

MINUTES OF MEETING MAY 13, 2008

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 13th day of February 2008, the Commissioners' Court convened the Voting Session at 9:15 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Gillian Porter.

The Commissioners Court recessed the Voting Session at 10:28 AM.

The Commissioners Court reconvened the Voting Session at 10:41 AM.

The Commissioners Court recessed the Voting Session at 11:54 AM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 1:42 PM and adjourned at 1:43 PM.

The Commissioners Court reconvened the Voting Session at 1:43 PM.

The Commissioners Court retired to Executive Session at 2:42 PM.

The Commissioners Court reconvened the Voting Session at 4:36 PM.

The Commissioners Court adjourned the Voting Session at 4:39 PM.

CITIZENS COMMUNICATION

Members of the Court heard from: Gus Peña, Travis County Resident; Estella Medina, Chief Juvenile Probation Officer; Andy Swanson, Real Estate Council of Austin, Inc.; Anne Bormann, Manager, Travis County 4H Capital Americorps Program, Agricultural Extension Service; Eddie McKenna, Co-Coordinator, 4H Capital Americorps Program; Cheryl Pallette, Americorps Volunteer; Megan Chapla, Americorps Volunteer; Stella Leemis, Americorps Volunteer; Charlotte Price, Americorps Volunteer; and Jennifer Gale, Travis County Resident. (9:16 AM)

PLANNING AND BUDGET DEPT. ITEMS

3. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:29 AM)

Clerk's Note: Item 3 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

4. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:29 AM)
 - A. GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR'S CRIMINAL JUSTICE DIVISION FOR THE JUVENILE PROBATION DEPARTMENT TO FUND ONE-FULLTIME PERSON AND CONTRACTED SERVICES FOR DUALY-DIAGNOSED JUVENILES RECEIVING TREATMENT AT THE INTERMEDIATE SANCTIONS CENTER; AND
 - B. STATUS UPDATE FROM HEALTH AND HUMAN SERVICES AND VETERANS SERVICE TO REQUEST APPROVAL TO SUBMIT BUDGET TRANSFER TO U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICE FOR PARENTING IN RECOVERY GRANT AND REALLOCATE A PORTION OF THE REQUIRED GRANT MATCH FROM IN-KIND SERVICES TO CASH.

Clerk's Note: Items 4.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

ADMINISTRATIVE OPERATIONS ITEMS

- 5. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(9:29 AM)
 - A. 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 \$690,116.68 FOR THE PERIOD OF APRIL 25 TO MAY 1, 2008; AND
 - B. AN INCREASE TO THE REIMBURSEMENT PRIVILEGE COST AT JPMORGAN CHASE BANK IN THE AMOUNT OF \$565,043.26, PER SECTION 12.3 OF TRAVIS COUNTY'S CONTRACT WITH UNITED HEALTH CARE.

Clerk's Note: Items 5.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 6. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:29 AM)

Clerk's Note: Item 6 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 7. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM A TEXAS DEPARTMENT OF TRANSPORTATION CONTRACTOR FOR RIGHT OF ENTRY TO PERFORM SURVEY AT COUNTY OWNED PROPERTY AT 5700 TRACOR LANE, IN EAST AUSTIN. (11:43 AM)

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 7.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	abstain
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 11. APPROVE MODIFICATION NO. 7 TO CONTRACT NO. PS990080TS, CAP SYSTEMS, INC., FOR A CASE MANAGEMENT AND BENEFITS ADMINISTRATION SYSTEM. (TRANSPORTATION AND NATURAL RESOURCES/INFORMATION AND TELECOMMUNICATION SYSTEMS/HEALTH AND HUMAN SERVICES) (9:29 AM)

Clerk’s Note: Item 11 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 12. APPROVE SOLE SOURCE EXEMPTION AND CONTRACT AWARD FOR THE REMOVAL OF SIDEWALK TRIP HAZARDS AT VARIOUS LOCATIONS THROUGHOUT TRAVIS COUNTY TO PRECISION SAFE SIDEWALKS, LLC. (TRANSPORTATION AND NATURAL RESOURCES) (9:29 AM)

Clerk’s Note: Item 12 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 13. DISCUSS AND TAKE APPROPRIATE ACTION ON REQUEST FOR SERVICES (RFS) SOLICITATION FOR LEGISLATIVE SERVICES AND AUTHORIZE PURCHASING AGENT TO ISSUE RFS. (2:32 PM)

Clerk’s Note: The Court discussed the following changes to the RFS:

- 1) To require disclosure of any past or future client relationships that could present the appearance or reality of a conflict of interest with legislative goals of the County;
- 2) Remove the language requesting knowledge of the Travis County Legislative Program, and insert “a general familiarity with County issues such as Revenue Caps, Land Use Authority, etc.”;
- 3) The Court will interview a short list of proposing firms as this will be a close working relationship; and,
- 4) That the RFS be put out to bid for 30 days, not the usual 21 days.

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent.

Motion by Judge Biscoe and seconded by Commissioner Eckhardt to approve Item 13 with those revisions.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

14. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(9:29 AM)
- A. A REQUEST FOR A VARIANCE TO CHAPTER 82.401(C)(4), STANDARDS FOR CONSTRUCTION OF STREETS AND DRAINAGE IN SUBDIVISIONS, TO ALLOW THE ACCEPTANCE OF DEDICATION OF A PORTION OF THE STREET AND DRAINAGE FACILITIES IN FOREST CREEK, SECTION 34, A SUBDIVISION IN PRECINCT TWO; AND
 - B. A PROPOSED LICENSE AGREEMENT WITH THE FC III HOME OWNERS ASSOCIATION, INC. FOR IMPROVEMENTS IN PUBLIC RIGHT OF WAY. (COMMISSIONER ECKHARDT)

Clerk's Note: Items 14.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

15. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(9:29 AM)
- A. A SUBDIVISION CONSTRUCTION AGREEMENT WITH BELLA STRADA DEVELOPMENT INC. FOR IMPROVEMENTS WITHIN THE EXISTING WERKENTHIN SECTION ONE SUBDIVISION; AND
 - B. A CASH SECURITY AGREEMENT FOR OFFSITE DRAINAGE IMPROVEMENTS TO RIVER HILLS ROAD. (COMMISSIONER DAUGHERTY)

Clerk's Note: Items 15.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

16. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(9:29 AM)

A. A REQUEST FOR A VARIANCE TO CHAPTER 82.401(C)(4), STANDARDS FOR CONSTRUCTION OF STREETS AND DRAINAGE, TO ALLOW THE ACCEPTANCE OF DEDICATION OF A PORTION OF THE STREET AND DRAINAGE FACILITIES IN COMANCHE CANYON RANCH, AREA TWO, A SUBDIVISION IN PRECINCT THREE; AND

B. A PROPOSED LICENSE AGREEMENT WITH COMANCHE CANYON RANCH AREA TWO COMMERCIAL LOT OWNERS ASSOCIATION, INC. FOR IMPROVEMENTS IN PUBLIC RIGHT OF WAY. (COMMISSIONER DAUGHERTY)

Clerk’s Note: Items 16.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

17. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST FOR A VARIANCE FROM TITLE 30 OF THE AUSTIN-TRAVIS COUNTY SUBDIVISION REGULATIONS SECTION 30-3-191(A), WHICH REQUIRES THAT SIDEWALKS BE INSTALLED IN NEW SUBDIVISIONS, FOR THE RESUBDIVISION OF LOT 2, BLOCK F, BEBY’S RANCH SUBDIVISION IN PRECINCT THREE.
(COMMISSIONER DAUGHERTY) (9:29 AM)

Clerk’s Note: Item 17 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

18. CONSIDER AND TAKE APPROPRIATE ACTION ON A REVISED PRELIMINARY PLAN IN PRECINCT TWO: CANTARRA SUBDIVISION (1215 TOTAL LOTS). (COMMISSIONER ECKHARDT) (11:44 AM)

Members of the Court heard from: Anna Bowlin, Program Manager, Planning and Engineering, Transportation and Natural Resources (TNR).

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 18.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

19. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE FOLLOWING: (11:48 AM)

A. REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A 25 FOOT WIDE DRAINAGE EASEMENT CENTERED ALONG THE COMMON LOT LINE OF LOTS 1 AND 2 OF THE RESUBDIVISION OF LOTS 260, 261, 262, 263, 264, 265, 266 AND 267 OF TRAVIS SETTLEMENT, SECTION FOUR; AND

B. A PLAT FOR RECORDING IN PRECINCT THREE: THE VILLAS ON BLACKSMITH COVE, THE REVISED PLAT OF LOTS 1 AND 2 OF THE RESUBDIVISION OF LOTS 260, 261, 262, 263, 264, 265, 266 AND 267, TRAVIS SETTLEMENT, SECTION FOUR (5 TOTAL LOTS). (COMMISSIONER DAUGHERTY)

Clerk’s Note: Items 19.A&B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Anna Bowlin, Program Manager, Planning and Engineering, TNR.

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Items 19.A&B.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

20. RECEIVE ESPEY CONSULTANT’S STREAM BED ASSESSMENT AND WATER QUALITY EVALUATION REPORT ON HAMILTON POOL AND RECEIVING STREAMS IN TRAVIS COUNTY WITH PORTION IN HAYS COUNTY AND TAKE APPROPRIATE ACTION. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV’T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (10:18 AM) (10:41 AM)

Members of the Court heard from: Victoria Harkins, PhD, PE, Consultant, Espey Consultants Inc.; Cyd Grimes, Travis County Purchasing Agent; and Karen Rankin, League of Women Voters.

Discussion only. No formal action taken.

EXECUTIVE SESSION ITEMS

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

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.

- 25. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST FROM THE CITY OF PFLUGERVILLE TO PURCHASE 1.443 ACRES OF LAND THAT ARE NO LONGER NEEDED BY TRAVIS COUNTY OR THE GENERAL PUBLIC AS A RESULT OF THE REALIGNMENT OF SCHULTZ LANE AT A.W. GRIMES BOULEVARD/PFLUGERVILLE PARKWAY IN PFLUGERVILLE, LOCATED IN PRECINCT TWO. ^{1 AND 2} (2:42 PM) (4:36 PM)

Clerk's Note: Judge Biscoe announced that Item 25 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 by Commissioner Eckhardt **and seconded by** Commissioner Gómez that we accept the City of Pflugerville's offer of purchase at \$315,000.00.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 26. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN MURRAY, ET. AL. V. EARLE, ET. AL. NO. A-02-CA-252-SS. ¹ (11:52 AM)

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

Item 26 postponed until further notice.

30. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING LEGAL DUTIES AND AUTHORITY OF THE COMMISSIONERS COURT CONCERNING APPLICATION OF THE TRAVIS COUNTY GRIEVANCE RESOLUTION PROCEDURES, SECTION 9.257 OF THE TRAVIS COUNTY CODE. ¹
(2:42 PM) (4:37 PM)

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

Discussion only. No formal action taken.

Item 30 to be reposted on May 20, 2008.

31. RECEIVE LEGAL BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING THE CONTESTED CASE HEARING ON THE PENDING APPLICATION FOR THE EXPANSION OF WASTE MANAGEMENT OF TEXAS LANDFILL LOCATED ON GILES ROAD NEAR STATE HIGHWAY 290 EAST. ¹ (2:42 PM) (4:38 PM)

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

Discussion only. No formal action taken.

Item 31 to be reposted on May 20, 2008.

