



**MINUTES OF THE WILLIAMSON COUNTY COMMISSIONERS' COURT MEETING
NOVEMBER 15, 2011**

STATE OF TEXAS)(

COUNTY OF WILLIAMSON)(

BE IT REMEMBERED that at 9:41 A.M. on **TUESDAY, NOVEMBER 15, 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

Others Present: Black Wehling, Deputy County Clerk
Carolyn Deibler, Deputy County Clerk

1. Review and approval of minutes.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To approve the minutes of the November 8, 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 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 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 \$3,084,176.78 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 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

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 – 9)

5. **Discuss and consider approving a line item transfer for Non Departmental.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To approve a line item transfer for Non Departmental:

<i>From</i>	<i>0100-0540-004541</i>	<i>EMS/Vehicle Repairs</i>	<i>\$20,535.81</i>	<i> </i>
<i>To</i>	<i>0100-0409-004998</i>	<i>Non Dept/Contingencies</i>	<i>\$20,535.81</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

6. **Discuss and consider a line item transfer for the Health District.**

Budget Officer Ashlie Blaylock addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To approve a line item transfer for the Health District:

<i>From</i>	<i>0100-0409-004998</i>	<i>Non Dept/Contingencies</i>	<i>\$29,945.38</i>	<i> </i>
<i>To</i>	<i>0100-0630-004704</i>	<i>Hlth Dist/Coop Agreement</i>	<i>\$29,945.38</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. Discuss and consider approving a line item transfer for JP4.

Motion By: Commissioner Precinct 3 Valerie Covey

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>0100-0454-001100</i>	<i>Salaries</i>	<i>\$1,052.69</i>	<i> </i>
<i>To</i>	<i>0100-0454-001107</i>	<i>Temp Labor</i>	<i>\$1,052.69</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

8. To discuss and take appropriate action on line item transfer for Road and Bridge.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To approve a line item transfer for Road and Bridge:

<i>FROM</i>	<i>0200-0210-003010</i>	<i>Computer Equipment < \$5,000</i>	<i>\$3,900.00</i>	<i> </i>
<i>TO</i>	<i>0200-0210-004621</i>	<i>Copier Rental and Supplies</i>	<i>\$3,900.00</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

9. 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 approve the transfer of various equipment items through inter-office transfer, auction, donation, destruction, or trade-in.

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. Discuss and take appropriate action regarding a Proclamation designating November as Pancreatic Cancer Awareness Month.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To approve a proclamation designating November as Pancreatic Cancer Awareness Month.

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. Hear the November 2011 Construction Summary Report.

Senior Director of Infrastructure Bob Daigh and Project Manager James Klotz of Howard, Needles, Tammen & Bergendoff (HNTB) addressed the Court.

12. Discuss and consider approving the proposed pre-qualified list for Landscape Architecture CSS work for RFQ#11WCRFQ1006.

Senior Director of Infrastructure Bob Daigh addressed the Court.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To approve the proposed pre-qualified list for Landscape Architecture Context Sensitive Solutions (CSS) work for RFQ#11WCRFQ1006.

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. **Discuss and consider approving updated pre-qualified lists for both Geotechnical [RFQ #11WCRFQ1007] & Environmental [RFQ #11WCRFQ1005] Services each adding one additional firm.**

Senior Director of Infrastructure Bob Daigh addressed the Court.

Motion By: Commissioner Precinct 1 Lisa Birkman

Second By: Commissioner Precinct 4 Ron Morrison

Motion: To approve updated pre-qualified lists for both Geotechnical [RFQ #11WCRFQ1007] and Environmental [RFQ #11WCRFQ1005] Services, each adding one additional firm.

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 approving Change Order No. 3 in the amount of \$66.60 for San Gabriel Parkway Phase 2, a Road Bond Project in Precinct Two.**

Senior Director of Infrastructure Bob Daigh 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 2 Cynthia Long

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To approve Change Order No. 3 in the amount of \$66.60 for San Gabriel Parkway Phase 2, a Road Bond Project in Precinct #2.

Aye: County Judge Dan A. Gattis

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Commissioner Precinct 4 Ron Morrison

Other: Commissioner Precinct 1 Lisa Birkman (Abstain)

15. **Discuss and take appropriate action on advertisement for sale of property located on Ronald Reagan Boulevard.**

Attorney Charles Crossfield of Sheets & Crossfield addressed the Court.

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: County Judge Dan A. Gattis

Motion: To instruct the Purchasing Department and Attorney Charles Crossfield of Sheets and Crossfield to develop specifications in order to go out for bid on excess land along Ronald Reagan Boulevard.

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. **Consider authorizing the County Judge to execute a First Amendment to Interlocal Agreement between Williamson County and the City of Taylor, Texas regarding the reconstruction of Business 79 in Taylor, Texas and take appropriate action.**

Attorney Charles Crossfield of Sheets and Crossfield addressed the Court.

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 3 Valerie Covey

Motion: To authorize the County Judge to execute a First Amendment to Interlocal Agreement between Williamson County and the City of Taylor, Texas regarding the reconstruction of Business 79 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

17. **To discuss and take action on correction of Agenda Items #16 & #17 from the Williamson County Commissioners Court Session held on November 1, 2011.**

Legal Advisor to Commissioner Court Hal Hawes and County Clerk Nancy Rister addressed the Court.

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: County Judge Dan A. Gattis

Motion: To rescind any action taken on November 1, 2011 on Agenda Items #16 & #17 and acknowledge the Change Orders #7 & #8 approved by Gary Wilson, Director of Facilities.

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. **Consider awarding bids received for SH 29 Intersection Improvements at Park Place and Jack Nicklaus, Williamson County Project no. 11WC916 to lowest and best bidder – Wolff Construction, LP.**

Motion By: Commissioner Precinct 3 Valerie Covey

Second By: Commissioner Precinct 2 Cynthia Long

Motion: To approve Wolff Construction, LP as the lowest and best bidder for the State Highway 29 Intersection Improvements at Park Place and Jack Nicklaus; Williamson County Project No. 11WC916.

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. Consider awarding proposals received for Janitorial Services to the overall best proposal meeting specifications, Spotless Cleaning.**

Purchasing Director Bob Space, Legal Advisor to Commissioners' Court Hal Hawes and Facilities Director Gary Wilson addressed the Court.

Motion By: Commissioner Precinct 4 Ron Morrison

Second By: Commissioner Precinct 2 Cynthia Long

Motion: To award the Janitorial Services Contract to Spotless Cleaning as the overall best proposal meeting specifications as recommended by the committee.

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. 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 2 Cynthia Long

Second By: Commissioner Precinct 1 Lisa Birkman

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	\$150.00
-------------------------	-----------------------	-----------------

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Other: Commissioner Precinct 4 Ron Morrison (Absent from the Dais)

- 21. 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 2 Cynthia Long

Second By: Commissioner Precinct 1 Lisa Birkman

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	\$150.00
-------------------------	-------------------------	-----------------

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Other: Commissioner Precinct 4 Ron Morrison (Absent from the Dais)

22. Consider an order declaring an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment for the Sheriff's Office Donations:

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To declare an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment for Sheriff's Office Donations:

0100-0000-367400	Donations	\$268.50
-------------------------	------------------	-----------------

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Other: Commissioner Precinct 4 Ron Morrison (Absent from the Dais)

23. Consider an order declaring an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment for the Use of Victims Assistance Donations:

Motion By: Commissioner Precinct 2 Cynthia Long

Second By: Commissioner Precinct 1 Lisa Birkman

Motion: To declare an emergency and a grave necessity due to unforeseeable circumstances and approve a budget amendment for the Use of Victims Assistance Donations:

0100-0560-003671	V. A. Donations	\$268.50
-------------------------	------------------------	-----------------

Aye: County Judge Dan A. Gattis

Commissioner Precinct 1 Lisa Birkman

Commissioner Precinct 2 Cynthia Long

Commissioner Precinct 3 Valerie Covey

Other: Commissioner Precinct 4 Ron Morrison (Absent from the Dais)

COMMISSIONERS' COURT RECESSED TO A ROAD DISTRICT MEETING AT 10:43 A.M. ON TUESDAY, NOVEMBER 15, 2011.

COMMISSIONERS' COURT RECONVENED FROM THE ROAD DISTRICT MEETING AT 10:45 A.M. ON TUESDAY, NOVEMBER 15, 2011.

COMMISSIONERS' COURT RECESSED TO EXECUTIVE SESSION AT 10:45 A.M. ON TUESDAY, NOVEMBER 15, 2011.

- 24. 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 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 on Chandler IIIA.**
 - i) Discuss proposed acquisition of property for right-of-way along Lakeline extension.**
 - j) Discuss proposed acquisition of drainage easements along CR 138.**
 - k) Discuss proposed acquisition of property for right-of-way along CR 170.**
 - l) Discuss proposed acquisition and/or sale of property for Arterial H.**
 - m) Discuss potential sale of real property on Williams Drive.**
 - n) Discuss reconstruction project for Business 79 in Taylor, Texas.**

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) 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 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.
- m) 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
- n) Mortgage Electronic Recording Systems (MERS) litigation.

No action was taken in Executive Session.

COMMISSIONERS' COURT RECONVENED FROM EXECUTIVE SESSION AT 11:24 A.M. ON TUESDAY, NOVEMBER 15, 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) 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 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.
- m) 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
- n) Mortgage Electronic Recording Systems (MERS) litigation.

No action was taken on this item.

28. Comments from Commissioners.

Commissioner Long thanked **Commissioners Covey** and **Birkman** for meeting with the Cedar Park City Council on habitat and environmental issues.

Judge Gattis noted that the Commissioners' Court will not meet on November 22 and November 29, 2011.

COMMISSIONERS' COURT ADJOURNED AT 11:24 A.M. ON TUESDAY, NOVEMBER 15, 2011.

THE FOREGOING MINUTES had at a Regular Session of Commissioners' Court of Williamson County, Texas, having been read are hereby approved this 6th day of December 2011.




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

By: Black Wehling, Deputy