



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

Minutes Prepared by the Travis County Clerk
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Call to Order

Meeting called to order on December 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:
Giovanni Mastromatteo, Travis County Retiree
Ronnie Gjemre, Travis County Resident
Dr. John K. Kim, Travis County Resident
Gus Peña, Travis County Resident

Clerk's Note: The County Judge noted that the deadline for contributions to the Travis County Combined Charities campaign has been extended until Friday, December 16, 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

RESULT: DISCUSSED

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

2. Consider and take appropriate action on the regulation of fireworks in unincorporated Travis County.

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
Jim Connolly, Assistant County Attorney

Ronnie Gjemre, Travis County Resident

RESULT: DISCUSSED

Purchasing Office Items

- 3. Receive briefing from Purchasing Agent on following:
 - a. Canadian public private partnership (P3) conference; and

Members of the Court heard from:

Cyd Grimes, Travis County Purchasing Agent
Roger Jefferies, County Executive, Justice and Public Safety (JPS)
Ronnie Gjemre, Travis County Resident
John Hille, Assistant County Attorney
Susan Spataro, Travis County Auditor
James Collins, Senior Chief Deputy, County Attorney's Office
Belinda Powell, Capital Planning Coordinator, PBO

RESULT: DISCUSSED

- b. Contract negotiations for advisory team for feasibility analysis of a P3 for new Civil and Family Courthouse. (This item may be taken into Executive Session pursuant to Gov't. Code Ann 551.071, Consultation with Attorney)

Judge Biscoe announced that Item 3 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

RESULT: DISCUSSED **Reset for: 12/20/2011**

- 4. Approve Modification No. 1 to Contract No. CM090255LC, SAP Public Sector, Inc., for BEFIT software and maintenance support.

RESULT: ADDED TO CONSENT

- 5. Approve Modification No. 3, an Assignment of Contract No. 09T00220NB, (OEM parts and labor [motorcycle machinery, etc.] for Travis County motorcycles) from Cowboy Honda of Kyle to Kent Powersports of Austin.

RESULT: ADDED TO CONSENT

- 6.
 - a. Approve twelve-month extension (Modification No. 3) to Contract No. 11T00034OJ, Key & Piskuran Insurance Agency, for property and boiler/machinery insurance; and
 - b. Reject terrorism coverage under the Terrorism Risk Insurance Act of 2002 (TRIA), and authorize the County Judge to sign the TRIA policy disclosure statement.

RESULT: ADDED TO CONSENT

- 7. Approve Interlocal Agreement No. IL120048DW, Austin Travis County Integral Care and the City of Austin, for inpatient treatment and post treatment services for mentally ill misdemeanor defendants in Travis County.

RESULT: ADDED TO CONSENT

8. Approve contract award for home rehabilitation, Plain View Estates Water Connections Project, IFB No. B110291-JW, to the low bidder, Keystone Construction, Inc.

Members of the Court heard from:

Christy Moffett, Social Services Manager, Travis County Health and Human Services (TCHHS)
Steve Manilla, County Executive, Transportation and Natural Resources (TNR)
Ronnie Gjemre, Travis County Resident

MOTION: Approve Item 8.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Ron Davis, Commissioner
SECONDER: Sarah Eckhardt, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

9. Approve contract award for flat tire and tube repair and replacement services, IFB No. B120005-CW, to the low bidders:
 - a. Southern Tire Mart, primary contractor; and
 - b. GCR Tire Centers, secondary contractor.

RESULT: **ADDED TO CONSENT**

Transportation, Natural Resources and Facilities Dept. Items

10. Approve appropriate documents to complete the sale of a 0.092 acre (3,990 square feet) wastewater utility easement on land located within North East Metro Park to the Pflugerville Community Development Corporation (PCDC) for the construction of a wastewater line to serve PCDC's planned renewable energy park. (Commissioner Eckhardt)

RESULT: **ADDED TO CONSENT**

11. Consider and take appropriate action regarding an agreement with the Downtown Austin Transportation Management Association to develop and implement new air quality improvement strategies in the downtown Austin area using funding from a local initiatives projects grant from Texas Commission on Environmental Quality.

Members of the Court heard from:

Adele Noel, Air Quality Project Manager, TNR
Glen Gadbois, Executive Director, Downtown Austin Transportation Management Association

MOTION: Approve Item 11.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Sarah Eckhardt, Commissioner
SECONDER: Karen L. Huber, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

12. Consider and take appropriate action on request to approve funding for a full time equivalent (FTE) position in the amount of \$34,620 for the remainder of Fiscal Year 2012 for a slot/position to monitor non-potable water sales from the US 183 facility in Precinct Four. (Commissioner Gómez)

RESULT: **ADDED TO CONSENT**

13. Consider and take appropriate action on the following requests:
 - a. Village at Northtown Revised Preliminary Plan (revised preliminary plan - 3 total lots (1 retail lot and 2 single-family attached lots) - 27.9 acres – Heatherwilde Boulevard);
 - b. Village at Northtown Section Two Preliminary Plan (preliminary plan - 78 total lots (76 single-family attached lots and 2 condominium lots) - 18.75 acres – Harris Ridge Boulevard); and
 - c. Village at Northtown Phasing Agreement between Travis County and Village at Northtown, Ltd. in Precinct One. (Commissioner Davis)

RESULT: ADDED TO CONSENT

14. Consider and take appropriate action on the Greyrock Ridge Preliminary Plan [preliminary plan - 393 total lots (386 single family lots, 6 open space/water quality pond lots, and 1 amenity lot) - 177.853 acres] State Highway 45 in Precinct Three. (Commissioner Huber)

Members of the Court heard from:

Anna Bowlin, Engineering Services Director, TNR
 Steve Manilla, County Executive, TNR
 Blake McGee, Developer, Greyrock Ridge

MOTION: Approve Item 14.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Karen L. Huber, Commissioner
SECONDER: Margaret J. Gómez, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

15. Consider and take appropriate action on request from Golden Gloves Tournament for waiver or discount of fees to use the Travis County Exposition Center Banquet Hall with benefits from the event going to Meals on Wheels and More of Austin/Travis County and the Travis County Sheriff Law Enforcement Association "Youth Scholarship Fund." (Commissioners Davis and Gómez)

RESULT: ADDED TO CONSENT

Clerk's Note: The Court encouraged County Staff and the sponsor of the event to meet with the Concessionaire to clarify details.

16. Consider and take appropriate action on the following requests from the Travis County Youth Show in Precinct One:
 - a. Reduced rental fee to use the Travis County Exposition Center on January 12 through 15, 2012 and January 20 and 21, 2012; and
 - b. Waiver of Section 14, Food and Beverage Catering. (Commissioner Davis)

RESULT: ADDED TO CONSENT

Clerk's Note: The Court encouraged County Staff and the sponsor of the event to meet with the concessionaire to clarify details.

Health and Human Services Dept. Items

17. Consider and take appropriate action on proposed amendments to Chapter 57 (Travis County Smoking Policy) of the Travis County Code. (This item may be taken into Executive Session pursuant to Gov't. Code Ann 551.071, Consultation with Attorney)

Judge Biscoe announced that Item 17 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from:

Dr Harinder Dhir, Medical Director, Wellness Clinic
Diane Blankenship; Director, Human Resources Management Department (HRMD)
Mary Etta Gerhardt, Assistant County Attorney
Lindsay Pollok, Planner, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS)
Josie Peña, Wellness Center
David Salazar, Executive Assistant, TCHHS&VS

RESULT: DISCUSSED

Reset for: 12/20/2011

Clerk's Note: The Court directed Staff to prepare a revised draft for review and approval Tuesday, December 20, 2011 for distribution to County employees before the public hearing on Tuesday, January 24, 2011.

Planning and Budget Dept. Items

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

RESULT: ADDED TO CONSENT

19. Review and approve requests regarding grant programs, applications, contracts and permissions to continue:
 - a. New application to the Office of the Governor, Criminal Justice Division, for the Travis County Sheriff's Office to receive de-obligated American Recovery and Reinvestment Act resources for one-time purchases to support existing programs; and
 - b. New contract with the United States Department of Justice, Office of Justice Assistance, Bulletproof Vest Partnership Program to obtain safety vests for Constable, Precinct Four.

RESULT: ADDED TO CONSENT

Administrative Operations Items

20. 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 \$229,111.51 for the period of November 25 to December 1, 2011.

RESULT: ADDED TO CONSENT

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

RESULT: ADDED TO CONSENT

22. Approve the use of County funds to reimburse travel costs for one finalist interviewing for the Planning & Budget Office County Executive position.

RESULT: ADDED TO CONSENT

Clerk's Note: The County Judge noted that by approving Item 22 the Court authorizes up to \$1,250.00 for travel expenses.

Other Items

23. Consider and take appropriate action on policy governing Court appointments and reappointments to various boards and committees.

Members of the Court heard from:

John Hille, Assistant County Attorney

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

MOTION: Adopt the process with the striking of the last part of Section 1.017(b)(1)(B)(i) starting with 'or in the case' and treat every appointment/reappointment the same.

RESULT: **DEFEATED [2 TO 3]**

MOVER: Sarah Eckhardt, Commissioner

SECONDER: Karen L. Huber, Commissioner

AYES: Sarah Eckhardt, Karen L. Huber

NAYS: Samuel T. Biscoe, Ron Davis, Margaret J. Gómez

MOTION: Approve the proposed policy but work on the language in Section (b)(1)(B)(i) after 'or in the case" and bring that back for approval on Tuesday, December 20, 2011.

RESULT: **APPROVED [4 TO 1]**

MOVER: Samuel T. Biscoe, Judge

SECONDER: Margaret J. Gómez, Commissioner

AYES: Samuel T. Biscoe, Ron Davis, Karen L. Huber, Margaret J. Gómez

NAYS: Sarah Eckhardt

24. Consider and take appropriate action on reappointment of James Adkins to serve as a Precinct Two and Precinct Three appointee to the Travis Central Appraisal District Board of Directors. (Commissioners Eckhardt and Huber)

RESULT: ADDED TO CONSENT

25. Consider and take appropriate action on request for Travis County to notify the City of Austin that it has no objection to giving honorary recognition to Roy Q. Minton by designation of a single street sign with his name on Eleventh Street in honor of his long and storied career.

Members of the Court heard from:

Ken Oden, Attorney, Linebarger, Goggan Blair & Sampson, LLP

MOTION: Approve a Resolution informing the City of Austin that Travis County has no objection to this request.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Margaret J. Gómez, Commissioner

SECONDER: Ron Davis, Commissioner

AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

26. Consider and take appropriate action on redistricting plans for the following Travis County Precincts:

- a. County Commissioners;
- b. Justices of the Peace and Constables; and
- c. Elections (voter tabulation districts).

Judge Biscoe announced that Item 26 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from:
 Deece Eckstein, Intergovernmental Relations Officer, IGR
 Kevin Morse, Assistant County Attorney

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*

- 27. Consider and take appropriate action on an offer to sell to the County approximately 3.16 acres of land near the intersection of Burleson Road and U.S. 183 South in Precinct Four, for inclusion in the Onion Creek Open Space Parkland - 2005 Bond Program. 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 \$187,000.00.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Margaret J. Gómez, Commissioner
SECONDER: Samuel T. Biscoe, Judge
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

- 28. Receive legal briefing and take appropriate action to fill vacancy in the office of Travis County Tax Assessor collector on January 1, 2012. ¹

Judge Biscoe announced that Item 28 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

MOTION: Authorize the County Judge to have an in-person meeting with the top managers in the Tax Assessor's Office, and ask the managers interested in this vacancy beginning January 1, 2012, to file an application with the Commissioners Court with an attached resume. Notify the interested parties of the Courts intention to interview them Tuesday, December 20, 2012, with Tuesday, December 27, 2012, as a back-up date.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge

SECONDER: Ron Davis, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

Clerk's Note: The County Judge noted that he will also meet with Nelda Wells Spears, Tax Assessor Collector.

29. Receive briefing from County Attorney and take appropriate action regarding potential litigation with Mortgage Electronic Recording System (MERS Corp.).¹

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

RESULT: DISCUSSED **Reset for: 12/20/2011**

30. Receive legal briefing and take appropriate action regarding a proposal to purchase certain open space land near Gilleland Creek in Precinct One and discuss draft agreement with TXI. 1

Judge Biscoe announced that Item 30 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from:
Tom Nuckols, Assistant County Attorney

MOTION: Authorize Staff to:

- Communicate with the City of Austin the content of the draft document before us
- Invite the City of Austin to participate in the public hearing currently scheduled for Tuesday, January 24, 2012
- Follow-up on the comments that have been received from members of the public especially regarding application of the 1,000-ft. buffer in the impacted area, monitoring, and requests made by the City of Webberville

MOVER: Samuel T. Biscoe, Judge
SECONDER: Margaret J. Gómez, Commissioner

FRIENDLY AMENDMENT: Set the public hearing for Tuesday, January 31, 2012.
MOVER: Samuel T. Biscoe, Judge
RESULT: FRIENDLY AMENDMENT ACCEPTED

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

RESULT: APPROVED [4 TO 0]
AYES: Samuel T. Biscoe, Sarah Eckhardt, Karen L. Huber, Margaret J. Gómez
ABSTAIN: Ron Davis

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

RESULT: DISCUSSED

Consent Items

Members of the Court heard from:
Cyd Grimes, Travis County Purchasing Agent
Ronnie Gjemre, Travis County Resident

MOTION: Approve the following Consent Items: C1–C4 and Agenda Items 4, 5, 6.a–b, 7, 9.a–b, 10, 12, 13.a–c, 15, 16.a–b, 18, 19.a–b, 20, 21, 22, and 24.
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 setting a public hearing on Tuesday, January 3, 2012 to receive comments regarding a request to authorize the filing of an instrument to vacate a .029 acre section of Lynnbrook Drive as dedicated by separate instrument recorded at Volume 3651, page 860 in Precinct Three. (Commissioner Huber)
- C4. Approve setting a public hearing on Tuesday, January 17, 2012 to receive comments regarding a request for a partial plat vacation of Lot 1 Carriage Crossing Section Two final plat (partial vacation of a final plat - 1 total lot 11.47 acres -River Hills Road) in Precinct Three. (Commissioner Huber)

Added Items

- A1. Receive briefing from County Attorney and take appropriate action in Nathan Green v. Jodie McGarity, (Executive Session pursuant to Gov't. Code Ann 551.071, Consultation with Attorney)

Judge Biscoe announced that Item A1 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

MOTION: Settle this matter for \$23,500.00.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Samuel T. Biscoe, Judge
SECONDER: Ron Davis, Commissioner
AYES: Biscoe, Davis, Eckhardt, Huber, Gómez

- A2. 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-CA-522-SS. (Executive Session pursuant to Gov't. Code Ann 551.071, Consultation with Attorney)

Judge Biscoe announced that Item A2 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

RESULT: **DISCUSSED**

- A3. Consider and take appropriate action regarding proposal for downtown office building by D2000, a turn key development company. (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 A3 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

Minutes approved by the Commissioners Court

Date of Approval

Samuel T. Biscoe, Travis County Judge