



Item C3

Travis County Commissioners Court Agenda Request

Meeting Date: September 18, 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 August 14, 2012.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

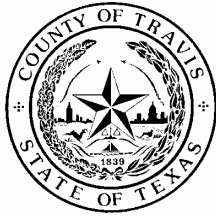
STAFF RECOMMENDATIONS:

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 by Tuesdays at 5:00 p.m. for the next week's meeting.



Minutes for the Travis County Commissioners Court Tuesday, August 14, 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 August 14, 2012, in the 700 Lavaca Building, 700 Lavaca Street, 2nd Floor, Austin, TX. Dana DeBeauvoir, County Clerk, was represented by Deputies Gillian Porter and Kimberlie Young.

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

Special Note

Travis County Commissioners Court is now located at 700 Lavaca St.

However, please review future agendas carefully for meeting location for budget and tax rate items.

Public Hearings

Today's public hearings will begin at 9:30 A.M.

1. Receive comments regarding a request to authorize the filing of an instrument to vacate two five foot wide public utility easements located along the common lot line of Lots 639 and 640 of Apache Shores, Section Two in Precinct Three. (Commissioner Huber) (Action Item #12)

MOTION: Open the Public Hearing.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Karen L. Huber, Commissioner
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Members of the Court heard from:

Anna Bowlin, Program Manager, Planning and Engineering, Transportation and Natural Resources (TNR)

MOTION: Close the Public Hearing.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Karen L. Huber, Commissioner
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

2. Receive comments regarding a request to authorize the filing of an instrument to vacate two five foot wide drainage easements located along the common lot line of Lots 2 and 3, Block 40 of Austin Lake Hills, Section One in Precinct Three. (Commissioner Huber) (Action Item #13)

MOTION: Open the Public Hearing.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Karen L. Huber, Commissioner
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Members of the Court heard from:

Anna Bowlin, Program Manager, Planning and Engineering, TNR
Kim Geary, Engineer for Property Owner
Jeff Magers, Property Owner
Dr. Steve Burman, Travis County Resident
Janet Ogden, Travis County Resident

MOTION: Close the Public Hearing.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Karen L. Huber, Commissioner
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

3. Receive comments regarding the proposed improvements and assessments to improve substandard roads located at Rick Whinery Drive, Emmett Parkway and Quiet Pond Court in the Wells Branch Phase W-2A Subdivision in Precinct Two. (Commissioner Eckhardt)

MOTION: Open the Public Hearing.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Sarah Eckhardt, Commissioner
SECONDER: Ron Davis, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Members of the Court heard from:

Steve Manilla, County Executive, TNR
Carol Joseph, Assistant Director, TNR
Bob Bauhs, Director, Wells Branch MUD Board
Howard Hagerman, Wells Branch Resident

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

Citizens Communication

Members of the Court heard from:

Dr. John K. Kim, Travis County Resident
Gus Peña, Travis County Resident
Ronnie Gjemre, Travis County Resident

Special Items

4. 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 stays in place.

Justice and Public Safety Items

5. Consider and take appropriate action on the Fiscal Year 2013 Interlocal Agreement with the City of Austin for central booking and related services.

Members of the Court heard from:

Roger Jefferies, Executive Manager, Justice and Public Safety (JPS)

MOTION: Approve Item 5.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Ron Davis, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

6. Consider and take appropriate action on the following:
 - a. Master Interlocal Agreement for participation in the Urban Counties TechShare Program; and
 - b. TechShare Prosecutor Development Project addendum to the Master Interlocal Agreement.

Members of the Court heard from:

Roger Jefferies, County Executive, JPS
Rod Brown, Interim Management Team, Information and Technology Services (ITS)
Mike Kenner, Conference of Urban Counties (CUC)
David Escamilla, Travis County Attorney
Vicki Skinner, Director, Management Administration, District Attorney's Office and Chair, Integrated Justice System Steering Committee

MOTION: Approve Items 6.a-b.
RESULT: **APPROVED [4 TO 0]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Karen L. Huber, Commissioner
AYES: Samuel T. Biscoe, Sarah Eckhardt, Karen L. Huber, Margaret J. Gómez
ABSTAIN: Ron Davis

Purchasing Office Items

7. Consider and take appropriate action on the following:

- a. Declare Opex Scanner # DS1225 as surplus property and authorize trade-in on Opex Scanner # DS2000, pursuant to Section 263.152 of the Texas Local Government Code; and
- b. Approve the following modifications to Contract No. 4400000273 (HTE Contract No. CM100016GM), Opex Corporation, for drop feed scanner:
 1. Modification No. 2 to the Purchase Agreement for a DS2200 drop feed production scanner; and
 2. Modification No. 4 to the Maintenance Agreement for the DS2000 drop feed scanner.

Members of the Court heard from:
 Ronnie Gjemre, Travis County Resident

MOTION: Approve Items 7.a-b.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Margaret J. Gómez
SECONDER: Sarah Eckhardt, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

8. Consider and take appropriate action on request to authorize the Purchasing Agent to issue Modification No. 4 to Contract No. 4500000000 (HTE Contract No. PS110160ML), Parking Management Services of America, for parking management services during the Formula One weekend.

Members of the Court heard from:
 Alan Pease, Travis County Resident
 Marvin Brice, Assistant Purchasing Agent
 Ronnie Gjemre, Travis County Resident

MOTION: Approve Item 8.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

9. Approve contract award for McKinney Falls Parkway Pedestrian Way Project, Contract No. 4400001069, to the low bidder, BPI Environmental Services, Inc.

RESULT: **ADDED TO CONSENT**

10. Approve Modification No. 12 to Contract No. 4400000074 (HTE Contract No. 10K00250LP), STR Constructors, for Milton Reimers Ranch Park.

RESULT: **ADDED TO CONSENT**

11. Ratify Modification No. 6 to Interlocal Agreement No. 4400000379 (HTE Contract No. I1080042re), City of Austin, for the provision of public health services.

Members of the Court heard from:
 Marvin Brice, Assistant Purchasing Agent
 Sherri Fleming, County Executive, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS)
 Mary Etta Gerhardt, Assistant County Attorney

MOTION: Approve Item 11.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Clerk's Note: The County Judge noted that this is a modification of the contract, not a renewal.

Transportation and Natural Resources Dept. Items

12. Consider and take appropriate action on a request to authorize the filing of an instrument to vacate two five foot wide public utility easements located along the common lot line of Lots 639 and 640 of Apache Shores, Section Two in Precinct Three. (Commissioner Huber)

RESULT: ADDED TO CONSENT

13. Consider and take appropriate action on a request to authorize the filing of an instrument to vacate two five foot wide drainage easements, located along the common lot line of Lots 2 and 3, Block 40 of Austin Lake Hills, Section One in Precinct Three. (Commissioner Huber)

RESULT: ADDED TO CONSENT

14. Consider and take appropriate action regarding the following proposed revisions to the Travis County Code relating to water quality protection:
- a. Amendments to Chapter 64 (Regulations for Floodplain Management and Guidelines and Procedures for Development Permits) and Chapter 82 (Standards for Construction of Streets and Drainage in Subdivisions);
 - b. The addition of a new Chapter 104 (Prohibited Discharges; Enforcement); and
 - c. The repeal of Chapter 108 (Tree Preservation Policy).

Members of the Court heard from:

Steve Manilla, County Executive, TNR
Tom Weber, Environmental Program Manager, TNR
Dave Fowler, Environmental Project Manager, TNR
Ronnie Gjemre, Travis County Resident
Jon White, Division Director, Natural Resources and Environmental Quality, TNR
John Beal, Save Barton Creek Association
Matt Holland, Environmental Planner, Watershed Protection Department, City of Austin

MOTION: Approve Items 14.a-c.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Ron Davis, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Health and Human Services Dept. Items

15. Consider and take appropriate action on the Travis County Healthcare District D/B/A Central Health Fiscal Year 2013 Budget.

Clerk's Note: The Court noted that the Central Health FY 2013 Budget was approved on Tuesday, August 7, 2012, but the advertisement posted in the paper was missing the debt service component of the tax rate, Central Health corrected the omission by publishing a revised tax rate notice and is requesting the Court ratify the action previously taken.

Members of the Court heard from:

John Stevens, Chief Financial Officer, Central Health
Prema Gregerson, Assistant County Attorney

MOTION: Ratify the action taken by the Commissioners Court on August 7, 2012 on the Central Health 2013 budget.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Samuel T. Biscoe, Judge

SECONDER: Ron Davis, Commissioner

AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

16. Consider and take appropriate action on the Travis County Healthcare District D/B/A Central Health 2012 tax rate:
- a. Total maintenance and operations tax rate;
 - b. Total debt service tax rate; and
 - c. Total ad valorem tax rate.

Members of the Court heard from:

John Stevens, Chief Financial Officer, Central Health

MOTION: Approve the request and ratify the tax rates.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Samuel T. Biscoe, Judge

SECONDER: Ron Davis, Commissioner

AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Clerk's Note: By approving Items 16 the Court is setting the Central Health ad valorem tax rate at 0.078946 cents per \$100.00 of valuation.

Planning and Budget Dept. Items

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

Members of the Court heard from:

Katie Gipson, Senior Budget Analyst, Planning and Budget Office (PBO)

MOTION: Approve Item 17.

RESULT: **APPROVED [4 TO 0]**

MOVER: Samuel T. Biscoe, Judge

SECONDER: Margaret J. Gómez, Commissioner

AYES: Samuel T. Biscoe, Sarah Eckhardt, Karen L. Huber, Margaret J. Gómez

ABSTAIN: Ron Davis

18. Review and approve requests regarding grant programs, applications, contracts and permissions to continue:
 - a. Annual application to the Texas Department on Aging and Disability Services through the Corporation for National and Community Service for the Coming of Age Program in the Health and Human Services & Veterans Services Department;
 - b. Revised application to the Office of the Governor, Criminal Justice Division, for a previously approved application, in order to change the start date for a program to evaluate the Travis County Criminal Court's Indigent Defense System;
 - c. Annual contract with the Office of Attorney General to continue the other Victim Assistance Grant Program in the County Attorney's Office; and
 - d. Permission to continue the Child Abuse Victim Services Personnel Program in the Travis County Sheriff's Office until the forthcoming agreement is fully executed.

RESULT: ADDED TO CONSENT

19. 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 \$566,966.63 for the period of July 27 to August 2, 2012.

RESULT: ADDED TO CONSENT

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

RESULT: ADDED TO CONSENT

21. Receive updated Fiscal Year 2013 Budget Agenda worksheet of topics discussed during budget hearings for the Fiscal Year 2013 Budget Mark-Up.

Members of the Court heard from:
Leslie Browder, County Executive, PBO
Jessica Rio, Budget Director, PBO

RESULT: DISCUSSED

22. Consider and take appropriate action on approval of a License Agreement with T & S Real Property, Ltd., to enter upon County property to conduct groundwater monitoring and/or maintenance on a previously installed water transfer pipe at 5021 East Cesar Chavez Street, Austin. (Commissioner Gómez)

RESULT: ADDED TO CONSENT

Other Items

23. Receive monthly financial reports for the month of July 2012 from the County Auditor's Office.

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. Receive briefing and take appropriate action regarding the appeal to District Court of the TCEQ's decision to issue a permit to Waste Management of Texas, Inc., for the expansion of the Austin Community Landfill. ¹

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

MOTION: File an appropriate appeal in the matter.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Sarah Eckhardt, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

25. Consider and take appropriate action to acquire a conservation easement in eastern Travis County, as part of the 2011 Bond Program in Precinct One. (Commissioner Davis) ^{1 and 2}

Judge Biscoe announced that Item 25 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.

RESULT: **DISCUSSED** **Reset for: 8/21/2012**

26. Consider and take appropriate action on a counter-offer received by Travis County from a property owner for sale of a 0.520 acre tract of land located at 10806 Spring Valley Road, needed as right-of-way for the proposed roadway and intersection realignment project at U.S. 290 West in Precinct Three. (Commissioner Huber) ²

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

MOTION: Approve a counter-offer of \$148,500.00.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Karen L. Huber, Commissioner
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

27. Consider and take appropriate action on a counter-offer received by Travis County from Quarry Lot 8, Ltd. for sale of various parcels of property needed for right-of-way and associated easements, and required for transportation-related improvements planned as part of the Slaughter Lane (East) Roadway Improvement Project in Precinct Four. (Commissioner Gómez) ²

RESULT: POSTPONED

Reset for: 8/28/2012

28. Consider and take appropriate action on a counter-offer received by Travis County from Dannelly Tract, Ltd. for sale of various parcels of property needed for right-of-way and associated easements, and required for transportation-related improvements planned as part of the Slaughter Lane (East) Roadway Improvement Project in Precinct Four. (Commissioner Gómez)²

RESULT: POSTPONED

Reset for: 8/28/2012

29. Receive briefing from County Attorney and/or take appropriate action concerning the extension of administrative leave with pay for Medical Examiner Employee, Slot 31.^{1 and 3}

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. 551.074, Personnel Matters.

MOTION: Approve the request for an additional five days leave with pay.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Samuel T. Biscoe, Judge

SECONDER: Margaret J. Gómez, Commissioner

AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

30. Receive briefing from County Attorney and take appropriate action regarding Travis County Seal in the Hall of Government at the 700 Lavaca building.¹

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

MOTION: That the Commissioners Court direct and authorize the County Judge to work with the consultants to ensure the seal in 700 Lavaca agrees with our pre-May 22, 2012 seal. Specifically that we put the cross back on the seal and to submit a copy of the final seal to the Secretary of State's Office.

RESULT: **APPROVED [4 TO 1]**

MOVER: Samuel T. Biscoe, Judge

SECONDER: Ron Davis, Commissioner

AYES: Samuel T. Biscoe, Ron Davis, Karen L. Huber, Margaret J. Gómez

NAYS: Sarah Eckhardt

31. Receive briefing and take appropriate action regarding lease issues at 700 Lavaca with Zunker, Crane & Gibson, L.L.P.^{1 and 2}

Judge Biscoe announced that Item 31 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: Approve the lease and authorize the County Judge to sign on behalf of the Commissioners Court.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Samuel T. Biscoe, Judge

SECONDER: Margaret J. Gómez, Commissioner

AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Clerk's Note: The County Judge noted that by approving Item 31, the Commissioners Court has approved an extension of one month to the lease. If that is not enough, a further extension of a second month can be authorized and the matter will be returned to the Court for approval.

32. Receive briefing from County Attorney and take appropriate action regarding Susan Roehm claim.¹

Judge Biscoe announced that Item 32 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

MOTION: Make a pre-filing offer of \$120,000.00, to include attorneys fees, plus an offer of mediation. The offer is effective until August 31, 2012, or until the suit is filed, whichever comes first.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Sarah Eckhardt, Commissioner

SECONDER: Samuel T. Biscoe, Judge

AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

33. Receive briefing and take appropriate action in Melanie Boyte vs. Travis County, Texas, Greg Hamilton, Cynthia Schantz, Julie Martinets and Jane Doe II; A-12-CV-00181-LY.¹

RESULT: **POSTPONED** **Reset for: 8/21/2012**

34. Receive briefing and take appropriate action regarding Circuit of the Americas and Formula One.¹

Judge Biscoe announced that Item 34 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

RESULT: **NOT NEEDED**

35. Consider and take appropriate action on request for financial incentives for Project Panther.⁵

Judge Biscoe announced that Item 35 would be considered in Executive Session pursuant to Gov't. Code Ann 551.087, Economic Development Negotiations.

MOTION: Authorize County Staff to take appropriate steps to gather information on which the Court may rely to make a decision in this matter.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Samuel T. Biscoe, Judge

SECONDER: Ron Davis, Commissioner

AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Consent Items

Members of the Court heard from:

Alan Pease, Travis County Resident

Ronnie Gjemre, Travis County Resident

MOTION: Approve the following Consent Items: C1–C4 and Agenda Items 4, 9, 10, 12, 13, 18.a–d, 19, 20, 22, and 23.

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Margaret J. Gómez, Commissioner

SECONDER: Ron Davis, 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 setting a public hearing on Tuesday, September 4, 2012 to receive comments regarding a request to authorize the filing of an instrument to vacate the two 7.5 foot wide public utility easements located along the rear and west side lot line Lot 5, Block E of the Hills of Lost Creek, Section Two in Precinct Three. (Commissioner Huber)
- C4. Approve setting a public hearing on Tuesday, September 4, 2012 to receive comments regarding a request to authorize the filing of an instrument to vacate four five foot wide drainage easements located along the common lot lines of Lot 12 with Lots 13 and 17, Block 56 of Austin Lake Hills, Section Two in Precinct Three. (Commissioner Huber)

Added Items

- A1. Discuss revenue and budget issues with Health and Human Services Department to develop the Fiscal Year 2013 Travis County budget.

Members of the Court heard from:

- Jessica Rio, Budget Manager, PBO
- Sherri Fleming, County Executive, TCHHS&VS
- Lawrence Lyman, Workforce Development Manager, TCHHS&VS
- Deborah Britton, Division Director, Community Services Division, TCHHS&VS
- Andrea Colunga Bussey, Division Director, Office of Childrens Services, TCHHS&VS
- Blanca Leahy, Division Director, Research and Planning, TCHHS&VS

RESULT: DISCUSSED

Minutes approved by the Commissioners Court

Date of Approval

Samuel T. Biscoe, Travis County Judge