

## **MINUTES OF MEETING JUNE 30, 2009**

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

On Tuesday, the 30<sup>th</sup> day of June 2009, the Commissioners' Court convened the Voting Session at 9:13 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 recessed the Voting Session at 12:06 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:40 PM and adjourned at 1:57 PM.

The Commissioners Court, meeting as the Capital Industrial Development Corporation; and the Travis County Cultural Education Facilities Finance Corporation, convened at 1:57 PM and adjourned at 1:58 PM.

The Commissioners Court reconvened the Voting Session at 1:58 PM.

The Commissioners Court retired to Executive Session at 1:59 PM.

The Commissioners Court reconvened the Voting Session at 3:53 PM.

The Commissioners Court adjourned the Voting Session at 3:57 PM.









## SPECIAL ITEMS

4. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE FOLLOWING: (10:01 AM)
  - A. PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY; AND
  - B. THE NEED TO ADDRESS PROBLEMS CAUSED BY SEVERE HEAT ON VULNERABLE RESIDENTS SUCH AS SENIORS AND HOMELESS PERSONS.

**Clerk's Note:** Items 4.A&B are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Hershel Lee, Fire Marshal; Pete Baldwin, Emergency Management Coordinator, Travis County Emergency Services; Gus Peña, Travis County Resident; Dr. Phil Huang, Medical Director, A-TCHHS; Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); and Olie Pope, Director, Veterans' Services, TCHHS.

Discussion only. No formal action taken.

Item 4.A to be reposted July 7, 2009.

## TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

5. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PROPOSED STREET NAME ASSIGNMENT FOR A PRIVATE EASEMENT TO BE KNOWN AS "BOUNTIFUL PLACE" OFF NOACK HILL ROAD NEAR STATE HIGHWAY 71 WEST. (COMMISSIONER HUBER) (9:58 AM)

**Clerk's Note:** Item 5 is the action item for the public hearing on Agenda Item 1.

**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 REGARDING A REQUEST TO TEMPORARILY CLOSE IMPERIAL DRIVE NORTH AND COLFAX DRIVE IN PRECINCT ONE FOR DRAINAGE IMPROVEMENTS BEGINNING ON OR ABOUT JULY 13, 2009 AND CONTINUING THROUGH APRIL 9, 2010 OR UNTIL CONSTRUCTION IS COMPLETED. (COMMISSIONER DAVIS) (9:58 AM)

**Clerk's Note:** Item 6 is the action item for the public hearing on Agenda Item 2.

**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.

- 7. CONSIDER AND TAKE APPROPRIATE ACTION ON LICENSE AGREEMENT WITH LAKE SHORE RANCH PROPERTY OWNERS ASSOCIATION, INC. FOR TWO ENTRANCE WING WALLS IN THE RIGHT OF WAY OF AUSTIN BOULEVARD, IN PRECINCT THREE. (COMMISSIONER HUBER) (9:58 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. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO TERMINATE THE LICENSE AGREEMENT WITH BARTON CREEK RESORT AND CLUBS, INC. AND THE RELEASE OF ESCROW, IN PRECINCT THREE. (COMMISSIONER HUBER) (10:26 AM)

**Members of the Court heard from:** Ronnie Gjemre, Travis County Resident; and Steve Manilla, Director, Public Works, TNR.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 8.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

## HEALTH AND HUMAN SERVICES DEPT. ITEMS

9. CONSIDER AND TAKE APPROPRIATE ACTION ON THE DEVELOPMENT OF A JOINT CITY OF AUSTIN/TRAVIS COUNTY HOUSING COMMITTEE.  
(10:27 AM)

**Members of the Court heard from:** Sherri Fleming, Executive Manager, TCHHS&VS; Christy Moffett, Social Services Manager, TCHHS; Harvey Davis, Manager, Travis County Corporations; Chris Fanuel, Executive Assistant, Commissioner Precinct 1 Office; and Gus Peña, Travis County Resident.

Discussion only. No formal action taken.

Item 9 to be reposted July 14, 2009.

## PLANNING AND BUDGET DEPT. ITEMS

10. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:58 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. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:  
(9:58 AM)
- A. GRANT APPLICATION TO THE OFFICE OF GOVERNOR, CRIMINAL JUSTICE DIVISION TO CONTINUE THE RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM TO PROVIDE RESIDENTIAL SERVICES TO JUVENILES WITH CO-OCCURRING DISORDERS; AND
  - B. PERMISSION TO CONTINUE AMERICORPS GRANT PROGRAM THROUGH THE HEALTH AND HUMAN SERVICES DEPARTMENT UNTIL THE FISCAL YEAR 2010 GRANT CONTRACT IS EXECUTED.

**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.



- 13. CONSIDER AND TAKE APPROPRIATE ACTION ON FISCAL YEAR 2010 DEPARTMENTAL BUDGET HEARINGS AND MARKUP SCHEDULES. (11:32 AM)

**Clerk’s Note:** The Court discussed the following recommendations:

- That there be no Budget Hearings for the FY '10 budget
- That Budget mark up be set for September 9 and 10, 2009;
- That the following language be added: “Departments with critical budget issues may request a discussion with the Court during a Work Session or Voting Session prior to September 9, 2009, and the Court may grant such a request. These critical budget requests are to go through Planning and Budget Office (PBO) first so they can identify the critical status of each request.”

**Members of the Court heard from:** Leroy Nellis, Budget Manager, Planning and Budget Office (PBO); Sherri Fleming, Executive Manager, TCHHS&VS; Susan Spataro, Travis County Auditor; and Gus Peña, Travis County Resident.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to approve Item 13.

**Motion carried:**

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

**Clerk’s Note:** By approving Item 13 the Court agreed to add the suggested language to the Budget Rules for FY '10.

**ADMINISTRATIVE OPERATIONS ITEMS**

- 14. 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 \$552,669.33 FOR THE PERIOD OF JUNE 12 TO 18, 2009. (9:58 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. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:58 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. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PROPOSAL FOR VETERANS AND PEACE OFFICERS MEMORIALS AT WOODMANSEE PLAZA. (10:57 AM)

**Members of the Court heard from:** Roger El Khoury, Director, Facilities Management; Olie Pope, Director, Veterans' Services, TCHHS; Greg Hamilton, Travis County Sheriff; and David Jaso, Executive Member, The Veterans and Peace Officers Memorial Committee.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 16.

**Motion carried:**

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

- 17. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM ADMINISTRATIVE OPERATIONS TO ESTABLISH A NOTARY CHANGE FUND AT THE HEMAN MARION SWEATT TRAVIS COUNTY COURTHOUSE INFORMATION BOOTH. (9:58 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.

**Clerk's Note:** The Court noted that the Information Booth notary change fund will be in the amount of \$50.00.

- 18. A. CONSIDER AND TAKE APPROPRIATE ACTION ON EMPLOYEE REFUNDS UNDER TUITION REIMBURSEMENT POLICY 10.021; AND  
B. AUTHORIZE THE COUNTY AUDITOR AND TREASURER TO REIMBURSE CERTAIN EMPLOYEES. (9:58 AM)

**Clerk's Note:** Items 18.A&B 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 REGARDING POSSIBLE USES OF COUNTY-OWNED PROPERTY LOCATED AT 5335 AIRPORT BOULEVARD: (11:08 AM)
  - A. REQUEST FROM MANOS DE CRISTO TO USE THE BUILDING FOR THEIR ANNUAL BACK-TO-SCHOOL PROGRAM AND A REQUEST TO WAIVE ALL FEES FOR USE OF FACILITY FROM JULY 27, 2009 THROUGH AUGUST 21, 2009;
  - B. REQUEST FROM HEALTH AND HUMAN SERVICES AND VETERANS SERVICE DEPARTMENT FOR ANTICIPATED WEATHERIZATION PROGRAM;
  - C. REQUEST FROM TRAVIS COUNTY DISTRICT JUDGES TO USE AS A JURY IMPANELING FACILITY;
  - D. OTHER REQUESTS INFORMALLY REQUESTED BUT NOT DISCUSSED; AND
  - E. OVERALL STRATEGY FOR DEVELOPMENT OF THIS PROPERTY, ESPECIALLY ROUGH SCHEDULE.

**Clerk’s Note:** Items 19.A-E are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Sherri Fleming, Executive Manager, TCHHS&VS; Judith Cárdenas, Outreach Coordinator, Manos De Cristos; Roger El Khoury, Director, Facilities Management; Greg Hamilton, Travis County Sheriff; Alicia Perez, Executive Manager, Administrative Operations; Leroy Nellis, Budget Manager, PBO; and Tenley Aldredge, Assistant County Attorney.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to grant the request (in Item 19.A), indicate the County’s intention to apply our standard insurance provision and seek reimbursement of utilities; and indicate that the County will eat the other costs.

**Motion carried:**

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

Items 19.B-E Discussion only. No formal action taken.

20. CONSIDER AND TAKE APPROPRIATE ACTION ON THE INFORMATION AND TELECOMMUNICATIONS SYSTEM CAREER LADDER ANALYSIS AND RECOMMENDATIONS COMPLETED BY EVERGREEN SOLUTIONS, LLC. (9:13 AM)

Item 20 postponed until July 7, 2009.

### JUSTICE AND PUBLIC SAFETY ITEMS

21. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE TRAVIS COUNTY MEDICAL EXAMINER'S OFFICE ON THE INTERNSHIP AGREEMENT BETWEEN TEXAS STATE UNIVERSITY AND TRAVIS COUNTY. (9:58 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 REQUEST FOR PAYMENT OF TRAVEL COSTS FROM THE FEDERAL SAFE HAVENS GRANT FOR A SAFEPLACE EMPLOYEE TO ATTEND TWO SAFE HAVENS TRAINING CLASSES. (9:58 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.

### PURCHASING OFFICE ITEMS

23. APPROVE CONTRACT AWARD FOR CONSTRUCTION SERVICES FOR THE FISCAL YEAR 2009 HMAC OVERLAY PROGRAM, IFB NO. B090209-LP, TO THE LOW BIDDER, WHEELER COATINGS ASPHALT, LP. (9:58 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. APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE FEDERAL CORRECTIONAL INSTITUTION IN BASTROP, TEXAS AND THE TRAVIS COUNTY SHERIFF'S OFFICE. (9:58 AM)

**Clerk's Note:** Item 24 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

25. APPROVE MODIFICATION NO. 5 TO INTERLOCAL NO. IL060254RE, STUDY OF HUMAN RESOURCES, WITH THE UNIVERSITY OF TEXAS AT AUSTIN. (9:58 AM)

**Clerk's Note:** Item 25 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

26. APPROVE CONTRACT FOR ANNUAL INDEPENDENT EXTERNAL AUDIT SERVICES TO LOCKART, ATCHLEY & ASSOCIATES, LLP. (9:58 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.

27. APPROVE CONTRACT NO. PS090280RE, LITERACY COALITION OF CENTRAL TEXAS, FOR LITERACY SERVICES. (9:58 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.

### **OTHER ITEMS**

28. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:58 AM)

**Clerk's Note:** Item 28 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

29. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING ADDITION OF 2009 MAGNUM FLAT BED TRAILER TO THE TRAVIS COUNTY VEHICLE FLEET FOR PROGRAMS, GROUNDS AND MAINTENANCE USE WITHIN THE CORRECTIONS BUREAU. (11:29 AM)

**Members of the Court heard from:** Cyd Grimes, Travis County Purchasing Agent.

Discussion only. No formal action taken.

30. RECEIVE AND DISCUSS AS NECESSARY THE SECOND REVENUE ESTIMATE FOR THE FISCAL YEAR 2010 BUDGET PROCESS. (11:03 AM)

**Members of the Court heard from:** Susan Spataro, Travis County Auditor; and Blain Keith, Chief Assistant County Auditor, Travis County Auditor's Office.

Discussion only. No formal action taken.

### **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.

31. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING PROPOSAL FOR DOWNTOWN OFFICE BUILDING BY D2000, A TURN KEY DEVELOPMENT COMPANY. <sup>1 AND 2</sup> (9:13 AM)

**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 and Gov't. Code Ann. 551.072, Real Property.

Item 31 postponed until July 7, 2009.

32. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING CONTRACT AWARD FOR BROKERAGE SERVICES FOR THE TRAVIS COUNTY CENTRAL CAMPUS WITH UGL EQUIS CORPORATION, FIRM SELECTED FOR CONTRACT NEGOTIATION. <sup>1</sup> (1:59 PM) (3:53 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.

**Motion by Judge Biscoe and seconded by Commissioner Eckhardt** to approve the proposed contract.

**Motion carried:**

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

33. CONSIDER AND TAKE APPROPRIATE ACTION ON AN OFFER TO SELL APPROXIMATELY 90 ACRES OF UNDEVELOPED LAND IN PRECINCT FOUR, LOCATED EAST OF U.S. 183 AND ONION CREEK, FOR INCLUSION IN THE ONION CREEK OPEN SPACE PARKLAND 2005 BOND PROGRAM. (COMMISSIONER GÓMEZ) <sup>1 AND 2</sup> (1:59 PM) (3:53 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 and Gov't. Code Ann. 551.072, Real Property.

**Motion by Commissioner Gómez and seconded by Judge Biscoe** that we counter with \$648,000.00, and the source of funding is the 2005 Bond Program.

**Motion carried:**

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

34. CONSIDER AND TAKE APPROPRIATE ACTION ON AN OFFER TO SELL APPROXIMATELY 12.3 ACRES OF UNDEVELOPED LAND LOCATED NORTH OF R.M. 2222 AND WEST OF LOOP 360 IN PRECINCT THREE FOR ADDITION TO THE BALCONES CANYONLANDS PRESERVE.  
(COMMISSIONER HUBER) <sup>1 AND 2</sup> (1:59 PM) (3:54 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 Huber **and seconded by** Commissioner Eckhardt that we accept the offer to sell us this land for \$33,000.00.

**Motion carried:**

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

35. RECEIVE LEGAL BRIEFING FROM COUNTY ATTORNEY AND OUTSIDE COUNSEL, RENEA HICKS, ESQ. AND TAKE APPROPRIATE ACTION REGARDING THE MATTER OF NORTHWEST AUSTIN M.U.D. V. HOLDER IN THE SUPREME COURT OF THE UNITED STATES. <sup>1</sup> (1:59 PM) (3:54 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.

No action required on Item 35.

Item 35 to be reposted if needed.





**ADDED ITEM**

A1. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO REVISE FUEL PUMPING HOURS FOR COUNTY VEHICLES ON OZONE WATCH OR ACTION DAYS. (11:57 AM)

**Clerk's Note:** The Court discussed the following Staff recommendation:

- When there are consecutive Ozone Watch days the second and consequent days will have a fueling restriction of 8:00 AM to 4:00 PM to allow Staff to re-fuel without the need of overtime; and,
- In an Emergency situation grant Joe Gieselman, Executive Manager, TNR the ability to open a pump to serve that specific situation.

**Members of the Court heard from:** Phyllis Clair, Major, Law Enforcement Bureau, TCSO; Steve Manilla, Director, Public Works, TNR; and Adele Noel, Air Quality Project Manager, TNR.

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt to approve the revisions in Item 2.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

