



Minutes for the Travis County Commissioners Court Tuesday, June 14, 2011 Voting Session

Minutes Prepared by the Travis County Clerk
512-854-4722 • www.co.travis.tx.us • PO Box 149325, Austin, TX 78714-9325

Call to Order

Meeting called to order on June 14, 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

Special Note: There is no Citizens Communication today, June 14, 2011.

Special Items

1. Consider and take appropriate action on an 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.

Clerk's Note: The Fire Marshal noted that if Travis County residents have any questions regarding the prohibition on outdoor burning, they can:

- Call the Fire Marshal's Office at 512-854-4621,
- Call the Emergency Services Department at 512-854-9637, or
- Check the website at www.co.travis.tx.us/fire_marshal.

RESULT: DISCUSSED

2. Consider and take appropriate action on the regulation of fireworks in unincorporated Travis County. (This item may be taken into Executive Session pursuant to Gov't. Code Ann 551.071, Consultation with Attorney)

Judge Biscoe announced that Item 2 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from:
Hershel Lee, Travis County Fire Marshal
Morris Priest, Travis County Resident
Eric Glenn, Texas Pyrotechnic Association

Sean McMann, Fireworks Distributer
Gavino Fernandez, Deputy Director, District 12, League of United Latin American Citizens (LULAC)
Ronnie Gjemre, Travis County Resident
Richard McCain, Constable Precinct Three
John Durham, Assistant Fire Chief, Fire Prevention Division, Emergency Services District #6 (ESD #6)

Clerk's Note: The County Judge announced his intention to:

- *Proclaim a local state of disaster banning the sale and use of fireworks in the unincorporated areas of Travis County for not more than seven days*
- *Sign an appropriate Proclamation, and*
- *Send a letter to the Governor of Texas requesting extension of the Local Disaster Declaration*

Members of the Court heard from:

Jim Connolly, Assistant County Attorney

MOTION: Approve the extension of the Proclamation/Declaration of the ban on the sale and use of fireworks for as long as is necessary or until such time that it is terminated by the County Judge or the Commissioners Court.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Ron Davis, Commissioner

SECONDER: Margaret J. Gómez, Commissioner

AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

MOTION: Authorize, under Local Gov't Code 352.051(a)(1), the prohibition of restricted fireworks—skyrockets with sticks and missiles with fins.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Samuel T. Biscoe, Judge

SECONDER: Margaret J. Gómez, Commissioner

AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Proclamations and Resolutions

3. Approve Proclamation recognizing the 22nd Annual "Juneteenth – Emancipation Day" celebration to be held on Friday, June 17, 2011. (Judge Biscoe and Commissioner Davis)

Members of the Court heard from:

Cheryl Brown, Executive Assistant, County Judge's Office

Deone Wilhite, Executive Assistant, County Commissioner Precinct 1 Office

Feli Chavez, Executive Assistant, County Commissioner Precinct 1 Office

Sue Spears, Executive Assistant, County Commissioner Precinct 1 Office

Juanita Jackson, Executive Assistance, Travis County Health and Human Services (TCHHS)

Nyralin Kline, Project Manager I, Information Technology Services (ITS)

Elizabeth Griffin, County Clerk's Office

MOTION: Approve the Proclamation in Item 3.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Samuel T. Biscoe, Judge

SECONDER: Ron Davis, Commissioner

AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Margaret J. Gómez

ABSENT: Karen L. Huber

4. Approve Proclamation recognizing Mr. Horace Williams for providing educational programs regarding the contributions of the renowned Buffalo Soldiers and their impact on shaping our county. (Judge Biscoe and Commissioner Davis)

Members of the Court heard from:

Horace Williams, Buffalo Soldier
Ken Pollard, Buffalo Soldier
Nathan Booker, Buffalo Soldier
Lester Williams, Jr., Buffalo Soldier
Rouzan Barton, Buffalo Soldier

MOTION: Approve the Proclamation in Item 4.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Ron Davis, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

5. Approve Proclamation recognizing the retirement of Mr. Jim Allday, Chief Clinical Supervisor in Emergency Services, STAR Flight Division.

Members of the Court heard from:

Danny Hobby, County Executive, Travis County Emergency Services
Casey Ping, Program Director, STAR Flight
Jim Allday, Chief Clinic Supervisor, STAR Flight
Mrs. Allday, Spouse of Jim Allday

MOTION: Approve the Proclamation in Item 5.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

6. Approve Resolution recognizing the 11th Annual Father's Day Parade and Fiesta sponsored by the River City Youth Foundation. (Commissioner Gómez)

Members of the Court heard from:

Corey Jones, Counselor, Summer Safety Program
David Bailey, Austin Fire Department
Dr. John K. Kim, Travis County Resident

MOTION: Approve the Resolution in Item 6.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Margaret J. Gómez, Commissioner
SECONDER: Ron Davis, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Planning and Budget Dept. Items

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

RESULT: **ADDED TO CONSENT**

8. Review and approve requests regarding grant programs, applications, contracts and permissions to continue:

- a. Annual application with Texas Department of Agriculture for the Juvenile Probation Department to continue the National School Lunch/Breakfast Program and United States Department of Agriculture School Commodity Program; and
- b. New application to the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention, Family Drug Court Programs and related memoranda of understanding, for Health and Human Services and Veterans Service to receive a three-year grant to enhance the well-being of children whose parents are involved with the Travis County Family Drug Treatment Court.

RESULT: ADDED TO CONSENT

- 9. Receive briefing, discuss and give staff direction regarding Fiscal Year 2012 Elected Officials' salaries as well as the process and schedule for developing any applicable advertisement for a public hearing to set Elected Officials' salaries for Fiscal Year 2012.

Members of the Court heard from:

- Leroy Nellis, Budget Director, Planning and Budget Office (PBO)
- Barbara Wilson, Assistant County Attorney
- Jessica Rio, Assistant Budget Manager, PBO

MOTION: Note that there will be no funding in the Fiscal Year 2012 budget for pay increases for employees or Elected Officials.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Samuel T. Biscoe, Judge

SECONDER: Ron Davis, Commissioner

AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

RESULT: **REPOSTED**

Reset for: 7/5/2011

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 \$431,858.40 for the period of May 27 to June 2, 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 internal claim recommendations:

- a. TNR units TR2780 and M02781 – settle; and
- b. Constable, Precinct Three unit 3258 – settle.

RESULT: **ADDED TO CONSENT**

Purchasing Office Items

- 13. Approve modification no. 1 to Contract no. PS100284EC, Law Office of Randy Leavitt, for litigation services.

RESULT: REPOSTED

Reset for: 6/21/2011

14. Approve modification no. 10 to Contract no. 09K00259JW, Ceda-Tex Services, for Wells Branch Pkwy and Thermal Dr. sidewalk improvements project.

RESULT: ADDED TO CONSENT

15. Approve interlocal agreement no. IL110133EC, City of Austin, for work-based learning/summer youth employment program.

RESULT: ADDED TO CONSENT

16. Approve modification no. 4 to contract no. 10K00030LP, Capital Excavation Company, for McKinney Falls Parkway Extension.

RESULT: ADDED TO CONSENT

17. Approve contract award for asphaltic road materials, IFB no. B110138-CW, to the following low bidders:

a. Type a, c, d, and d-cold laid

1. Apac-TX, Inc - all material and delivered hauling services for east and west zones;
and

b. Type cc

2. Vulcan Construction Materials - all material and delivered hauling services for east and west zones.

RESULT: ADDED TO CONSENT

18. Approve modification no. 1 to contract no. 08AE0164JW, Half Associates, Inc., for McKinney Falls Parkway Pedestrian Way.

RESULT: ADDED TO CONSENT

Transportations and Natural Resources Dept. Items

19. Consider and take appropriate action on a plat for recording in Precinct Three: Noah Estates (short form plat - 3 lots - 6.5 acres Crawford Road). (Commissioner Huber)

RESULT: ADDED TO CONSENT

20. Consider and take appropriate action on a request for a variance to state and county septic regulations to allow a 500 gallon per day aerobic treatment unit with a 500 gallon dosing tank to be installed for a five bedroom home less than 4,500 square feet at 2707 Crystal Falls Parkway in Precinct Three. (Commissioner Huber)

RESULT: ADDED TO CONSENT

21. Consider and take appropriate action on two cash security agreements for boundary street fiscal for Rowe Lane in reference to two subdivisions in Precinct Two: Park at Blackhawk Section 6 and Park at Blackhawk II Phase 2B. (Commissioner Eckhardt)

RESULT: ADDED TO CONSENT

22. Consider and take appropriate action on a request to authorize TNR to use up to \$250,000 of the Fiscal Year 2010 Overlay Project savings in account 517-4941-808-8164 for improvements on about 2300 linear feet of Thaxton Road in Precinct Four.

RESULT: ADDED TO CONSENT

23. Consider and take appropriate action regarding a request to execute an interlocal cooperation agreement between the City of Pflugerville and Travis County for improvements to Becker Farm Road in Precinct Two.

RESULT: ADDED TO CONSENT

24. Consider and take appropriate action on the following regarding the Citizens Bond Advisory Committee:

- a. Progress report from the Citizens Bond Advisory Committee on the Fiscal Year 2011 Proposed Bond Program; and
- b. Application to use the Del Valle School District's Opportunity Center to conduct a public meeting.

Members of the Court heard from:

Steve Manilla, County Executive, Transportation and Natural Resources (TNR)
Caroline Vogel, Vice-Chair, Citizens Bond Advisory Committee
Terry Irion, Co-Chair, Roads Subcommittee, Citizens Bond Advisory Committee
Mark Everett, Co-Chair, Parks Subcommittee, Citizens Bond Advisory Committee
Dr. John K. Kim, Travis County Resident

MOTION: Approve Item 24.b and authorize the County Judge to sign the application.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Samuel T. Biscoe, Judge

SECONDER: Margaret J. Gómez, Commissioner

AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Health and Human Services Dept. Items

25. Consider and take appropriate action on the amendment to add \$169,387 to the sub-recipient agreement with Austin Habitat for Humanity, Inc. to purchase four lots for affordable housing development funded through the Community Development Block Grant available through the U.S. Department of Housing and Urban Development.

RESULT: ADDED TO CONSENT

26. Consider and take appropriate action on the following items related to the Community Development Block Grant available through the U.S. Department of Housing and Urban Development:

- a. Update on current projects;
- b. Overview of needs from the Program Year 2011 Spring public engagement process; and
- c. Overview of the potential projects for the Program Year 2011 Action Plan.

Members of the Court heard from:

Christy Moffett, Social Services Manager, TCHHS

RESULT: DISCUSSED

Reset for: 6/21/2011

Other Items

27. Consider and take appropriate action on request from Travis County Sheriff's Office to accept a donation of seventy (70) used fire extinguishers from Koetter Fire Protection.

RESULT: ADDED TO CONSENT

28. Consider and take appropriate action on reappointment of Nikki C. Simms to the Child Protective Services Board, effective immediately through May 31, 2014.

RESULT: ADDED TO CONSENT

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

29. Receive legal briefing regarding issues relating to Historical Exemptions. ¹ (Executive Session discussion only)

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

RESULT: REPOSTED

Reset for: 6/21/2011

30. Consider and take appropriate action on an offer to sell to the County approximately 147.39 acres of land in northwest Travis County in connection with the Balcones Canyonlands Conservation Plan in Precinct Three. 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.

MOTION: Offer to purchase the land at the State Law appraised value.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Karen L. Huber, Commissioner

SECONDER: Sarah Eckhardt, Commissioner

AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

31. Receive briefing and take appropriate action in Jane Doe v. Richard "Dick" Furrs. No. A-10-CA-00504-LY. ¹

Judge Biscoe announced that Item 31 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

RESULT: DISCUSSED

Reset for: 6/21/2011

32. Consider and take appropriate action regarding lease agreement with Bruce Lipsky at 700 Lavaca, Suite 405.^{1 and 2}

RESULT: POSTPONED

33. Consider and take appropriate action on an offer to sell approximately 10 acres of land between Burleson Road and Onion Creek, located west of U.S. Highway 183 South in Precinct Four, for inclusion in the Onion Creek Open Space Parkland – 2005 Bond Program.²

Judge Biscoe announced that Item 33 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.072, Real Property.

MOTION: Purchase the 10 acres for \$120,000.00.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Margaret J. Gómez, Commissioner

SECONDER: Karen L. Huber, Commissioner

AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

34. Consider and take appropriate action in Shay Morrow v. Tracy C. Hill, Civil Action No. A-10-CA-554-SS.¹

RESULT: POSTPONED

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

RESULT: POSTPONED

36. Receive legal briefing and take appropriate action on Save Our Springs Alliance's pre-litigation request for inspection of Travis County BCCP land near the WTP4 facilities by Dr. Phil Bennett.¹

RESULT: POSTPONED

37. Conduct performance evaluations of the following County Executives:

- a. Steve Manilla;
- b. Danny Hobby; and
- c. Roger Jefferies.³

Judge Biscoe announced that Item 37 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.074, Personnel Matters.

RESULT: DISCUSSED

Added Items

- A1. Discuss potential acquisition of open space land in eastern Travis County. (Executive Session pursuant to Gov't. Code Ann. §551.071, Consultation with Attorney, and §551.072, Real Property.)

Judge Biscoe announced that Item A1 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: DISCUSSED

Reset for: 6/21/2011

- A2. Consider and take appropriate action on Travis County redistricting processes, including the public outreach program, for Commissioners Court, Justice of the Peace and Constable and Election Precincts.

Members of the Court heard from:

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

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

- A3. Approve setting a public hearing on July 12, 2011 to receive comments regarding redistricting for Commissioners Precincts, Justice of the Peace and Constable Precincts and Voting Precincts.

RESULT: ADDED TO CONSENT

Consent Items

Members of the Court heard from:

Ronnie Gjemre, Travis County Resident

MOTION: Approve the following Consent Items: C1–C6 and Agenda Items 7, 8.a–b, 10, 11, 12.a–b, 14, 15, 16, 17.a–b, 18, 19, 20, 21, 22, 23, 25, 27, 28, and A3.
RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Ron Davis, Commissioner
SECONDER: Margaret J. Gómez, Commissioner
AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Margaret J. Gómez
ABSENT: Karen L. Huber

- C1. Receive bids from County Purchasing Agent.
- C2. Approve payment of claims and authorize County Treasurer to invest County funds.
- C3. Approve the Commissioners Court Minutes for the Voting Sessions of May 10, 17, & 24, 2011.
- C4. Approve setting the following public hearing dates:
- a. July 12, 2011 to receive comments regarding a plat for recording: revised plat of lots 368, 369, 370 and a portion of lots 367 and 371 Travis Settlement Section Six (revised plat - two lots 10.261 acres - Noon Day Cove); and
 - b. July 12, 2011 to receive comments regarding a request to vacate 471.92 linear feet of a sixty foot right-of-way known as Noon Day Cove within Travis Settlement, Section Six.
- C5. Approve setting a public hearing on June 28, 2011 to receive comments regarding a request to close Allen Road from Pinnacle Road to Easy Street in Precinct Three.

- C6. Approve setting a public hearing on July 12, 2011 to receive comments regarding a request to resubdivide lot 2 Kellywood Estates Section Two in Precinct Three.

Minutes approved by the Commissioners Court

Date of Approval

Samuel T. Biscoe, Travis County Judge