



Minutes for the Travis County Commissioners Court Tuesday, September 13, 2011 Voting Session

Minutes Prepared by the Travis County Clerk
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Call to Order

Meeting called to order on September 13, 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:

Charles Williams, Conservation Coordinator, Transportation and Natural Resources (TNR)
Rodney Ahart, Executive Director, Keep Austin Beautiful
Melissa Miller, Colorado River Foundation
Gus Peña, Travis County Resident
Dr. John K. Kim, Travis County Resident
Judge Yvonne Williams, Justice of the Peace, Precinct 1

Clerk's Note: The Court expressed its sympathy regarding the losses incurred during the recent wildfires, especially to the family of Kevin Aigner, Senior Deputy, Constable Precinct 2.

Special Items

1. Consider and take appropriate action to ratify request for disaster declaration for Travis County.

Members of the Court heard from:

Pete Baldwin, Emergency Management Coordinator, Travis County Emergency Services

MOTION: Extend the Disaster Declaration.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Margaret J. Gómez, Commissioner
SECONDER: Karen L. Huber, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

2. Consider and take appropriate action to ratify decision to authorize use of Travis County Exposition Center to temporarily house horses displaced by recent fires in Bastrop County.

Clerk's Note: The Court noted that during the wildfires the County Judge had authorized that the Expo Center stables should be made available for use as needed.

Members of the Court heard from:

Steve Manilla, County Executive, Transportation and Natural Resources (TNR)
Lloyd Evans, Division Manager, Building Maintenance, Facilities Management

MOTION: Ratify the authorization given by the County Judge.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

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

Members of the Court heard from:

Hershel Lee, Travis County Fire Marshal

RESULT: **DISCUSSED**

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

Administrative Operations Items

4. 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 \$1,028,255.86 for the period of August 26 to September 1, 2011.

RESULT: **ADDED TO CONSENT**

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

RESULT: **ADDED TO CONSENT**

6. Consider and take appropriate action on determining the feasibility of changes to the Travis County leave policy in order to mitigate the impact of catastrophic illness on employees. (Commissioners Davis and Gómez)

Members of the Court heard from:

Diane Blankenship; Director, Human Resources Management Department (HRMD)
Susan Spataro, Travis County Auditor
Barbara Wilson, Assistant County Attorney
Cindy Purinton, Benefit Administrator, HRMD

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

7. Consider and take appropriate action on the following employee benefit plan renewal items for 2012 Plan Year:
 - a. UHC administrative rates for Fiscal Year 2012; and
 - b. Retiree contribution amounts for the over 65 Retiree Pharmacy Only Plan.

Members of the Court heard from:
Cindy Purinton, Benefit Administrator, HRMD
Diane Blankenship; Director, HRMD

MOTION: Approve Items 7.a–b.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Ron Davis, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Justice and Public Safety Items

8. Receive briefing on activities of the Austin/Travis County Hate Crimes Task Force.

Members of the Court heard from:
Rosemary Lehmborg, District Attorney
Karen Gross, Austin Anti-Defamation League
David Escamilla, County Attorney

RESULT: **DISCUSSED**

Purchasing Office Items

9. Approve Contract Award for records storage boxes, IFB No. B110194-CW, to the low bidder, Bracane Company.

RESULT: **ADDED TO CONSENT**

10. Approve contract awards for janitorial services, various locations, IFB No. B110262-LD, to the low bidders:
 - a. K B Contract Cleaners, Groups A, B, C, D, and E; and
 - b. International Building Services, Group F.

RESULT: **ADDED TO CONSENT**

Transportation and Natural Resources Dept. Items

11. Consider and take appropriate action on the following:
 - a. Authorization for TNR to begin submitting agenda requests to use \$10.3 million of 2001 Bond Proposition 1 project savings for current and new unfunded projects that meet the related bond issuance statements (Funds 460,465,468,471, 508 and 512) legal requirements; and
 - b. Consider and take appropriate action on termination of the 2001 Bond FM 973 Pedestrian Way Project.

Members of the Court heard from:
Steve Manilla, County Executive, TNR
Jessica Rio, Assistant Budget Manager, PBO
Tom Nuckols, Assistant County Attorney

RESULT: DISCUSSED

Reset for: 9/27/2011

12. Consider and take appropriate action on a Cash Security Agreement with Highland Homes, Austin for sidewalk fiscal for Commons at Rowe Lane IIIA Lot 5 Block K in Precinct Two. (Commissioner Eckhardt)

RESULT: ADDED TO CONSENT

13. Consider and take appropriate action on a Cash Security Agreement with Gehan Homes for sidewalk fiscal for Commons at Rowe Lane IIIA in Precinct Two. (Commissioner Eckhardt)

RESULT: ADDED TO CONSENT

14. Consider and take appropriate action on the assignment and amendment of the Commons at Rowe Lane License Agreement in Precinct Two. (Commissioner Eckhardt)

RESULT: ADDED TO CONSENT

Health and Human Services Dept. Items

15. Consider and take appropriate action on a resolution:
 - a. Nominating Carolyn Konecny, Chief Financial Officer of CommunityCare, to continue serving on the Tobacco Settlement Permanent Trust Account Administration Advisory Committee; and
 - b. Nominating Debbie Lauder milk, Travis County Investment Manager, to serve on the Tobacco Settlement Permanent Trust Account Investment Advisory Committee.

RESULT: ADDED TO CONSENT

16. Consider and take appropriate action regarding notice of intent to renew Interlocal Agreement for an Emergency Shelter for homeless women and children between the City of Austin and Travis County.

RESULT: ADDED TO CONSENT

Planning and Budget Dept. Items

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

RESULT: ADDED TO CONSENT

18. Consider and take appropriate action on setting the Calendar Year 2012 Sheriff's and Constables' Fee Schedules.

RESULT: ADDED TO CONSENT

19. Discuss recommended Fiscal Year 2012 Budget Rules.

Members of the Court heard from:

Jessica Rio, Assistant Budget Manager, PBO
Barbara Wilson, Assistant County Attorney
Leroy Nellis, Interim County Executive, PBO

RESULT: DISCUSSED

Reset for: 9/20/2011

20. Consider and take appropriate action on Fiscal Year 2012 Budget issues and requests for funding.

Clerk's Note: The Court discussed recommended changes to the proposed FY '12 Budget.

Members of the Court heard from:

Leroy Nellis, Interim County Executive, Planning and Budget Office (PBO)
Jessica Rio, Assistant Budget Manager, PBO
Travis Gatlin, Senior Budget Analyst, PBO
Katie Gipson, Senior Budget Analyst, PBO

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

Clerk's Note: The Court discussed funding and a new name for Project Recovery.

Members of the Court heard from:

Roger Jefferies, County Executive, Justice and Public Safety (JPS)
The Honorable Nancy Hohengarten, Judge, County Court at Law Number Five

MOTION: Approve \$150,000.00 for Project Recovery from Allocated Reserve one-time funding.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Margaret J. Gómez, Commissioner
SECONDER: Samuel T. Biscoe, Judge
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Clerk's Note: The Court discussed a request from Karen Huber, Commissioner Precinct 3 for an administrative full time employee (FTE) and an operating budget of \$8,000.00.

Members of the Court heard from:

Bill Derryberry, Senior Budget Analyst, PBO
Leroy Nellis, Interim County Executive, PBO

MOTION: Allocate a new administrative position for Precinct Three for a cost of \$49,291.00.
MOVER: Karen Huber, Commissioner

Clerk's Note: The Motion dies for lack of a Second.

Clerk's Note: The County Judge requested a summary of the Travis County Mileage Reimbursement Policy and the Budget Rules on vacant slots left open for long periods of time.

Members of the Court heard from:

Leroy Nellis, Interim County Executive, PBO
Jessica Rio, Assistant Budget Manager, PBO

RESULT: DISCUSSED

Clerk's Note: The Court discussed a request from Justice of the Peace Precinct 1 (JP1) for \$30,000.00 of temporary salary savings to be rolled over into the FY '12 budget for JP1.

Members of the Court heard from:
Judge Yvonne Williams, Justice of the Peace, Precinct 1
Leroy Nellis, Interim County Executive, PBO
Diana Ramirez, Senior Budget Analyst, PBO

MOTION: Approve the budget request.
RESULT: **APPROVED [3 TO 2]**
MOVER: Ron Davis, Commissioner
SECONDER: Samuel T. Biscoe, Judge
AYES: Samuel T. Biscoe, Ron Davis, Margaret J. Gómez
NAYS: Sarah Eckhardt, Karen L. Huber

Clerk's Note: The Court discussed salary savings in departments.

Members of the Court heard from:
Leroy Nellis, Interim County Executive, PBO

RESULT: DISCUSSED

Clerk's Note: The Court discussed a request from JP1 to continue the funding for two temporary employees that would expire September 30, 2011.

Members of the Court heard from:
Judge Yvonne Williams, Justice of the Peace, Precinct 1
Diana Ramirez, Senior Budget Analyst, PBO
Leroy Nellis, Interim County Executive, PBO
Susan Spataro, Travis County Auditor

RESULT: DISCUSSED **Reset for: 9/20/2011**

Clerk's Note: The Court discussed a request from TNR for \$12,500.00 for the purchase of an ozone monitor to be placed in McKinney Falls State Park.

Members of the Court heard from:
Adele Noel, Air Quality Project Manager, TNR

MOTION: Approve the budget request by putting an earmark against Allocated Reserve until Travis County's partners fund their portions.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Sarah Eckhardt, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Clerk's Note: The Court was updated that the total amount of District Attorney Processing Site Orders (DAPSO) funds added to the FY '12 Budget will be \$15,130.00.

Members of the Court heard from:
Leroy Nellis, Interim County Executive, PBO

RESULT: DISCUSSED

Clerk's Note: The Court discussed the posting of the positions approved for the Travis County Sheriff's Office during Budget Mark-Up on Wednesday, September 7, 2011.

Members of the Court heard from:
Leroy Nellis, Interim County Executive, PBO

MOTION: Authorize the immediate posting of the new positions.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Clerk's Note: The Court discussed correcting the amount approved for Project Recovery from \$150,000.00 to the requested amount of \$150,527.00.

Members of the Court heard from:
Jeremy Broadhead, Business Analyst I, PBO

MOTION: Approve adding \$527.00 to the amount previously approved for Project Recovery.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Clerk's Note: The Court was updated that the total amount of County Attorney Processing Site Orders (CAPSO) funds added to the FY '12 Budget will be \$30,000.00.

Members of the Court heard from:
Leroy Nellis, Interim County Executive, PBO
Jessica Rio, Assistant Budget Manager, PBO
John Hille, Assistant County Attorney

RESULT: DISCUSSED

21. Consider and take appropriate action on request to approve signature authority In Texpool, Local Government Investment Pool, for the Corporations Manager, Andrea Shields, to manage any cash transactions as needed.

RESULT: ADDED TO CONSENT

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

- a. Annual contract with the Office of the Governor, Criminal Justice Division, for Juvenile Probation to continue the existing Juvenile Accountability Block Grant Juvenile Assessment Center Program;

RESULT: ADDED TO CONSENT

- b. Annual contract with the Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment, for Juvenile Probation to receive year two of a potential four year grant to continue to enhance the department's existing Drug Court;

Members of the Court heard from:
Gus Peña, Travis County Resident

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

- c. Approve minor form revisions requested by the grantor for the Phase 29 Contract for the Emergency Food and Shelter Program in the Health and Human Services and Veterans Service Department;
- d. Annual contract with 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;
- e. Annual contract with the United States Department of Health and Human Services for Travis County to continue to participate in the Parenting in Recovery Project with Travis County Health and Human Services and Veterans Service serving as the regional partnership project lead; the contract is for the fifth and final year of the grant; and
- f. Annual Memorandum of Understanding with Casey Family Programs and Texas Department of Family and Protective Services for the Casey Family Programs Community and Family Reintegration Project Care Coordinator in Health and Human Services and Veterans Service.

RESULT: ADDED TO CONSENT

Other Items

23. Consider and take appropriate action on the following:

a. Redistricting plans for the following Travis County Precincts:

i. County Commissioners;

Members of the Court heard from:

Deece Eckstein, Intergovernmental Relations Officer, Intergovernmental Relations (IGR)
Tom Cheshire, Wells Branch Utility District

MOTION: Approve Map GE 171.
RESULT: **APPROVED [4 TO 1]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Margaret J. Gómez, Commissioner
AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Margaret J. Gómez
NAYS: Karen L. Huber

ii. Justices of the Peace and Constables;

Members of the Court heard from:

Deece Eckstein, Intergovernmental Relations Officer, IGR

MOTION: Approve Map GE 118.
RESULT: **APPROVED [4 TO 1]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Ron Davis, Commissioner
AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Margaret J. Gómez
NAYS: Karen L. Huber

- iii. Elections; and

Members of the Court heard from:

Deece Eckstein, Intergovernmental Relations Officer, IGR

RESULT: DISCUSSED

Reset for: 9/27/2011

- b. Preclearance submission to the United States Department of Justice.

Members of the Court heard from:

Deece Eckstein, Intergovernmental Relations Officer, IGR
Rolando Rios, Rios and Associates

MOTION: Approve Item 23.b.
RESULT: **APPROVED [4 TO 1]**
MOVER: Margaret J. Gómez, Commissioner
SECONDER: Ron Davis, Commissioner
AYES: Samuel T. Biscoe, Ron Davis, Sarah Eckhardt, Margaret J. Gómez
NAYS: Karen L. Huber

- 24. Receive Travis County Adult Probation's Fiscal Year 2012-2013 proposed State Budget, pursuant to Local Government Code, Section 140.004.

RESULT: ADDED TO CONSENT

- 25. Consider and take appropriate action regarding Travis County's response to reduction in jury pay by State of Texas.

RESULT: ADDED TO CONSENT

Clerk's Note: The County Judge noted that the State will now be reviewing its jury pay contribution quarterly. Travis County's contribution will remain at \$6.00.

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. Consider and take appropriate action on the acquisition of approximately 44.21 acres of land in northwest Travis County in connection with the Balcones Canyonlands Conservation Plan in Precinct Three. (Commissioner Huber)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 \$4,330,000.00 for the 44.21 acres.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Karen L. Huber, Commissioner
SECONDER: Sarah Eckhardt, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

27. Receive briefing from the County Attorney regarding the administrative appeal of the decision by the Texas Comptroller of Public Accounts regarding motor vehicle sales and use taxes paid by the Tax Assessor-Collector to the State on returned NSF checks for the period of January 1, 1997 through December 31, 2005, and take appropriate action.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: Approve the proposed compromising Settlement Agreement with the Comptroller in which Travis County is paid the amount of \$15,447.26 in full settlement of this matter.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Consent Items

Members of the Court heard from:
Mary Etta Gerhardt, Assistant County Attorney
Sherri Fleming, County Executive, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS)
Jim Connolly, Assistant County Attorney
Gillian Porter, Commissioners Court Specialist, County Clerk's Office

MOTION: Approve the following Consent Items: C1–C4 and Agenda Items 4, 5, 9, 10.a–b, 12, 13, 14, 15.a–b, 16, 17, 18, 21, 22.a, 22.c–f, 24, 25, and A1.
RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Margaret J. Gómez, Commissioner
SECONDER: Ron Davis, 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 the Commissioners Court Minutes for the Voting Session of August 23, 2011.
C4. Reject bid received for IFB No. B110223-CW, vehicle maintenance services.

Added Items

- A1. Consider and take appropriate action on proposed renewal to the Interlocal between Travis County and the City of Austin for the provision of public health services (IL080042RE) for Fiscal Year 2012.

RESULT: ADDED TO CONSENT

Clerk's Note: The County Judge noted that the 2012 renewal term will increase by \$1.00.

Minutes approved by the Commissioners Court

Date of Approval

Samuel T. Biscoe, Travis County Judge