



MINUTES OF THE WILLIAMSON COUNTY COMMISSIONERS' COURT MEETING APRIL 5, 2011

STATE OF TEXAS)(

COUNTY OF WILLIAMSON)(

BE IT REMEMBERED that at 9:40 A.M. on TUESDAY, APRIL 5, 2011, 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: Hal Hawes, Legal Advisor Commissioner's Court
Black Wehling, Deputy County Clerk

1. Review and approval of minutes.

Motion By: Commissioner Precinct 1 Lisa Birkman
Second By: Commissioner Precinct 4 Ron Morrison
Motion: To approve the minutes of the meeting of March 29, 2011.

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.

Accounts Payable/Payroll Manager Donna Baker addressed the Court.

Commissioner Birkman abstained in regards to payment of an invoice for San Gabriel Parkway.
(Conflict of Interest Affidavit attached)

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To authorize the payment of bills totaling \$4,004,027.38 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.

Jim Dillon of Liberty Hill addressed the Court.

Jeff Maurice of Hutto 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 - 7)**

5. Discuss and consider confirming the appointment of Michael Sean Stout as Deputy Constable for Precinct One.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long

Motion: To confirm the appointment of Michael Sean Stout as Deputy Constable for Precinct One.

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

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long

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

7. **Consider closing Miller Falls Drive at the Enclave in Stone Canyon from Longdraw Drive to Persimmon Springs from 2:30p.m.-7:30p.m. on Sat. April 9th for a block party and consider loaning 10 cones and 4 barricades from URS.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long

Motion: To approve the closing of Miller Falls Drive at the Enclave in Stone Canyon from Longdraw Drive to Persimmon Springs from 2:30p.m.-7:30p.m. on Saturday, April 9th for a block party and the loan of 10 cones and 4 barricades from URS.

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

8. **Discuss and take appropriate action on the Public Safety Technology Program.**

Director of GIS/Addressing Richard Semple addressed the Court.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To approve the policy regarding fees for support services to other agencies.

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 Addendum 1-A to existing agreement with Suddenlink Communications for internet bandwidth.**

Director of GIS/Addressing Richard Semple addressed the Court.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long

Motion: To approve Addendum 1-A to existing agreement with Suddenlink Communications for internet bandwidth.

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

Senior Director of Infrastructure Bob Daigh addressed the Court.

No action was taken.

11. **Consider authorizing County Judge to execute a Possession and Use Agreement with Wilford C. Schneider individually and as Trustee of the WCS Heritage Trust; John B. Schneider individually and as Trustee of the JBS Heritage Trust; and Janis K. Johnson individually and as Trustee of the JKJ Heritage Trust regarding right-of-way needed on SH 195. (Parcel 109)**

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 Wilford C. Schneider individually and as Trustee of the WCS Heritage Trust; John B. Schneider individually and as Trustee of the JBS Heritage Trust; and Janis K. Johnson individually and as Trustee of the JKJ Heritage Trust regarding right-of-way needed on SH 195. (Parcel 109)

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. **Consider authorizing County Judge to execute a Possession and Use Agreement with John B. Schneider, Trustee, for right-of-way on SH 195. (Parcel 109A)**

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 John B. Schneider, Trustee, for right-of-way on SH 195. (Parcel 109A)

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. **Consider authorizing County Judge to execute a Possession and Use Agreement with Wilford C. Schneider, Trustee, for right-of-way on SH 195. (Parcel 109B)**

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 Wilford C. Schneider, Trustee, for right-of-way on SH 195. (Parcel 109B)

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. **Consider authorizing County Judge to execute a Possession and Use Agreement with Janis K. Schneider, Trustee, for right-of-way on SH 195. (Parcel 109C)**

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 Janis K. Schneider, Trustee, for right-of-way on SH 195. (Parcel 109C)

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

15. **Discuss newly released County Health Rankings Data.**

Director of Williamson County & Cities Health District, Dr. Chip Riggins and WCCHD board member attorney Kerry Russell addressed the Court.

No action was taken.

16. **Consider approving termination of Agreement dated effective 08-01-1997 between Williamson County EMS and Scott & White Health Plan regarding ambulance services.**

Director of EMS Kenny Schnell addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve termination of an agreement dated effective 08-01-1997 between Williamson County EMS and Scott & White Health Plan regarding ambulance services.

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. **Consider approving Agreement to Extend Williamson County Professional Services Agreement for Dental Services at the Williamson County Jail.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve agreement to extend Williamson County Professional Services Agreement for Dental Services at the Williamson County Jail.

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. **Discuss and take appropriate action on Determination Letter for mitigation enrollment on 7220 and 7230 Wyoming Springs Drive in Round Rock (16.172 acres) for Prevariaon SL Round Rock LP.**

Director of Environmental Programs for Parks Department Gary Boyd addressed the Court.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To approve a Determination Letter for mitigation enrollment on 7220 and 7230 Wyoming Springs Drive in Round Rock (16.172 acres) for Prevarian Senior Living Round Rock, 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. **Discuss and take appropriate action to reimburse Taylor ISD for Williamson County's portion of cost associated with the appraisal and survey for a potential land exchange between the two entities involving property located at the Williamson County Events Center in Taylor, Texas.**

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To reimburse Taylor ISD for Williamson County's portion of cost associated with the appraisal and survey for a potential land exchange between the two entities involving property located at the Williamson County Events Center in Taylor, Texas.

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. **Discuss and take appropriate action regarding Texas legislative issues and bills that relate to county business.**

No action was taken.

21. **Consider and take appropriate action on the following findings by the Williamson County Commissioners Court in relation to reimbursing Dan A. Gattis for attorneys fees and costs that he incurred, in his personal capacity, in defense of a removal suit filed by Jana Duty in Cause No. 10-1428-C26; The State of Texas ex rel. Jana Duty, County Attorney of Williamson County, Texas vs. Dan A. Gattis, County Judge of Williamson County, Texas, In the 26th District Court, Williamson County, Texas (the "Removal Suit"):**

- (1) The interests of Williamson County were at stake in the Removal Suit as opposed to only Dan A. Gattis' personal interest being at stake in the Removal Suit;
- (2) The Removal Suit filed by Jana Duty against Dan A. Gattis was unsuccessful as it was ultimately dismissed with prejudice by Order of Dismissal dated January 21, 2011;
- (3) Any and all actions actually taken by Judge Dan A. Gattis relating to the Removal Suit were undertaken while acting in good faith within the scope of his official duties;
- (4) Williamson County shall reimburse Dan A. Gattis for all attorneys fees and costs incurred by him in the Removal Suit in the total amount of \$12,860.50; and
- (5) Order No. 53 of the Regular Session of the Williamson County Commissioners Court held on Tuesday, March 22, 2011 shall be replaced by the findings set forth herein.

The item was moved to Executive Session.

Legal Adviser to Commissioners' Court Hal Hawes addressed the Court.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To approve the following findings by the Williamson County Commissioners Court in relation to reimbursing Dan A. Gattis for attorneys fees and costs that he incurred, in his personal capacity, in defense of a removal suit filed by Jana Duty in Cause No. 10-1428-C26; The State of Texas ex rel. Jana Duty, County Attorney of Williamson County, Texas vs. Dan A. Gattis, County Judge of Williamson County, Texas, in the 26th District Court, Williamson County, Texas (the "Removal Suit"):

- (1) The interests of Williamson County were at stake in the Removal Suit as opposed to only Dan A. Gattis' personal interest being at stake in the Removal Suit;***
- (2) The Removal Suit filed by Jana Duty against Dan A. Gattis was unsuccessful as it was ultimately dismissed with prejudice by Order of Dismissal dated January 21, 2011;***
- (3) Any and all actions actually taken or omissions actually made by Judge Dan A. Gattis relating to the Removal Suit were undertaken while acting in good faith within the scope of his official duties;***
- (4) Williamson County shall reimburse Dan A. Gattis for all attorneys fees and costs incurred by him in the Removal Suit in the total amount of \$12,860.50; and***
- (5) Order No. 53 of the Regular Session of the Williamson County Commissioners Court held on Tuesday, March 22, 2011 shall be replaced by the findings set forth herein.***

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 from the Dais)

COMMISSIONERS' COURT RECESSED TO EXECUTIVE SESSION AT 10:59 A.M. ON TUESDAY, April 5, 2011.

22. 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 SH 195 0.805 South of Bell County Line to IH 35.
 - b) Discuss proposed acquisition of property for right-of-way for O'Connor Boulevard and 620 project.
 - c) Discuss proposed acquisition of property for right-of-way for Ronald Reagan Blvd. Phase II project from FM 3405 to Reagan Blvd.
 - d) Discuss proposed acquisition of property for right-of-way for Ronald Reagan Blvd. Phase III and Phase IV.
 - e) Discuss proposed acquisition of property for proposed SH 29 Safety Improvement project.
 - f) Discuss proposed acquisition of property for right-of-way along Lakeline extension.

- g) Discuss proposed acquisition of property for right-of-way along SW By-Pass.
- h) Discuss proposed acquisition of property for right-of-way along Pearson and Neenah.
- i) Discuss proposed Northwoods Road District.
- j) Discuss conveyance of University Boulevard right-of-way.
- k) Discuss proposed acquisition of property for right-of-way for US 79 Section 3 from East of Hutto to CR 402.
- l) Discuss proposed realignment project along FM 1660.
- m) Discuss proposed acquisition of property for right-of-way along Pond Springs Road.
- n) Discuss proposed acquisition of property for right-of-way along Chandler III A.
- o) 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.

No action was taken in Executive Session.

23. 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) Attorney Grievance filed with the Office of Chief Disciplinary Counsel of the State Bar of Texas against Jana L. Duty-Hunsicker- Grievance File No. A0021113619;
 - d) Civil Action No. 1:10-CV-00693-LY; Robert James Henry v. City of Taylor et al.; In the United States District Court for the Western District of Texas;
 - e) 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
 - f) Cause No. 10-1107-C368; Jana Duty, County Attorney of Williamson County, Texas vs. Dan A. Gattis, County Judge of Williamson County, Lisa Birkman, Cynthia Long, Valerie Covey, and Ron Morrison County Commissioners, David Flores, County Auditor, and Ashlie Koenig, Budget Officer; In the District Court, Williamson County, Texas, 368th Judicial District.
 - g) 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
 - h) Civil Action 1:10-CV-905; Kimberly Lee & Sharon McGuyer v. Williamson County; In the United States District Court for the Western District of Texas, Austin Division
 - i) Employment related matters.
 - j) Other confidential attorney-client matters, including contracts.

No action was taken in Executive Session.

24. Discuss economic development issues (EXECUTIVE SESSION as per VTCA Gov't Code Section 551.076 Deliberation regarding economic development project, to-wit Project Fan.)

No action was taken in Executive Session.

- 25. Discuss Homeland Security Air Sampling Program (EXECUTIVE SESSION as per VTCA Govt Code Section 551.076 – Deliberations regarding Security Devices).**

No action was taken in Executive Session.

COMMISSIONERS' COURT RECONVENED FROM EXECUTIVE SESSION AT 12:15 P.M. ON TUESDAY, April 5, 2011.

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

No action was taken on this item.

- 27. 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) Attorney Grievance filed with the Office of Chief Disciplinary Counsel of the State Bar of Texas against Jana L. Duty-Hunsicker- Grievance File No. A0021113619;
- d) Civil Action No. 1:10-CV-00693-LY; Robert James Henry v. City of Taylor et al.; In the United States District Court for the Western District of Texas;
- e) 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
- f) Cause No. 10-1107-C368; Jana Duty, County Attorney of Williamson County, Texas vs. Dan A. Gattis, County Judge of Williamson County, Lisa Birkman, Cynthia Long, Valerie Covey, and Ron Morrison County Commissioners, David Flores, County Auditor, and Ashlie Koenig, Budget Officer; In the District Court, Williamson County, Texas, 368th Judicial District.
- g) 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
- h) Civil Action 1:10-CV-905; Kimberly Lee & Sharon McGuyer v. Williamson County; In the United States District Court for the Western District of Texas, Austin Division
- i) Employment related matters.
- j) Other confidential attorney-client matters, including contracts.

No action was taken on this item.

- 28. Discuss and take appropriate action regarding economic development issues.**

No action was taken on this item.

- 29. Discuss and take appropriate action regarding Homeland Security Air Sampling Program.**

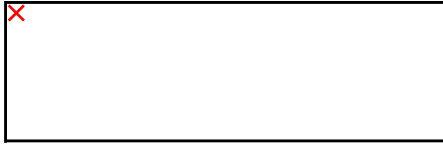
No action was taken on this item.

- 30. Comments from Commissioners.**

Commissioner Covey introduced high school seniors Logan Davenport and Colby Hickerson, who were participating in the Georgetown Optimists' Club's "Youth Appreciation Day".

**COMMISSIONERS' COURT ADJOURNED AT 12:19 P.M. ON TUESDAY,
April 5, 2011.**

THE FOREGOING MINUTES had at a Regular Session of Commissioners' Court of Williamson County, Texas, having been read are hereby approved this 12th day of April, 2011.



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

By: Black Wehling, Deputy