



Minutes for the Travis County Commissioners Court Tuesday, May 24, 2011 Voting Session

Minutes Prepared by the Travis County Clerk
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Call to Order

Meeting called to order on May 24, 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

Public Hearings

1. Receive comments regarding the proposed street name change from Maha Loop Road to "Burklund Farms Road", Precinct Four. (Commissioner Gómez) (Action Item #6)

MOTION: Open the Public Hearing.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Margaret J. Gómez, Commissioner
SECONDER: Ron Davis, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Members of the Court heard from:
Steve Manilla, County Executive, Transportation and Natural Resources (TNR)
Gayla Dembkowski, GIS Specialist, TNR
Stephanie Jensen, City/County 9-1-1 Addressing Committee, City of Austin

MOTION: Close the Public Hearing.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Margaret J. Gómez, Commissioner
SECONDER: Ron Davis, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Citizens Communication

Members of the Court heard from:
Gavino Fernandez, Deputy Director, District 12, League of United Latin American Citizens (LULAC)
Dr. John K. Kim, Travis County Resident
Gus Peña, Travis County Resident
Ronnie Gjemre, Travis County Resident
Morris Priest, Travis County Resident
Sylvia Lopez, Program Coordinator, HUB Program, Purchasing
Richard Suttle, Jr., Attorney, Armbrust and Brown representing Formula 1 Project;

Special Items

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

Members of the Court heard from:
Tony Callaway, Assistant 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

3. Approve Resolution urging all citizens to recognize Memorial Day.

Members of the Court heard from:
Olie Pope, Director, Veterans' Services, Travis County Health and Human Services (TCHHS)
Larry Konarik, Commander, District 28, Texas Department of Veterans of Foreign Wars

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

Purchasing Office Items

4. Approve addition of services (modification no. 1) to Interlocal Agreement IL No. 100304SW, Texas Workforce Commission.

RESULT: **ADDED TO CONSENT**

5. Approve contract award for auctioneer services, RFS no. S110129-LD, to Gaston and Sheehan Auctioneers, Inc.

RESULT: **ADDED TO CONSENT**

Transportations and Natural Resources Dept. Items

6. Consider and take appropriate action regarding the proposed street name change from Maha Loop Road to "Burklund Farms Road" in Precinct Four. (Commissioner Gomez)

RESULT: **ADDED TO CONSENT**

7. Consider and take appropriate action on the permanent traffic improvements on FM 812 at F1 Speedway in Precinct Four:
 - a. Indemnification Agreement with Circuit of the Americas LLC for funding of improvements; and
 - b. Advanced Funding Agreement for voluntary transportation improvement projects with the State of Texas and Travis County. (Commissioner Gómez)

Judge Biscoe announced that Items 7.a–b would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

RESULT: DISCUSSED

Reset for: 5/31/2011

8. Consider and take appropriate action on a partial assignment of the Park at Blackhawk Phasing Agreement, in Precinct Two.

RESULT: ADDED TO CONSENT

9. Consider and take appropriate action for the following items in Precinct Three:
- a. A revised preliminary plan: West Cypress Hills, Phase 2, Cypress Ranch Boulevard, fiscal is not required for this preliminary plan, no ETJ;
 - b. A revised preliminary plan: West Cypress Hills, Phase 3, Cypress Ranch Boulevard, fiscal is not required for this preliminary plan, no ETJ
 - c. A final plat for recording: West Cypress Hills, Phase 2, Section 1, right-of-way only, Cypress Ranch Boulevard, fiscal has been posted with Travis County, no ETJ;
 - d. A final plat for recording: West Cypress Hills, Phase 3, Section 1, right-of-way only, Cypress Ranch Boulevard, fiscal has been posted with Travis County, no ETJ;
 - e. A final plat for recording: West Cypress Hills, Phase 1, Section 4, right-of-way only, Cypress Ranch Boulevard, fiscal has been posted with Travis County, no ETJ;
 - f. A construction agreement for West Cypress Hills, Phase 2, Section 1, final plat;
 - g. A construction agreement for West Cypress Hills, Phase 3, Section 1, final plat; and
 - h. A construction agreement for West Cypress Hills, Phase 1, Section 4, final plat. (Commissioner Huber).

Members of the Court heard from:

Anna Bowlin, Division Director, Engineering Services, Transportation and Natural Resources (TNR)

Hank Smith, President, Home Builders Association of Greater Austin (HBA)

MOTION: Approve Items 9.a–h.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Karen L. Huber, Commissioner
SECONDER: Ron Davis, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

10. Consider and take appropriate action on the construction of floating habitable structures on Lake Travis. (Commissioner Huber)

Members of the Court heard from:

Steve Manilla, County Executive, TNR

Jim Richardson, Manager, Water Surface Management, Lower Colorado River Authority (LCRA)

Vick Ramirez, Attorney, LCRA

Margo Mermelstein, Travis County Resident

Dave Evans, Head, Fire wise Committee, Comanche Trail Community Association

Christopher Maisel, Travis County Resident

Diane Crumley-Dee, Travis County Resident

Rod Schaffner, Travis County Resident
Ron Green, Comanche Trail Dirt Club
Lance Widdell, Travis County Resident
Gary Mermelstein, Travis County Resident

MOTION: Approve the Resolution supporting prohibition of any floating habitable structures on Lake Travis.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Karen L. Huber, Commissioner
SECONDER: Ron Davis, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Justice and Public Safety Items

11. Consider and take appropriate action on cost benefit analysis prepared for the Mental Health Public Defender Office and recommendation to continue funding the program through the general fund.

Members of the Court heard from:

Roger Jefferies, County Executive, Justice and Public Safety (JPS)
Jeanette Kinard, Director, Mental Health Public Defender's Office (MHPD)
Valerie Whiting, Case Management Coordinator, MHPD
Tonya Mills, Senior Planner, CJP
Jim Bethke, Texas Task Force on Indigent Defense
Katie Gipson, Senior Budget Analyst, Planning and Budget Office (PBO)

MOTION: Continue to fund MHPD through Fiscal Year 2011 from the General Fund with supplemental funding to come from Allocated Reserve if necessary and direct MHPD to work with PBO for Fiscal Year 2012 funding.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Ron Davis, Commissioner
SECONDER: Samuel T. Biscoe, Judge
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

MOTION: Direct MHPD to complete the cost benefit analysis and to continue to work with community partners to identify greater efficiencies, cooperation and cost reductions.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Ron Davis, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

12. Consider and take appropriate action regarding an Interlocal Agreement for enforcement of Travis County Fire Code between Travis County and the City of Manor.

RESULT: **ADDED TO CONSENT**

Health and Human Services Dept. Items

13. Consider and take appropriate action on the following items related to the Community Development Block Grant made available through HUD:
 - a. Request to accept the Travis County Housing Finance Corporations withdrawal from the Homebuyer Assistance Program and authorize staff to move forward with a Request For Services to find another provider;

Members of the Court heard from:
Christy Moffett, Social Services Manager, TCHHS

MOTION: Approve Item 13.a.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Sarah Eckhardt, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

- b. Estimated funding level for Program Year 2011;
- c. Program Year 2012-2014 urban county renewal process;

Members of the Court heard from:
Christy Moffett, Social Services Manager, TCHHS

RESULT: **DISCUSSED**

- d. Program Year 2011-2013 consolidated plan;
- e. The strategic direction for Program Years 2011-2013; and

Members of the Court heard from:
Christy Moffett, Social Services Manager, TCHHS
Sherri Fleming, County Executive, Travis County Health, Human Services, and
Veterans' Services (TCHHS&VS)

MOTION: Approve Item 13.d.
MOVER: Samuel T. Biscoe, Judge
SECONDER: Ron Davis, Commissioner

**FRIENDLY
AMENDMENT:** Move the category "Business and Jobs" from low priority to medium
priority.
MOVER: Samuel T. Biscoe, Judge
RESULT: **FRIENDLY AMENDMENT ACCEPTED**

Clerk's Note: A Vote on the Standing Motion was taken.

RESULT: **APPROVED [UNANIMOUS]**
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

- f. Project evaluation criteria for Program Year 2011.

Members of the Court heard from:
Christy Moffett, Social Services Manager, TCHHS
Morgan Chee, Planner, TCHHS

MOTION: Approve Item 13.f.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Ron Davis, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Planning and Budget Dept. Items

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

RESULT: ADDED TO CONSENT

15. Review and approve new grant application to the United States Department of Justice under the 2011 community oriented policing services hiring program for eight law enforcement positions for a three-year period.

RESULT: ADDED TO CONSENT

16. Consider and take appropriate action on the following requests:

- a. Recommendation from Bank Depository Review Committee for Travis County's new depository bank;
- b. Authorization for Investment Manager to negotiate contract for depository bank services; and
- c. Authorization for County Treasurer to return good faith checks to Wells Fargo.

Members of the Court heard from:

Deborah Lauder milk, Investment Manager, Cash/Investment Management
Barbara Wilson, Assistant County Attorney

MOTION: Approve Items 16.a–c, that JPMorgan Chase be awarded the contract for depository bank.

Clerk's Note: A division of the vote was requested by Commissioner Davis.

First Division of the Vote:

MOTION: Approve Items 16.a–b.

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

Second Division of the Vote

MOTION: Approve Item 16.c.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Samuel T. Biscoe, Judge

SECONDER: Margaret J. Gómez, Commissioner

AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Administrative Operations Items

17. 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 \$996,265.87 for the period of May 6 to May 12, 2011.

RESULT: ADDED TO CONSENT

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

RESULT: ADDED TO CONSENT

19. Consider and take appropriate action on the following:

- a. License Agreement to use the Granger parking garage at 313 West 12th Street as overflow parking for a wedding ceremony on Saturday, June 11, 2011; and

Members of the Court heard from:

Danny Hobby, County Executive, Travis County Emergency Services
Tenley Aldredge, Assistant County Attorney

MOTION: Approve Item 19.a.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

- b. Authorize County Executive over facilities to approve similar one-time parking garage agreements.

Members of the Court heard from:

Roger El Khoury, Director, Facilities Management

RESULT: DISCUSSED

20. Consider and take appropriate action on schematic design recommendations associated with 700 Lavaca Commissioners Court and offices.

RESULT: POSTPONED

Reset for: 5/31/2011

Other Items

21. Receive revenue and expenditure reports for the month of April, 2011.

RESULT: ADDED TO CONSENT

22. Consider and take appropriate action on Travis County redistricting matters, including:

- a. Principles to guide the redistricting process; and

Members of the Court heard from:

Deece Eckstein, Intergovernmental Relations Coordinator, Intergovernmental Relations (IGR)

MOTION: Approve the principles in Item 22.a.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Margaret J. Gómez, Commissioner
SECONDER: Ron Davis, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

- b. Updated timetable for the redistricting process.

Members of the Court heard from:

Deece Eckstein, Intergovernmental Relations Coordinator, IGR

MOTION: Approve Item 22.b.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

23. Consider and take appropriate action on legislative matters, including:
- a. Update on legislative activities;
 - b. Fiscal matters affecting Travis County, including the State budget;
 - c. Redistricting of congressional and legislative districts and implications for Travis County; and
 - d. 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 Coordinator, IGR
Felipe Nascimento. Intern, IGR

RESULT: DISCUSSED

24. Approve Request For Services (RFS) for a consultant to provide services regarding a new civil and family courthouse, including determining the feasibility of entering into a Public Private Partnership (P3), RFS No. S110505-CG, and authorize Purchasing Agent to issue RFS.

Judge Biscoe announced that Item 24 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

RESULT: DISCUSSED **Reset for: 5/31/2011**

25. **Revised** Consider and take appropriate action on the following items regarding the Travis County Civil and Family Law Courthouse:
- a. Selection of a County special projects team director and the steps necessary to implement it;
 - b. Modification of the contract with Broadus & Associates to include a visioning process, including internal and external stakeholders;
 - c. Modification of the contract with UGL Services to include real estate advisory services, including evaluation of responses to the RFI;
 - d. Designation of an external consultant team;
 - e. Designation of an internal Travis County team;
 - f. A Courts team of representatives of the Civil and Family Courts;
 - g. Selection of a project director and the steps necessary to implement it; and
 - h. **Issue Request For Services for financial advisor to develop value for money analysis for construction options.** (This item may be taken into Executive Session pursuant to Gov't. Code Ann 551.071, Consultation with Attorney) (Commissioners Gómez and Huber)

Judge Biscoe announced that Item 25 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

RESULT: DISCUSSED

Reset for: 5/31/2011

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

26. Receive briefing from County Attorney and take appropriate action regarding settlement offer from Bruce Lipsky for lease agreement at 700 Lavaca, Suite 405. ²

Judge Biscoe announced that Item 26 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: Offer to freeze the amount owed for purposes of scheduled payout at the amount owed at the time that the settlement is entered into, and negotiate an incentive for paying out ahead of schedule such that the incentive for paying out ahead of schedule would come back to the Commissioners Court.

RESULT: APPROVED [3 TO 0]

MOVER: Sarah Eckhardt, Commissioner

SECONDER: Karen L. Huber, Commissioner

AYES: Ron Davis, Sarah Eckhardt, Karen L. Huber

ABSTAIN: Samuel T. Biscoe

ABSENT: Margaret J. Gómez

27. Consider purchase of approximately 112.94 acres of land in northwest Travis County in connection with the Balcones Canyonlands Conservation Plan and take appropriate action. (Commissioner Huber) ²

Judge Biscoe announced that Item 27 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: Accept the offer of \$2.6M for the 112.94 acres.

RESULT: APPROVED [UNANIMOUS]

MOVER: Karen L. Huber, Commissioner

SECONDER: Samuel T. Biscoe, Judge

AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Karen L. Huber

ABSENT: Margaret J. Gómez

28. Consider purchase of approximately 4.819 acres of land in southwest Travis County in connection with the Balcones Canyonlands Conservation Plan and take appropriate action. (Commissioner Huber) ²

Judge Biscoe announced that Item 28 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: Purchase the 4.819 acres for \$29,000.00.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Karen L. Huber, Commissioner
SECONDER: Sarah Eckhardt, Commissioner
AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Karen L. Huber
ABSENT: Margaret J. Gómez

29. Receive briefing from the County Attorney in Travis County, et al v. Edwenna B. Long (Christopher N. Taylor resale deed) and take appropriate action. ¹

RESULT: POSTPONED **Reset for: 5/31/2011**

30. Receive briefing from County Attorney and take appropriate action 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; action no. A-10-CA-522-SS. ¹

RESULT: POSTPONED **Reset for: 5/31/2011**

31. Receive briefing from County Attorney and take appropriate action regarding Shay Morrow v. Tracy C. Hill civil action no. A-10-CA-554-SS. ¹

RESULT: POSTPONED **Reset for: 5/31/2011**

32. Receive briefing from County Attorney and take appropriate action regarding legal issues associated with the impact on County departments of the Circuit of the America's Formula One Grand Prix. ¹

Judge Biscoe announced that Item 32 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

RESULT: DISCUSSED **Reset for: 6/07/2011**

33. Receive briefing from County Attorney and take appropriate action regarding William Evans; TWCC docket number 10277412-02-A1. ¹

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

Clerk's Note: The County Judge announced that by taking no action, the County forgoes a lawsuit.

RESULT: DISCUSSED

34. Consider and take appropriate action relating to Travis County involvement in legal action regarding congressional redistricting efforts by the Texas Legislature. ¹

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

MOTION: Authorize the County Attorney to file either a lawsuit or lawsuits on Travis County's behalf relating to redistricting issues, that we authorize the County Attorney to retain outside counsel and obligate the County up to the amount of \$50,000.00 and to come back to the Court if that amount is exhausted.
RESULT: **APPROVED [UNANIMOUS]**

MOVER: Samuel T. Biscoe, Judge
SECONDER: Ron Davis, Commissioner
AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Karen L. Huber
ABSENT: Margaret J. Gómez

Consent Items

MOTION: Approve the following Consent Items: C1–C3 and Agenda Items 4, 5, 6, 8, 12, 14, 15, 17, 18, and 21.
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 on Tuesday, June 7, 2011 to receive comments regarding a request to temporarily close Thaxton Road in Precinct Four for roadway reconstruction beginning June 15, 2011 and continuing through July 20, 2011 or until construction is completed.

Minutes approved by the Commissioners Court

Date of Approval

Samuel T. Biscoe, Travis County Judge