



Minutes for the Travis County Commissioners Court Tuesday, November 29, 2011 Voting Session

Minutes Prepared by the Travis County Clerk
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Call to Order

Meeting called to order on November 29, 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 a request to authorize the filing of an instrument to vacate a 29,283 square foot section of the Cypress Ranch Boulevard right-of-way located in West Cypress Hills Phase One, Section One in Precinct Three. (Commissioner Huber) (Action Item #18)

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

Members of the Court heard from:

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

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

2. Receive comments regarding a request to authorize the filing of an instrument to vacate two five foot wide public utility easements located along the common lot line of Lots 14 and 15 of Hidden Hills 1 in Precinct Three. (Commissioner Huber) (Action Item #19)

MOTION: Open the Public Hearing.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Karen L. Huber, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Members of the Court heard from:

Anna Bowlin, Engineering Services Director, TNR

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

Citizens Communication

Members of the Court heard from:
Ronnie Gjemre, Travis County Resident
Clay Defoe, Travis County Resident
Morris Priest, Travis County Resident
Dr. John K. Kim, Travis County Resident
Nailah Sankofa, Travis County Resident
Sara Black, Travis County Resident

Special Item

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

Judge Biscoe announced that Item 3 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
Jim Connolly, Assistant County Attorney
Danny Hobby, County Executive, Emergency Services

MOTION: Reinstate the prohibition on outdoor burning on a week-to-week basis and direct Staff to carve out exceptions to allow burning to be done more safely and remove the accumulated fuel.
MOVER: Karen L. Huber, Commissioner

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

MOTION: Take no action today, meaning there is no prohibition on outdoor burning, and authorize County Staff to meet with the Fire Chiefs for ways to collaborate to provide greater protection and decide what action to take.
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

Planning and Budget Dept. Items

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

RESULT: **NOT NEEDED**

5. 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, to continue the Leadership Academy Dual Diagnosis Unit - Residential Substance Abuse Treatment Program that provides services to juveniles with co-occurring mental health and substance abuse issues in Juvenile Probation;
- b. Annual contract with the University of North Texas to continue the Seniors and Volunteers for Childhood Immunization Program in Health and Human Services and Veterans Service;
- c. Annual contract with the Corporation for National and Community Service with funds originating from the Texas Department on Aging and Disability Services for Health and Human Services and Veterans Service to receive operating resources to continue the Coming of Age Program;
- d. Amendment to the contract with the Corporation for National and Community Service to extend the grant term by an additional three months for personnel and operating resources for the Coming of Age Program in Health and Human Services and Veterans Service; and
- e. Request from the Travis County Sheriff's Office to reallocate 2010 State Alien Assistance Program project savings.

RESULT: ADDED TO CONSENT

Administrative Operations Items

- 6. 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 \$757,171.26 for the period of November 11 to November 17, 2011.

RESULT: ADDED TO CONSENT

- 7. Consider and take appropriate action on the following items for Human Resources Management Department:
 - a. Proposed routine personnel amendments; and
 - b. Non-routine request from pretrial services for a variance to Travis County Code §10.03002, General Overview for Determining Pay Policy.

RESULT: ADDED TO CONSENT

Justice and Public Safety Items

- 8. Receive an update on Bureau of Justice Assistance Justice Reinvestment Initiative Grant application.

Members of the Court heard from:

- Roger Jefferies, County Executive, Justice and Public Safety (JPS)
- Cathy McClagherty, Senior Planner, Criminal Justice Planning (CJP)

RESULT: DISCUSSED

Purchasing Office Items

9. Approve Termination of Contract No. 09T00174OJ, U.S. Extradition Services, for extradition and transportation services.

RESULT: ADDED TO CONSENT

10. Declare item as surplus and sell at public auction pursuant to Section 263.151 of the Texas Local Government Code.

RESULT: ADDED TO CONSENT

11. Approve contract award for painting services, IFB No. B120008-JT, to the following low bidders:

- a. GG's Construction, LLC (primary contractor); and
- b. JNA Painting and Contracting Company, Inc. (secondary contractor).

RESULT: ADDED TO CONSENT

12. Approve Modification No. 1 to Job Order No. 19, Contract No. 10K00268RV, Fore Construction, for minor construction services-Granger Building, 4th floor remodel.

RESULT: ADDED TO CONSENT

13. Approve Contract No. PS120011DW, Southwest Key Programs, Inc., for case management services.

RESULT: ADDED TO CONSENT

14. Approve Modification No. 6, an Assignment of Contract No. PS100010ML, from Accudiagnosics to Arcpoint Labs of Austin.

RESULT: ADDED TO CONSENT

15. Approve Resolution approving continued funding for victims' services contracts for 2012:

- a. Safeplace;
- b. Lifeworks;
- c. For the Love of Christi;
- d. Center for Child Protection;
- e. CASA;
- f. Austin Travis County Mental Health Mental Retardation – Austin Travis County Integral Care;
- g. Texas RioGrande Legal Aid;
- h. Austin Child Guidance Center;
- i. Austin Academy ;
- j. Volunteer Legal Services;
- k. Juvenile Probation: Pot of Gold; and

I. YWCA.

RESULT: ADDED TO CONSENT

16. Approve contract award for residential HVAC services, IFB No. B120034-NB, to the low bidders:

- a. McCullough Heating and Air Conditioning (primary contractor); and
- b. GG's Construction, LLC, (secondary contractor).

RESULT: ADDED TO CONSENT

17. Approve Modification No. 1 to Contract No. 11K00231RV, Flintco, LLC, construction manager/general contractor for the remodel of 700 Lavaca Building: 1st and 2nd floors.

RESULT: ADDED TO CONSENT

Transportation, Natural Resources and Facilities Dept. Items

18. Consider and take appropriate action on a request to authorize the filing of an instrument to vacate a 29,283 square foot section of the Cypress Ranch Boulevard right-of-way located in West Cypress Hills Phase one, Section One in Precinct Three. (Commissioner Huber)

RESULT: ADDED TO CONSENT

19. Consider and take appropriate action on a request to authorize the filing of an instrument to vacate two five foot wide public utility easements located along the common lot line of Lots 14 and 15 of Hidden Hills 1 in Precinct Three. (Commissioner Huber)

RESULT: ADDED TO CONSENT

20. Consider and take appropriate action regarding proposed motion to approve license agreement for Seton Brain and Spine Cycling to hold a bike race at Richard Moya Park. (Commissioner Gómez)

RESULT: ADDED TO CONSENT

21. Consider and take appropriate action on a request to enter into an alternative fiscal agreement for Lopez-McKenzie Subdivision, a resubdivision of the Thomas C. Taylor Subdivision - a subdivision in Precinct Four. (Commissioner Gómez)

RESULT: ADDED TO CONSENT

22. Consider and take appropriate action on a request to approve entering into an advance funding agreement with TxDOT for US 290W/SH 71 innovative intersection improvements in Precinct Three. (Commissioner Huber)

Members of the Court heard from:

Carol Joseph, Assistant Director, TNR

Jessica Rio, Assistant Budget Manager, Planning and Budget Office (PBO)

MOTION: Approve Item 22.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Karen L. Huber, Commissioner

SECONDER: Samuel T. Biscoe, Judge

AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

23. Consider and take appropriate action regarding the following requests in Precinct One:
- a. Approve provider/first responder agreement between city of Austin through its Emergency Medical Services Department and Travis County, an Austin-Travis County first responder organization in the Travis County Parks Division of the Transportation and Natural Resources Department; and
 - b. Authorize County administrator of first responder program (currently Charles Bergh/Parks Division Director) to sign the application to renew first responder organization registration at Texas Department of State Health Services. (Commissioner Davis)

Members of the Court heard from:
Charles Bergh, Division Director Parks, TNR
Barbara Wilson, Assistant County Attorney

MOTION: Approve Items 23.a–b.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Ron Davis, Commissioner
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

24. Consider and take appropriate action regarding notifying parking operators of the County intent to exercise available options to extend parking for the renewal terms as provided in the lease agreements:
- a. Central Parking System of Texas, Inc. at the 812 San Antonio garage;
 - b. Central Parking System of Texas, Inc. at 1250 Guadalupe; and
 - c. Texas Oil and Gas Association at 1300 Guadalupe.

RESULT: **ADDED TO CONSENT**

25. Consider and take appropriate action on second amendment to Lease Agreement with Riggs, Aleshire and Ray, P.C., at 700 Lavaca Building.

RESULT: **ADDED TO CONSENT**

Health and Human Services Dept. Items

26. Consider and take appropriate action on items related to the Program Year 2010 Consolidated Annual Performance Evaluation Report for the Community Development Block Grant provided by HUD:
- a. Receive a summary of the Annual Performance Report; and
 - b. Approve the draft of the Program Year 2010 Consolidated Annual Performance Evaluation Report to post for public comment.

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

MOTION: Approve the draft of the Program Year 2010 Consolidated Annual Performance Evaluation Report and order that it be posted for public comment.
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

Other Items

27. Consider and take appropriate action on the Fiscal Year 2011 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency pursuant to Texas Chapter 59.06 Code of Criminal Procedure.

RESULT: **ADDED TO CONSENT**

28. Approve order amending the annually determined contribution rate plan selections to maintain benefits of retirees under Texas County and District Retirement System

Members of the Court heard from:
Barbara Wilson, Assistant County Attorney

MOTION: Approve Item 28.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Sarah Eckhardt, Commissioner
SECONDER: Karen L. Huber, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

29. Consider and take appropriate action on Travis County appointments to the Central Texas Regional Mobility Authority Board of Directors.

Members of the Court heard from:
Deece Eckstein, Intergovernmental Relations Officer, Intergovernmental Relations (IGR)
John Hille, Assistant County Attorney

MOTION: Post a similarly-worded item on the Tuesday, December 6, 2011 Agenda and look at the process we plan to employ and at the process we have used in the past, and touch base with the CTRMA regarding the reappointment of Charles Heimsath.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

30. Consider and take appropriate action on redistricting plans for the following Travis County Precincts:
- County Commissioners;
 - Justices of the Peace and Constables; and
 - Elections (voter tabulation districts).

Clerk's Note: The Court discussed interim redistricting plans which will involve changes to

Travis County Precincts.

Members of the Court heard from:

Deece Eckstein, Intergovernmental Relations Officer, IGR

MOTION: Proceed as requested with authorization to spend up to the \$5,000.00 budgeted.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Ron Davis, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

31. Consider and take appropriate action on letter to members of the Senate Commerce, Science and Technology Committee regarding federal trucking weight limit legislation.

Members of the Court heard from:

Deece Eckstein, Intergovernmental Relations Officer, IGR

MOTION: Send the letter in Item 31.
MOVER: Samuel T. Biscoe, Judge
SECONDER: Karen L. Huber, Commissioner

FRIENDLY

AMENDMENT: Attach the report regarding the fiscal impact of heavier trucks on Travis County.

MOVER: Ron Davis, Commissioner
RESULT: **FRIENDLY AMENDMENT ACCEPTED**

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

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

32. Consider and take appropriate action on Lease Agreement at 700 Lavaca with Austin Suites Management, Ltd. (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)

Judge Biscoe announced that Item 32 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.

Members of the Court heard from:

William Holms, Owner, Austin Suites Management, Ltd
Christy, Office Manager, Austin Suites Management, Ltd
John Hille, Assistant County Attorney

MOTION: Authorize the County Attorney to send an appropriate response to immediate issues that Mr. Holms raised, including a final note asking Mr. Holms if he requires responses to all issues in his memo, and send him a copy of the letter sent to him by the attorneys for the previous owners of 700 Lavaca dated July 6, 2010.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Ron Davis, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

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

33. Receive briefing from the County Attorney in Travis County, et al v. Quantum Investments (Jules Alan Caplan resale deed) and take appropriate action. ¹

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

MOTION: Authorize the County Judge to sign the proposed tax resale deed on behalf of the Commissioners Court to Jules Alan Caplan, who has paid Travis County the sum of \$65,000.00, in cash.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe
SECONDER: Margaret J. Gómez
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

34. Receive briefing from the County Attorney in Travis County, et al v. Paulino Martinez and Carmen Martinez (Malcolm Gunnell 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: Authorize the County Judge to sign the proposed tax resale deed on behalf of the Commissioners Court to Malcolm Gunnell, who has paid Travis County the sum of \$26,116.78, in cash.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

35. Receive briefing and take appropriate action in 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-CA522-SS). 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: Authorize the County Attorney to file a Rule 68 Offer of Judgment in the amount of \$75,000.00.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Sarah Eckhardt, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

36. Receive briefing and take appropriate action in Valdez v. City of Austin, Texas et al.; Action No. A-11-CA-615-LY). ¹

RESULT: POSTPONED

37. Receive legal briefing and take appropriate action regarding Travis County involvement in legal action objecting to congressional redistricting by the Texas Legislature.¹

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

RESULT: DISCUSSED

38. Receive briefing from County Attorney and take appropriate action concerning the extension of administrative leave with pay for Juvenile Probation Employee, Slot 360.^{1 and 3}

Judge Biscoe announced that Item 38 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.074, Personnel Matters.

MOTION: Approve an additional seven days leave with pay through Monday, December 5, 2011, for the employee in Slot 360.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Samuel T. Biscoe, Judge

SECONDER: Ron Davis, Commissioner

AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Consent Items

MOTION: Approve the following Consent Items: C1–C6 and Agenda Items 5.a–e, 6, 7.a–b, 9, 10, 11.a–b, 12, 13, 14, 15.a–l, 16.a–b, 17, 18, 19, 20, 21, 24.a–c, 25, and 27.

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 November 15, 2011.

C4. Approve the Commissioners Court minutes for the Special Voting Session of November 17, 2011.

C5. Approve setting a public hearing on Tuesday, December 20, 2011 to receive comments regarding a request to authorize the filing of an instrument to vacate two five foot wide drainage easements located along the north and south lot lines of Lot 7, Block 48 of Austin Lake Hills, Section Three in Precinct Three. (Commissioner Huber)

C6. Approve setting a public hearing on Tuesday, December 20, 2011 to receive comments regarding a request to authorize the filing of an instrument to vacate two five foot wide public utility easements located along the common lot line of Lots 39 and 40, Block H of Highland Creek Lakes, Section 1 in Precinct Three. (Commissioner Huber)

Minutes approved by the Commissioners Court

Date of Approval

Samuel T. Biscoe, Travis County Judge