Consulting Services Agreement between Rely Information Systems LLC, and Williamson County.**

This item was pulled from the Agenda.

16. **Discuss, consider and take appropriate action on affiliation agreement between Concordia University and Williamson County.**

Motion by: Commissioner Precinct 2 Cynthia Long

Second by: Commissioner Precinct 4 Ron Morrison

Motion: To authorize the County Judge to execute an Education Affiliation Agreement between Concordia University Texas and Williamson County, Texas.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 3 Valerie Covey (Absent)

17. **Discuss, consider, and take appropriate action on a resolution supporting End OP, L.P.**

This item was moved to Executive Session where no action was taken. After reconvening from Executive Session, no action was taken on this item.

18. **Discuss, consider and take appropriate action on approving Proposals for Fire Tests and Inspections from Convergent Technologies in relation to annual required fire alarm tests and inspections of sixteen different county facilities (DIR Contract #DIR-SDD-2216) and authorize the County Judge to execute each of the proposals.**

Senior Director of Infrastructure Bob Daigh addressed the Court.

Motion by: Commissioner Precinct 2 Cynthia Long

Second by: Commissioner Precinct 1 Lisa Birkman

Motion: To approve Proposals for Fire Tests and Inspections from Convergent Technologies in relation to annual required fire alarm tests and inspections of sixteen different county facilities (DIR Contract #DIR-SDD-2216) and authorize the County Judge to execute each of the proposals.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 3 Valerie Covey (Absent)

19. **Discuss, consider and take appropriate action regarding employment of the law firm of Allensworth & Porter, L.L.P. to represent Williamson County in relation to the legal review and revision of Williamson County's form design and construction contracts; and exemption of those attorney 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.**

This item was moved to Executive Session where no action was taken. After reconvening from Executive Session, no action was taken on this item.

20. Discuss, consider and take appropriate action to authorize temporary exception to competitive bidding requirements for procurement of janitorial services pursuant to Tex. Loc. Gov't Code § 262.024(2) ("public health or safety") and § 262.024(3) (potential "unforeseen damage to public property") in order to allow adequate time to complete procurement evaluation for RFP15103 for Janitorial Services and give Facilities Department additional time for contract management, including the need to address a transition period, if necessary, and approval of addendum to current contract regarding the extension through December 31, 2014 for the same pricing, terms and conditions as the existing contract. Request for exception to bidding is proposed until end of current calendar year (December 31, 2014) with recommendation for new contract term to start January 1, 2015 through the end of FY2015 (September 30, 2015).

Motion by: Commissioner Precinct 1 Lisa Birkman

Second by: Commissioner Precinct 2 Cynthia Long

Motion: To authorize temporary exception to competitive bidding requirements for procurement of janitorial services pursuant to Texas Local Government Code § 262.024(2) ("public health or safety") and § 262.024(3) (potential "unforeseen damage to public property") in order to allow adequate time to complete procurement evaluation for RFP15103 for Janitorial Services and give Facilities Department additional time for contract management, including the need to address a transition period, if necessary, and approval of Addendum for Janitorial Services Contract regarding the extension through December 31, 2014 for the same pricing, terms, and conditions as the existing contract. Request for exception to bidding is proposed until end of current calendar year (December 31, 2014) with recommendation for new contract term to start January 1, 2015 through the end of Fiscal Year 2015 (September 30, 2015).

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 3 Valerie Covey (Absent)

21. Discuss, consider, and take appropriate action on authorizing Purchasing Agent to advertise and receive bids for IFB#15IFB101, Culverts - Corrugated Metal.

Motion by: Commissioner Precinct 1 Lisa Birkman

Second by: Commissioner Precinct 2 Cynthia Long

Motion: To authorize Purchasing Agent to advertise and receive bids for Invitation for Bid (IFB) #15IFB101, Culverts - Corrugated Metal.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 3 Valerie Covey (Absent)

22. Discuss, consider, and take appropriate action on approving agreement between MTech Comfort Systems USA and Williamson County for the Installation of an HVAC system at the Williamson County Taylor Annex pursuant to TX-MAS contract TX-MAS-13-O3-FACC0110.

Motion by: Commissioner Precinct 1 Lisa Birkman

Second by: Commissioner Precinct 2 Cynthia Long

Motion: To approve Services Contract for Installation Component of HVAC System between MTech Comfort Systems USA and Williamson County for installation of a Heating, heating, ventilation, and air conditioning (HVAC) system at the Williamson County Taylor Annex pursuant to TX-MAS contract TX-MAS-13-O3-FACC0110.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 4 Ron Morrison
Other: Commissioner Precinct 3 Valerie Covey (Absent)

COMMISSIONERS' COURT RECESSED TO EXECUTIVE SESSION AT 9:54 A.M. ON TUESDAY, NOVEMBER 4, 2014.

23. Discussion regarding economic development negotiations pursuant to Texas Government Code, Section 551.087:
- a) Business prospect(s) that may locate or expand within Williamson County.
 - b) Discuss Pearson Road District.
 - c) Discuss North Woods Road District.
 - d) Discuss Kaufman Loop.

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 proposed SH 29 project.
 - c) Discuss proposed acquisition of property for right-of-way for future parkland.
 - d) Discuss possible acquisition of property with endangered species for mitigation purposes.
 - e) Discuss the acquisition of real property: Arterial H
 - f) Discuss the acquisition of real property: Tradesman Crossing
 - g) Discuss the acquisition of real property: Neenah Blvd.
 - h) Discuss the acquisition of real property: Landfill properties (Chandler Rd.)
 - i) Discuss the acquisition of real property: Inner Loop
 - j) Discuss the acquisition of real estate containing underground water rights and interests.
2. Property or Real Estate owned by Williamson County
- a) Discuss County owned real estate containing underground water rights and interests.
 - b) Discuss proposed sale of 98 acre tract abutting Blue Springs Blvd.
 - c) Discuss proposed trade of real estate adjacent to Chandler Rd. and CR 130
 - d) Discuss release of easement for the CR 267/CR 268 Right of Way
 - e) Discuss the transfer of ROW on Williams Drive to the City of Georgetown.

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.1:13- CV- 505, Robert Lloyd v. Lisa Birkman, et al., In The United States District Court for the Western District of Texas, Austin Division
 - e) Cause No. 13-0090-C26, Mathews v. Williamson County, In The District Court of Williamson County, Texas, 26th Judicial District.
 - f) Employee/personnel related matters
 - g) 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.
 - h) Civil Action No. 1:11-cv-907, Sarah Doe et al. v. Jerald Nevelev et al., In the United States District Court for the Western District of Texas Austin Division

- i) Mortgage Electronic Recording Systems (MERS) litigation.
- j) American Arbitration Association # 70 110 Y 00385 13; Williamson County, Texas v. Faulkner USA, Inc.
- k) 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
- l) Cause No. 1:12-CV-011222LY; Lance Brown v. Williamson County, Williamson County Sheriff's Office, Sheriff James Wilson and Shawn Wilson in the United States District Court for the Western District of Texas, Austin Division
- m) Claims and potential litigation regarding Ronald Reagan Boulevard North, Phase IV- Ranger Excavating, LP/Ramming Paving Company, LLC
- n) Case No. 5:14-cv-0766-XR; Wickerham v. Waterman et al., In the United States District Court for the Western District of Texas

No action was taken in Executive Session.

26. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline and/or dismissal of Williamson County officers, directors, employees and/or positions, including but not limited to conducting deliberation and discussion pertaining to annual reviews of department heads and appointed officials (Executive Session as per Tex. Gov. Code Section 551.074 – Personnel Matters).

No action was taken in Executive Session.

COMMISSIONERS' COURT RECONVENED FROM EXECUTIVE SESSION AT 11:25 A.M. ON TUESDAY, NOVEMBER 4, 2014.

27. Discuss and take appropriate action regarding economic development.

No action was taken on this item.

28. Discuss and take appropriate action on real estate.

No action was taken on this item.

29. 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.1:13- CV- 505, Robert Lloyd v. Lisa Birkman, et al., In The United States District Court for the Western District of Texas, Austin Division
 - e) Cause No. 13-0090-C26, Mathews v. Williamson County, In The District Court of Williamson County, Texas, 26th Judicial District.
 - f) Employee/personnel related matters
 - g) 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.
 - h) 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
 - i) Mortgage Electronic Recording Systems (MERS) litigation.
 - j) American Arbitration Association # 70 110 Y 00385 13; Williamson County, Texas v. Faulkner USA, Inc.
 - k) 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
 - l) Cause No. 1:12-CV-011222LY; Lance Brown v. Williamson County, Williamson County Sheriff's Office, Sheriff James Wilson and Shawn Wilson in the United States District Court for the Western District of Texas, Austin Division

m) Claims and potential litigation regarding Ronald Reagan Boulevard North, Phase IV- Ranger Excavating, LP/Ramming Paving Company, LLC
n) Case No. 5:14-cv-0766-XR; Wickerham v. Waterman et al., In the United States District Court for the Western District of Texas

Motion by: Commissioner Precinct 1 Lisa Birkman

Second by: Commissioner Precinct 2 Cynthia Long

Motion: To approve the filing of an alternative counterclaim for condemnation of the road at issue in Cause No. 12-0721-C277; W. Paul Reed, et al. v Williamson County, et al. pursuant to Texas Property Code, Section 21.017. [See 29(k) above.]

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 3 Valerie Covey (Absent)

30. **Discuss, consider and take appropriate action regarding the appointment, employment, evaluation, reassignment, duties, discipline and/or dismissal of Williamson County officers, directors or employees, including but not limited to any necessary action pertaining to conducting annual reviews of department heads and appointed officials.**

No action was taken on this item.

31. **Comments from Commissioners.**

Commissioner Birkman congratulated her parents on their 59th wedding anniversary.

COMMISSIONERS' COURT ADJOURNED AT 11:27 A.M. ON TUESDAY, NOVEMBER 4, 2014.

THE FOREGOING MINUTES had at a Regular Session of Commissioners' Court of Williamson County, Texas, having been read are hereby approved this 18th day of November 2014.



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

By: Carolyn Deibler, Deputy