

MINUTES OF MEETING NOVEMBER 25, 2008

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 25th day of November 2008, the Commissioners' Court convened the Voting Session at 9:17 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 Gillian Porter.

The Commissioners Court recessed the Voting Session at 11:36 AM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:23 PM and adjourned at 1:47 PM.

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation; the Capital Industrial Development Corporation; and the Travis County Cultural Education Facilities Finance Corporation, convened at 1:48 PM and adjourned at 1:49 PM.

The Commissioners Court reconvened the Voting Session at 1:49 PM.

The Commissioners Court retired to Executive Session at 1:49 PM.

The Commissioners Court reconvened the Voting Session at 4:50 PM.

The Commissioners Court adjourned the Voting Session at 5:29 PM.

CITIZENS COMMUNICATION

Members of the Court heard from: Maurice Priest, Travis County Resident; Ronnie Gjemre, Travis County Resident; Jim Sylvester, Chief Deputy, Travis County Sheriff's Office (TCSO); Gus Peña, Travis County Resident; and Jennifer Gale, Travis County Resident. (9:18 AM)

SPECIAL ITEMS

1. RECEIVE BRIEFING FROM CITY OF AUSTIN STAFF ON THE PROPOSED HOMESTEAD PRESERVATION REINVESTMENT ZONE, A TAX INCREMENT FINANCING (TIF) ZONE SUPPORTING AFFORDABLE HOUSING IN THE HOMESTEAD PRESERVATION DISTRICT, AND TAKE APPROPRIATE ACTION. (9:36 AM)

Members of the Court heard from: Council Member Mike Martinez, City of Austin; Margaret Shaw, Neighborhood Housing Community Development, City of Austin; Leslie Browder, Chief Financial Officer, City of Austin; Harvey Davis, Manager, Travis County Corporations; Council Member Laura Morrison, City of Austin; Susan Spataro, Travis County Auditor; and Chris Fanuel, Executive Assistant, Commissioner Precinct 1 Office.

Motion by Judge Biscoe and seconded by Commissioner Gómez that we direct Staff to work with the City of Austin staff to make as much progress as possible on this project between now and the last meeting of this year, December 23, 2008, and if we cannot move then, we simply take additional time and try to do it right. It's a big issue and revenue is real important, so I do think we ought to move in this direction, but we've talked about it long enough to do what we can; and if we have to wait until the revenue picture gets better, my view is that we should do that. At the same time, though, rather than waste the time, we ought to try to put together a simple English explanation of what we have in mind, be able to explain to voters why we think it is beneficial and is likely to be successful and a good investment of public dollars, and other concerns and comments that we've heard today; let's just try to address in a question and answer brochure, if we could get a draft and kind of share it, maybe we'll have additional questions, maybe we can tweak the language. I do think we ought to try to proceed together if possible.

Clerk's Note: Chris Fanuel, Executive Assistant, Commissioner Precinct 1 Office read a letter from Karen Huber, Commissioner-Elect for Precinct 3 regarding this item.

A Substitute Motion was made by Commissioner Davis to delay this and defer this until we are able to have Staff to report to the Court with all the due diligence, which is going to go beyond the December, 31, 2008 date.

Clerk's Note: The Motion died for lack of a Second.

Clerk's Note: The Court voted on the Standing Motion at this time.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	no
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 THE FOLLOWING AUTOMOBILE TOTAL LOSS CLAIM RECOMMENDATIONS FOR THE PERIOD OF NOVEMBER 1, 2007 THROUGH OCTOBER 31, 2008: (9:34 AM)
 - A. TRAVIS COUNTY SHERIFF'S OFFICE UNIT 2056 - SETTLE;
 - B. HEALTH AND HUMAN SERVICES UNIT 2770 - SETTLE;
 - C. TAX OFFICE UNIT TNR1300 - SETTLE; AND
 - D. TRAVIS COUNTY SHERIFF'S OFFICE UNIT 2720 - SETTLE.

Clerk's Note: Items 5.A-D 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 settlement figure for the Total Loss Claims in Items 5.A-D would total \$100,360.00.

JUSTICE AND PUBLIC SAFETY ITEMS

6. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO PAY FOR TRAVEL COSTS OF A SAFEPLACE EMPLOYEE FOR THE OFFICE ON VIOLENCE AGAINST WOMEN SAFE HAVENS NEW GRANTEE ORIENTATION TO BE REIMBURSED FROM ANTICIPATED GRANT REVENUES. (9:34 AM)

Clerk's Note: Item 6 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

PURCHASING OFFICE ITEMS

7. DECLARE LISTING OF EQUIPMENT AS SURPLUS AND SELL AT PUBLIC AUCTION PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (9:34 AM)

Clerk's Note: Item 7 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

8. ACCEPT 18 COPIERS AS DONATION AND DECLARE COPIERS AS SURPLUS AND SELL AT PUBLIC AUCTION PURSUANT TO SECTION

263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS)
(9:34 AM)

Clerk’s Note: Item 8 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 9. APPROVE INTERLOCAL AGREEMENT NO. IL090060VR, AUSTIN-TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION, FOR FAMILY PRESERVATION PROGRAM SERVICES TO JUVENILE OFFENDERS. (JUVENILE PROBATION) (11:20 AM)

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Item 9.

Motion carried:

County Judge Samuel T. Biscoe	abstain
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: Item 9 was further discussed at 11:20 AM with a request by Commissioner Davis that the Commissioners’ Court record reflect a Corrected Vote on Item 9. Judge Biscoe instructed that the record show Commissioner Davis voting yes on the Motion on Item 9. The Commissioners’ Court record does reflect the Corrected Vote.

Corrected Vote:

Motion carried:

County Judge Samuel T. Biscoe	abstain
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

- 10. APPROVE CONTRACT NO. PS090071VR, YOUTH ADVOCATE PROGRAMS, INC., FOR MENTOR PROGRAM SERVICES TO JUVENILE OFFENDERS. (JUVENILE PROBATION) (9:34 AM)

Clerk’s Note: Item 10 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 11. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. 07T00173VC, SECURUS TECHNOLOGIES INC., FOR INMATE TELEPHONE SERVICES. (INFORMATION AND TELECOMMUNICATION SYSTEMS/TRAVIS COUNTY SHERIFF’S OFFICE) (11:18 AM) (11:20 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. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(10:46 AM)
 - A. AMENDMENT TO SECTION 1.019 COUNTY VEHICLE USAGE POLICY OF THE TRAVIS COUNTY CODE RELATING TO THE PAYMENT OF FINES AND PENALTIES FOR TRAFFIC CITATIONS;
 - B. AMENDMENT TO SECTION 1.019 COUNTY VEHICLE USAGE POLICY OF THE TRAVIS COUNTY CODE RELATING TO THE USE OF TOLL ROADS AND THE PAYMENT OF TOLL FEES;
 - C. NOTICE TO COUNTY EMPLOYEES ABOUT CHANGES IN COUNTY VEHICLE USAGE POLICY; AND
 - D. BUDGET AMENDMENT AND TRANSFER OF \$4,821 FROM THE GENERAL FUND RESERVE TO TRANSPORTATION AND NATURAL RESOURCES FLEET SERVICES.
 - E. AUTHORIZE PAYMENT OF \$4,821 TO THE CITY OF AUSTIN FOR SIXTY-FOUR OUTSTANDING TRAFFIC CITATIONS ISSUED TO COUNTY VEHICLES BETWEEN 2002 AND 2008; AND REQUEST REIMBURSEMENT FROM CERTAIN COUNTY EMPLOYEES.

Clerk's Note: Items 14.A-E are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR); Barbara Wilson, Assistant County Attorney; and James W. Collins, Executive Assistant, Travis County Attorney's Office.

16. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:34 AM)
 - A. GRANT CONTRACT WITH THE BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM THROUGH THE OFFICE OF THE GOVERNOR'S CRIMINAL JUSTICE DIVISION FOR JUVENILE PROBATION DEPARTMENT TO CONTINUE SERVICES PROVIDED TO JUVENILES DUALY-DIAGNOSED WITH MENTAL HEALTH AND SUBSTANCE ABUSE ISSUES;
 - B. GRANT CONTRACT WITH OFFICE OF ATTORNEY GENERAL FOR FY '09 PROJECT SAFE NEIGHBORHOODS GRANT PROGRAM IN DISTRICT ATTORNEY'S OFFICE;
 - C. GRANT CONTRACT AMENDMENT TO APPROVE SUPPLEMENTAL AWARD FOR FY '08 PROJECT SAFE NEIGHBORHOODS GRANT FROM OFFICE OF ATTORNEY GENERAL IN THE DISTRICT ATTORNEY'S OFFICE; AND
 - D. GRANT CONTRACT REVISION OF BUDGET AND SCOPE OF SERVICE FOR THE SAFE HAVENS GRANT FROM THE US DEPARTMENT OF JUSTICE, OFFICE OF VIOLENCE AGAINST WOMEN IN COUNSELING AND EDUCATION SERVICES.

Clerk's Note: Items 16.A-D approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

OTHER ITEMS

17. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:34 AM)

Clerk's Note: Item 17 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

18. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF OCTOBER, 2008. (9:34 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 BOND FOR JON WISSER TO SERVE AS VISITING TRAVIS COUNTY JUSTICE OF THE PEACE.
(9:34 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.

20. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL BETWEEN TRAVIS COUNTY, THE CITY OF AUSTIN AND THE AUSTIN INDEPENDENT SCHOOL DISTRICT TO ENHANCE THE SOCIAL, CULTURAL, EDUCATIONAL AND ECONOMIC OPPORTUNITIES OF AFRICAN-AMERICAN MEN AND YOUTH. (9:17 AM)

Item 20 postponed until December 2, 2008.

21. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(11:32 AM)
- A. A LICENSE AGREEMENT BETWEEN TRAVIS COUNTY AND JOHNSON COUNTY FOR THE USE OF I-JURY CODE DEVELOPED BY TRAVIS COUNTY;
 - B. AUTHORIZE THE TRAVIS COUNTY JUDGE TO EXECUTE THE SOFTWARE LICENSE AGREEMENT ON BEHALF OF TRAVIS COUNTY;
AND
 - C. AUTHORIZE THE DIRECTOR OF INFORMATION AND TELECOMMUNICATIONS SYSTEMS OF TRAVIS COUNTY TO EXECUTE THE SAME SOFTWARE LICENSE AGREEMENT WITH OTHER COUNTIES ON BEHALF OF TRAVIS COUNTY WITHOUT FURTHER APPROVAL OF COMMISSIONERS COURT.

Clerk's Note: Items 21.A-C are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Michelle Brinkman, Chief Deputy, Travis County District Clerk's Office; and Tenley Aldredge, Assistant County Attorney.

26. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FISCAL YEAR 2008 ASSET FORFEITURE REPORTS AS REQUIRED BY CHAPTER 59.06 OF THE CODE OF CRIMINAL PROCEDURE FOR THE FOLLOWING DEPARTMENTS: (9:34 AM)

- A. CONSTABLE PCT. 1;
- B. CONSTABLE PCT. 2;
- C. CONSTABLE PCT. 3;
- D. CONSTABLE PCT. 4; AND
- E. CONSTABLE PCT. 5.

Clerk’s Note: Items 26.A-E approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

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.

27. RECEIVE BRIEFING FROM AND GIVE DIRECTION TO COUNTY ATTORNEY REGARDING SETTLEMENT OFFER IN ALISON TARTER WORKER’S COMPENSATION LIEN CASE; SUBROGATION. ¹ (1:49 PM) (4:50 PM)

Clerk’s Note: Judge Biscoe announced that Item 27 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 Daugherty that we agree to accept the \$20,000.00 in settlement of this matter with Travis County getting one-third or \$6,670.00, in settlement of our right to subrogation, reimbursement, etc.

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

- 28. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY 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 (1:49 PM) (4:51 PM)

Clerk's Note: Judge Biscoe announced that Item 28 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 28 to be reposted on December 2, 2008.

- 29. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY, CONSIDER SETTLEMENT OFFER AND TAKE APPROPRIATE ACTION REGARDING TAKEOVER AGREEMENT BETWEEN TRAVIS COUNTY AND INSURORS INDEMNITY COMPANY AS PERFORMANCE BOND SURETY ON CONTRACT BETWEEN TRAVIS COUNTY AND DSSI CORPORATION FOR CONTROL PANEL UPGRADE AT TRAVIS COUNTY CORRECTIONAL COMPLEX BUILDINGS 2 AND 3. ¹ (1:49 PM) (4:51 PM)

Clerk's Note: Judge Biscoe announced that Item 29 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 Eckhardt that we accept the settlement of \$100,000.00 from the bonding company; that we request the Sheriff's Office appropriate representatives to come to Court next Tuesday, December 2, 2008, and discuss with us the security matters involving this project.

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

