

MINUTES OF MEETING JANUARY 6, 2009

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 6th day of January 2009, the Commissioners' Court convened the Voting Session at 9:14 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.

Clerk's Note: At 9:14 AM the Court welcomed newly-elected Precinct 3 Commissioner Karen Huber.

The Commissioners Court retired to Executive Session at 9:45 AM.

The Commissioners Court reconvened the Voting Session at 10:59 AM.

The Commissioners Court adjourned the Voting Session at 11:04 AM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 11:04 AM and adjourned at 11:04 AM.

The Commissioners Court, meeting as the Travis County Bee Cave Road District #1 (Galleria), convened at 11:05 AM and adjourned at 11:05 AM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation; the Travis County Health Facilities Development Corporation; the Capital Industrial Development Corporation; the Capital Health Facilities Development Corporation; the Travis County Development Authority; and the Travis County Cultural Education Facilities Finance Corporation, convened at 11:05 AM and adjourned at 11:07 AM.

CITIZENS COMMUNICATION

Members of the Court heard from: Gus Peña, Travis County Resident; and Ronnie Gjemre, Travis County Resident. (9:16 AM)

CONSENT ITEMS

Members of the Court heard from: Ronnie Gjemre, Travis County Resident; and Jose Palacios, Chief Assistant County Auditor, Travis County Auditor's Office.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C2 and Items 1, 2, 3, 4.A&B, 5, 6, 7.A&B, 8, 9.A, 10, 11, 12, 13, and 18. (9:23 AM)

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

C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.

C2. APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF DECEMBER 23, 2008.

TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

1. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REQUEST TO UTILIZE FISCAL YEAR 2008 PRE-ENCUMBERED FUNDS FOR THE REPLACEMENT OF TWO COMPACTOR ROLLERS AND THE USE OF THE LOCAL INITIATIVE PROJECT CONTRACT TO PAY FOR 50% OF THE COST OF THE COMPACTOR ROLLERS. (9:23 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 A REQUEST FOR A VARIANCE TO INSTALL THE SUPPLY LINE TO THE SEPTIC DRAIN FIELD CLOSER THAN FIVE FEET TO THE HOUSE FOUNDATION AT 8502 EL REY BLVD., IN PRECINCT THREE. (9:23 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 ON INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF AUSTIN FOR SLAUGHTER LANE EAST EXTENSION PROJECT. (9:23 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 ON THE FOLLOWING:
(9:23 AM)

- A. ACCEPTANCE OF DEDICATION OF STREETS AND DRAINAGE CONSTRUCTION IN ROB ROY WEST SUBDIVISION; AND
- B. A LICENSE AGREEMENT WITH ROB ROY WEST 1, INC. FOR PRIVATE IMPROVEMENTS IN THE PUBLIC RIGHT OF WAY OF GRACE LANE WITHIN ROB ROY WEST SUBDIVISION.

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.

5. CONSIDER AND TAKE APPROPRIATE ACTION ON RESOLUTION REQUESTING THAT THE MEMBERS OF THE 81ST LEGISLATIVE SESSION OF THE STATE OF TEXAS SUPPORT LEGISLATION THAT INCREASES FUNDING FOR THE TEXAS RECREATION AND PARKS ACCOUNT LOCAL PARK GRANT PROGRAM AND THE TEXAS STATE PARK SYSTEM.
(9:23 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.

PLANNING AND BUDGET DEPT. ITEMS

6. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:23 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. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
(9:23 AM)
 - A. GRANT APPLICATION WITH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR THE FAMILY VIOLENCE ACCELERATED PROSECUTION PROGRAM IN THE COUNTY ATTORNEY'S OFFICE; AND
 - B. REQUEST FROM HEALTH AND HUMAN SERVICES AND VETERANS SERVICE TO INTERNALLY FUND COMPREHENSIVE ENERGY ASSISTANCE GRANT PROGRAM UNTIL FULLY EXECUTED CONTRACT IS OBTAINED FROM GRANTOR.

Clerk's Note: Items 7.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

8. 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 \$806,849.20 FOR THE PERIOD OF DECEMBER 19 TO 25, 2008. (9:23 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. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(9:23 AM)
 - A. PROPOSED ROUTINE PERSONNEL AMENDMENTS; AND

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

ITEM 9 CONTINUED

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

B. REQUEST FOR AN EXCEPTION TO TRAVIS COUNTY CODE CHAPTER 10.0295(D)(3), PEACE OFFICER PAY SCALE.

Members of the Court heard from: Linda Moore Smith, Director, Human Resources Management Department (HRMD); Debbie Rich, Human Resources Coordinator, Travis County Sheriff's Office (TCSO); and Ronnie Gjemre, Travis County Resident.

Motion by Commissioner Eckhardt **and seconded by** Commissioner Davis to approve Item 9.B.

Motion carried:

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

10. CONSIDER AND TAKE APPROPRIATE ACTION ON PLAN SPONSOR AGREEMENT AND NEW ACCOUNT FORM WITH TD AMERITRADE INCLUDING CLIENT AGREEMENT TO PROVIDE FOR SELF-DIRECTED BROKERAGE ACCOUNTS FOR PARTICIPANTS IN THE 457 DEFERRED COMPENSATION PROGRAM. (9:23 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.

JUSTICE AND PUBLIC SAFETY ITEMS

11. CONSIDER AND TAKE APPROPRIATE ACTION ON A RESOLUTION TO SUPPORT A LETTER TO THE GOVERNOR'S OFFICE AND THE STATE LEGISLATURE REQUESTING THE CREATION OF A STATEWIDE REENTRY COUNCIL SO TEXAS CAN QUALIFY FOR FEDERAL GRANT FUNDING UNDER THE SECOND CHANCE ACT AND SUPPORT OTHER PROGRAMS NECESSARY FOR SUCCESSFUL REENTRY. (9:23 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 REGARDING THE TRAVIS COUNTY MEDICAL EXAMINER'S OFFICE ON THE INTERNSHIP AGREEMENT BETWEEN THE UNIVERSITY OF TEXAS SCHOOL OF NURSING AND TRAVIS COUNTY. (9:23 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.

PURCHASING OFFICE ITEMS

13. APPROVE MODIFICATION NO. 8 TO CONTRACT NO. PS970315LB, VINSON AND ELKINS L.L.P., FOR PROFESSIONAL SERVICES RELATED TO THE PURCHASE OF A NEW FINANCIAL SYSTEM. (COUNTY ATTORNEY) (9:23 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. RATIFY MODIFICATION NO. 1 TO CONTRACT NO. PS080310ML, EMPLOYMENT PRACTICES SOLUTIONS, FOR HUMAN RESOURCES ANALYSIS SERVICES. (11:01 AM)

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve Item 14.

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

OTHER ITEMS

15. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:26 AM)

Members of the Court heard from: Ronnie Gjemre, Travis County Resident.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve 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 Karen Huber	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

16. CONSIDER BOARD AND COMMITTEE ASSIGNMENTS FOR COMMISSIONERS COURT MEMBERS, AND TAKE APPROPRIATE ACTION. (9:41 AM)

Clerk's Note: The Court noted the following changes in Board and Committee assignments:

1. Commissioner Huber will join Judge Biscoe in representing Travis County on the Capital Area Council of Governments (CAPCOG).
2. Commissioner Gómez will represent Travis County on the Downtown Austin Alliance Board
3. Commissioner Eckhardt will represent Travis County on the Conference of Urban Counties Policy Committee.
4. Commissioner Huber will replace Commissioner Daugherty on all other Boards and Committees.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve the changes and substituting Commissioner Huber for Commissioner Daugherty in the other slots.

Motion carried:

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

17. DISCUSS AND TAKE APPROPRIATE ACTION ON SELECTION OF NEW FISCAL AGENT FOR THE TRAVIS COUNTY COMBINED CHARITIES CAMPAIGN. (11:01 AM)

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

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 17.

Motion carried:

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

18. CONSIDER AND TAKE APPROPRIATE ACTION ON ELECTED OFFICIALS BONDS FOR NELDA WELLS SPEARS, TAX ASSESSOR COLLECTOR.
(9:23 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.

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.

19. CONSIDER AND TAKE APPROPRIATE ACTION ON A COUNTER-OFFER FROM MS. CONSTANCE GILLEN FOR THE SALE OF PARCELS #4, 4EA, 4EB, 4EC, AND 4ED AS NEEDED FOR RIGHT OF WAY IN THE 2001 BOND PROGRAM, MCKINNEY FALLS PARKWAY IMPROVEMENT PROJECT, LOCATED IN PRECINCT FOUR. ^{1 AND 2} (9:45 AM) (10:59 AM)

Clerk's Note: Judge Biscoe announced that Item 19 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 Gómez **and seconded by** Commissioner Davis that we offer a total of \$269,894.00 for the parcels listed on Item 19.

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

20. CONSIDER AND TAKE APPROPRIATE ACTION ON AN OFFER FROM TIERRA DE LOS NIETOS LIMITED PARTNERSHIP TO PURCHASE REAL PROPERTY LOCATED ON JOHNNY MORRIS ROAD IN PRECINCT ONE.

^{1 AND 2} (9:45 AM) (11:00 AM)

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. 551.072, Real Property.

Discussion only. No formal action taken.

21. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE STATUS OF INVESTIGATION OF CLAIMS BY KAREN STEITLE, INCLUDING THE CLAIMS IN EEOC CHARGE NO. 31C-2008-01470. ¹

(9:45 AM) (11:00 AM)

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.

Discussion only. No formal action taken.

Item 21 to be reposted on January 13, 2009.

22. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE STATUS OF INVESTIGATION OF CLAIMS BY CHUCK KELLEY, INCLUDING THE CLAIMS IN EEOC CHARGE NO. 31C-2008-01436 AND EEOC CHARGE NO. 450-2009-00943. ¹ (9:45 AM) (11:00 AM)

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.

Discussion only. No formal action taken.

Item 22 to be reposted on January 13, 2009.

23. 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. ¹ (9:45 AM) (11:00 AM)

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.

Item 23 was not discussed.

Item 23 to be reposted on January 13, 2009.

24. RECEIVE LEGAL ADVICE AND TAKE APPROPRIATE ACTION RELATED TO TYPE OF CONTRACT USED WHEN HIRING VISITING JUDGES. ¹ (9:15 AM)

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.

Item 24 postponed until January 27, 2009.

ADJOURNMENT

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to adjourn the Voting Session. (11:04 AM)

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

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge