

## **MINUTES OF MEETING OCTOBER 14, 2008**

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

On Tuesday, the 14<sup>th</sup> day of October 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 10:43 AM.

The Commissioners Court reconvened the Voting Session at 11:53 AM.

The Commissioners Court recessed the Voting Session at 11:53 AM.

The Commissioners Court, meeting as the Travis County Bee Cave Road District #1 (Galleria), convened at 1:40 PM and adjourned at 1:41 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:41 PM and adjourned at 1:41 PM.

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation, convened at 1:41 PM and adjourned at 1:41 PM.

The Commissioners Court, meeting as the Capital Industrial Development Corporation; and the Travis County Cultural Education Facilities Finance Corporation, convened at 1:41 PM and adjourned at 1:42 PM.

The Commissioners Court reconvened the Voting Session at 1:42 PM.

The Commissioners Court retired to Executive Session at 1:42 PM.

The Commissioners Court reconvened the Voting Session at 3:09 PM.

The Commissioners Court adjourned the Voting Session at 3:16 PM.

## CITIZENS COMMUNICATION

**Members of the Court heard from:** Gus Peña, Travis County Resident; Ann Boreman, Travis County 4-H Americorps Program Manager; Ronnie Gjemre, Travis County Resident; and Jennifer Gale, Travis County Resident. (9:18 AM)

## CONSENT ITEMS

**Motion by** Commissioner Gómez **and seconded by** Commissioner Daugherty to approve the following Consent Items: C1-C3 and Items 1, 2, 4, 5, 7, 8.A-G, 10, 11, 14.A&B, 16, and 17.A&B. (9:32 AM)

**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

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2. APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSIONS OF SEPTEMBER 16, 23 AND 30, 2008.
- C3. APPROVE SETTING A PUBLIC HEARING DATE ON OCTOBER 28, 2008 TO RECEIVE COMMENTS REGARDING PROPOSED AMENDMENT TO TRAVIS COUNTY CODE CHAPTER 72, EMERGENCY ASSISTANCE POLICIES AND PROCEDURES.

## ADMINISTRATIVE OPERATIONS ITEMS

- 1. 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 \$747,324.53 FOR THE PERIOD OF SEPTEMBER 26 TO OCTOBER 2, 2008. (9:32 AM)

**Clerk's Note:** Item 1 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

2. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:32 AM)

**Clerk's Note:** Item 2 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

3. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING CHANGES TO THE EXPOSITION CENTER RATE SCHEDULE. (COMMISSIONER DAVIS) (10:36 AM)

**Members of the Court heard from:** Roger El Khoury, Director, Facilities Management; and Michael Norton, Director, Travis County Exposition Center.

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 3.

**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

4. CONSIDER AND TAKE APPROPRIATE ACTION ON LETTER AGREEMENT BETWEEN TRAVIS COUNTY AND PRO BONO NET TO ALLOW THE LAW LIBRARY TO USE THE LAWHELP TRADEMARK. (9:32 AM)

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

### PURCHASING OFFICE ITEMS

5. APPROVE MODIFICATION NO. 2 FOR TERMINATION OF CONTRACT NO. PS010064LB, THE BODE TECHNOLOGY GROUP, INC., FOR DNA CONSULTING ANALYSIS AND TESTIFYING SERVICES. (DISTRICT ATTORNEY) (9:32 AM)

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

6. APPROVE MODIFICATION NO. 5 TO CONTRACT NO. 05T00291OJ, GENERAL SECURITY SERVICES CORPORATION, FOR ELECTRONIC MONITORING. (PRETRIAL SERVICES, JUVENILE PROBATION, COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT) (9:18 AM)

Item 6 postponed until October 21, 2008.

7. APPROVE CONTRACT NO. PS080291ML FOR RELIEF PHARMACY SERVICES WITH CONNIE P. RAEMSCH, REGISTERED PHARMACIST. (SHERIFF'S OFFICE) (9:32 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.

### JUSTICE AND PUBLIC SAFETY ITEMS

8. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE TRAVIS COUNTY MEDICAL EXAMINER'S OFFICE FOR AGREEMENTS TO BE USED BETWEEN TRAVIS COUNTY AND THE FOLLOWING COUNTIES: (9:32 AM)
  - A. BROWN COUNTY;
  - B. GILLESPIE COUNTY;
  - C. GRIMES COUNTY;
  - D. LAVACA COUNTY;
  - E. LEE COUNTY;
  - F. MENARD COUNTY; AND
  - G. WHARTON COUNTY.

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

**TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS**

9. CONSIDER AND TAKE APPROPRIATE ACTION ON THE PROPOSED  
TIMBER CREEK FLOODPLAIN BUY-OUT PLAN. (9:34 AM)

**Clerk's Note:** The Court discussed a Staff recommendation to start the Timber Creek floodplain buyouts using the \$3.9M 2005 Bond approved funds, before the Federal appropriation of funds is made available.

**Members of the Court heard from:** Joe Gieselman, Executive Manager,  
Transportation and Natural Resources (TNR).

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to  
approve Staff's recommendation for the use of this \$3.9M.

**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

10. CONSIDER AND TAKE APPROPRIATE ACTION ON A FINAL PLAT FOR  
RECORDING IN PRECINCT THREE: MANSFIELD LEDGE SUBDIVISION (1  
TOTAL LOT). (COMMISSIONER DAUGHERTY) (9:32 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. CONSIDER AND TAKE APPROPRIATE ACTION ON A FINAL PLAT FOR  
RECORDING IN PRECINCT THREE: SPICEWOOD BUSINESS CENTER  
SUBDIVISION (1 TOTAL LOT). (COMMISSIONER DAUGHERTY) (9:32 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. CONSIDER AND TAKE APPROPRIATE ACTION ON A LICENSE AGREEMENT WITH VIOLET CROWN SPORTS ASSOCIATION TO HOLD A BIKE RACE AT WEBBERVILLE PARK. (9:46 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to approve Item 12.

<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

## PLANNING AND BUDGET DEPT. ITEMS

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

Item 13 not needed.

14. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:  
(9:32 AM)
- A. GRANT APPLICATION TO THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICES (THROUGH ONESTAR FOUNDATION) TO PROVIDE FUNDS FOR AMERICORPS MEMBERS TO SUPPORT THE ACTIVITIES OF THE COOPERATIVE EXTENSION'S 4-H CAPITAL PROGRAM THROUGH THE HEALTH AND HUMAN SERVICES DEPARTMENT; AND
- B. PERMISSION TO CONTINUE THE FAMILY DRUG TREATMENT COURT GRANT FROM THE OFFICE OF THE GOVERNOR'S CRIMINAL JUSTICE DIVISION FOR THE CIVIL COURTS TO CONTINUE THE GRANT UNTIL A CONTRACT AGREEMENT IS FULLY EXECUTED.

**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. CONSIDER AND TAKE APPROPRIATE ACTION TO ADJUST ALLOCATION AMONG EXPENDITURES APPROVED IN BUDGET FOR FISCAL YEAR 2008 FOR WHICH APPROVAL IS EXTENDED IN BUDGET FOR FISCAL YEAR 2009 TO MAKE ALLOCATED MAXIMUMS CONSISTENT WITH ANTICIPATED YEAR END ACTUAL BALANCES AND ACCRUALS. (10:43 AM) (1:42 PM) (3:15 PM)

**Clerk's Note:** Judge Biscoe announced that Item 15 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Clerk's Note:** The Court discussed a proposed order that would amend the budget that was previously approved for the year ending September 30, 2009.

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the order in Item 15.

**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

## OTHER ITEMS

16. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:32 AM)

**Clerk's Note:** Item 16 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 THE FOLLOWING:  
(9:32 AM)
- A. ADDITION OF 2009 WELLS FARGO THIRTY-TWO FOOT CARGO TRAILER TO THE TRAVIS COUNTY SHERIFF'S OFFICE VEHICLE FLEET FOR EMERGENCY RESPONSE USE AND EQUIPMENT STORAGE; AND
  - B. ADDITION OF 2008 POLARIS ATV TO THE TRAVIS COUNTY SHERIFF'S OFFICE VEHICLE FLEET FOR CORRECTIONS SECURITY AND RESPONSE USE.

**Clerk's Note:** Items 17.A&B 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 PROPOSED SCOPE OF SERVICES FOR THE TRAVIS COUNTY CENTRAL CAMPUS STUDY NEEDS ANALYSIS AND MASTER PLAN AND RELATED ISSUES. (9:57 AM)

**Members of the Court heard from:** Christian Smith, Special Assistant to the Commissioners Court; Belinda Powell, Capital Planning Coordinator, Planning and Budget Office (PBO); and Diana Warner, First Assistant County Auditor, Travis County Auditor's Office.

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

<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

19. CONSIDER AND TAKE APPROPRIATE ACTION ON ISSUES RELATED TO THE CONDUCT OF THE NOVEMBER 4, 2008 JOINT GENERAL AND SPECIAL ELECTIONS. (9:49 AM)

**Members of the Court heard from:** Dana DeBeauvoir, Travis County Clerk.

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.

20. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION CONCERNING THE EXTENSION OF ADMINISTRATIVE LEAVE WITH PAY FOR HUMAN RESOURCES MANAGEMENT DEPARTMENT EMPLOYEE, SLOT 2. <sup>1 AND 3</sup> (10:43 AM) (3:09 PM)

**Clerk's Note:** Judge Biscoe announced that Item 20 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 give an additional one-week extension.

<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

Item 20 to be reposted on October 21, 2008.

21. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. DOYLE WILSON HOMEBUILDER, INC. (NGHIA TRONG DAO AND LIEU THI PHAM RESALE DEED). <sup>1</sup> (10:43 AM) (3:10 PM)

**Clerk's Note:** Judge Biscoe announced that Item 21 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 Daugherty** that we authorize the County Judge to sign the prepared tax resale deed by deeding the property in question to Nghia Trong Dao and Lieu Thi Pham, who have paid Travis County the sum of \$10,600.00 in cash.

**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

22. CONSIDER AND TAKE APPROPRIATE ACTION ON THE ACQUISITION OF LAND FROM PARKE PROPERTIES I AND II, L.P. AND GDF REALITY INVESTMENTS LTD. IN CONNECTION WITH THE BALCONES CANYONLANDS CONSERVATION PLAN. <sup>1 AND 2</sup> (10:43 AM) (3:10 PM)

**Clerk's Note:** Judge Biscoe announced that Item 22 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 Daugherty **and seconded by** Commissioner Gómez that we authorize Staff to obtain an addendum to the appraisal report the County previously received for this property, to address the changes in the property boundary and market conditions, with an effective date of August 1, 2008.

<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

23. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING UPDATE AND/OR SETTLEMENT OFFER IN VALDEZ/NAUTILUS CASE (OPHELIA MALICIA CLAIM). <sup>1</sup> (10:43 PM) (3:11 PM)

**Clerk's Note:** Judge Biscoe announced that Item 23 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 23 to be reposted when ready.

24. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE POTENTIAL PURCHASE OF REAL ESTATE ALONG AIRPORT BOULEVARD. <sup>1 AND 2</sup> (10:43 AM) (3:12 PM)

**Clerk's Note:** Judge Biscoe announced that Item 24 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.

Discussion only. No formal action taken.

Item 24 to be reposted October 28, 2008.

25. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING CONTRACT FOR THIRD PARTY ADMINISTRATION OF TRAVIS COUNTY SECTION 457 DEFERRED COMPENSATION PLAN WITH NATIONWIDE RETIREMENT SOLUTIONS. <sup>1</sup> (10:43 AM) (1:42 PM) (3:12 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.

**Clerk's Note:** The Court reviewed a letter that legal staff had prepared to be sent to Nationwide Retirement Systems.

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez Move that we approve this letter, sign it, and authorize that it be sent to Mr. Riebel, President, Nationwide Retirement Systems ASAP, and we indicate the County Judge will speak to him on behalf of the Commissioners Court on Thursday, October 16, 2008 of this week, or as soon thereafter as possible.

<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

**Clerk's Note:** The Court noted that the letter would be sent to Mr. Riebel by fax, FED-EX and certified mail.

26. RECEIVE STATUS REPORT AND TAKE APPROPRIATE ACTION REGARDING ISSUES RELATED TO CONTRACT BETWEEN TRAVIS COUNTY AND AUSTIN TRAVIS COUNTY LIVESTOCK SHOW AND CLAIMS RESULTING FROM THE 2008 STAR OF TEXAS FAIR AND RODEO. <sup>1</sup> (10:43 AM) (3:15 PM)

**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.

Discussion only. No formal action taken.

Item 24 to be reposted October 21, 2008.

## ADDED ITEMS

- A1. CONSIDER AND TAKE APPROPRIATE ACTION TO REVISE AN ORDER DESIGNATING THE MAIN EARLY VOTING POLLING PLACE, TEMPORARY BRANCH EARLY VOTING POLLING PLACES, AND HOURS FOR EARLY VOTING ON WEEKDAYS FOR THE NOVEMBER 4, 2008 ELECTIONS TO SPECIFY EARLY VOTING HOURS AT THE CARVER COMPLEX. (9:53 AM)

**Members of the Court heard from:** Dana DeBeauvoir, Travis County Clerk.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to approve Item A1.

<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

- A2. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO NOTIFY TRAVIS COUNTY OF THE FILING OF AN APPLICATION TO PRESERVATION TEXAS TO NOMINATE HAMILTON POOL PRESERVE FOR INCLUSION IN THE TEXAS' MOST ENDANGERED PLACES LIST. (9:54 AM)

**Motion by Judge Biscoe and seconded by** Commissioner Daugherty to approve Item A2, and notify the applicant.

<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

## ADJOURNMENT

**Motion by Commissioner Davis and seconded by Commissioner Gómez to adjourn the Voting Session. (3:16 PM)**

<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

**MINUTES APPROVED BY THE COMMISSIONERS' COURT**

**Date of Approval**

**Samuel T. Biscoe, Travis County Judge**