



MINUTES OF THE WILLIAMSON COUNTY COMMISSIONERS' COURT MEETING JUNE 7, 2011

STATE OF TEXAS)(

COUNTY OF WILLIAMSON)(

BE IT REMEMBERED that at 9:39 A.M. on TUESDAY, JUNE 7, 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 31, 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

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

Motion By: Commissioner Precinct 3 Valerie Covey
Second By: Commissioner Precinct 2 Cynthia Long
Motion: To note in the minutes off right-of-way work, including:
- clearing of trees and brush on the Voss property on County Road 239, Precinct #3
- temporary construction easement to replace cross drainage culvert on the Ging property, Precinct #4.

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

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 2 Cynthia Long

Motion: To authorize the payment of bills totaling \$2,741,437.06 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

COMMISSIONERS' COURT RECESSED AT 9:53 A.M. ON TUESDAY, JUNE 7, 2011.

COMMISSIONERS' COURT RECONVENED AT 10:15 A.M. ON JUNE 7, 2011.

4. **Citizen comments.**

No one 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 – 9)

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

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 4 Ron Morrison

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

<i>From</i>	<i>0100-0454-004192</i>	<i>Autopsy Transport</i>	<i>\$5,700.00</i>	<input type="checkbox"/>
<i>To</i>	<i>0100-0454-004190</i>	<i>Autopsies</i>	<i>\$5,700.00</i>	<input type="checkbox"/>

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 Human Resources**

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 4 Ron Morrison

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

<i>From</i>	<i>0100-0402-003010</i>	<i>Computer Equipment < \$5,000</i>	<i>\$350.00</i>
<i>To</i>	<i>0100-0402-003011</i>	<i>Computer Software < \$5,000</i>	<i>\$350.00</i>

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 approving the Treasurer's Report on the Williamson County Finances for April 2011.**
8. **Consider authorizing the transfer of various equipment items through inter-office transfer, auction, donation, or destruction.**

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 4 Ron Morrison

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

9. **Discuss and take appropriate action on approving the revised final plat of Lorie Anna Estates, Pct. 3.**

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To approve the revised final plat of Lorie Anna Estates, 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

REGULAR AGENDA

10. **Presentation on Highway 195 by Bell County Commissioners Court, Lieutenant General Donald M. Campbell Jr. Corps Commander at Fort Hood and Greater Killeen Chamber of Commerce.**

County Judge Jon H. Burrows of Bell County and Lieutenant General Donald M. Campbell Jr., 3 Corps Commander at Fort Hood, addressed the Court.

No action was taken.

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

Senior Director of Infrastructure Bob Daigh addressed the Court.

No action was taken.

12. Consider approving Change Order No. 4 in the amount of \$41,558.79 for Chandler Road Phase 3B, a Road Bond Project in Precinct Four.

Senior Director of Infrastructure Bob Daigh addressed the Court.

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve Change Order No. 4 in the amount of \$41,558.79 for Chandler Road Phase 3B, a Road Bond Project in Precinct 4.

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 park rules for the Quarry Splash Pad in the Southwest Regional Park.

Senior Director of Parks & Recreation Jim Rodgers addressed the Court.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To adopt the recommended park rules for the Quarry Splash Pad in the Southwest Regional Park.

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 change fund for the Quarry Splash Pad in the Southwest Regional Park.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To approve a Change Fund for the Quarry Splash Pad in the Southwest Regional Park.

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 and take appropriate action regarding 4/1/2011 thru 9/30/2011 employer contribution invoices for The Williamson Museum.**

Human Resources Health Plan Specialist Suzanne Hays, First Assistant County Auditor Julie Kiley and Budget Officer Ashlie Koenig addressed the Court.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To deny the Williamson Museum's request to lower employer health insurance contribution invoices for a vacant position from April to September.

Aye: Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Nay: County Judge Dan A. Gattis

Commissioner Precinct 2 Cynthia Long

16. **Discuss and take appropriate action on the First Amendment to the Interlocal Agreement with Williamson County MUD #10 for law enforcement services.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve the First Amendment to the Interlocal Agreement with Williamson County MUD #10 for law enforcement 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

First Assistant County Auditor Julie Kiley addressed the Court

17. **Consider approving lodging reimbursement for County Court at Law No. 3.**

First Assistant County Auditor Julie Kiley addressed the Court.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: County Judge Dan A. Gattis

Motion: To approve Austin lodging reimbursement at a maximum of \$195.52 and with no per diem for County Court at Law No. 3:

<i>From</i>	<i>100-428-4232</i>	<i>Training, Conf., Seminars</i>	<i>\$195.52</i>
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Aye: County Judge Dan A. Gattis

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 4 Ron Morrison

Nay: Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 3 Valerie Covey

18. **Discuss and take appropriate action on Tobacco Account budget.**

Kathy Grimes, Executive Assistant to the Commissioner of Precinct # 2 and First Assistant County Auditor Julie Kiley addressed the Court.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve funding for the following out of the Tobacco Account budget:

Medicaider - \$15,000;

Lonestar Circle of Care - \$153,000;

Samaritan Health Ministries - \$57,000;

Mobile Outreach Team - \$164,097.

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. **The Federal Disaster Mitigation Act of 2000 and the Federal Emergency Management Agency (FEMA) require communities to develop and adopt hazard mitigation action plans (HMAP) to be eligible for the full-range of both pre and post-disaster hazard mitigation funding through the federal government. Williamson County as a plan participant passed a resolution adopting the Texas Colorado River Floodplain Coalition regional HMAP on May 17, 2011. Changes to the plan, not involving Williamson County, were submitted and approved by FEMA which requires a subsequent approval by Commissioner's Court.**

Emergency Management Manager Jarred Thomas addressed the Court.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 2 Cynthia Long

Motion: To approve changes to the Texas Colorado River Floodplain Coalition Regional HMAP Plan, not involving Williamson County, as required by FEMA.

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 consider adopting a Fireworks Ban Order prohibiting the sale or use of restricted fireworks ("skyrockets with sticks" and "missiles with fins") in the unincorporated areas of Williamson County pursuant to Section 352.051 of the Texas Local Government Code, as well as discuss and consider any additional measures that may be taken to restrict the sale or use of all other types of fireworks in Williamson County should current drought conditions continue or worsen.**

The following persons addressed the Court:

Williamson County Manager of Emergency Management Jarred Thomas

Legal Advisor to the Commissioners' Court Hal Hawes

Leander Fire Chief Bill Gardner

Chester Davis, owner of American Fireworks and President of the Texas Pyrotechnic Association

Jollyville Fire Chief John Kiracofe

Georgetown Fire Chief Robert Fite

Senior Director of Emergency Services John Sneed

Taylor Fire Chief Pat Ekiss

Captain Mike Gleason of the Williamson County Sheriff's Office

21. Consider authorizing advertising and setting date of June 27, 2011 at 3:00pm in the Purchasing Department to initially receive qualifications for PROFESSIONAL SERVICES, 2006 ROAD BOND PROGRAM, RFQ# 11WCRFQ1005.

This item was pulled from the agenda.

22. Consider declaring an emergency and approving a budget amendment to acknowledge additional expenditures for JP#4.

Budget Officer Ashlie Koenig addressed the Court.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To declare an emergency and approve a budget amendment to acknowledge additional expenditures for the Justice of the Peace, Precinct #4:

0100-0454-004190	JP#4 / Autopsies	\$70,200
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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. Consider an order declaring an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment for County Attorney Title IV-E Child Welfare Legal Services:

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To declare an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment for the County Attorney, Title IV-E Child Welfare Legal Services:

0100-0000-370504	Title IV-E Reimbursements	\$23,000.00
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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 an order declaring an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment to acknowledge use of County Attorney Title IV-E Child Welfare Legal Services funds:

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To declare an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment to acknowledge use of County Attorney Title IV-E Child Welfare Legal Services funds:

0100-0475-003312	Justice Benefits	\$23,000.00
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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 for Park Donations:**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To declare an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment for Park Donations:

0100-0000-367403	Park Donations	\$3,300.00
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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 use of Park Donations:**

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To declare an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment to acknowledge use of Park Donations:

0100-0510-003670	Use of Donations	\$3,300.00
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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 12:40 P.M. ON TUESDAY, JUNE 7, 2011.

27. **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.
l) Other confidential attorney-client matters, including contracts.

No action was taken in Executive Session.

COMMISSIONERS' COURT RECONVENED FROM EXECUTIVE SESSION AT 12:52 P.M. ON TUESDAY, JUNE 7, 2011.

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) 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.
 - l) Other confidential attorney-client matters, including contracts.

No action was taken on this item.

29. **Comments from Commissioners.**

There were no comments.

**COMMISSIONERS' COURT ADJOURNED AT 12:52 P.M. ON
TUESDAY, JUNE 7, 2011.**

THE FOREGOING MINUTES had at a Regular Session of Commissioners' Court of Williamson County, Texas, having been read are hereby approved this 14th day of June, 2011.



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

By: Black Wehling, Deputy