

Item C3



Travis County Commissioners Court Agenda Request

9

Meeting Date: April-2, 2013

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 March 12, 2013.

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 should be submitted as a pdf to the County Judge's office, agenda@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, March 12, 2013 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 March 12, 2013, in the Travis County Administration Building, Commissioners Courtroom, 700 Lavaca Street, 1st Floor, Austin, TX, Dana DeBeauvoir, County Clerk, was represented by Deputy Robert Resnick.

Samuel T. Biscoe	County Judge	Present
Ron Davis	Precinct 1, Commissioner	Present
Sarah Eckhardt	Precinct 2, Commissioner	Present
Gerald Daugherty	Precinct 3, Commissioner	Present
Margaret J. Gómez	Precinct 4, Commissioner	Absent

Citizens Communication

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

Special Item

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

RESULT: DISCUSSED **Reset for: 3/19/2013**

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

Transportation and Natural Resources Dept. Items

2. Consider and take appropriate action on a Cash Security Agreement with Highland Homes, Ltd-Austin, for sidewalk fiscal for West Cypress Hills, Phase 1, Section 4A for Lot 13, Block C, in Precinct Three. (Commissioner Daugherty)

RESULT: ADDED TO CONSENT

3. Consider and take appropriate action on a request for a variance to Title 30-2-158(B)(2), access to streets (requires that a new subdivision must have at least two access streets and each of the two access streets must connect to a different external street) for the Hills of Shady Hollow Preliminary Plan. (Commissioner Daugherty)

Members of the Court heard from:

Anna Bowlin, Program Manager, Planning and Engineering, Transportation and Natural Resources (TNR)
Hector Hinojosa, Travis County Resident
Steve Manilla, County Executive, TNR
Barbara Schlieff, Travis County Resident
Elaine MacLaughlin, Travis County Resident
Garrett Martin, Representing Milestone Community Builders

RESULT: DISCUSSED

Reset for: 3/26/2013

4. Revised language: Consider and take appropriate action on the following requests in Precinct One:
- Addendum to the original Austin's Colony Section 7B Final Plat (long form plat – 92 total lots – 17.16 acres – Parrish Lane – City of Austin ETJ);
 - A subdivision Construction Agreement with the developer, Qualico AC, LP.; and
 - A Cash Security Agreement. (Commissioner Davis)

RESULT: ADDED TO CONSENT

Planning and Budget Dept. Items

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

Members of the Court heard from:

Jessica Rio, Budget Director, Planning and Budget Office (PBO)
Diana Ramirez, Senior Budget Analyst, PBO

MOTION: Approve Item 5.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Sarah Eckhardt, Commissioner

SECONDER: Samuel T. Biscoe, Judge

AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Gerald Daugherty

ABSENT: Margaret J. Gómez

6. Review and approve close out documentation for the AmeriCorps grant program in Health and Human Services that ended on July 31, 2012.

RESULT: ADDED TO CONSENT

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 \$617,670.76 for the period of February 22, 2013 to February 28, 2013.

RESULT: ADDED TO CONSENT

8. Consider and take appropriate action on the following items from Human Resources Management Department:

- Proposed routine personnel amendments;
- Routine request from Planning and Budget to extend succession position;

- c. Non-routine request from County Clerk for a variance to Travis County Code, Section 10.03009, Voluntary Job Change; and
- d. Non-routine request from Sheriff's Office for a variance to Travis County Code, Section 10.0295, Peace Office Pay Scale (POPS).

RESULT: ADDED TO CONSENT

Clerk's Note: Item 8 was revisited upon the request of staff to clarify whether the Item had been approved on Consent in its entirety. The Court reaffirmed its approval of the Item.

Members of the Court heard from:
Daniel Bradford, Assistant County Attorney

MOTION: Approve Items 8.a–d.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Sarah Eckhardt, Commissioner
AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Gerald Daugherty
ABSENT: Margaret J. Gómez

- 9. Consider and take appropriate action regarding a request from National Instruments for financial incentives and an economic development agreement.

Judge Biscoe announced that Item 9 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: Approve the draft economic development agreement.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Gerald Daugherty, Commissioner
AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Gerald Daugherty
ABSENT: Margaret J. Gómez

- 10. Consider and take appropriate action on request from Austin Energy for modifications to the Standard License Agreement associated with an event at the Exposition Center grounds from September 19, 2013 to September 23, 2013. (Commissioner Davis)

RESULT: ADDED TO CONSENT

Purchasing Office Items

- 11. Approve contract award for Janitorial Services, North Rural Community Center and Clinic, IFB No. B1301-001-LD, to the low bidder, Villeda Building Services.

RESULT: ADDED TO CONSENT

- 12. Approve contract award for countywide pest control services, IFB No. 1301-007-SC to the low bidders:
 - a. A-Tex Pest Management, Inc. - Groups A, B & F

b. Bugmaster - Groups C, D, E & F

RESULT: ADDED TO CONSENT

13. Approve contract award to provide dirt for BMX Track, IFB No. B1302005-LP, to the low bidder, Whittlesey Landscape Supplies.

RESULT: ADDED TO CONSENT

14. Approve Modification No. 2, an Assignment of Contract No. 440000215 (HTE Contract No. 12T00066CW) from Contech Construction Products, Inc. to Contech Engineered Solutions, Inc. dba Contech Engineered Solutions, LLC.

RESULT: ADDED TO CONSENT

15. Approve Contract No. 4400001334, Blue Sky Abilities, LLC., to provide trauma focused music therapy for youth referred from the COPE Mental Health Court and Crossover Unit.

RESULT: ADDED TO CONSENT

16. Approve Interlocal Agreement No. 4400001366, City of Austin, for completion of a regional Community Wildfire Protection Plan and selection of a Consultant to develop the Plan.

RESULT: ADDED TO CONSENT

Clerk's Note: Judge Biscoe noted that Loomis Partners, Inc. was selected as the consultant.

17. Declare Remington Model 700 rifles as surplus and authorize trade-in for ammunition, pursuant to Section 263.152(A)(2) of the Texas Local Government Code.

RESULT: ADDED TO CONSENT

Other Items

18. **At 11:00 a.m.** Consider and take appropriate action on legislative matters, including:

- a. Update on legislative activities;

Members of the Court heard from:

Deece Eckstein, Intergovernmental Relations Officer, Intergovernmental Relations (IGR)

- b. Legislation relating to funding of the Disproportionate Share Hospital (DSH) Program;

Members of the Court heard from:

Deece Eckstein, Intergovernmental Relations Officer, IGR
Tom Suehs, representing the Alliance for Local Control of Healthcare
King Hillier, Vice President, Governmental Affairs, Harris County Hospital District

MOTION: Approve the prepared letter to send to the Governor and the leadership of the Texas Senate and House of Representatives.

RESULT: APPROVED [UNANIMOUS]

MOVER: Samuel T. Biscoe, Judge

SECONDER: Ron Davis, Commissioner

AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Gerald Daugherty

ABSENT: Margaret J. Gómez

- c. Legislation relating to electronic voter registration, including HB 313, HB 216 and SB 315; and

Members of the Court heard from:

Deece Eckstein, Intergovernmental Relations Officer, IGR
Bruce Elfant, Travis County Tax Assessor Collector

MOTION: Indicate the Court's support for the legislation.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Gerald Daugherty, Commissioner
AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Gerald Daugherty
ABSENT: Margaret J. Gómez

- d. Additions to the priorities, policy positions and the positions on other proposals sections of the Travis County legislative agenda.

Members of the Court heard from:

Deece Eckstein, Intergovernmental Relations Officer, IGR

RESULT: **POSTPONED** **Reset for: 3/26/2013**

19. Consider and take appropriation action on request to amend Joint Powers Agreement to extend membership to Burnet County. (Judge Biscoe)

RESULT: **DISCUSSED** **Reset for: 3/26/2013**

20. Approve April 2, 2013 as the date to hold public hearing concerning the proposed issuance of Multifamily Housing Revenue Bonds by Strategic Housing Finance Corporation of Travis County Multifamily Housing Revenue Bonds for the Silver Springs Apartments project.

RESULT: **ADDED TO CONSENT**

21. Approve April 2, 2013 as the date to hold public hearing concerning the proposed issuance of Multifamily Housing Revenue Bonds by Strategic Housing Finance Corporation of Travis County Multifamily Housing Revenue Bonds for the Forest Park Apartments project.

RESULT: **ADDED TO CONSENT**

22. Receive annual report by Capital Metro regarding financial obligation to Travis County pursuant to Section 451.460 of the Texas Transportation Code.

RESULT: **ADDED TO CONSENT**

23. Consider and take appropriate action on request from the County Clerk for approval of the order designating main voting locations, all temporary early voting locations and mobile early voting and Election Day polling places for the May 11, 2013, Joint General and Special Elections.

Members of the Court heard from:

Ronnie Gjemre, Travis County Resident

MOTION: Approve Item 23.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Gerald Daugherty, Commissioner

AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Gerald Daugherty
ABSENT: Margaret J. Gómez

24. Consider and take appropriate action to reappoint Matt Garcia and Mary K. Wolf to the Travis County Children's Protective Services Board effective immediately through January 31, 2016. (Commissioner Daugherty)

RESULT: ADDED TO CONSENT

25. Consider and take appropriate action on reappointment of Erin Flynn to the Sustainable Food Policy Board effective immediately through February 28, 2015. (Commissioner Davis)

RESULT: ADDED TO CONSENT

26. Consider and take appropriate action on request for County contribution to and participation in the upcoming Urban Music Festival, an African American quality of life event. (Judge Biscoe and Commissioner Davis)

Members of the Court heard from:
Diana Ramirez, Senior Budget Analyst, PBO

MOTION: Approve Item 26.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Ron Davis, Commissioner
AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Gerald Daugherty
ABSENT: Margaret J. Gómez

27. Discuss and take appropriate action on changes to process for submitting resolutions for consideration during Commissioners Court's Voting Sessions. (Judge Biscoe)

RESULT: DISCUSSED

28. Consider and take appropriate action on the creation of a task force to identify ways in which Travis County's economic development and procurement policies can improve working conditions and wages for the construction work force. (Commissioner Eckhardt)

Members of the Court heard from:
Ronnie Gjemre, Travis County Resident
Jeff Santori, Laborers International Union of North America (LIUNA)
Walter Timberlake, Travis County Resident
Greg Casar, Workers Defense Project
Cyd Grimes, Travis County Purchasing Agent
John Hille, Assistant County Attorney
Leslie Browder, County Executive, PBO
David Escamilla, Travis County Attorney

RESULT: DISCUSSED

Next: 3/19/2013 9:00 AM

29. Consider and take appropriate action on request for additional staffing to support Mortgage Electronic Registration System (MERS) litigation.

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

MOTION: Authorize four positions in the County Attorney's Office - two lawyers and two paralegals. The funding for the rest of FY 2013 would be in the amount of \$214,605.00 and would come from Allocated Reserve.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Samuel T. Biscoe, Judge

SECONDER: Gerald Daugherty, Commissioner

AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Gerald Daugherty

ABSENT: Margaret J. Gómez

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

30. Consider and take appropriate action concerning process to determine priority projects for acquisition negotiations under the Conservation Easement Bond Program of November 2011. (Commissioner Eckhardt) ²

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

MOTION: Thank staff for the work that has been done and to execute the process as discussed. This item is to be reposted on Tuesday, March 19, 2013.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Samuel T. Biscoe, Judge

SECONDER: Sarah Eckhardt, Commissioner

AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Gerald Daugherty

ABSENT: Margaret J. Gómez

31. Consider and take appropriate action regarding the potential purchase of real estate in central Austin. ^{1 and 2}

RESULT: **POSTPONED**

32. Consider and take appropriate action regarding employment of candidate for the County Executive, Technology Services position and take appropriate action. ³

Judge Biscoe announced that Item 32 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.074, Personnel Matters.

MOTION: Appoint Gary Buonacorsi as Chief Information Officer (CIO), a position that will report directly to the Commissioners Court, at Pay Grade 34, with an annual salary of \$160,000.00.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Samuel T. Biscoe, Judge

SECONDER: Ron Davis, Commissioner

AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Gerald Daugherty
ABSENT: Margaret J. Gómez

33. Receive briefing from County Attorney in Travis County, et al, v. Adon, LLC (Jeffery Heuer and Elizabeth Mary Heuer resale deed) and take appropriate action. ¹

Judge Biscoe announced that Item 33 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

MOTION: Authorize the County Judge to sign on behalf of the Commissioners Court the proposed tax resale deed to Jeffery Arnold Heuer and Elizabeth Mary Heuer, who have paid Travis County the sum of \$1,683.09, in cash.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Samuel T. Biscoe, Judge

SECONDER: Gerald Daugherty, Commissioner

AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Gerald Daugherty

ABSENT: Margaret J. Gómez

34. Receive briefing from County Attorney in Travis County, et al, v. Cecil and Georgia Alexander (Pat Sawyer resale deed) and take appropriate action. ¹

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

MOTION: Authorize the County Judge to sign on behalf of the Commissioners Court the proposed tax resale deed to Pat Sawyer, who has paid Travis County the sum of \$6,300.00, in cash.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Samuel T. Biscoe, Judge

SECONDER: Gerald Daugherty, Commissioner

AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Gerald Daugherty

ABSENT: Margaret J. Gómez

35. Receive briefing from County Attorney in Travis County, et al, v. Mozell Swist (Min Ou resale deed) and take appropriate action. ¹

Judge Biscoe announced that Item 35 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

MOTION: Authorize the County Judge to sign on behalf of the Commissioners Court the proposed tax resale deed to Min Ou, who has paid Travis County the sum of \$9,756.64, in cash.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Samuel T. Biscoe, Judge

SECONDER: Ron Davis, Commissioner

AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Gerald Daugherty

ABSENT: Margaret J. Gómez

36. Consider and take appropriate action concerning Bruce Lipshy's settlement offer pertaining to his failure to pay according to the terms of an agreement with Travis County dated May 31, 2011, in relation to lease space at the 700 Lavaca Building. ¹

Judge Biscoe announced that Item 36 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

MOTION: Accept the proposed settlement offer from William Apt, representing Bruce Lipshy, and authorize the County Attorney to file a lawsuit and acquire an

appropriate judgment in Travis County's favor, as recommended in the proposed settlement letter.

Clerk's Note: Judge Biscoe noted that approval of the settlement offer means approval of the terms and conditions set forth in the letter dated March 4, 2013 from William Apt.

RESULT: APPROVED [UNANIMOUS]
MOVER: Samuel T. Biscoe, Judge
SECONDER: Ron Davis, Commissioner
AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Gerald Daugherty
ABSENT: Margaret J. Gómez

37. Consider and take appropriate action on options to address the grievance appeal of Melissa Matos.¹

Judge Biscoe announced that Item 37 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

MOTION: Direct the Human Resources Management Department (HRMD) to process a Personnel Action Form (PAF), granting leave without pay for Melissa Matos, starting July 2, 2012 until her start date with the Health and Human Services Department, should she accept employment at the rate approved by Sherri Fleming, County Executive, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS), and set the appeal for Tuesday, March 26, 2013, in the event this matter is not resolved at that time.

RESULT: APPROVED [UNANIMOUS]
MOVER: Samuel T. Biscoe, Judge
SECONDER: Ron Davis, Commissioner
AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Gerald Daugherty
ABSENT: Margaret J. Gómez

Clerk's Note: Item 37 to be reposted on Tuesday, March 26, 2013.

Consent Items

Members of the Court heard from:

Ronnie Gjemre, Travis County Resident
Steve Manilla, County Executive, TNR

MOTION: Approve the following Consent Items: C1–C7 and Agenda Items 2, 4, 6, 7, 8.a–d, 10, 11, 12a–b, 13, 14, 15, 16, 17, 20, 21, 22, 24, and 25.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Ron Davis, Commissioner
SECONDER: Gerald Daugherty, Commissioner
AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Gerald Daugherty
ABSENT: Margaret J. Gómez

- C1. Receive bids from County Purchasing Agent.
- C2. Approve payment of claims and authorize County Treasurer to invest County funds.
- C3. Approve minutes for Voting Sessions of February 5 and 12, 2013.
- C4. Approve setting a public hearing on Tuesday, March 26, 2013, to receive comments regarding two street name assignments for private easements to be known as "Aspen Highlands Drive" and "Willowmount Way", in Precinct Three. (Commissioner Daugherty)

- C5. Approve setting a public hearing on Tuesday, March 26, 2013, to receive comments regarding a street name assignment for an unnamed private street to "Sweetwater Club Circle", in Precinct Three. (Commissioner Daugherty)
- C6. Approve setting a public hearing on Tuesday, April 2, 2013, to receive comments regarding a request to authorize the filing of an instrument to vacate three public utility and drainage easements located over and across Lot 6A, Block 41 of the resubdivision of Lots 3 - 9, Lots 26 - 29, Block 41, and Lots 7 - 13, Block 42, Austin Lake Hills, Section One and over and across Lot 6 and Lot 28, Block 41 of Austin Lake Hills, Section One, in Precinct Three. (Commissioner Daugherty)
- C7. Approve setting a public hearing on Tuesday, April 2, 2013, to receive comments regarding a request to authorize the filing of an instrument to vacate two public utility easements located over and across Lot 12-A of the resubdivision of Lots 12 and 13 of Travis Vista and four public utility easements located over and across Lots 12, 13 and 14 of Travis Vista, in Precinct Two. (Commissioner Eckhardt)

Minutes approved by the Commissioners Court

Date of Approval

Samuel T. Biscoe, Travis County Judge