

## **MINUTES OF MEETING DECEMBER 9, 2008**

### **TRAVIS COUNTY COMMISSIONERS' COURT**

On Tuesday, the 9<sup>th</sup> day of December 2008, the Commissioners' Court convened the Voting Session at 9:17 AM in the Commissioners' Courtroom, 1<sup>st</sup> Floor of the Ned Granger Administration Building, 314 West 11<sup>th</sup> Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Gillian Porter.

The Commissioners Court retired to Executive Session at 10:14 AM.

The Commissioners Court reconvened the Voting Session at 12:08 PM.

The Commissioners Court recessed the Voting Session at 12:08 PM.

The Commissioners Court, meeting as the Travis County Bee Cave Road District #1 (Galleria), convened at 1:40 PM and adjourned at 1:41 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:41 PM and adjourned at 1:46 PM.

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation, convened at 1:46 PM and adjourned at 1:47 PM.

The Commissioners Court, meeting as the Capital Industrial Development Corporation; the Travis County Development Authority; and the Travis County Cultural Education Facilities Finance Corporation, convened at 1:47 PM and adjourned at 1:47 PM.

The Commissioners Court reconvened the Voting Session at 1:48 PM.

The Commissioners Court retired to Executive Session at 2:16 PM.

The Commissioners Court reconvened the Voting Session at 4:30 PM.

The Commissioners Court adjourned the Voting Session at 4:37 PM.









### ADMINISTRATIVE OPERATIONS ITEMS

5. 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 \$681,975.72 FOR THE PERIOD OF NOVEMBER 21 TO NOVEMBER 27, 2008. (9:48 AM)

**Clerk's Note:** Item 5 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

6. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:48 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. APPROVE TERMINATION OF CONTRACT NO. 05T002370J, THE CHAIR MAN, FOR FURNITURE CONTRACT. (HUMAN RESOURCES MANAGEMENT DEPARTMENT) (9:48 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. APPROVE CONTRACT AWARD FOR IFB NO. B0900530J, ARCHITECTURAL WOOD REFINISHING SERVICES, TO THE RESPONSIBLE LOW BIDDER, HARMONY CONSTRUCTION COMPANY. (FACILITIES MANAGEMENT) (9:48 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 A FIFTY (50) DAY EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 07T001330J, NATIONWIDE RETIREMENT SOLUTIONS, FOR THE ADMINISTRATION OF THE 457 DEFERRED COMPENSATION PLAN FOR TRAVIS COUNTY EMPLOYEES. (HUMAN RESOURCES MANAGEMENT DEPARTMENT) (9:48 AM)

**Clerk's Note:** Item 9 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

10. APPROVE MODIFICATION NO. 1, ASSIGNMENT OF CONTRACT NO. 08T00236LD FROM ACCENT FOOD SERVICES TO ACCENT FOOD SERVICES, LLC. (FACILITIES MANAGEMENT) (9:48 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 CONTRACT AWARD FOR PAINTING SERVICES, IFB NO. B090036JT, TO THE FOLLOWING LOW, RESPONSIVE BIDDERS: (9:48 AM)
  - A. HARMONY CONSTRUCTION COMPANY (PRIMARY CONTRACTOR); AND
  - B. GG'S CONSTRUCTION (SECONDARY CONTRACTOR).

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

## TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

12. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: AMENDED PLAT OF LOTS 11, 12, 15 AND 18, BLOCK A, MARSHALL'S POINT, LOT 16, BLOCK A, AMENDED PLAT OF LOTS 16 AND 19, BLOCK A, MARSHALL'S POINT AND LOTS 13, 14 AND 17 AMENDED PLAT OF LOTS 4, 5, 6, 13, 14 AND 17, BLOCK A MARSHALL'S POINT SUBDIVISION (2 TOTAL LOTS). (COMMISSIONER DAUGHERTY) (9:48 AM)

**Clerk's Note:** Item 12 is the action item for the public hearing on Agenda Item 1.

**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.





- 16. CONSIDER AND TAKE APPROPRIATE ACTION ON THE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES FOR THE LAKES OF NORTHTOWN, SECTIONS ONE AND TWO; AND A PROPOSED LICENSE AGREEMENT WITH THE LAKES AT NORTHTOWN HOMEOWNERS ASSOCIATION FOR PRIVATE IMPROVEMENTS IN THE PUBLIC RIGHT OF WAY. (9:48 AM)

**Clerk’s Note:** Item 16 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 17. CONSIDER AND TAKE APPROPRIATE ACTION ON THE TRANSPORTATION AND NATURAL RESOURCES ROAD AND BRIDGE FISCAL YEAR 2008-2009 WORKPLAN INCLUDING ROAD MAINTENANCE, PARKS AND FACILITIES PROJECTS. (9:56 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 17.

<b>Motion carried:</b> 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

**PLANNING AND BUDGET DEPT. ITEMS**

- 18. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:48 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 GRANT CONTRACT WITH THE U.S. DEPARTMENT OF LABOR FOR REIMBURSEMENT TO THE HEALTH AND HUMAN SERVICES AND VETERANS SERVICES DEPARTMENT FOR CLOTHING AND OTHER ITEMS PROVIDED TO HOMELESS VETERANS AT THE STAND DOWN EVENT ON NOVEMBER 15, 2008. (9:48 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.

### OTHER ITEMS

20. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:48 AM)

**Clerk's Note:** Item 20 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

21. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT NUMBER ONE TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN TRAVIS COUNTY AND THE VILLAGE OF VOLENTE FOR LAW ENFORCEMENT SERVICES. (9:48 AM)

**Clerk's Note:** Item 21 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

22. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT NUMBER SEVEN TO THE AGREEMENT FOR TRUANCY COURT PILOT PROJECT BETWEEN TRAVIS COUNTY, TRAVIS COUNTY JUVENILE BOARD AND THE CITY OF AUSTIN. (9:48 AM)

**Clerk's Note:** Item 22 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 23. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT NUMBER SEVEN TO THE AGREEMENT FOR TRUANCY COURT PILOT PROJECT BETWEEN TRAVIS COUNTY, TRAVIS COUNTY JUVENILE BOARD AND AUSTIN INDEPENDENT SCHOOL DISTRICT. (9:48 AM)

**Clerk’s Note:** Item 23 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 24. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE SCOPE OF THE RFP FOR THE NEW FINANCIAL ACCOUNTING SYSTEM, ALSO KNOWN AS THE “BEFIT PROJECT”. (9:58 AM)

**Clerk’s Note:** The Court discussed two options:

- 1) Option 1 – Integrated Financial Accounting Enterprise Resource Planning (ERP) Solution – issue a single Request for Proposal (RFP) for an ERP with the common integration point being the General Ledger Mode; and,
- 2) Option 2 – Best of Breed Solution:
  - A) Issue an RFP with requirements for all modules/functions for a core ERP approach and select the vendor; and,
  - B) Once the core financial system is in place, issue a second RFP for the remaining accounting systems; individual departments would then select the appropriate vendors and the systems would all be linked.

**Members of the Court heard from:** Susan Spataro, Travis County Auditor; Joe Harlow, Chief Technology Officer, Information and Telecommunications Systems (ITS); Linda Moore Smith, Director, Human Resources Management Department (HRMD); and Christine Adair, County Auditor’s Office.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that we go with Option One for the reasons stated, better and easier integration; more affordability, maintenance-wise, long-term.

**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

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

Item 25 postponed until December 16, 2008.

26. CONSIDER AND TAKE APPROPRIATE ACTION TO APPOINT PRECINCT THREE COMMISSIONER ELECT KAREN HUBER TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) EXECUTIVE COMMITTEE AND GENERAL ASSEMBLY EFFECTIVE, JANUARY 1, 2009. (9:48 AM)

**Clerk's Note:** Item 26 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 Court would need Precinct Three Commissioner-Elect Karen Huber to commit to serve at least one quarter of the 2009 appointment; new assignments for the members of the Commissioners Court will be set in January, 2009.

27. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPOINT LINDSEY P. HALE TO THE TRAVIS COUNTY CHILDREN'S PROTECTIVE SERVICES BOARD EFFECTIVE IMMEDIATELY THROUGH DECEMBER 2011. (JUDGE BISCOE) (9:48 AM)

**Clerk's Note:** Item 27 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 Court is working to fill the remaining vacancies as soon as possible.



30. CONSIDER AND TAKE APPROPRIATE ACTION ON CLAIM FROM WILLIAM AND LUISA BARLOW REGARDING ALLEGED DAMAGES TO LOT 75, CARDINAL HILLS ESTATES, UNIT 15, MARAVILLA SUBDIVISION. <sup>1</sup>  
 (10:14 AM) (1:48 PM) (2:16 PM) (4:31 PM)

**Clerk’s Note:** Judge Biscoe announced that Item 30 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

31. RECEIVE LEGAL BRIEFING ON TERMS AND CONDITIONS OF CONTRACTS WITH STAR OF TEXAS RODEO. <sup>1</sup> (10:14 AM) (4:31 PM)

**Clerk’s Note:** Judge Biscoe announced that Item 31 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 authorize Staff to continue negotiations, and that we try to close the parts of the negotiations that we think we have resolved; and that we present to the Court next Tuesday, December 16, 2008 appropriate documents for us to execute.

<b>Motion carried:</b> 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

32. 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. <sup>1</sup> (10:14 AM) (1:48 PM) (2:16 PM) (4:32 PM)

**Clerk’s Note:** Judge Biscoe announced that Item 32 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 32 to be reposted December 16, 2008.

33. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE IMPOSITION OF ADMINISTRATIVE COSTS IN CERTAIN AUSTIN-TRAVIS COUNTY INTERLOCAL AGREEMENTS. <sup>1</sup> (10:14 AM) (4:32 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 Gómez** that we have already asked Staff to notify the Assistant City Manager and the City Manager of the County's position on the documents. It is probably a pretty good idea for the County Judge to contact the City Manager, make sure that we emphasize the importance of taking action before the current extension expires and the fact that, in our view, those documents are in their possession. We are awaiting delivery so we can respond appropriately.

**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 33 to be reposted on December 16, 2008.

34. CONSIDER AND TAKE APPROPRIATE ACTION ON A PROPOSAL TO ACQUIRE OPEN SPACE PARKLAND ALONG ONION CREEK NEAR STATE HIGHWAY 71 EAST WITH 2005 AUTHORIZED BOND FUNDS, IN PRECINCT FOUR. <sup>1 AND 2</sup> (10:14 AM) (1:48 PM) (2:16 PM) (4:33 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 and Gov't. Code Ann. 551.072, Real Property.

**Motion by Commissioner Gómez and seconded by Commissioner Davis** that we instruct Staff to move forward to the next steps that will lead to a contract, that will come back to the Court next Tuesday, December 16, 2008; and get the owners of the property to execute the document.

**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

35. RECEIVE BRIEFING FROM COUNTY REGARDING STATUS OF THE LICENSE AGREEMENT WITH TEXAS DISPOSAL SYSTEMS LANDFILL, INC. (TDS) AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAUGHERTY)  
1 (10:14 AM) (1:48 PM) (2:16 PM) (4:34 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 and Gov't. Code Ann. 551.072, Real Property. (10:14 AM)

**Clerk's Note:** The Court discussed the need for a sub-committee to be formed to put together a document that describes the Court expectations during negotiations. The sub-committee will consist of:

- 1) Precinct One Commissioner Ron Davis; and,
- 2) Precinct Three Commissioner Gerald Daugherty.

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

**Motion by Judge Biscoe and seconded by Commissioner Daugherty** that the sub-committee draft a charge that sets forth our anticipated negotiations with the owner of the property.

**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 35 will be reposted on December 16, 2008.



**ADDED ITEMS**

- A1. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING REMEDIES TO CONSIDER FOR PRODUCTS RECEIVED FROM INTEGRIAN, INC. AND TAKE APPROPRIATE ACTION. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (10:14 AM) (1:50 PM)

**Clerk's Note:** Judge Biscoe announced that Item A1 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

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

Item A1 postponed until December 16, 2008.

- A2. RECEIVE BRIEFING FROM STAFF AND TAKE APPROPRIATE ACTION REGARDING ISSUES ASSOCIATED WITH A RECOMMENDATION PENDING BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO DESIGNATE TRAVIS COUNTY AND OTHER AREAS AS NON-ATTAINMENT FOR THE 2008 EIGHT-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARD. (10:14 AM) (1:51 PM)

**Clerk's Note:** Judge Biscoe announced that Item A2 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Members of the Court heard from:** John Hille, Assistant County Attorney; Jon White, Natural Resources Program Manager, TNR; Tom Webber, Environmental Quality Program Manager, TNR; and Adele Noel, Air Quality Project Manager, TNR.

Discussion only. No formal action taken.

Item A2 to be reposted on December 23, 2008.

- A3. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR ECONOMIC DEVELOPMENT AGREEMENTS WITH THREE COMPANIES IN EASTERN TRAVIS COUNTY. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.087, DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS) (10:14 AM) (4:36 PM)

**Clerk's Note:** Judge Biscoe announced that Item A2 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.087, Deliberation Regarding Economic Development Negotiations.

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

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that we appoint the sub-committee that has volunteered: Precinct Two Commissioner Sarah Eckhardt; Precinct Four Commissioner Margaret Gómez; and Precinct One Commissioner Ron Davis. The goal is in two months to try to come up with appropriate criteria for financial incentives, unless we decide not to.

**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

**Clerk's Note:** The Court noted that because the three Commissioners will be on the sub-committee, the meetings will need to be posted and held in a public place.





