

MINUTES OF MEETING JANUARY 13, 2009

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 13th day of January 2009, the Commissioners' Court convened the Voting Session at 9:13 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 retired to Executive Session at 9:57 AM.

The Commissioners Court reconvened the Voting Session at 10:07 AM.

The Commissioners Court retired to Executive Session at 10:07 AM.

The Commissioners Court reconvened the Voting Session at 12:18 PM.

The Commissioners Court recessed the Voting Session at 12:18 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 1:41 PM and adjourned at 1:42 PM.

The Commissioners Court, meeting as the Travis County Bee Cave Road District #1 (Galleria), convened at 1:42 PM and adjourned at 1:42 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:42 PM and adjourned at 2:24 PM.

The Commissioners Court reconvened the Voting Session at 2:25 PM.

The Commissioners Court retired to Executive Session at 2:25 PM.

The Commissioners Court reconvened the Voting Session at 3:54 PM.

The Commissioners Court adjourned the Voting Session at 3:57 PM.

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation, the Capital Industrial Development Corporation, and the Travis County Cultural Education Facilities Finance Corporation, convened at 3:57 PM and adjourned at 3:58 PM.

Clerk's Note Judge Biscoe noted that because Inauguration Day is Tuesday, January 20, 2009, the next Voting Session of the Commissioners Court would take place on Wednesday, January 21, 2009.

PUBLIC HEARINGS

1. RECEIVE COMMENTS REGARDING A REQUEST TO TEMPORARILY CLOSE MANDA ROAD IN PRECINCT ONE FOR DRAINAGE IMPROVEMENTS BEGINNING JANUARY 14, 2009 AND CONTINUING THROUGH FEBRUARY 4, 2009 OR UNTIL CONSTRUCTION IS COMPLETED. (ACTION ITEM #5)
(9:13 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to Agenda Item 5 for a summary of the action item.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to open the public hearing.

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

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

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to close the public hearing.

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

CITIZENS COMMUNICATION

Members of the Court heard from: Ronnie Gjemre, Travis County Resident; Gus Peña, Travis County Resident; and Barbara Wilson, Travis County Resident.
(9:15 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C5 and Items 4, 5, 6, 7, 8, 11, 12, 13, and 14. (9:25 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 30, 2008.
- C3. REAPPOINT NASH MARTINEZ TO SERVE ON THE BOARD OF TRAVIS CENTRAL APPRAISAL DISTRICT. (COMMISSIONER GÓMEZ)
- C4. **REVISED LANGUAGE:** REAPPOINT EFREN BRITO, TERRY STRUBLE AND **GEORGE MENTZER** TO SERVE AS FIRE COMMISSIONERS TO EMERGENCY SERVICES DISTRICT NO. 2 BOARD EFFECTIVE IMMEDIATELY THROUGH DECEMBER 31, 2010. (COMMISSIONER ECKHARDT)
- C5. REAPPOINT TOMMY NOBLES TO SERVE AS PRECINCT TWO APPOINTEE ON THE HOUSING AUTHORITY OF TRAVIS COUNTY BOARD OF COMMISSIONERS EFFECTIVE IMMEDIATELY THROUGH DECEMBER 31, 2010. (COMMISSIONER ECKHARDT)

RESOLUTIONS AND PROCLAMATIONS

2. APPROVE PROCLAMATION RECOGNIZING THE 26TH ANNUAL AUSTIN INDEPENDENT SCHOOL DISTRICT AFRICAN-AMERICAN HERITAGE CELEBRATION. (JUDGE BISCOE) (9:27 AM)

Members of the Court heard from: Veronica Sanchez, Department of Schools, Community Education.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve the Proclamation in Item 2.

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

SPECIAL ITEMS

3. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:30 AM)

Members of the Court heard from: Pete Baldwin, Emergency Management Coordinator, Emergency Services; and Hershel Lee, Assistant Fire Marshal.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve another order, which would extend the burning ban through February 11, 2009.

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

PURCHASING OFFICE ITEMS

4. APPROVE CONTRACT AWARD FOR CONSTRUCTION SERVICES FOR THE GATTIS SCHOOL ROAD PROJECT, IFB NO. B090031LP, TO THE LOW BIDDER, CASH CONSTRUCTION COMPANY, INC. (9:25 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.

TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

5. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST TO TEMPORARILY CLOSE MANDA ROAD IN PRECINCT ONE FOR DRAINAGE IMPROVEMENTS BEGINNING JANUARY 14, 2009 AND CONTINUING THROUGH FEBRUARY 4, 2009 OR UNTIL CONSTRUCTION IS COMPLETED. (9:25 AM)

Clerk's Note: Item 5 is the action item for the public hearing on Agenda Item 1.

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. CONSIDER AND TAKE APPROPRIATE ACTION ON A PROPOSED THIRD AMENDMENT TO CONTRACT FOR THE EXISTING IMPROVED COMMERCIAL PROPERTY CONTRACT BETWEEN TRAVIS COUNTY AND BALCONES RESOURCES, INC. FOR THE SALE OF PROPERTY LOCATED ON JOHNNY MORRIS ROAD IN PRECINCT ONE. (9:25 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.

ADMINISTRATIVE OPERATIONS ITEMS

7. 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 \$489,210.01 FOR THE PERIOD OF DECEMBER 26, 2008 TO JANUARY 1, 2009. (9:25 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. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:25 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 CONSTABLE PRECINCT TWO PROPOSAL TO TRANSITION CERTAIN PEACE OFFICES FROM THE CLASSIFIED PAY SCALE TO NON-TRAVIS COUNTY SHERIFF'S OFFICER PEACE OFFICER PAY SCALE EFFECTIVE JANUARY 16, 2009. (9:33 AM)

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

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

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

Clerk's Note: The Court noted that approval of Item 9 will add \$15,630.00 to Fiscal year 2009 budget, but efforts will be made by the Constable Precinct 2 office to generate this amount through salary savings or some other method.

10. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM THE TEXAS HOUSE OF REPRESENTATIVES TO USE TRAVIS COUNTY CHANNEL 17 (TCTV-17) FOR CABLECASTING THE LEGISLATIVE SESSION THAT RUNS TUESDAY, JANUARY 13 TO MONDAY, JUNE 1, 2009, WHICH REQUIRES A WAIVER OF TRAVIS COUNTY CODE CHAPTER 43.004. (9:47 AM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; and Steven W. Broberg, Director, Records Management and Communication Resources (RMCR).

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the request in Item 10.

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

JUSTICE AND PUBLIC SAFETY ITEMS

11. CONSIDER AND TAKE APPROPRIATE ACTION ON TRAVIS COUNTY'S APPLICATION FOR REIMBURSEMENT OF EXPENSES INCURRED DURING HURRICANE GUSTAV. (9:25 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 TRAVIS COUNTY'S APPLICATION FOR REIMBURSEMENT OF EXPENSES INCURRED DURING HURRICANE IKE. (9:25 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.

OTHER ITEMS

13. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:25 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. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPOINT DEPUTY CONSTABLES FOR PRECINCT FIVE FOR 2009. (9:25 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. CONSIDER AND TAKE APPROPRIATE ACTION ON APPOINTMENTS TO AUSTIN CITY COUNCIL, AUSTIN INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES, TRAVIS COUNTY COMMISSIONERS COURT JOINT SUBCOMMITTEE. (JUDGE BISCOE) (9:53 AM)

Clerk's Note: The Court noted that Judge Biscoe and Commissioner Gómez had attended previous meetings of the Joint Subcommittee in 2008 at the request of Austin Independent School District (AISD). It was felt that the Joint Subcommittee had potential. The County Judge requested that this committee should be added to the list of Board and Committee Assignments set for the Commissioners Court the first voting session of each calendar year.

Motion by Commissioner Gómez **and seconded by** Commissioner Huber to approve this subcommittee to continue.

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 AND TAKE APPROPRIATE ACTION ON INTERLOCAL BETWEEN TRAVIS COUNTY, THE CITY OF AUSTIN AND THE AUSTIN INDEPENDENT SCHOOL DISTRICT FOR THE MEN AND BOYS HARVEST FOUNDATION TO ENHANCE THE EDUCATIONAL AND ECONOMIC OPPORTUNITIES OF TRAVIS COUNTY YOUTH. (9:13 AM)

Item 16 postponed until January 21, 2009.

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.

17. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE STATUS OF INVESTIGATION OF CLAIMS BY KAREN STEITL, INCLUDING THE CLAIMS IN EEOC CHARGE NO. 31C-2008-01470. ¹
(9:57 AM) (10:07 AM) (3:54 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 and Gov't. Code Ann. 551.074, Personnel Matters.

Motion by Judge Biscoe and seconded by Commissioner Gómez to agree to the requested mediation with the Equal Employment Opportunity Commission (EEOC) and that we indicate our intention to name a representative next Wednesday, January 21, 2009.

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

Item 17 to be reposted on Wednesday, January 21, 2009.

18. 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 (9:57 AM) (10:07 AM) (3:55 PM)

Clerk's Note: Judge Biscoe announced that Item 18 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.

Discussion only. No formal action taken.

Item 18 to be reposted on January 21, 2009.

19. 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 (9:57 AM) (2:25 PM) (3:55 PM)

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.

Discussion only. No formal action taken.

Item 19 to be reposted on January 21, 2009.

20. A. RECEIVE LEGAL BRIEFING FROM COUNTY ATTORNEY ON ISSUES REGARDING CONFIDENTIAL CLIMATE ASSESSMENT RECEIVED FROM EMPLOYMENT PRACTICES SOLUTIONS AND TAKE APPROPRIATE ACTION ¹; AND
- B. DELIBERATE RESULTS OF CONFIDENTIAL CLIMATE ASSESSMENT IN RELATION TO EXECUTIVE MANAGER OF ADMINISTRATIVE OPERATIONS; DIRECTOR OF HUMAN RESOURCES MANAGEMENT DEPARTMENT (HRMD); AND HRMD SLOT NUMBERS 23, 16 AND 9 AND TAKE APPROPRIATE ACTION. ¹ (9:57 AM) (10:07 AM) (3:56 PM)

Clerk's Note: Judge Biscoe announced that Items 20.A& B 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.

Discussion only. No formal action taken.

Items 20.A& B to be reposted on January 21, 2009.

21. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION ON COMPLAINTS REGARDING AUSTIN POLICE DEPARTMENT ARREST REVIEW AND TRAVIS COUNTY SHERIFF'S OFFICE JAIL CONDITIONS. ¹ (9:57 AM) (2:25 PM) (3:56 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.

Clerk's Note: The Court indicated that it would respond to the letter received from the lawyer and share that with the Commissioners Court and otherwise proceed to test the conditions complained of, and as soon as the results are received indicating findings and recommendations, have it back on the Court's agenda for appropriate action.

Item 21 to be reposted when ready.

ADJOURNMENT

Motion by Judge Biscoe and seconded by Commissioner Gómez to adjourn the Voting Session. (3:57 PM)

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