



## Travis County Commissioners Court Agenda Request

**Meeting Date:** April 17, 2012

**Prepared By/Phone Number:** Gillian Porter, Commissioners Court Specialist, 512-854-4722

**Elected/Appointed Official/Dept. Head:** Dana DeBeauvoir, Travis County Clerk

**Commissioners Court Sponsor:** Judge Biscoe

**AGENDA LANGUAGE:** Approve the Commissioners Court Minutes for the Voting Session of April 3, 2012.

### **BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

### **STAFF RECOMMENDATIONS:**

### **ISSUES AND OPPORTUNITIES:**

### **FISCAL IMPACT AND SOURCE OF FUNDING:**

### **REQUIRED AUTHORIZATIONS:**

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, [Cheryl.Aker@co.travis.tx.us](mailto:Cheryl.Aker@co.travis.tx.us) by Tuesdays at 5:00 p.m. for the next week's meeting.



# Minutes for the Travis County Commissioners Court Tuesday, April 3, 2012 Voting Session

Minutes Prepared by the Travis County Clerk  
512-854-4722 • www.co.travis.tx.us • PO Box 149325, Austin, TX 78714-9325

## Call to Order

Meeting called to order on April 3, 2012, in the Ned Granger Building, Commissioners Courtroom, 1st Floor, 314 W. 11th St., Austin, TX. Dana DeBeauvoir, County Clerk, was represented by Deputies Gillian Porter and Robert Resnick.

Samuel T. Biscoe	County Judge	Present
Ron Davis	Precinct 1, Commissioner	Present
Sarah Eckhardt	Precinct 2, Commissioner	Present
Karen L. Huber	Precinct 3, Commissioner	Present
Margaret J. Gómez	Precinct 4, Commissioner	Present

## Citizens Communication

Members of the Court heard from:

Kate Capenhead, Travis County Coming of Age Metro Program  
Morris Priest, Travis County Resident  
Rick Luna, Travis County Resident  
Gavino Fernandez, Deputy Director, District 12, League of United Latin American Citizens (LULAC)  
Dr. John K. Kim, Travis County Resident  
Scott Johnson, Project Manager, Central Texas Electric Lawn Mower Program

## Public Hearings

1. Receive comment regarding request from Apple Inc. for financial incentives and an economic development agreement.

*Clerk's Note: The Court approved without objection opening the Public Hearing.*

Members of the Court heard from:

Leslie Browder, County Executive, Planning and Budget Office (PBO)  
Clarke Heidrick, Chairman, Greater Austin Chamber of Commerce Board  
Victor Gonzales, Mayor Pro Tem, City of Pflugerville  
Alan Miller, Travis County Resident  
Gary Farmer, Vice Chair, Economic Development, Greater Austin Chamber of Commerce Board  
Martha Smiley, Vice Chair, Regional Infrastructure, Greater Austin Chamber of Commerce Board  
Mark Curry, Wells Fargo  
Jimmy Flannigan, Vice President, Austin Gay and Lesbian Chamber of Commerce  
Sid Covington, Chairman, Lone Star Rail District  
Dr. John K. Kim, Travis County Resident  
Katie Peterson-Gipson, Budget Analyst, PBO  
Dr. Laura Pressley, Travis County Resident

David Escamilla, Travis County Attorney  
Ed Wendler, Jr., Travis County Resident  
Bill Aleshire, Former Travis County Judge  
Debbie Russell, Travis County Resident  
Scott Johnson, Travis County Resident

**MOTION:** Close the Public Hearing.  
**RESULT:** **APPROVED [UNANIMOUS]**  
**MOVER:** Samuel T. Biscoe, Judge  
**SECONDER:** Ron Davis, Commissioner  
**AYES:** Biscoe, Davis, Eckhardt, Huber, Gómez

### Special Item

2. Consider and take appropriate action on an order concerning outdoor burning in the unincorporated areas of Travis County.

**RESULT:** **ADDED TO CONSENT**

*Clerk's Note: The County Judge announced that by taking no action, the prohibition against outdoor burning remains lifted.*

### Resolutions and Proclamations

3. Approve Proclamation declaring the month of April 2012 as Wildfire Awareness Month and recognize related events in Travis County.

Members of the Court heard from:

Tony Callaway, Assistant Fire Marshal, Fire Marshall's Office  
Lisa Block, Public Information Officer, Emergency Services  
Danny Hobby, County Executive, Travis County Emergency Services

**MOTION:** Approve the Proclamation in Item 3.  
**RESULT:** **APPROVED [UNANIMOUS]**  
**MOVER:** Karen L. Huber, Commissioner  
**SECONDER:** Sarah Eckhardt, Commissioner  
**AYES:** Biscoe, Davis, Eckhardt, Huber, Gómez

### Health and Human Services Dept. Items

4. Receive 2011 annual report from Travis County Healthcare District D/B/A Central Health.

Members of the Court heard from:

Mike McKinnon, Communications Coordinator, Central Health  
Tom Coopwood, Former Board Member, Central Health  
Christie Garbe, Chief Communications and Planning Officer, Central Health

**RESULT:** **DISCUSSED**

### Planning and Budget Dept. Items

5. Consider and take appropriate action on budget amendments, transfers and discussion items.

**RESULT: ADDED TO CONSENT**

6. Approve amendment to Fiscal Year 2012 Agreement with the Office of the Governor, Criminal Justice Division, to include generated program income from the 2nd quarter in the budget for the Drug Diversion Court Program managed by Pretrial Services.

**RESULT: ADDED TO CONSENT**

#### **Administrative Operations**

7. Review and approve the immediate release of reimbursement payment to United Health Care for claims paid for participants in the Travis County Employee Health Care Fund for payment of \$718,070.63 for the period of March 16 to March 22, 2012.

**RESULT: ADDED TO CONSENT**

8. Consider and take appropriate action on proposed routine personnel amendments.

**RESULT: ADDED TO CONSENT**

#### **Purchasing Office Items**

9. Approve order exempting the purchase of Agilent 5975c chromatograph/mass spectrometer (GC/MS) system from Agilent Technologies from the competitive procurement process pursuant to Section 262.024 (a) (7) (a) of the County Purchasing Act.

**RESULT: ADDED TO CONSENT**

10. Approve Modification No. 5 To Interlocal No. IL000065EF, Capital Area Rural Transportation, for community transit services.

**RESULT: ADDED TO CONSENT**

#### **Transportation and Natural Resources Items**

11. Consider and take appropriate action on a proposed miscellaneous easement to be granted by the State of Texas to Travis County required by the U.S. Army Corps of Engineers and the State as a condition for initiating construction activity on the Caldwell Lane, Section 14 Emergency Streambank Erosion Protection (2005 CIP Bond) Project in Precinct Four. (Commissioner Gómez)

**RESULT: ADDED TO CONSENT**

12. Consider and take appropriate action on the TNR Road Maintenance Fiscal Year 2012 Work Plan.

Members of the Court heard from:

Steve Manilla, County Executive, Transportation and Natural Resources (TNR)  
Don Ward, Division Director, Road Maintenance and Fleet Services, TNR

**MOTION:** Approve Item 12.

**RESULT:** **APPROVED [UNANIMOUS]**

**MOVER:** Samuel T. Biscoe, Judge

**SECONDER:** Margaret J. Gómez, Commissioner

**AYES:** Biscoe, Davis, Eckhardt, Huber, Gómez

13. Consider and take appropriate action on a Cash Security Agreement with PGM Design & Build Inc. for sidewalk fiscal for Overlook Estates Phase 1 Lot 39 Block 2, in Precinct Three. (Commissioner Huber)

**RESULT: ADDED TO CONSENT**

14. Consider and take appropriate action on a Cash Security Agreement with JKD Builder, LLC., for sidewalk fiscal for Overlook Estates Phase 1 Lot 34 Block 2, in Precinct Three. (Commissioner Huber)

**RESULT: ADDED TO CONSENT**

15. Consider and take appropriate action on a Cash Security Agreement with Piller Custom Homes, Inc., for sidewalk fiscal for Overlook Estates Phase 1 Lot 36 Block 2, in Precinct Three. (Commissioner Huber)

**RESULT: ADDED TO CONSENT**

16. Consider and take appropriate action on the acceptance of the dedication of the public street and drainage facilities within Sweetwater Section One, Pedernales Summit Parkway in Precinct Three. (Commissioner Huber)

**RESULT: ADDED TO CONSENT**

17. Consider and take appropriate action on a plat for recording - Ragan subdivision in Precinct Three. (Commissioner Huber)

**RESULT: ADDED TO CONSENT**

18. Consider and take appropriate action on the following requests for the Commons at Rowe Lane Phase IIIB:

- a. An Alternative Fiscal Agreement; and
- b. A Cash Security Agreement. (Commissioner Davis)

**RESULT: ADDED TO CONSENT**

19. Consider and take appropriate action on a request for a total plat vacation of the Bluff Springs Estates Section Two Final Plat in Precinct Four. (Commissioner Gómez)

**RESULT: ADDED TO CONSENT**

20. Consider and take appropriate action on two street name assignments for private easements off Hamilton Pool Road to be known as "Imagine Way" and "Foxtrot Lane" in Precinct Three. (Commissioner Huber)

Members of the Court heard from:

Steve Manilla, County Executive, TNR  
Gayla Dembkowski, GIS Specialist, TNR  
Stephanie Jensen, Travis County Addressing Coordinator, 911 Addressing Office, City of Austin  
Lisa Rhoden, Travis County Resident  
Larry Wood, Travis County Resident  
Desi Rhoden, Travis County Resident

**MOTION:** Approve Item 20.  
**RESULT:** **APPROVED [UNANIMOUS]**  
**MOVER:** Karen L. Huber, Commissioner  
**SECONDER:** Margaret J. Gómez, Commissioner  
**AYES:** Biscoe, Davis, Eckhardt, Huber, Gómez

#### Other Items

21. Receive monthly financial reports for the month of February 2012.

**RESULT:** **ADDED TO CONSENT**

22. Consider and take appropriate action on the appointment of Veronica Frederick to the Emergency Services District No. 14 Board of Commissioners, effectively immediately through December 31, 2013. (Commissioner Huber)

**RESULT:** **ADDED TO CONSENT**

23. Consider and take appropriate action on the reappointment of Al Blunt to the Emergency Services District No. 14 Board of Commissioners, effectively immediately through December 31, 2013. (Commissioner Huber)

**RESULT:** **ADDED TO CONSENT**

#### Executive Session Items

The Commissioners Court will consider the following items in Executive Session. The Commissioners Court may also consider any other matter posted on the agenda if there are issues that require consideration in Executive Session and the Commissioners Court announces that the item will be considered during Executive Session.

*Note 1: Gov't Code Ann 551.071, Consultation with Attorney*

*Note 2: Gov't Code Ann 551.072, Real Property*

*Note 3: Gov't Code Ann 551.074, Personnel Matters*

*Note 4: Gov't Code Ann 551.076, Security*

*Note 5: Gov't Code Ann 551.087, Economic Development Negotiations*

24. Consider and take appropriate action on economic development agreement with Apple, Inc. <sup>1 and</sup><sub>5</sub>

*Judge Biscoe announced that Item 24 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann 551.087, Economic Development Negotiations.*

**MOTION:** Direct Staff to negotiate specific terms and conditions with Apple, Inc. in a meeting to be set as soon as possible, that the matter be handled as expeditiously as possible, and that the matter be back on the Court's Agenda Tuesday, April 17, 2012, unless otherwise indicated.  
**RESULT:** **APPROVED [4 TO 0]**  
**MOVER:** Samuel T. Biscoe, Judge  
**SECONDER:** Margaret J. Gómez, Commissioner  
**AYES:** Samuel T. Biscoe, Ron Davis, Karen L. Huber, Margaret J. Gómez  
**ABSTAIN:** Sarah Eckhardt

25. Consider and take appropriate action regarding Circuit of the Americas and Formula One, including but not limited to the following:
  - a. The Mass Gatherings Act;
  - b. Improvements to Elroy, McAngus and Kellam Roads;
  - c. Proposed public safety plan;
  - d. Proposed traffic management plan; and
  - e. Other related issues.<sup>1</sup>

*Judge Biscoe announced that Item 25 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.*

Members of the Court heard from:

Phyllis Clair, Major, Travis County Sheriff's Office (TCSO)  
 David Greear, Traffic Manager, TNR  
 Steve Manilla, County Executive, TNR  
 Tom Nuckols, Assistant County Attorney  
 Anna Bowlin, Program Manager, Planning and Engineering, TNR  
 Danny Hobby, County Executive, Travis County Emergency Services  
 Hershel Lee, Travis County Fire Marshal

**MOTION:** Authorize Staff to immediately send a letter to the Circuit of the Americas (COTA) listing items related to County development permit and Mass Gathering Act requirements that need to be submitted to the County by April 30, 2012, with a view toward having a final traffic plan, roadway agreement and other final items related to County permits by June 1, 2012, so as to enable a public hearing in July, 2012. Also, authorize Staff to send weekly letters to COTA documenting any issues that arise in adhering to this schedule.

**MOVER:** Samuel T. Biscoe, Judge  
**SECONDER:** Margaret J. Gómez, Commissioner

**FRIENDLY**

**AMENDMENT:** Authorize Tom Nuckols, Assistant County Attorney to write the letters and coordinate with relevant Staff.

**MOVER:** Sarah Eckhardt, Commissioner  
**RESULT:** **FRIENDLY AMENDMENT ACCEPTED**

*Clerk's Note: A Vote on the Standing Motion was taken.*

**RESULT:** **APPROVED [UNANIMOUS]**  
**MOVER:** Samuel T. Biscoe, Judge  
**SECONDER:** Margaret J. Gómez, Commissioner  
**AYES:** Biscoe, Davis, Eckhardt, Huber, Gómez

**MOTION:** Direct PBO Staff to analyze COTA's proposed economic development plan, using the draft economic development policy as a template and report back to the Commissioners Court on their evaluation within two weeks.

**MOVER:** Sarah Eckhardt, Commissioner  
**SECONDER:** Ron Davis, Commissioner

**FRIENDLY**

**AMENDMENT:** That Susan Spataro, Travis County Auditor, works with PBO on the analysis.  
**MOVER:** Margaret J. Gómez, Commissioner

**RESULT: FRIENDLY AMENDMENT NOT ACCEPTED**

*Clerk's Note: A Vote on the Standing Motion was taken.*

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Sarah Eckhardt, Commissioner  
**SECONDER:** Ron Davis, Commissioner  
**AYES:** Biscoe, Davis, Eckhardt, Huber, Gómez

**MOTION:** Request that Susan Spataro, Travis County Auditor works with PBO on the financial analysis.

**RESULT: APPROVED [4 TO 1]**  
**MOVER:** Margaret J. Gómez, Commissioner  
**SECONDER:** Samuel T. Biscoe, Judge  
**AYES:** Samuel T. Biscoe, Ron Davis, Karen L. Huber, Margaret J. Gómez  
**NAYS:** Sarah Eckhardt

26. Consider and take appropriate action regarding request by Upshur County Commissioners Court for an easement to continue to access its property through Travis County-owned property in Throckmorton County.<sup>1 and 2</sup>

*Judge Biscoe announced that Item 26 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.072, Real Property.*

**MOTION:** Authorize the County Judge to send a letter to our manager asking to continue to grant Upshur County access across Throckmorton County property as we have done historically.

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Samuel T. Biscoe, Judge  
**SECONDER:** Margaret J. Gómez, Commissioner  
**AYES:** Biscoe, Davis, Eckhardt, Huber, Gómez

27. Receive briefing from the County Attorney and take appropriate action regarding violations of the Travis County Fire Code at 5496 East State Highway 71. (Commissioner Gómez)<sup>1</sup>

*Judge Biscoe announced that Item 27 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.*

**MOTION:** Approve the proposed Resolution regarding violations at 5496 East State Highway 71, and that we give the tenant of the property notice of the County's Resolution.

**RESULT: APPROVED [UNANIMOUS]**  
**MOVER:** Samuel T. Biscoe, Judge  
**SECONDER:** Margaret J. Gómez, Commissioner  
**AYES:** Biscoe, Davis, Eckhardt, Huber, Gómez

28. Consider and take appropriate action on a request from the City Of Austin (Austin Energy) for an easement from Travis County, totaling 0.753 acre in size in exchange for the City's release of three unused existing utility easements on, over, and across county-owned land located at 14624 Hamilton Pool Road in Precinct Three. (Commissioner Huber)<sup>2</sup>

*Judge Biscoe announced that Item 28 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.072, Real Property.*

**MOTION:** Accept the release given to Travis County by Austin Energy for three easements at 14624 Hamilton Pool Road and that we grant the request for



the easement to Austin Energy.  
**RESULT:** **APPROVED [UNANIMOUS]**  
**MOVER:** Samuel T. Biscoe, Judge  
**SECONDER:** Karen L. Huber, Commissioner  
**AYES:** Biscoe, Davis, Eckhardt, Huber, Gómez

29. Consider and take appropriate action on an offer from A & J Leasing, LLC to sell Travis County a 600 square foot (20' x 30') utility easement to accommodate required utility-related relocation work sited adjacent to the northern boundary of the existing right-of-way for Gattis School Road in Precinct One. (Commissioner Davis) <sup>2</sup>

*Judge Biscoe announced that Item 29 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.072, Real Property.*

**MOTION:** Accept the offer and agree to pay \$1,500.00 to obtain the easement.  
**RESULT:** **APPROVED [UNANIMOUS]**  
**MOVER:** Samuel T. Biscoe, Judge  
**SECONDER:** Ron Davis, Commissioner  
**AYES:** Biscoe, Davis, Eckhardt, Huber, Gómez

30. Consider and take appropriate action regarding plans for closed Travis County facility at 9500 East Highway 290. <sup>1 and 2</sup>

*Judge Biscoe announced that Item 30 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.072, Real Property.*

**MOTION:** Authorize Staff to proceed with the remediation and enter into a contract with Austin Country, Inc., the owner of the property, and that we ask the Texas Commission on Environmental Quality (TCEQ) to apportion the cost of the this in the future.  
**RESULT:** **APPROVED [UNANIMOUS]**  
**MOVER:** Samuel T. Biscoe, Judge  
**SECONDER:** Ron Davis, Commissioner  
**AYES:** Biscoe, Davis, Eckhardt, Huber, Gómez

#### Consent Items

**MOTION:** Approve the following Consent Items: C1–C8 and Agenda Items 2, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18.a–b, 19, 21, 22, and 23.  
**RESULT:** **ADOPTED [UNANIMOUS]**  
**MOVER:** Margaret J. Gómez, Commissioner  
**SECONDER:** Karen L. Huber, Commissioner  
**AYES:** Biscoe, Davis, Eckhardt, Huber, Gómez

- C1. Receive bids from County Purchasing Agent.
- C2. Approve payment of claims and authorize County Treasurer to invest County funds.
- C3. Approve Commissioners Court Minutes for the Voting Session of March 20, 2012.
- C4. Approve setting a public hearing on Tuesday, April 17, 2012 to receive comments regarding a request to close Mc Angus Road approximately one mile south of Elroy Road for culvert improvements beginning April 25, 2012 through May 25, 2012 or until construction is completed in Precinct Four. (Commissioner Gómez)

- C5. Approve setting a public hearing on Tuesday, April 17, 2012 to receive comments on the option to use vote centers in future elections beginning with the November 6, 2012 presidential election.
- C6. Approve setting a public hearing on Tuesday, April 24, 2012 to receive comments regarding a request to authorize the filing of an instrument to vacate a ten foot wide section of a 25' wide drainage easement located along the east lot line of Lot 5, Block H, of Long Canyon II-A, a subdivision in Travis County in Precinct Three. (Commissioner Huber)
- C7. Approve setting a public hearing on Tuesday, April 24, 2012 to receive comments regarding a request to authorize the filing of an instrument to vacate a ten foot wide section of a 25 foot wide drainage easement located along the eastern lot line of Lot 57, Block A of Waterford on Lake Travis, Section Two in Precinct Three. (Commissioner Huber)
- C8. Approve setting a public hearing on Tuesday, April 24, 2012 to receive comments regarding plat for recording: Soto subdivision final plat (resubdivision of Lot 1 Block A Buttross Farms subdivision final plat - two lots Martin Lane - City Of Austin ETJ) in Precinct Four. (Commissioner Gómez)

### **Minutes approved by the Commissioners Court**

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Date of Approval

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Samuel T. Biscoe, Travis County Judge