



Minutes for the Travis County Commissioners Court Tuesday, March 22, 2011 Voting Session

Minutes Prepared by the Travis County Clerk
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Roll Call

Meeting called to order on March 22, 2011 in the Ned Granger Building, Commissioners Courtroom, 1st Floor, 314 W. 11th St., Austin, TX. Dana DeBeauvoir, County Clerk, was represented by Deputy Gillian Porter.

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

Citizens Communication

Members of the Court heard from:
Ronnie Gjemre, Travis County Resident
Dr. John K. Kim, Travis County Resident

Special Items

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

Members of the Court heard from:
Hershel Lee, Travis County Fire Marshal

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

Proclamations and Resolutions

2. Approve Resolution honoring Jim Sylvester for his many years of service to the Boy Scouts of America. (Commissioner Gómez)

Members of the Court heard from:
Jim Sylvester, Chief Deputy, Travis County Sheriff's Office (TCSO)
Adan Ballesteros, Constable Precinct 2

MOTION: Approve the Resolution in Item 2.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Margaret J. Gómez, Commissioner
SECONDER: Karen L. Huber, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

3. Approve Proclamation recognizing Council At Risk Youth agency and declaring March 21 through March 25, 2011 as "National Youth Violence Prevention Week" in Travis County. (Judge Biscoe)

Members of the Court heard from:

Adrian Moore, Executive Director, Council on At-Risk Youth (CARY)

MOTION: Approve the Proclamation in Item 3.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Planning and Budget Dept. Items

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

MOTION: Approve Budget Amendments A1 and A2 in Item 4.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Clerk's Note: The Budget Discussion Item D1 in Item 4 was not discussed. Please note that for this Item, references to A1, A2, and D1 refer to numbered items in a separate budget document, not these minutes. See supporting documentation.

5. Review and approve requests regarding grant programs, applications, contracts and permissions to continue:
 - a. Annual application to the Office of the Governor, Criminal Justice Division, to continue the Family Drug Treatment Court Program in the Civil Courts;
 - b. Annual application to the Corporation for National and Community Service (through the OneStar Foundation) for Health and Human Services and Veterans Service to continue the Americorps Program to support the activities of the Texas AgriLife Extension's 4-H Capital Program;
 - c. Annual application to the Office of the Governor, Criminal Justice Division, for Juvenile Probation to continue the Residential Substance Abuse Treatment Program that provides services to juveniles with mental health and substance abuse issues;
 - d. Annual application to the Office of the Governor, Criminal Justice Division, to continue the Drug Diversion Court Program in the Criminal Courts;
 - e. Annual application to the Office of the Governor, Criminal Justice Division, to continue the Travis County's Veteran's Court Program in the Criminal Courts;
 - f. Annual application to the Office of the Governor, Criminal Justice Division, to continue the Driving While Intoxicated Court Program managed by the Community Supervision and Corrections Department;
 - g. Amendment to the agreement with the Texas Secretary of State to receive pass through Help America Vote Act supplemental 2010 resources from the United States Election

Commission that will reimburse the General Fund for prior election equipment, maintenance and warranty costs in the County Clerk's Office; and

- h. Amendment to the agreement with the United States Department of Health and Human Services, Administration for Children and Families to carry over prior year unspent funds in Health and Human Services' Parenting in Recovery Program in order to complete the treatment of clients enrolled during Fiscal Year 2010.

RESULT: ADDED TO CONSENT

- 6. Consider and take appropriate action on adoption of an order authorizing publication of notice of intent to issue Certificates of Obligations.

Members of the Court heard from:

Ladd Pattillo, Travis County Financial Advisor
Glen Opel, Bond Counsel, Vinson and Elkins
Jessica Rio, Budget Manager, Planning and Budget Office (PBO)
Rodney Rhoades, Executive Manager, PBO

MOTION: Approve an order authorizing publication of notice of intent to issue Certificates of Obligations.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Ron Davis, Commissioner

SECONDER: Margaret J. Gómez, Commissioner

AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

- 7. Approve Amendment No. 1 - Agreement with City of Austin to participate in Tax Increment Reinvestment Zone No. 17 Waller Creek.

RESULT: ADDED TO CONSENT

- 8. Approve Reimbursement Resolution for purchases and contractual obligations for road and building projects in expectation of issuance of Certificates of Obligation in 2011.

RESULT: ADDED TO CONSENT

- 9. Consider and take appropriate action on request to authorize Cash/Investment Management to advertise and distribute Request For Application (RFA) for Depository Bank Services.

MOTION: Approve Item 9.

RESULT: **APPROVED [4 TO 0]**

MOVER: Samuel T. Biscoe, Judge

SECONDER: Margaret J. Gómez, Commissioner

AYES: Samuel T. Biscoe, Sarah Eckhardt, Karen L. Huber, Margaret J. Gómez

ABSTAIN: Ron Davis

Administrative Operations Items

- 10. 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 \$731,715.00, for the period of March 4 to March 10, 2011.

RESULT: ADDED TO CONSENT

11. Consider and take appropriate action on proposed routine personnel amendments.

RESULT: ADDED TO CONSENT

12. Consider and take appropriate action on the following:

- a. The adoption of a performance evaluation tool for County Executives;
- b. Scheduling of County Executive performance reviews for Fiscal Year 2011; and
- c. Scheduling a Work Session for the County Executives to establish performance goals for Fiscal Year 2012.

RESULT: POSTPONED

Reset for: 3/29/2011

13. Consider and take appropriate action on request from Sails In Concert, Inc. for a discount on an extended rental of the Luedecke Arena and Skyline Club from April 1 through 8, 2011 and April 10 through 12, 2011. (Commissioner Davis)

Members of the Court heard from:

Roger El Khoury, Director, Facilities Management

MOTION: Approve Item 13.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Ron Davis, Commissioner
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

14. Consider and take appropriate action on request from Special Olympics Texas for refund of all fees paid for an event cancelled due to inclement weather February 3 through 5, 2011. (Commissioner Davis)

Members of the Court heard from:

Roger El Khoury, Director, Facilities Management

MOTION: Approve Item 14.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Ron Davis, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Purchasing Office Items

15. Approve Modification No. 9 to Interlocal Agreement No. IL070037RE, Austin Travis County Mental Health and Mental Retardation Center, d/b/a Austin Travis County Integral Care.

MOTION: Approve Item 15.
RESULT: **APPROVED [4 TO 0]**
MOVER: Ron Davis, Commissioner
SECONDER: Margaret J. Gómez, Commissioner
AYES: Ron Davis, Sarah Eckhardt, Karen L. Huber, Margaret J. Gómez
ABSTAIN: Samuel T. Biscoe

16. Approve contract award for Travis County Correctional Complex, HVAC Renovations to Bldg. 189, IFB No. B100281-DG, to the low bidder, Architectural Habitat.

RESULT: ADDED TO CONSENT

17. Approve Modification No. 2 to Contract No. 10T00142NB, Garratt Callahan Company for additional water treatment services to Gardner Betts Juvenile Justice Center.

RESULT: ADDED TO CONSENT

18. Conduct interviews from the three top-ranked firms responding to RFS for Travis County Redistricting Services and take appropriate action:

- a. Bickerstaff, Heath, Delgado and Acosta;
- b. Training and Assessment Professionals; and
- c. Rolando Rios and Associates.

Members of the Court heard from:

Syd Falk, Bickerstaff, Heath, Delgado and Acosta
David Méndez, Bickerstaff, Heath, Delgado and Acosta
Marion Sanchez, Estilo Communications
Ed Mullen, Training and Assessment Professionals
Peck Young, Peck Young Consulting
Dr. Thomas Jukam, Austin Trends
Javier Guajardo, Guajardo and Guajardo
Dan Smith, Training and Assessment Professionals
Rolando Rio, Rolando Rios and Associates
Robena Jackson, Group Solutions RJW
Jackie Nirenberg, Group Solutions RJW

RESULT: DISCUSSED

Reset for: 3/29/2011

Transportations and Natural Resources Dept. Items

19. Consider and take appropriate action on the request to establish two part-time planner positions instead of one full-time planner position.

Clerk's Note: The Court noted that any additional cost for benefits will be absorbed by TNR.

RESULT: ADDED TO CONSENT

20. Consider and take appropriate action on the request to use alternative fiscal for the Village of Hidden Lake, Phase 6B-1, a subdivision in Precinct Two. (Commissioner Eckhardt)

RESULT: ADDED TO CONSENT

21. Consider and take appropriate action on the City of Lakeway's agreement with the developer of Crosswater Yacht Club to offer Travis County \$20,000 for roadway improvements and/or maintenance of Hurst Creek Road in Precinct Three. (Commissioner Huber)

Members of the Court heard from:

Anna Bowlin, Program Manager, Planning and Engineering, Transportation and Natural Resources (TNR)

Steve Manilla, County Executive, Transportation and Natural Resources (TNR)
Tom Nuckols, Assistant County Attorney
Susan Brown, Graveyard Point Resident
Dan Bitting, Scott, Douglass & McConnico
Dowe Gullat, Coates Rose
Dick Kemp, Kemp Management, Inc
Kevin Flahive, Coates Rose

MOTION: Defer acceptance of the \$20,000.00 until a more appropriate time in the permitting process.
RESULT: **APPROVED [4 TO 1]**
MOVER: Karen L. Huber, Commissioner
SECONDER: Sarah Eckhardt, Commissioner
AYES: Ron Davis, Sarah Eckhardt, Karen L. Huber, Margaret J. Gómez
NAYS: Samuel T. Biscoe

Other Items

22. 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)

Susan Spataro, Travis County Auditor

RESULT: DISCUSSED

b. Legislation relating to the proceedings that may be referred to and the powers of a criminal law magistrate in Travis County;

Members of the Court heard from:

Deece Eckstein, Intergovernmental Relations Officer, IGR

MOTION: Support legislation relating to the powers and duties of a criminal law magistrate in Travis County.

RESULT: APPROVED [UNANIMOUS]

MOVER: Samuel T. Biscoe, Judge

SECONDER: Margaret J. Gómez, Commissioner

AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

c. Legislation relating to implementation in Texas of the Military and Overseas Voter Empowerment Act, including Senate Bill 100 and Senate Joint Resolution 37;

Members of the Court heard from:

Deece Eckstein, Intergovernmental Relations Officer, IGR

RESULT: DISCUSSED

d. House Bill 1490, relating to the accumulation and payment of sick leave for employees in certain sheriff's departments; and

Members of the Court heard from:

Deece Eckstein, Intergovernmental Relations Officer, IGR

Travis Gatlin, Budget Analyst, PBO
Susan Spataro, Travis County Auditor
Sergeant James Hodge, TCSO
Nate Gillespie, Sergeant, Travis County Sheriff's Office
Stacy Suits, Chief Deputy, Constable Precinct 3

RESULT: DISCUSSED

Reset for: 3/29/2011

- e. Amendments 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: DISCUSSED

23. Consider and take appropriate action on request for planner position for truancy cases in Precinct One or all precincts.

Members of the Court heard from:

Judge Herb Evans, Justice of the Peace Precinct Five

Diana Ramirez, Budget Analyst, PBO

Judge Susan Steeg, Justice of the Peace Precinct Three

Judge Yvonne Williams, Justice of the Peace Precinct One

Judge Glenn Bass, Justice of the Peace Precinct Two

Judge Raul Gonzales, Justice of the Peace Precinct Four

Todd Osburn, Compensation Manager, Human Resources Management Department (HRMD)

Gus Peña, Travis County Resident

MOTION: Approve Item 23, with the source of funding from Allocated Reserve.

A Friendly Amendment to the previous Motion was made by Judge Biscoe for PBO to scrub the budget for Justice of the Peace Precinct One and see if there are any savings that can be used to supplement this position, and report to the Court next Tuesday, March 29, 2011.

Acceptance of the Friendly Amendment was made by Commissioner Davis.

RESULT: DEFEATED [2 TO 3]

MOVER: Ron Davis, Commissioner

SECONDER: Samuel T. Biscoe, Judge

AYES: Samuel T. Biscoe, Ron Davis

NAYS: Sarah Eckhardt, Karen L. Huber, Margaret J. Gómez

24. Consider and take appropriate action on Interlocal Agreement with The Village of the Hills for Constable Precinct Two.

MOTION: Approve Item 24.

RESULT: APPROVED [UNANIMOUS]

MOVER: Margaret J. Gómez, Commissioner

SECONDER: Karen L. Huber, Commissioner

AYES: Samuel T. Biscoe, Ron Davis, Karen L. Huber, Margaret J. Gómez

ABSENT: Sarah Eckhardt

25. Consider and take appropriate action on Sixth Amendment to Contract for sale of improved property located on Johnny Morris Road in Precinct One to Balcones Resources, Inc. (Commissioner Davis)

Members of the Court heard from:

John Hille, Assistant County Attorney

MOTION: Approve Item 25.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Ron Davis, Commissioner
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

26. Consider and take appropriate action regarding the downtown lot at 3rd and Guadalupe:
- a. Receive legal briefing regarding various legal options for County for a public/private partnership regarding a new civil courts building (This item may be taken into executive session pursuant to Gov't. Code Ann 551.071, Consultation with Attorney);
 - b. Evaluate the County Executives of Planning and Budget, and Emergency Services (Facilities) regarding progress to date, performance and future duties regarding a new civil courts building (This item may be taken into executive session pursuant to Gov't. Code Ann 551.074, Personnel Matters); and
 - c. Approve questions to solicit responses to facilitate the preparation and evaluation of specific requirement for a Request for Proposal for a public/private partnership on the property (This item may be taken into executive session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.072, Real Property).

RESULT: POSTPONED

Reset for: 3/29/2011

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

27. Receive briefing from County Attorney and take appropriate action regarding the offer to settle Travis County's claims against Rashad Robertson for damages to a guardrail. ¹

Judge Biscoe announced that Item 27 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

MOTION: Ask the County Attorney to investigate Mr. Robertson's ability to pay \$100.00 or more per month, and report back to the Court Tuesday, March 29, 2011.

RESULT: APPROVED [UNANIMOUS]
MOVER: Samuel T. Biscoe, Judge
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

28. Receive briefing from County Attorney and take appropriate action and/or consider settlement offer regarding Regina Jackson and Rudolf Williamson, individually, and on behalf of the Estate of Rachel Jackson, Deceased v. John A. Ford, M.D., and Travis County, Texas; A-10-CA-522-SS.¹

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

RESULT: POSTPONED **Reset for: 3/29/2011**

29. Receive briefing from retained outside counsel and take appropriate action in Alicia Perez v. Travis County. No. 1:11-CV-00019-LY.¹

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

RESULT: POSTPONED **Reset: 3/29/2011**

30. Consider and take appropriate action regarding proposal for downtown office building by D2000, a turn key development company.^{1 and 2}

Judge Biscoe announced that Item 30 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.

RESULT: POSTPONED **Reset for: 4/5/2011**

Consent Items

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

MOTION: Approve the following Consent Items: C1–C3 and Agenda Items 5.a–h, 7, 8, 10, 11, 16, 17, 19, and 20.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Margaret J. Gómez, Commissioner
SECONDER: Karen L. Huber, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

- C1. Receive bids from County Purchasing Agent.
- C2. Approve payment of claims and authorize County Treasurer to invest County funds.
- C3. Approve setting a Public Hearing for April 26, 2011 for the following subdivision in Precinct Three: Lodge Acres Annex Number Two revised Plat of Lots 67, 68 and 69 in Precinct Three (Revised Plat - one lot - 0.76 acres - Red Bird Trail). (Commissioner Huber)

Minutes approved by the Commissioners Court

Date of Approval

Samuel T. Biscoe, Travis County Judge