



**MINUTES OF THE WILLIAMSON COUNTY COMMISSIONERS' COURT MEETING
JUNE 28, 2011**

STATE OF TEXAS)(

COUNTY OF WILLIAMSON)(

BE IT REMEMBERED that at 9:34 A.M. on TUESDAY, JUNE 28, 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
Cynthia Long, Commissioner Precinct 2
Valerie Covey, Commissioner Precinct 3
Ron Morrison, Commissioner Precinct 4
Nancy E. Rister, County Clerk

Absent: Lisa Birkman, Commissioner Precinct 1

Attendees: Hal Hawes, Legal Advisor Commissioner's Court
Black Wehling, Deputy County Clerk

1. Review and approval of minutes.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To approve the minutes of the June 21, 2011 meeting.

Aye: County Judge Dan A. Gattis

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, 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 4 Ron Morrison

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To authorize the payment of bills totaling \$2,474,686.34 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 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

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 – 10)

5. **Discuss and consider approving a line item transfer for the District Attorney's Office.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To approve a line item transfer for the District Attorney's Office:

<i>from</i>	<i>0100-0440-004623</i>	<i>Equipment lease</i>	<i>\$1,300.00</i>
<i>to</i>	<i>0100-0440-003005</i>	<i>Office Furniture</i>	<i>\$1,300.00</i>

Aye: County Judge Dan A. Gattis

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 the Human Resources Department**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 4 Ron Morrison

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

Department:

<i>From</i>	<i>0100-0402-004310</i>	<i>Advertising and Legal Notices</i>	<i>\$6,200.00</i>
<i>To</i>	<i>0100-0402-004100</i>	<i>Professional Services</i>	<i>\$6,200.00</i>

Aye: County Judge Dan A. Gattis

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 May 2011.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To approve the Treasurer's Report on the Williamson County Finances for May, 2011.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

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

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To authorize the transfer of various equipment items through inter-office transfer, auction, donation, destruction, or trade-in, with the exception of nine county radios included in the list.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

9. Discuss and take appropriate action regarding Agreement for 2010/2011 with Emergency Services District #1, Jollyville.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To approve an Emergency Service Agreement for 2010/2011 with Emergency Services District #1 (Jollyville).

Aye: County Judge Dan A. Gattis

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

10. **Discuss and take appropriate action regarding Agreement for 2010/2011 with Jollyville Volunteer Fire Department.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To approve the Emergency Service Agreement for 2010/2011 with Jollyville Volunteer Fire Department.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

REGULAR AGENDA

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

Senior Director of Infrastructure Bob Daigh addressed the Court.

12. **Consider authorizing County Judge to execute a Real Estate Contract with Mark and Darla Ekrut for ROW needed on SH 29 Advance Acquisition.**

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To authorize the County Judge to execute a Real Estate Contract with Mark and Darla Ekrut for right-of-way needed on State Highway 29 Advance Acquisition.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

13. **Discuss and take appropriate action on clarifying the meaning and intent of prohibiting a Public Display of Fireworks on a day when a Red Flag Warning has been issued by the National Weather Service, as more fully set forth in Paragraph 7(c) of the current Order Declaring a Local State of Disaster.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long

Motion: To have Legal Advisor to the Commissioners' Court Hal Hawes draft a letter to clarify the meaning and intent of prohibiting a Public Display of Fireworks on a day when Red Flag conditions have been issued by the National Weather Service, as more fully set forth in Paragraph 7(c) of the current Order Declaring a Local State of Disaster.

Aye: County Judge Dan A. Gattis
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

Round Rock Fire Marshal Billy Wusterhausen and Legal Advisor to Commissioners' Court Hal Hawes addressed the Court.

- 14. Discuss and take action on a resolution adopting the Texas Colorado River Floodplain Coalition Hazard Mitigation Action Plan in which Williamson County participates.**

Deedra Harrison of the Office of Emergency Management and Legal Advisor to Commissioners' Court Hal Hawes addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: County Judge Dan A. Gattis

Motion: To approve a resolution adopting the Texas Colorado River Floodplain Coalition Hazard Mitigation Action Plan.

Aye: County Judge Dan A. Gattis
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

- 15. Discuss and take appropriate action on a District Office Lease Contract between the Committee on House Administration of the House of Representatives of the State of Texas, Texas State Representative Charles Schwertner and Williamson County.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To approve a District Office Lease Contract between the Committee on House Administration of the House of Representatives of the State of Texas, Texas State Representative Charles Schwertner and Williamson County.

Aye: County Judge Dan A. Gattis
Commissioner Precinct 2 Cynthia Long
Commissioner Precinct 3 Valerie Covey
Commissioner Precinct 4 Ron Morrison

- 16. Discuss and take appropriate action regarding Interlocal Contract for PSAP Maintenance, Equipment Upgrade, and Training with CAPCOG.**

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To approve an Interlocal Contract for Public Service Answering Points (PSAP) maintenance, equipment upgrade, and training with the Capitol Area Council of Governments (CAPCOG).

Aye: County Judge Dan A. Gattis

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

17. Discuss and take appropriate action regarding Interlocal Contract For Enhanced 911 Database Program with CAPCOG.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To approve an Interlocal Contract For Enhanced 911 Database Program with the Capitol Area Council of Governments (CAPCOG).

Aye: County Judge Dan A. Gattis

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

18. Discuss and take appropriate action regarding requesting a portion of unclaimed capital credits from Texas Comptroller of Public Accounts and certification of purpose of the funds in compliance with Section 381.004 of the Texas Local Government Code.

Administrative Assistant to the County Judge Peggy Vasquez and Assistant Financial Director Melanie Denny addressed the Court.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To approve the request of a portion of unclaimed capital credits from Texas Comptroller of Public Accounts and certification of purpose of the funds in compliance with Section 381.004 of the Texas Local Government Code.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

19. Discuss and take appropriate action regarding the County Holiday Schedule for the Budget Year 2011/2012.

District 368 Judge Burt Carnes addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long

Motion: To approve the proposed County Holiday Schedule for the Budget Year 2011/2012, with the substitution of Thursday, April 5, 2012 for the proposed date of Monday, April 9, 2011.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

20. Discuss and consider approving the 2012 Renewal for the VINE (Victim Information & Notification Everyday) Program with Appriss.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To approve the 2012 renewal for the VINE (Victim Information & Notification Everyday) Program with Appriss, Incorporated.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Administrative Assistant to the County Judge Peggy Vasquez addressed the Court.

21. Consider awarding proposals received for Tax Statement Printing for Williamson County Tax Office to the best proposal meeting specifications, Information Management Solutions, LLC.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To award proposals received for Tax Statement Printing for Williamson County Tax Office to the best proposal meeting specifications, Information Management Solutions, LLC.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

22. Consider awarding bids received for Pharmaceuticals for the Williamson County Regional Animal Shelter to the low bidders meeting specifications - complete list filed with official minutes

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To award bids received for Pharmaceuticals for the Williamson County Regional Animal Shelter to the low bidders meeting specifications - complete list filed with official minutes.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

23. **Consider re-awarding existing contract for Guard Rail Materials # 10WCAP048 to Texas Corrugators allowing for 10% price increase for steel items and 3% increase for timber items for the contract period July 1, 2011 through June 30, 2012- documentation attached.**

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To re-award the existing contract for Guard Rail Materials, # 10WCAP048, to Texas Corrugators, allowing for 10% price increase for steel items and 3% increase for timber items for the contract period July 1, 2011 through June 30, 2012- documentation attached.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

24. **Consider declaring an emergency and approving a budget amendment to acknowledge additional expenditures for the Law Library.**

Motion By: County Judge Dan A. Gattis

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To declare an emergency and approve a budget amendment to acknowledge additional expenditures for the Law Library:

0350-0680-005758	Law Library/Law Books	\$64,000.00
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Aye: County Judge Dan A. Gattis

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

25. **Discuss and take appropriate action on retaining The Law Office of Randy T. Leavitt to provide legal counsel and advice to Williamson County and the members of the Williamson County Commissioners Court in relation to litigation matters and non-litigation matters; 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.**

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To retain The Law Office of Randy T. Leavitt to provide legal counsel and advice to Williamson County and the members of the Williamson County Commissioners Court in relation to litigation matters and non-litigation matters, 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.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

COMMISSIONERS' COURT RECESSED TO EXECUTIVE SESSION AT 10:00 A.M. ON TUESDAY, JUNE 28, 2011.

26. 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 RM 2338 Phase II.
- b) Discuss proposed acquisition of property for right-of-way for SH 195 0.805 South of Bell County Line to IH 35.
- c) 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.
- d) Discuss proposed acquisition of property for right-of-way for O'Connor Boulevard and 620 project.
- e) Discuss proposed acquisition of property for right-of-way for Ronald Reagan Blvd. Phase II project from FM 3405 to Reagan Blvd.
- f) Discuss proposed acquisition of property for right-of-way for Ronald Reagan Blvd. Phase III and Phase IV.
- g) Discuss proposed acquisition of property for proposed SH 29 project.
- h) Discuss proposed acquisition of property for right-of-way for US 79 Section 3 from East of Hutto to CR 402.
- i) Discuss proposed acquisition of property for right-of-way for US 79 Section 5A from East of Taylor to Thrall.

- j) Discuss proposed acquisition of property for right-of-way on CR 274/San Gabriel Parkway.**
- k) Discuss proposed acquisition of property for right-of-way along Lakeline extension.**
- l) Discuss proposed acquisition of property for right-of-way along Great Oaks extension.**
- m) Discuss proposed acquisition of property for right-of-way along SW By-Pass.**
- n) Discuss proposed acquisition of property for right-of-way along Pearson and Neenah.**
- o) Discuss proposed Avery Station RID.**
- p) Discuss proposed acquisition of drainage easements along CR 138.**
- q) Discuss proposed acquisition of land for Parks Facility.**

No action was taken in Executive Session.

- 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 11:31 A.M. ON TUESDAY, JUNE 28, 2011.

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

No action was taken.

- 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) 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.

30. Comments from Commissioners.

Judge Gattis noted that there would be no Commissioner's Court meeting on Tuesday, July 5, 2011.

COMMISSIONERS' COURT ADJOURNED AT 11:33 A.M. ON TUESDAY, JUNE 28, 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 July, 2011.



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

By: Black Wehling, Deputy