

Minutes for the Travis County Commissioners Court Tuesday, July 26, 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 July 26, 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 Ron Davis Sarah Eckhardt Karen L. Huber Margaret J. Gómez County Judge Precinct 1, Commissioner Precinct 2, Commissioner Precinct 3, Commissioner Precinct 4, Commissioner Present Present Absent Present Present

Public Hearings

1. Receive comments regarding the proposed final list of projects for the potential 2011 Bond Referendum.

MOTION:	Open the Public Hearing.
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ron Davis, Commissioner
SECONDER:	Margaret J. Gómez, Commissioner
AYES:	Samuel T. Biscoe, Ron Davis, Karen L. Huber, Margaret J. Gómez
ABSENT:	Sarah Eckhardt

Members of the Court heard from:

Steve Manilla, County Executive, Transportation and Natural Resources (TNR) Lerov Nellis, Budget Manager, Planning and Budget Office (PBO) Jessica Rio, Assistant Budget Manager, PBO Jim Schwendinger, Travis County Resident Lauren Sullenbarger, Travis County Resident Tommy Blackwell, Travis County Resident Don Killough, Travis County Resident Valerie Bristol, Former Travis County Commissioner Jim Awalt, Travis County Resident David Stoneking, Travis County Resident Barbara McClaid, Travis County Resident Steve Metcalf, Travis County Resident Hope Phillips, Travis County Resident Marilyn Taylor, President, Waterford on Lake Travis Property Owners Association II **Rick Perkins, Travis County Resident** Morris Priest, Travis County Resident Howard Falkenberg, Travis County Resident Ronnie Gjemre, Travis County Resident David Richardson, Travis County Resident Ted Siff, Travis County Resident David DeOme, Mayor, City of Lakeway Laura Huffman, Executive Director, Nature Conservancy

Pam Baggett, Shady Hollow Homeowners Association (HOA) Vicky Goodwin, Shady Hollow HOA Tom Wald, League of Bicycling Voters Mr. Schneider, Board Member, Emergency Services District #1 (ESD #1) Jim Strong, Travis County Resident Leonard Strickler, Travis County Resident Doug Casey, Travis County Resident Ellen Walker, Travis County Resident Carol Joseph, Assistant Director, TNR

MOTION:	Close the Public Hearing.
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Samuel T. Biscoe, Judge
SECONDER:	Ron Davis, Commissioner
AYES:	Samuel T. Biscoe, Ron Davis, Karen L. Huber, Margaret J. Gómez
ABSENT:	Sarah Eckhardt

Citizens Communication

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

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: Hershel Lee, Travis County Fire Marshal

MOTION:	Approve extension of the prohibition on outdoor burning through August 24, 2011.
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Samuel T. Biscoe, Judge
SECONDER:	Ron Davis, Commissioner
AYES:	Samuel T. Biscoe, Ron Davis, Karen L. Huber, Margaret J. Gómez
ABSENT:	Sarah Eckhardt

Proclamations and Resolutions

3. Approve Proclamation recognizing the retirement of Harvey L. Davis as the Travis County Corporations Manager and Travis County Assistant Cash Investment Manager after almost fourteen years of outstanding service to Travis County.

Members of the Court heard from: Leroy Nellis, Budget Manager, PBO Harvey Davis, Retiring Manager, Travis County Corporations Betty Davis, mother of Harvey Davis Gail Davis, wife of Harvey Davis Nancy Labastida, Sister of Harvey Davis

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

Planning and Budget Dept. Items

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

RESULT: ADDED TO CONSENT

5. Consider and take appropriate action on recommendations regarding Fiscal Year 2012 budget hearings.

Members of the Court heard from: Rodney Rhoades, County Executive, PBO Sherri Fleming, County Executive, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS) Leroy Nellis, Budget Manager, PBO Jessica Rio, Assistant Budget Manager, PBO

MOTION: RESULT:	Approve the schedule in Item 5. APPROVED [UNANIMOUS]
MOVER:	Samuel T. Biscoe, Judge
SECONDER:	Karen L. Huber, Commissioner
AYES:	Samuel T. Biscoe, Ron Davis, Karen L. Huber, Margaret J. Gómez
ABSENT:	Sarah Eckhardt

- 6. Review and approve requests regarding grant programs, applications, contracts and permissions to continue:
 - a. Amendment to the contract with the Texas Department of Housing and Community Affairs to increase the award and extend the grant term for Health and Human Services and Veterans Service to provide weatherization services and minor home repair assistance for low-income households under the American Recovery and Reinvestment Act Weatherization Assistance Program; and
 - b. Permission to continue AmeriCorps Program in Health And Human Services and Veterans Service until the forthcoming agreement is fully executed.

RESULT: ADDED TO CONSENT

Administrative Operations Items

 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 \$740,089.98 for the period of July 8 to July 14, 2011.

RESULT: ADDED TO CONSENT

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

RESULT: ADDED TO CONSENT

9. Consider and take appropriate on an employee survey regarding whether to change from a twice monthly to a bi-weekly payroll and a decision making process.

Members of the Court heard from:

Susan Spataro, Travis County Auditor Beth Blankenship, Chief Assistant, Travis County Auditor's Office Diane Blankenship; Director, Human Resources Management Department (HRMD)

MOTION:	Approve Item 9.
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Samuel T. Biscoe, Judge
SECONDER:	Ron Davis, Commissioner
AYES:	Samuel T. Biscoe, Ron Davis, Karen L. Huber
ABSENT:	Sarah Eckhardt, Margaret J. Gómez

10. Consider and take appropriate action regarding a cafeteria at 700 Lavaca.

Clerk's Note: The Court discussed various options regarding a possible cafeteria at 700 Lavaca.

Members of the Court heard from: Ken Gaede, Project Manager, Facilities Management David Stauch, President, HS&A Tom Cornelius, GSC Bill McCann, HS&A

MOTION:	Approve Option 2a.
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Karen L. Huber, Commissioner
SECONDER:	Samuel T. Biscoe, Judge
AYES:	Samuel T. Biscoe, Ron Davis, Karen L. Huber, Margaret J. Gómez
ABSENT:	Sarah Eckhardt

11. Consider and take appropriate action on conversion of peace officers and corrections officers from 28-day pay cycle to a 7-day pay cycle, effective October 16, 2011. (This item may be taken into Executive Session pursuant to Gov't. Code Ann 551.071, Consultation with Attorney)

Members of the Court heard from:

Diane Blankenship; Director, Human Resources Management Department (HRMD) Travis Gatlin, Budget Analyst, PBO Greg Hamilton, Sheriff, Travis County Sheriff's Office (TCSO) Jim Sylvester, Chief Deputy, TCSO Phyllis Clair, Major, TCSO Sydney Parker, President, Travis County Law Enforcement Association (TCLEA) Nate Gillespie, Secretary, TCLEA

MOTION:	Approve Item 11 with an effective date of October 16, 2011.
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Samuel T. Biscoe, Judge
SECONDER:	Ron Davis, Commissioner
AYES:	Samuel T. Biscoe, Ron Davis, Karen L. Huber, Margaret J. Gómez
ABSENT:	Sarah Eckhardt

Justice and Public Safety Items

12. Consider and take appropriate action to enter into a License Agreement for the use of the Unified Victim Identification System between the New York City Office of the Chief Medical Examiner and the Travis County Medical Examiner's Office.

RESULT: ADDED TO CONSENT

13. Consider and take appropriate action on Interlocal Agreement with Capital Area Council of Governments for supplemental funding for on-going public safety answering point maintenance, equipment upgrade and training.

RESULT: ADDED TO CONSENT

14. Consider and take appropriate action regarding an Interlocal Agreement between Travis County and City of Austin related to funds available from Capital Area of Governments under Rule 251.3 of the Texas Health and Safety Code.

RESULT: ADDED TO CONSENT

15. Consider and take appropriate action on a request to submit eligible expenses for reimbursement to the City of Austin for grant assistance from FEMA resulting from the Pinnacle area fire. (Commissioner Huber)

RESULT: ADDED TO CONSENT

Purchasing Office Items

- 16. Approve pre-qualified list for surveying services, RFQ Q110049-DG, to the following qualified firms:
 - a. Jacobs Engineering Group;
 - b. Landmark Surveying;
 - c. MWM DesignGroup
 - d. Gorrondona & Associates, Inc.;

;

- e. Gil Engineering Associates, Inc.;
- f. Pape-Dawson Engineers;
- g. Bury + Partners;
- h. Terra Firma;
- i. Halff;
- j. Baker-Aicklen & Assoc. Inc.;
- k. LNV, Inc.;
- I. Vickrey & Associates, Inc.;
- m. Unitech Consulting Engineers;
- n. Macias and Associates, L.P;

- o. IT Gonzalez Engineers;
- p. Surveying and Mapping;
- q. Inland Geodetics;
- r. Frontier surveying company;
- s. Capital Surveying Company, Inc.;
- t. LTRA & Associates, Inc.;
- u. Land Design Services, Inc.; and
- v. McGray & McGray.

RESULT: ADDED TO CONSENT

17. Approve Modification No. 7 to Contract No. 10K00250LP, STR Constructors, for Milton Reimers Ranch Park.

MOTION:	Approve Item 17.
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Samuel T. Biscoe, Judge
SECONDER:	Karen L. Huber, Commissioner
AYES:	Samuel T. Biscoe, Ron Davis, Karen L. Huber
ABSENT:	Sarah Eckhardt, Margaret J. Gómez

18. Approve renewal of Interlocal Agreement No. IL060335RE, Pflugerville Independent School District, to provide the out-of-school program.

RESULT: ADDED TO CONSENT

- Consider and take appropriate action on mechanical, electrical and plumbing (MEP) engineering services for building commissioning (floors 3 through 15, excluding 8th floor components) and continuous commissioning (floors 3 through 15) services at 700 Lavaca, as follows:
 - a. Approve exemption order to contract with Vision Building and Energy Efficiency, LLC (VisionBEE); and
 - b. Approve contract award to Vision Building and Energy Efficiency, LLC (VisionBEE).

RESULT: POSTPONED

Reset for: 8/2/2011

- 20. Approve the following actions related to Contract No. 09T00329LD, emergency response and remediation services:
 - a. Approve twelve month extension; and
 - b. Approve assignment of contract from Eagle Construction and Environmental Services to SWS Environmental Services.

RESULT: ADDED TO CONSENT

21. Approve Contract Award for Bridge 155 replacement design, RFQ No. Q110114-LP, to the highest qualified respondent, Unintech Consulting Engineers, Inc.

RESULT: ADDED TO CONSENT

- 22. Consider and take appropriate action regarding proposals received in response to Request For Services (RFS) no. S110505-CG, from advisory team for feasibility analysis of a Public Private Partnership for a new Civil and Family Courthouse at 308 Guadalupe Street in Austin, TX:
 - a. Evaluation committee's recommended shortlist of firms;
 - b. Commencement of interviews with the short-listed firms; and
 - c. Authorization for Purchasing Agent to commence negotiations with the highest qualified firm after interviews.

Members of the Court heard from:

Cyd Grimes, Travis County Purchasing Agent John Hille, Assistant County Attorney Jim Collins, Senior Chief Deputy, County Attorney's Office Susan Spataro, Travis County Auditor

MOTION:	Approve Items 22.a-c.
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Samuel T. Biscoe, Judge
SECONDER:	Ron Davis, Commissioner
AYES:	Samuel T. Biscoe, Ron Davis, Karen L. Huber, Margaret J. Gómez
ABSENT:	Sarah Eckhardt

23. Approve Contract Award for construction manager/general contractor for remodel of 700 Lavaca: ground, 1st and 2nd floors, RFP No. P110231-RV, to the highest qualified respondent, Flintco, LLC.

RESULT: ADDED TO CONSENT

Transportation and Natural Resources Dept. Items

24. Consider and take appropriate action on a Plat for recording in Precinct Three: Hazy Hills Office Park Final Plat. (Commissioner Huber)

RESULT: ADDED TO CONSENT

 Consider and take appropriate action on a request to approve a Project Partnership Agreement between the Department of the Army and Travis County for design and construction of the Colorado River Travis County Texas Streambank Protection Project in Precinct Four. (Commissioner Gómez)

Members of the Court heard from: Steve Manilla, County Executive, TNR

MOTION:	Approve Item 25.
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Margaret J. Gómez, Commissioner
SECONDER:	Ron Davis, Commissioner
AYES:	Samuel T. Biscoe, Ron Davis, Karen L. Huber, Margaret J. Gómez
ABSENT:	Sarah Eckhardt

Health and Human Services Dept. Items

- 26. Consider and take appropriate action regarding the Travis County Indigent Burial Policy including the following:
 - a. Responses to the request for proposal;
 - b. Recommended immediate action to increase burial capacity;
 - c. Direction regarding long-term solution;
 - d. County cremation policy; and

e. Source(s) of funding.

(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: 8/2/2011

27. Receive update and take appropriate action on Travis County investments in workforce development.

Members of the Court heard from:

Sherri Fleming, County Executive, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS)

Dr. Christopher King, Director, Ray Marshall Center at the University of Texas, Austin Lawrence Lyman, Planning Manager, TCHHS&VS Tamara Atkinson, Workforce Solutions

RESULT: DISCUSSED

28. Approve request for assistance from the National Forum for Black Public Administrators for printing and sponsorship of youth to attend the 2011 Conference.

Members of the Court heard from:

Sherri Fleming, County Executive, TCHHS&VS Deborah Britton, Division Director, Travis County Health, Human Services (TCHHS)

MOTION:	Approve Item 28.
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Samuel T. Biscoe, Judge
SECONDER:	Karen L. Huber, Commissioner
AYES:	Samuel T. Biscoe, Ron Davis, Karen L. Huber, Margaret J. Gómez
ABSENT:	Sarah Eckhardt

Clerk's Note: The Court authorized without objection the County Judge signing the agreement on behalf of the Commissioners Court

Other Items

29. Receive and discuss third revenue estimate for the Fiscal Year 2012 Budget process.

Members of the Court heard from: Susan Spataro, Travis County Auditor David Jungerman, Supervisor, Financial Services, Travis County Auditor's Office

RESULT: DISCUSSED

30. Consider and take appropriate action to add Beth Blankenship to replace Charles Vaughn on the Plan Service Center and signature authorizations for the Recording and Communications Services Agreement with Great-West Life and Annuity Insurance Company.

RESULT: ADDED TO CONSENT

31. Consider and take appropriate action on expenditure of remaining funds held by Travis County for the Lake Travis Economic Impact Study. (Commissioner Huber)

RESULT: PULLED

32. Receive Revenue and Expenditure Reports for the month of June, 2011.

RESULT: ADDED TO CONSENT

33. Discuss request that the Capital Area Metropolitan Planning Authority distribute hard copies of back-up materials/documentation for the items listed on CAMPO agenda before and during CAMPO board meetings and upon request. (Commissioner Davis)

Members of the Court heard from: Morris Priest, Travis County Resident

RESULT: DISCUSSED

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

34. Receive briefing from the County Attorney in Travis County, et al v. Shirley Bradford (City of Lago Vista Texas Resale Deed) and take appropriate action.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:	Execute the proposed tax resale deed to the City of Lago Vista, Texas, which has paid Travis County the sum of \$3,000.00 in cash and authorize the County Judge to sign on behalf of the Commissioners Court.
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Samuel T. Biscoe, Judge
SECONDER:	Margaret J. Gómez, Commissioner
AYES:	Samuel T. Biscoe, Ron Davis, Karen L. Huber, Margaret J. Gómez
ABSENT:	Sarah Eckhardt

35. 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

Judge Biscoe announced that Item 35 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

MOTION:	Execute the proposed tax resale deed to Christopher N. Taylor, who has paid Travis County the sum of \$8,431.16 in cash and authorize the County Judge to sign on behalf of the Commissioners Court.
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Samuel T. Biscoe, Judge
SECONDER:	Karen L. Huber, Commissioner
AYES:	Samuel T. Biscoe, Ron Davis, Karen L. Huber, Margaret J. Gómez
ABSENT:	Sarah Eckhardt

36. Receive briefing from the County Attorney in Travis County, et al v. Vincent G. Murdock (City of Austin Resale Deed) and take appropriate action.¹

Judge Biscoe announced that Item 36 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

MOTION:	Execute the proposed tax resale deed to City of Austin, which has paid Travis County the sum of \$8,144.65 in cash and authorize the County Judge to sign on behalf of the Commissioners Court.
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Samuel T. Biscoe, Judge
SECONDER:	Karen L. Huber, Commissioner
AYES:	Samuel T. Biscoe, Ron Davis, Karen L. Huber, Margaret J. Gómez
ABSENT:	Sarah Eckhardt

37. Receive briefing from the County Attorney in Travis County, et al v. Stephen Michael Fletcher (Bruce G. Smith Resale Deed) and take appropriate action.¹

Judge Biscoe announced that Item 37 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from: Elliot Beck, Assistant County Attorney

RESULT: DISCUSSED

38. Consider and take appropriate action concerning the settlement offer regarding payment for STAR Flight services rendered to Martha Alvarez Ramirez.¹

Judge Biscoe announced that Item 38 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

MOTION:	Renew offer to settle this matter for \$4,000.00.
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Samuel T. Biscoe, Judge
SECONDER:	Karen L. Huber, Commissioner
AYES:	Samuel T. Biscoe, Ron Davis, Karen L. Huber, Margaret J. Gómez
ABSENT:	Sarah Eckhardt

39. Receive briefing, consider settlement offer and take appropriate action on recommendation of mediation representative in Jane Doe v. Richard "Dick" Furrs, No. A-10-CA-00504-LY.¹

Judge Biscoe announced that Item 39 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from: Jackie Casias, Assistant County Attorney John Hille, Assistant County Attorney

MOTION:	Agree to settle this matter for \$29,000.00 and authorize Dan Mansour, Risk and Benefits Manager, HRMD to sign on behalf of the Commissioners Court. Funding will be from the Risk Management Fund.
RESULT:	
MOVER:	Samuel T. Biscoe, Judge
SECONDER:	Ron Davis, Commissioner
AYES:	Samuel T. Biscoe, Ron Davis, Karen L. Huber, Margaret J. Gómez
ABSENT:	Sarah Eckhardt

Clerk's Note: The County Judge noted that this agreement only pertains to the Travis County Commissioners Court and that there will be further agreements with the other parties.

40. Consider and take appropriate action regarding the Lease Agreement at 700 Lavaca with Dwyer Murphy Calvert, LLP.^{1 and 2}

Judge Biscoe announced that Item 40 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: 8/2/2011

41. Consider and take appropriate action regarding the purchase of open space land near Gilleland Creek in Precinct One.(Commissioner Davis)²

Judge Biscoe announced that Item 41 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

Consent Items

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

MOTION:	Approve the following Consent Items: C1–C3 and Agenda Items 4, 6.a–b, 7, 8, 12, 13, 14, 15, 16.a–v, 18, 20.a–b, 21, 23, 24, 30, and 32.
RESULT:	ADOPTED [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

- C1. Receive bids from County Purchasing Agent.
- C2. Approve payment of claims and authorize County Treasurer to invest County funds.
- C3. Approve the setting of a public hearing on Tuesday, August 30, 2011, to receive comments regarding a request to temporarily use a portion of Little Webberville Park as construction staging and working area beginning on or after December 1, 2011 and continuing for a period of three months or until construction is completed. (Commissioner Davis)

Minutes approved by the Commissioners Court

Date of Approval

Samuel T. Biscoe, Travis County Judge