

MINUTES OF THE WILLIAMSON COUNTY COMMISSIONERS' COURT MEETING MAY 31, 2011

STATE OF TEXAS)(

COUNTY OF WILLIAMSON)(

BE IT REMEMBERED that at 9:42 A.M. on TUESDAY, MAY 31, 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 May 24, 2011 meeting.

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

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, 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 1 Lisa Birkman Second By: Commissioner Precinct 4 Ron Morrison

Motion: To authorize the payment of bills totaling \$2,632,143.61 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

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 - 19)

5. Discuss and consider approving a line item transfer for Constable Pct 1

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

Motion: To approve a line item transfer for Constable Precinct 1:

From	100-0551-003011	Computer Software	\$43.00
From	100-0551-003900	Membership	\$140.00
From	100-0551-004310	Advertising	\$150.00
From	100-0551-005740	Computer Equipment over 5000	\$189.00
From	100-0551-004410	Bond Premium	\$400.00
From	100-0551-004350	Printed Forms	\$282.00
То	100-0551-003010	Computer Equipment	\$1,204.00

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. Discuss and consider approving a line item transfer for JP2.

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

Motion: To approve a line item transfer for Justice of the Peace, Precinct 2:

From	0100-0452-004350	Printed Materials and Binding	\$550.00
То	0100-0452-004232	Training, Conf, and Seminars	\$550.00

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. Discuss and consider approving a line item transfer for Commissioner, Pct. #2.

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

Motion: To approve a line item transfer for Commissioner, Precinct #2:

From	0100-0212-004999	Misc.	\$286.18
То	0100-0212-001109	Cell phone stipend	\$240.00
То	0100-0212-002010	FICA	\$18.36
То	0100-0212-002020	Retirement	\$27.82

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

8. Discuss and take action on ESD 6 board appointment of Charles Dittman. Mr. Dittman is taking over the unexpired term of Forrest McBride and the term is for August 2010 to August 2012.

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

Motion: To approve the appointment of Charles Dittman to ESD # 6 Board.

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 road closure for Sendero Springs National Night Out on August 2, 2011 from 5:00 P.M. until 9:00 P.M. for neighborhood block party.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve road closure for Sendero Springs National Night Out on August 2, 2011 from 5:00 P.M. until 9:00 P.M. for neighborhood block party.

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. 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 1 Lisa Birkman

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

11. Consider and take appropriate action regarding Agreement between Williamson County and ESD #5 Jarrell for 2010/2011.

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

Motion: To approve the Agreement between Williamson County and ESD #5 Jarrell for 2010/2011.

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

12. Consider and take appropriate action regarding Agreement between Williamson County and Jarrell VFD for 2010/2011.

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

Motion: To approve the Agreement between Williamson County and Jarrell VFD for 2010/2011.

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

13. Consider and take appropriate action regarding Agreement between Williamson County and ESD #7 Florence for 2010/2011.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve the Agreement between Williamson County and ESD #7 Florence for 2010/2011.

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

14. Consider and take appropriate action regarding Agreement between Williamson County and Florence VFD for 2010/2011.

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

Motion: To approve the Agreement between Williamson County and Florence VFD for 2010/2011.

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

15. Consider and take appropriate action regarding Agreement between Williamson County and ESD #10 Coupland for 2010/2011.

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

Motion: To approve the Agreement between Williamson County and ESD #10 Coupland for 2010/2011.

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

16. Discuss and consider approval for the preliminary plat of Hines Ranches - Pct. #3

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

Motion: To approve the preliminary plat of Hines Ranches - Precinct #3.

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. Discuss and consider setting speed limit of 25 mph on Sanaloma Drive from Airport Road to Sierra Drive, Pct. #3.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To set a speed limit of 25 mph on Sanaloma Drive from Airport Road to Sierra Drive, Precinct #3.

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 consider variance to 25' building setback line for proposed Lot 216 of Forest North Estates Phase 2 – Pct. #1.

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

Motion: To approve a variance to the 25' building setback line for proposed Lot 216 of Forest North Estates Phase 2 – Precinct #1.

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 consider approving two agreements with the Law Offices of Charles S. Frigerio, P.C. in relation to the firm's representation of the named county defendants in 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; and in 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.

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

Motion: To approve two agreements with the Law Offices of Charles S. Frigerio, P.C. in relation to the firm's representation of the named county defendants in 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; and in 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.

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

20. Receive a presentation on the status of the parking garage and take appropriate action regarding the garage investigation and repairs.

Senior Director of Infrastructure Bob Daigh addressed the Court. No action was taken.

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

Senior Director of Infrastructure Bob Daigh addressed the Court. No action was taken.

22. Discuss and take appropriate action regarding granting a 30 day extension (making the due date July 1, 2011) to ESD # 5 for the audit FY2010.

Motion By: County Judge Dan A. Gattis

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To grant a 30 day extension to ESD # 5 for the audit FY2010 (making the due date July 1, 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

23. Discuss and approve a Residential Contract on property located at 22007 Hwy. 79, Taylor, TX.

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 2 Cynthia Long

Motion: To approve a Residential Contract on property located at 22007 Hwy. 79, Taylor, TX.

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

24. Consider authorizing a change to the awarded per meal price of food service at the Jail with the addition of milk.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To authorize a change to the awarded per-meal price of food service at the Jail with the addition of milk.

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

25. Consider an order declaring an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment to acknowledge additional revenues for May 2011 Extra Duty and Voluntary Duty:

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To declare an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment to acknowledge additional revenues for May 2011 Extra Duty and Voluntary Duty:

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ш	0100-0000-341220	Vol Duty Revenue, SO	\$11,767.25
ш	0100-0000-341220	voi buly neveriue, 30	911,101.23
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0100-0000-341240	Ex Duty Revenue, SO	\$33,691.16
0100-0000-341221	Revenue, Const 1	\$1,984.80
0100-0000-341222	Revenue, Const 2	\$2,196.23
0100-0000-341224	Revenue, Const 4	\$24,636.56
0100-0000341226	Revenue, Juv	\$168.98

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

26. Consider an order declaring an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment to acknowledge additional expenditures for May 2011 Extra Duty and Voluntary Duty pay:

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey

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 May 2011 Extra Duty and Voluntary Duty pay:

0100-0551-001118	Payroll, Const 1	\$1,600.00
0100-0551-002010	FICA, Const 1	\$122.40
0100-0551-002020	Retirement, Const 1	\$182.40
0100-0551-002050	Worker's Comp, Const 1	\$80.00
0100-0552-001117	Payroll, Const 2	\$405.00
0100-0552-001118	Payroll, Const 2	\$1,402.66
0100-0552-002010	FICA, Const 2	\$138.28
0100-0552-002020	Retirement, Const 2	\$159.90
0100-0552-002050	Worker's Comp, Const 2	\$90.38
0100-0554-001117	Payroll, Const 4	\$21,870.00
0100-0554-002010	FICA, Const 4	\$1,673.06
0100-0554-002050	Worker's Comp, Const 4	\$1,093.50
0100-0560-001117	Vol Duty, SO	\$8,492.80
0100-0560-001118	Extra Duty, SO	\$27,159.34
0100-0560-002010	FICA, SO	\$2,727.39
0100-0560-002020	Retirement, SO	\$3,096.16
0100-0560-002050	Worker's Comp, SO	\$1,782.61
0100-0570-001117	Payroll, Jail	\$1,953.05
0100-0570-002010	FICA, Jail	\$149.41
0100-0570-002050	Worker's Comp, Jail	\$97.65
0100-0576-001117	Payroll, Juv	\$150.00
0100-0576-002010	FICA, Juv	\$11.48
0100-0576-002050	Worker's Comp, Juv	\$7.50

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

COMMISSIONERS' COURT RECESSED TO EXECUTIVE SESSION AT 10:16 A.M. ON TUESDAY, MAY 31, 2011.

- 27. Discuss real estate matters (EXECUTIVE SESSION as per VTCA Govt. Code sec. 551.0721

 Deliberation Regarding Real Estate Property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with third person.)
 - 1. Proposed or potential purchase of 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.
 - I) 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.

28. Discuss possible execution of land leases for communication towers pursuant to VTCA Govt. Code sec. 551.0721 Deliberation Regarding Real Estate Property.

No action was taken in Executive Session.

- 29. 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) 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
 - i) 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;
 - j) 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 k) Employment related matters.
 - I) Other confidential attorney-client matters, including contracts.

No action was taken in Executive Session.

COMMISSIONERS' COURT RECONVENED FROM EXECUTIVE SESSION AT 11:50 A.M. ON TUESDAY, MAY 31, 2011.

30. Discuss and take appropriate action on real estate.

No action was taken.

31. Discuss and take appropriate action on land leases for communication towers.

No action was taken.

- **32.** 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) 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
- i) 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;
- j) 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
- k) Employment related matters.
- I) Other confidential attorney-client matters, including contracts.

No action was taken.

33. Comments from Commissioners.

There were no comments.

COMMISSIONERS' COURT ADJOURNED AT 11:50 A.M. ON TUESDAY, MAY 31, 2011.

THE FOREGOING MINUTES had at a Regular Session of Commissioners' Court of Williamson County, Texas,
having been read are hereby approved this 7th day of June, 2011.
X
ATTEST: Nancy E. Rister, Clerk of Commissioners' Court, Williamson County, Texas

By: Black Wehling, Deputy