

## **MINUTES OF MEETING SEPTEMBER 2, 2008**

### **TRAVIS COUNTY COMMISSIONERS' COURT**

On Tuesday, the 2<sup>nd</sup> day of September 2008, the Commissioners' Court convened the Voting Session at 9:17 AM in the Commissioners' Courtroom, 1<sup>st</sup> Floor of the Ned Granger Administration Building, 314 West 11<sup>th</sup> Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Gillian Porter.

The Commissioners Court retired to Executive Session at 11:32 AM.

The Commissioners Court reconvened the Voting Session at 12:19 PM.

The Commissioners Court recessed the Voting Session at 12:19 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation; convened at 1:42 PM and adjourned at 1:43 PM.

The Commissioners Court, meeting as the Travis County Bee Caves Road District #1 (Galleria), convened at 1:44 PM and adjourned at 1:43 PM.

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation, convened at 1:44 PM and adjourned at 1:45 PM.

The Commissioners Court reconvened the Voting Session at 1:45 PM.

The Commissioners Court retired to Executive Session at 1:45 PM.

The Commissioners Court reconvened the Voting Session at 3:32 PM.

The Commissioners Court adjourned the Voting Session at 3:36 PM.

### **CITIZENS COMMUNICATION**

**Members of the Court heard from:** Gus Peña, Travis County Resident; Jenny Clark, VoteRescue; Karen Renick, Founder, VoteRescue; and Vickie Karp, Director, Public Relations, VoteRescue. (9:18 AM)



ITEM 2 CONTINUED

2. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:  
(10:13 AM)

B. NON-ROUTINE PERSONNEL ACTION REQUESTS:

- 1. FACILITIES MANAGEMENT BUILDING SECURITY GUARD, SLOT 64, FY '08 SALARY ADJUSTMENT INCREASE ADDED TO BASE THAT EXCEEDS PAY GRADE MAXIMUM;
- 2. RECORDS MANAGEMENT AND COMMUNICATION RESOURCES MAILROOM SERVICES ASSISTANT SR., SLOT 22, SALARY ADJUSTMENT THAT EXCEEDS 10% ABOVE MIDPOINT; AND
- 3. RECORDS MANAGEMENT AND COMMUNICATION RESOURCES MAILROOM SERVICES ASSISTANT, SLOT 23, SALARY ADJUSTMENT INCREASE ADDED TO BASE THAT EXCEEDS PAY GRADE MAXIMUM.

**Clerk's Note:** Items 2.B.1-3 are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Luane Schull, Compensation Manager, Human Resources Management Department (HRMD); Alicia Perez, Executive Manager, Administrative Operations; and Travis Gatlin, Budget Analyst, Planning and Budget Office.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve Items 2.B.1-3.

<b>Motion carried:</b> 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

3. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AWARD FUNDS FOR ONE TRAVIS COUNTY EMPLOYEE TO PARTICIPATE IN LEADERSHIP AUSTIN TRAINING IN ACCORDANCE WITH CHAPTER 16 OF THE TRAVIS COUNTY CODE. (9:30 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. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING CAMPUS MASTER PLAN STUDY AND PLANNING FOR A NEW BUILDING AND PARKING GARAGE AT THE AIRPORT BOULEVARD NORTH CAMPUS. (10:27 AM)

**Clerk’s Note:** The Court discussed whether the Airport Boulevard North Campus development should wait until after the needs assessment is completed for the Downtown Campus.

**Members of the Court heard from:** Roger El Khoury, Director, Facilities Management; Jim Barr, Senior Project Manager, Facilities Management; Alicia Perez, Executive Manager, Administrative Operations; Rodney Rhoades, Executive Manager, Planning and Budget Office (PBO).

**Motion by** Commissioner Daugherty to deny this and bring it back after the needs assessment.

**Withdrawal of the previous Motion was made by** Commissioner Daugherty.

**Motion by** Commissioner Daugherty **and seconded by** Judge Biscoe to postpone talking about this for one week, and see how this thing fares in Budget Markup.

**Motion carried:**

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	no
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	no

Item 4 to be reposted on September 9, 2008.

5. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING SPACE OPTIONS FOR 910 LAVACA AND RELATED IMPACTS. (11:02 AM)

**Members of the Court heard from:** Roger El Khoury, Director, Facilities Management; Leslie Stricklan, Project Manager, Facilities Management; Alicia Perez, Executive Manager, Administrative Operations; Tenley Aldredge, Assistant County Attorney; Susan Spataro, Travis County Auditor; Mike Wichern, Chief Assistant County Auditor, Travis County Auditor’s Office; and Rodney Rhoades, Executive Manager, PBO.

Discussion only. No formal action taken.

- 6. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE FOLLOWING: (10:06 AM)
  - A. ALLOCATION OF SPACE IN THE RAY MARTINEZ BUILDING FOR THE COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT (CSCD) COUNSELING PROGRAM AND CANCELING THE SEARCH FOR LEASE SPACE FOR THIS CSCD COUNSELING PROGRAM;
  - B. SCHEMATIC LAYOUT OF THE CSCD COUNSELING PROGRAM AT THE RAY MARTINEZ BUILDING; AND
  - C. REALLOCATION OF FUNDS TO COVER THE RENOVATION COSTS FOR THE CSCD COUNSELING PROGRAM.

**Clerk’s Note:** Items 6.A-C are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Roger El Khoury, Director, Facilities Management; and Craig Valashek, Probation Division Director, Community Supervision and Corrections Department (CSCD).

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Items 6.A-C.

**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

**PURCHASING OFFICE ITEMS**

- 7. APPROVE CONTRACT AWARD FOR PROFESSIONAL ENGINEERING SERVICES, NORTHEAST METRO PARK, PHASE II, RFQ NO. Q080083LP, TO THE HIGHEST QUALIFIED RESPONDENT, LAND DESIGN PARTNERS, INC. (TRANSPORTATION AND NATURAL RESOURCES) (9:30 AM)

**Clerk’s Note:** Item 7 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

8. APPROVE INTERLOCAL AGREEMENT WITH THE NATIONAL INTERGOVERNMENTAL PURCHASING ALLIANCE. (TRANSPORTATION AND NATURAL RESOURCES) (9:30 AM)

**Clerk's Note:** Item 8 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

9. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. PS070340DG FOR PROFESSIONAL CONSULTING SERVICES FOR FACILITIES CONDITION ASSESSMENTS TO VANDERWEIL FACILITY ADVISORS, INC. (FACILITIES MANAGEMENT) (9:30 AM)

**Clerk's Note:** Item 9 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

10. APPROVE CONTRACT AWARD FOR CONSTRUCTION SERVICES FOR THE SOUTHEAST METRO PARK RAW WATER LINE PROJECT, IFB NO. B070381LP, TO THE LOW BIDDER, BORETEX, L.L.C. (TRANSPORTATION AND NATURAL RESOURCES) (9:30 AM)

**Clerk's Note:** Item 10 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

11. APPROVE MODIFICATION NO. 4 TO CONTRACT NO. 07T00270RG, INFORMATION MANAGEMENT SOLUTIONS, FOR PRINTING AND MAILING SERVICES. (RECORDS MANAGEMENT) (9:30 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 TWELVE-MONTH EXTENSION (MODIFICATION NO. 1) TO INTERLOCAL AGREEMENT NO. IL080013RE WITH TEXAS DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES FOR DEAF INTERPRETER SERVICES. (HEALTH AND HUMAN SERVICES & VETERAN SERVICES) (9:30 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. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO INTERLOCAL AGREEMENT NO. IL080012RE WITH TEXAS DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES FOR DEAF INTERPRETER SERVICES. (HEALTH AND HUMAN SERVICES & VETERAN SERVICES) (9:30 AM)

**Clerk's Note:** Item 13 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 14. APPROVE CONTRACT AWARD FOR PROFESSIONAL ENGINEERING SERVICES, SIDEWALK CONSULTANT SERVICES, RFQ NO. Q080209LP, TO THE HIGHEST QUALIFIED RESPONDENT, KLOTZ ASSOCIATES, INC. (TRANSPORTATION AND NATURAL RESOURCES) (9:30 AM)

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

- 15. A. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 07T00006OJ, ARTHUR J. GALLAGHER, FOR AVIATION INSURANCE COVERAGE; AND
- B. REJECT TRIA COVERAGE (TERRORISM COVERAGE) AND AUTHORIZE THE COUNTY JUDGE TO SIGN THE TRIA DISCLOSURE FORM. (HUMAN RESOURCES MANAGEMENT DEPARTMENT) (9:30 AM)

**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. APPROVE SOLE SOURCE EXEMPTION AND CONTRACT WITH UNISYS CORPORATION FOR THE DORADO 400 SERIES SERVER AND SAN SYSTEMS. (INFORMATION AND TELECOMMUNICATIONS SYSTEMS) (9:32 AM)

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Item 16.

**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

**TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS**

- 17. **REVISED LANGUAGE:** RECEIVE LEGAL BRIEFING ON REQUEST FOR A DEVELOPMENT PERMIT FOR THE BFI SUNSET FARMS LANDFILL SITE AT 10200 GILES LANE. (THIS ITEM WILL BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (11:32 AM) (3:32 PM)

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

No action required on Item 17.

**PLANNING AND BUDGET DEPT. ITEMS**

- 18. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:30 AM)

**Clerk's Note:** Item 18 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 19. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:30 AM)
  - A. GRANT APPLICATION TO THE OFFICE OF GOVERNOR OF TEXAS, CRIMINAL JUSTICE DIVISION FOR THE SHERIFF'S OFFICE TO UPGRADE AND ENHANCE THEIR INTERNAL AFFAIRS SECTION;
  - B. GRANT CONTRACT WITH THE TEXAS SECRETARY OF STATE FOR A HELP AMERICA VOTE ACT GRANT FROM THE COUNTY CLERK'S OFFICE THAT WILL PROVIDE ADDITIONAL REIMBURSEMENT FOR IMPROVED POLLING FACILITIES;
  - C. GRANT CONTRACT WITH THE TEXAS SECRETARY OF STATE FOR A HELP AMERICA VOTE ACT GRANT FROM THE COUNTY CLERK'S OFFICE THAT WILL PROVIDE ADDITIONAL REIMBURSEMENT FOR IMPROVING POLLING FACILITIES FOR INDIVIDUALS WITH DISABILITIES;

**ITEM 19 CONTINUED**

- D. GRANT CONTRACT WITH THE TEXAS SECRETARY OF STATE FOR A HELP AMERICA VOTE ACT GRANT FROM THE COUNTY CLERK'S OFFICE THAT WILL PROVIDE ADDITIONAL REIMBURSEMENT FOR IMPROVED VOTING EQUIPMENT EXPENDITURES;
- E. GRANT CONTRACT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE SHERIFF'S OFFICE TO PROVIDE FUNDING FOR OVERTIME FOR ADDITIONAL ENFORCEMENT EFFORTS TARGETING SPEEDING AND DWI;
- F. GRANT CONTRACT WITH THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION, JUVENILE ACCOUNTABILITY BLOCK GRANT, FOR JUVENILE PROBATION TO ENHANCE THE DEPARTMENT'S EXISTING DRUG COURT PROGRAM;
- G. GRANT CONTRACT WITH THE OFFICE OF THE ATTORNEY GENERAL FOR TRAVIS COUNTY TO IMPLEMENT THE INTEGRATED CHILD SUPPORT SYSTEM IN JUVENILE PROBATION, DOMESTIC RELATIONS OFFICE, TO MONITOR AND ENFORCE COMPLIANCE WITH ALL NEW CHILD AND MEDICAL SUPPORT ORDERS; AND
- H. RATIFY REQUEST TO GOVERNOR'S OFFICE, CRIMINAL JUSTICE DIVISION, FOR EXTENSION OF A FAMILY VIOLENCE ACCELERATED PROSECUTION PROGRAM GRANT IN THE COUNTY ATTORNEY OFFICE.

**Clerk's Note:** Items 19.A-H approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 20. CONSIDER AND TAKE APPROPRIATE ACTION ON A CONTRACT BETWEEN TRAVIS COUNTY JUVENILE PROBATION, DOMESTIC RELATIONS OFFICE AND THE OFFICE OF THE ATTORNEY GENERAL (OAG) FOR THE OAG TO PROCESS ALL PRE-94 CHILD AND MEDICAL SUPPORT PAYMENTS.  
(9:30 AM)

**Clerk's Note:** Item 20 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

**OTHER ITEMS**

21. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:30 AM)

**Clerk's Note:** Item 21 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

22. APPROVE SETTING A PUBLIC HEARING DATE FOR SEPTEMBER 23, 2008 TO RECEIVE COMMENTS REGARDING A PROPOSED ISSUANCE OF THE CRAWFORD EDUCATIONAL FACILITIES CORPORATION ADJUSTABLE RATE DEMAND REVENUE BONDS, SERIES 2008 (HYDE PARK BAPTIST SCHOOL PROJECT). (9:30 AM)

**Clerk's Note:** Item 22 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

23. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING AN ORDER TO DESIGNATE ELECTION DAY POLLING PLACES FOR THE NOVEMBER 4, 2008 JOINT GENERAL AND SPECIAL ELECTIONS. (9:33 AM)

**Clerk's Note:** Items 23 and 24 are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Dana DeBeauvoir, Travis County Clerk; and Julie Joe, Assistant County Attorney.

Discussion only. No formal action taken.

Item 23 to be reposted on September 9, 2008.

- 24. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING AN ORDER TO DESIGNATE THE MAIN EARLY VOTING POLLING PLACE, EARLY VOTING PERMANENT POLLING PLACES AND EARLY VOTING MOBILE POLLING PLACES FOR THE NOVEMBER 4, 2008 JOINT GENERAL AND SPECIAL ELECTIONS. (9:35 AM)

**Clerk’s Note:** Items 23 and 24 are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Dana DeBeauvoir, Travis County Clerk; and Julie Joe, Assistant County Attorney.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve this list of early voting locations.

**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	no
Precinct 4, Commissioner Margaret J. Gómez	yes

- 25. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM PEDERNALES ELECTRIC COOPERATIVE FOR RELEASE OF LIABILITY AND INDEMNITY IN CONNECTION WITH RIGHT OF ENTRY UPON TRAVIS COUNTY PROPERTY FOR PURPOSE OF PERFORMING ELECTRIC UTILITY WORK. (9:30 AM)

**Clerk’s Note:** Item 25 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 26. CONSIDER AND TAKE APPROPRIATE ACTION ON ASSESSMENT AND COLLECTION SERVICES AGREEMENT BETWEEN TRAVIS COUNTY AND WELLS BRANCH MUNICIPAL UTILITY DISTRICT. (9:30 AM)

**Clerk’s Note:** Item 26 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.





- 31. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING THE PENDING LITIGATION IN TRAVIS COUNTY, TEXAS AND STATE OF TEXAS VS. COLDWATER DEVELOPMENT, LTD. AND RODMAN EXCAVATION, INC. ET AL. <sup>1</sup> (11:32 AM) (1:45 PM) (3:33 PM)

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez that we approve a demand letter from the County Attorney to the defendants in this case, and that the figures set forth as the Hamilton Pool Costs and Damages Breakdown be incorporated into that demand letter.

**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

**Clerk's Note:** The Court noted that Commissioner Daugherty would represent the Commissioners Court at the mediation hearing.

- 32. RECEIVE LEGAL BRIEFING REGARDING BUDGET AND COMPENSATION FUNDING FOR DEPARTMENTS HEADED BY CERTAIN APPOINTED OFFICIALS. <sup>1</sup> (1:45 PM) (3:34 PM)

**Clerk's Note:** Judge Biscoe announced that Item 33 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action required for Item 32.

- 33. CONSIDER AND TAKE APPROPRIATE ACTION ON APRIL 18, 2008 GRIEVANCE PANEL'S DECISION REGARDING HUMAN RESOURCES MANAGEMENT DEPARTMENT (HRMD) EMPLOYEE SLOT NO. 7 TO IMPLEMENT THE PANEL'S RECOMMENDATIONS, INCLUDING COUNSELING AND MEDIATION RECOMMENDATIONS; AND ON CONDUCTING A CLIMATE REVIEW OF HRMD. <sup>1 and 3</sup> (11:32 AM) (1:45 PM) (3:34 PM)

**Clerk's Note:** Judge Biscoe announced that Item 34 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 by Judge Biscoe and seconded by Commissioner Gómez** that we basically direct that we do an investigation and climate assessment in that matter; that we get it done as soon as possible; so we authorize Staff to obligate the appropriate finances in order to get this accomplished. There was a list of potential firms and persons provided us. Let's simply authorize Staff to get with the County Attorney and Administrative Operations to select from that list an appropriate firm to carry out this work.

**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



