

MINUTES OF MEETING SEPTEMBER 16, 2008

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 16th day of September 2008, the Commissioners' Court convened the Voting Session at 9:13 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Deborah Mendez.

The Commissioners Court recessed the Voting Session at 11:56 AM

The Commissioners Court reconvened the Voting Session at 1:40 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:40 PM and adjourned at 1:43 PM.

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation, convened at 1:43 PM and adjourned at 1:50 PM.

The Commissioners Court, meeting as the Capital Industrial Development Corporation, convened at 1:50 PM and adjourned at 1:51 PM.

The Commissioners Court reconvened the Voting Session at 1:51 PM.

The Commissioners Court retired to Executive Session at 3:59 PM.

The Commissioners Court reconvened the Voting Session at 5:33 PM.

The Commissioners Court adjourned the Voting Session at 5:37 PM.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

- 2. CONSIDER AND TAKE APPROPRIATE ACTION ON ASSISTANCE TRAVIS COUNTY AND RESIDENTS MAY PROVIDE PERSONS AFFECTED BY HURRICANE IKE, INCLUDING: (9:39 AM)
 - A. UPDATE FROM EMERGENCY SERVICES AND HEALTH AND HUMAN SERVICES DEPARTMENTS ON IMPACT OF HURRICANE AND NEED FOR ASSISTANCE;
 - B. RATIFICATION OF COUNTY JUDGE'S AUTHORIZATION FOR HEALTH AND HUMAN SERVICES DEPARTMENT TO PROVIDE EMERGENCY FOOD TO NON-COUNTY RESIDENTS THROUGH TRAVIS COUNTY COMMUNITY CENTERS;
 - C. RECOMMENDATIONS FROM STAFF TO WAIVE CERTAIN POLICIES OR PROVIDE ADDITIONAL SERVICES TO AFFECTED PERSONS; AND
 - D. OTHER RELATED ISSUES.

Clerk's Note: Items 2.A-D are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); and Pete Baldwin, Emergency Management Coordinator, Travis County Emergency Services.

Item 2.A discussion only.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve Item 2.B; that we ratify the Judge's decision to authorize the distribution of food to non-County residents through the County community centers.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

5. CONSIDER AND TAKE APPROPRIATE ACTION ON FISCAL YEAR 2009 BUDGET RULES. (2:54 PM)

Members of the Court heard from: Jessica Rio, Assistant Budget Manager, PBO.

Motion by Commissioner Eckhardt **and seconded by** Judge Biscoe to approve Item 5.

Motion carried:

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

6. CONSIDER AND TAKE APPROPRIATE ACTION ON CONTINUATION OF FISCAL YEAR 2009 BUDGET MARK-UP. (1:52 PM)

Members of the Court heard from: Rodney Rhoades, Executive Manager, PBO; Roger El Khoury, Director, Facilities Management; Alicia Perez, Executive Manager, Administrative Operations; Leroy Nellis, Budget Manager, PBO; Judge Raül González, Justice of the Peace, Precinct 4; Joe Harlow, Chief Technology Officer, Information and Telecommunications Systems (ITS); Diana Ramirez, Senior Budget Analyst, PBO; Jessica Rio, Assistant Budget Manager, PBO; Harvey Davis, Manager, Travis County Corporations; and Travis Gatlin, Budget Analyst, PBO; .

Clerk’s Note: The Court discussed a list of changes to the FY ’09 Budget recommended by Staff and presented by Leroy Nellis, Budget Manager, PBO.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve the changes that Leroy Nellis, Budget Manager, PBO described in detail.

Motion carried:

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

PURCHASING OFFICE ITEMS

- 11. APPROVE CONTRACT AWARD FOR GILLELAND CREEK TRAIL, PHASE II, IFB NO. B080169JW, TO THE LOW BIDDER, EBC CONSTRUCTION, LLC. (TRANSPORTATION AND NATURAL RESOURCES) (9:35 AM)

Clerk's Note: Item 11 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 12. APPROVE ONE-MONTH EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. 05K00264RV, HARMONY CONSTRUCTION COMPANY, FOR PAINTING AND WALL REPAIR/MINOR CONSTRUCTION. (FACILITIES MANAGEMENT) (9:35 AM)

Clerk's Note: Item 12 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 13. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. 08K00275LP, ASPHALT PAVING COMPANY, FOR HMAC OVERLAY PROJECT, PRECINCTS 3 AND 4. (TRANSPORTATION AND NATURAL RESOURCES) (9:35 AM)

Clerk's Note: Item 13 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 14. APPROVE MODIFICATION NO. 16 TO CONTRACT NO. PS960294JW, WORKERS ASSISTANCE PROGRAM, FOR CASE MANAGEMENT SERVICES. (JUVENILE PROBATION) (9:35 AM)

Clerk's Note: Item 14 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 15. APPROVE CONTRACT NO. PS080215VR WITH SANTOS ALLIANCES, FOR PROFESSIONAL LEGISLATIVE ADVOCACY SERVICES. (COMMISSIONERS COURT) (9:35 AM)

Clerk's Note: Item 15 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

16. APPROVE CONTRACT AWARD FOR ANNUAL INDEPENDENT EXTERNAL AUDIT SERVICES, RFQ NO. Q080199ML, TO THE SOLE RESPONDENT, DELOITTE & TOUCHE. (AUDITOR'S OFFICE) (3:58 PM)

Item 16 postponed until September 30, 2008.

TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

17. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL AGREEMENT WITH WILLIAMSON COUNTY FOR FINANCIAL CONTRIBUTION TO NORTHRIDGE ACRES WATER PROJECT. (9:14 AM)

Item 17 postponed until September 23, 2008.

18. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST TO ACCEPT 1,494 FEET OF PANORAMA DRIVE FROM THE HAYS-TRAVIS COUNTY LINE TO PANORAMA LOOP DRIVE, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:35 AM)

Clerk's Note: Item 18 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

19. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT NO. 2 TO LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT FOR A STP METROPOLITAN MOBILITY PROJECT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR FRATE-BARKER ROAD, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:35 AM)

Clerk's Note: Item 19 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

26. DISCUSS AND TAKE APPROPRIATE ACTION ON PROPOSED ASSIGNMENTS FOR THE SPECIAL ASSISTANT TO THE COMMISSIONERS COURT. (11:45 AM) (1:51 PM)

Members of the Court heard from: John Hille, Assistant County Attorney.

Discussion only. No formal action taken.

Item 26 to be reposted on September 23, 2008.

27. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING: (10:15 AM)

A. TRAVIS COUNTY HEALTHCARE DISTRICT'S 2008 TAX RATE; AND

B. TRAVIS COUNTY HEALTHCARE DISTRICT'S FISCAL YEAR 2009 BUDGET.

Clerk's Note: Items 27.A&B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Trish Young, President and Chief Executive Officer, Travis County Healthcare District; Clarke Heidrick, Chairman, Travis County Healthcare District Board; Walt Esquivel, President, North Park Estates Neighborhood Association; Stacy Wilson, Assistant County Attorney; and Francoise Luca, Travis County Resident.

Motion by Judge Biscoe and seconded by Commissioner Eckhardt to approve the proposed tax rate of 0.0679.

Motion carried:

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

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the Healthcare District budget for FY 2009.

Motion carried:

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

28. CONSIDER AND TAKE APPROPRIATE ACTION ON THE ASSIGNMENT BY THE DAUGHTERS OF CHARITY HEALTH SERVICES OF AUSTIN D/B/A UNIVERSITY MEDICAL CENTER AT BRACKENRIDGE OF A SUBLEASE RELATED TO THE URGENT CARE CENTER IN THE HEALTHSOUTH BUILDING TO THE TRAVIS COUNTY HEALTHCARE DISTRICT. (9:37 AM)

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 28.

Motion carried:

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

29. CONSIDER AND TAKE APPROPRIATE ACTION ON AN AGREEMENT FOR ASSESSMENT AND COLLECTION SERVICES BETWEEN TRAVIS COUNTY AND LEANDER INDEPENDENT SCHOOL DISTRICT. (9:35 AM)

Clerk’s Note: Item 29 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

30. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL AGREEMENT FOR DOWNTOWN BUSINESS DISTRICT ATTORNEY WITH THE CITY OF AUSTIN. (9:35 AM)

Clerk’s Note: Item 30 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

31. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST IN ACCORDANCE WITH BUDGET RULES RELATED TO TRAVEL TO AUTHORIZE THE COUNTY AUDITOR’S OFFICE TO PROCESS TRAVEL REQUESTS FOR TRAVEL BY AREA PEACE OFFICERS TO THE NATIONAL METAL THEFT INVESTIGATIONS SEMINAR IN ORLANDO, FLORIDA. (9:35 AM)

Clerk’s Note: Item 31 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

Clerk’s Note: The County Judge noted that the source of funding for Item 31 would be the AT&T donation of \$5,000.00, and the travel request should cover, transportation, lodging and registration, consistent with the backup.

- 32. CONSIDER AND TAKE APPROPRIATE ACTION ON ISSUES RELATED TO THE CONDUCT OF THE NOVEMBER 4, 2008 JOINT GENERAL AND SPECIAL ELECTIONS. (9:14 AM)

Item 32 not needed.

EXECUTIVE SESSION ITEMS

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

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.

- 33. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION IN; NOTICE OF CLAIM FILED BY DAN ARMSTRONG, TRACY EVENSON, JOHN HARDESTY, MIKE COWDEN, STEVE URIAS AND ROBERT HAWKINS REGARDING ARREST REVIEW AREA AT THE TRAVIS COUNTY JAIL. ¹
(3:59 PM) (5:35 PM)

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

Motion by Judge Biscoe and seconded by Commissioner Davis that we authorize the County Judge to notify the City of Austin Chief of Police that Travis County is working on relocating the arrest review area; and we think that in a matter of days, we should have the appropriate computer connections for him to relocate; and that we have this matter on the Court's Agenda, more generally worded, in the future, to give us an opportunity to get status reports and take appropriate action, as necessary.

Motion carried:

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

34. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE LEGAL ISSUES BETWEEN TRAVIS COUNTY TAX ASSESSOR-COLLECTOR NELDA WELLS SPEARS AND THE STATE OF TEXAS COMPTROLLER OF PUBLIC ACCOUNTS REGARDING MOTOR VEHICLE SALES AND USE TAXES PAID TO THE STATE ON RETURNED NSF CHECKS FOR THE PERIOD OF JANUARY 1, 1997 THROUGH DECEMBER 31, 2005 AS REFLECTED IN THE COMPTROLLER'S DECISION IN CASE NO. 47,474. ¹ (3:59 PM) (5:35 PM)

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

Motion by Judge Biscoe and seconded by Commissioner Davis that we authorize the County Attorney to represent Travis County and Nelda Wells Spears, Travis County Tax Assessor Collector, in the District Court of Travis County to seek a declaratory judgment and judicial review of the Comptroller's decision in Hearing No. 47,474, involving a funds adjustment request for credits of money paid by Travis County to the Comptroller for insufficient funds checks received from motor vehicle sales taxpayers, and that we have this matter back on the Court's Agenda next Tuesday, September 23, 2008, just in case we want to consider it further.

Motion carried:

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

Item 34 to be reposted on September 23, 2008.

35. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING SETTLEMENT OFFER IN VALDEZ/NAUTILUS CASE (OPHELIA MALICIA CLAIM). ¹ (3:58 PM)

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

Item 35 postponed until September 30, 2008.

36. CONSIDER AND TAKE APPROPRIATE ACTION ON PURCHASE OF LAND FROM THE COMANCHE TRAIL CONSERVATION FUND AND JOSEPH F. LUCAS IN CONNECTION WITH THE BALCONES CANYONLANDS CONSERVATION PLAN. ^{1 AND 2} (3:59 PM) (5:36 PM)

Clerk's Note: Judge Biscoe announced that Item 36 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.

Item 36 postponed until September 30, 2008.

37. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE PENDING LITIGATION IN TRAVIS COUNTY, TEXAS AND STATE OF TEXAS VS. COLDWATER DEVELOPMENT, LTD. AND RODMAN EXCAVATION, INC. ET AL. ¹ (3:59 PM) (5:37 PM)

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

Discussion only. No formal action taken.

38. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING CONTRACT FOR THIRD PARTY ADMINISTRATION OF TRAVIS COUNTY SECTION 457 DEFERRED COMPENSATION PLAN WITH NATIONWIDE RETIREMENT SOLUTIONS AND NATIONWIDE'S APPLICATION OF IT. ¹ (3:59 PM) (5:37 PM)

Clerk's Note: Judge Biscoe announced that Item 38 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Item 38 pulled from the agenda.

ADDED ITEM

- A1. RECEIVE STATUS REPORT ON OUTREACH EFFORT TO RECRUIT FOR THE INTERGOVERNMENTAL RELATIONS COORDINATOR JOB VACANCY AND PROVIDE DIRECTION FOR SCHEDULING THE NEXT STEPS IN THE SELECTION PROCESS. (COMMISSIONER ECKHARDT) (3:51 PM)

Clerk’s Note: The Court discussed:

- 1) Guidelines for selecting qualified applicants for the next stage;
- 2) Setting a closing date for applications;
- 3) Setting a schedule for the selection process; and,
- 4) Forming a selection committee to review the qualified applicants.

Members of the Court heard from: Linda Moore Smith, Director, HRMD.

Motion by Judge Biscoe and seconded by Commissioner Eckhardt that we do September 30, 2008; that we try to get this other work done between now and then, and if we can evaluate new applications that come in, we treat them in the same manner we have treated these and put them in the same categories; and if they fall in the minimum and preferred we review them.

Motion carried:

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

Clerk’s Note: The Court discussed the proposed members of the selection committee: County Judge Samuel T. Biscoe, Precinct Two Commissioner Sarah Eckhardt, Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR); Roger Jefferies, Executive Manager, Justice and Public Safety (JPS), or his designee; and a representative from the Planning and Budget Office (PBO).

Motion by Judge Biscoe and seconded by Commissioner Eckhardt to approve of that designated committee.

Motion carried:

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

