

## **MINUTES OF MEETING FEBRUARY 17, 2009**

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

On Tuesday, the 17<sup>th</sup> day of February 2009, 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 recessed the Voting Session at 12:09 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 1:37 PM and adjourned at 1:38 PM.

The Commissioners Court, meeting as the Travis County Bee Cave Road District #1 (Galleria), convened at 1:38 PM and adjourned at 1:38 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:38 PM and adjourned at 1:52 PM.

The Commissioners Court reconvened the Voting Session at 1:53 PM.

The Commissioners Court retired to Executive Session at 2:37 PM.

The Commissioners Court reconvened the Voting Session at 4:37 PM.

The Commissioners Court adjourned the Voting Session at 4:41 PM.

**PUBLIC HEARINGS**

1. RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT TWO: NORTHRIDGE ACRES, RESUBDIVISION OF LOT 1 (3 TOTAL LOTS). (ACTION ITEM #5) (9:18 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 Eckhardt to open the public hearing.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	absent

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

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

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	absent

2. RECEIVE COMMENTS REGARDING A REQUEST TO TEMPORARILY CLOSE OASIS BLUFF DRIVE TO THROUGH TRAFFIC FROM COMANCHE TRAIL TO BULLICK HOLLOW ROAD IN PRECINCT THREE FOR THE "COLD FUSION SIZZLER" SLALOM SKATEBOARD RACES TO BE HELD ON MARCH 28, 2009 FROM 8:00 AM TO 8:00 PM. (ACTION ITEM #6) (9:19 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 6 for a summary of the action item.

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

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	absent

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; and David Greear, Traffic Manager, TNR.

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

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	absent

3. RECEIVE COMMENTS REGARDING THE COMMUNITY NEEDS OF THE UNINCORPORATED AREAS AND PROJECT IDEAS FOR THE DEVELOPMENT OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM YEAR 2009 ACTION PLAN AVAILABLE FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (9:20 AM)

**Clerk's Note:** This Item is a public hearing to receive comments.

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

**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	absent

**Members of the Court heard from:** Christy Moffett, Social Services Manager, Travis County Health and Human Services (TCHHS); Jo Catherine Quinn, Director, Self-Sufficiency Services, Caritas; Gus Peña, Travis County Resident; and Jane Prince-Maclean, Case Management Coordinator, Family Support Services Division, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS).

**Motion by** Judge Biscoe **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	yes
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

## CITIZENS COMMUNICATION

**Members of the Court heard from:** Gus Peña, Travis County Resident; Maurice Priest, Travis County Resident; Ronnie Gjemre, Travis County Resident; Karen Renick, Founder, VoteRescue; Vickie Karp, Director, Public Relations, VoteRescue; and Jenny Clark, VoteRescue. (9:37 AM)

## CONSENT ITEMS

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C3 and Items 5, 6, 7, 8, 11.A-F, 14, 15, 16.A&B, 17, 19, 20, 22, 23, 24, and 28.A-E. (10:00 AM)

<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 Karen Huber	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2. APPROVE SETTING A PUBLIC HEARING ON MARCH 24, 2009 TO RECEIVE COMMENTS ON A REVISED PLAT OF LOT 1, BLOCK FFF, HILLTOP MANOR SUBDIVISION AND LOT 19, BLOCK RR, TWIN LAKE HILLS SUBDIVISION, LOT LINE REVISION FOR TWO RESIDENTIAL LOTS IN PRECINCT THREE.
- C3. REAPPOINT MARGARINE G. BEAMAN AND CAROLYN L. JONES TO SERVE ON THE TRAVIS COUNTY HISTORICAL COMMISSION AS A PRECINCT ONE APPOINTEES, TERM EFFECTIVE IMMEDIATELY UNTIL JANUARY, 2011.  
(COMMISSIONER DAVIS)

**RESOLUTIONS AND PROCLAMATIONS**

4. APPROVE PROCLAMATION RECOGNIZING LYNN HARPER FOR HER MANY YEARS OF SERVICE TO TRAVIS COUNTY AND PROCLAIM FRIDAY, FEBRUARY 20, 2009 AS "LYNN HARPER DAY." (COMMISSIONER GÓMEZ) (10:03 AM)

**Members of the Court heard from:** Lynn Harper, Executive Assistant, Administrative Operations; Alicia Perez, Executive Manager, Administrative Operations; Michael Harper, husband of Lynn Harper; Sherri Fleming, Executive Manager, TCHHS&VS; Shawn Malone, Records Manager, Records Management and Communication Resources (RMCR); Susan Spataro, Travis County Auditor; and Joe Harlow, Chief Technology Officer, Information and Telecommunications Systems (ITS).

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve the Proclamation in Item 4.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS**

5. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PLAT FOR RECORDING IN PRECINCT TWO: NORTHRIDGE ACRES, RESUBDIVISION OF LOT 1 (3 TOTAL LOTS). (10:00 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 REQUEST TO TEMPORARILY CLOSE OASIS BLUFF DRIVE TO THROUGH TRAFFIC FROM COMANCHE TRAIL TO BULLICK HOLLOW ROAD IN PRECINCT THREE FOR THE "COLD FUSION SIZZLER" SLALOM SKATEBOARD RACES TO BE HELD ON MARCH 28, 2009 FROM 8:00 AM TO 8:00 PM. (10:00 AM)

**Clerk's Note:** Item 6 is the action item for the public hearing on Agenda Item 2.

**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 A PRELIMINARY PLAN IN PRECINCT ONE: NEW SWEDEN ESTATES PRELIMINARY PLAN (104 LOTS). (10:00 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. NOTIFY COURT OF SATISFACTORY CONSTRUCTION OF THE PRIVATE STREETS FOR AMARRA DRIVE, PHASE 2, A SUBDIVISION IN PRECINCT THREE. (10:00 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. RECEIVE BRIEFING FROM STAFF AND TAKE APPROPRIATE ACTION REGARDING THE FOLLOWING: (10:16 AM)
- A. NEW POLICIES THAT TRAVIS COUNTY CAN ADOPT TO REDUCE GROUND LEVEL OZONE IN SUPPORT OF THE 2009 BIG PUSH INITIATIVE; AND
  - B. ADDITIONAL INITIATIVES THAT TRAVIS COUNTY CAN TAKE IN CONJUNCTION WITH OTHER GOVERNMENTAL ENTITIES AND TRAVIS COUNTY RESIDENTS.

**Clerk's Note:** Items 9.A&B are associated with one another and were called for concurrent discussion.

**Clerk's Note:** The Court discussed the following proposals for final review by County departments:

- 1) Restrictions in County Operations on Ozone Watch Days;
- 2) Special Ozone Watch Day Teleworking Schedule;
- 3) Educate County Employees on Commuting Options;
- 4) Expand Communications to Travis County Citizens and County Employees; and,
- 5) Parking restrictions on Ozone Watch Days.

**Members of the Court heard from:** Tom Weber, Environmental Quality Program Manager, TNR; Adele Noel, Air Quality Project Manager, TNR; Joe Gieselman, Executive Manager, TNR; Jon White, Natural Resources Program Manager, TNR; Ronnie Gjemre, Travis County Resident; Christopher Gilmore, Assistant County Attorney; and Susan Spataro, Travis County Auditor.

**Motion by** Commissioner Eckhardt **and seconded by** Judge Biscoe to approve Proposal 1 for final review by County departments and return for final review in two weeks, Tuesday March 3, 2009.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes



## ITEM 9 CONTINUED

**Motion by Commissioner Gómez and seconded by Commissioner Eckhardt** to approve Proposal 2.

<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 Karen Huber	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

**Motion by Commissioner Davis and seconded by Commissioner Gómez** to approve Proposal 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 Karen Huber	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve Proposal 4.

<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 Karen Huber	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

**Motion by Judge Biscoe and seconded by** Commissioner Gómez that we approve Proposal 5 for further development and reporting back to the Court.

<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 Karen Huber	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

**Clerk's Note:** The County Judge noted that by approving Proposal 5 the Court is giving the go-ahead to further evaluate what steps we might take for optimal impact.

Item 9.B postponed until February 24, 2009.

10. CONSIDER AND TAKE APPROPRIATE ACTION TO PAY \$105,377 FROM THE TRAVIS COUNTY GENERAL FUND ALLOCATED RESERVES TO FUND 475, CONTRACTUAL CAPITAL PROJECTS, IN THE BUDGET FOR TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT FOR THE KENNEDY RIDGE WATER SUPPLY CORPORATION UTILITY RELOCATION PROJECT. (2:21 PM)

Item 10 not needed.

### **PLANNING AND BUDGET DEPT. ITEMS**

11. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:  
(10:00 AM)
  - A. GRANT CONTRACT WITH THE RETIRED SENIORS VOLUNTEER PROGRAM ADVISORY COUNCIL TO PARTIALLY FUND A PART-TIME POSITION IN THE HEALTH AND HUMAN SERVICES DEPARTMENT'S SENIORS VOLUNTEER CHILDREN IMMUNIZATION PROGRAM;
  - B. GRANT CONTRACT AMENDMENT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, 2008 COMPREHENSIVE ENERGY ASSISTANCE GRANT PROGRAM IN THE HEALTH AND HUMAN SERVICES DEPARTMENT TO FULLY EXPEND THE GRANT AWARD;
  - C. GRANT CONTRACT WITH THE OFFICE OF THE GOVERNOR'S CRIMINAL JUSTICE DIVISION FOR ENHANCEMENT SERVICES FOR THE CRIMINAL COURTS DRUG COURT PROGRAM;
  - D. GRANT CONTRACT WITH THE OFFICE OF THE GOVERNOR'S CRIMINAL JUSTICE DIVISION FOR CIVIL COURTS TO CONTINUE THE FAMILY DRUG TREATMENT COURT PROGRAM FOR CHILD WELFARE INVOLVING PARENTS WITH SUBSTANCE ABUSE;
  - E. GRANT CONTRACT AMENDMENT WITH THE SUPERVISED VISITATION AND SAFE EXCHANGE GRANT PROGRAM IN COUNSELING AND EDUCATION SERVICES; AND

**ITEM 11 CONTINUED**

- F. GRANT CONTRACT MODIFICATION WITH THE OFFICE OF THE GOVERNOR'S CRIMINAL JUSTICE DIVISION FOR CIVIL COURTS TO CONTINUE THE FAMILY DRUG TREATMENT COURT.

**Clerk's Note:** Items 11.A-F 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 BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:17 AM)

Item 12 not needed.

13. CONSIDER AND TAKE APPROPRIATE ACTION ON ISSUES RELATED TO THE FISCAL YEAR 2010 BUDGET, INCLUDING: (11:18 AM)

A. FISCAL YEAR 2010 BUDGET PARAMETERS; AND

B. PROPOSED FISCAL YEAR 2010 BUDGET GUIDELINES.

**Clerk's Note:** Items 13.A&B are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Rodney Rhoades, Executive Manager, Planning and Budget Office (PBO); Jessica Rio, Assistant Budget Manager, PBO; Travis Gatlin, Budget Analyst, PBO; Sherri Fleming, Executive Manager, TCHHS&VS; and Leroy Nellis, Budget Manager, PBO.

## ITEM 13 CONTINUED

**Clerk's Note:** The Court discussed additional language changes to Option 3 in Section H of the 2010 budget guidelines:

- 1) Current Option 3 – “Any request not submitted within the approved time frame will not be considered, unless there is an extraordinary and compelling reason to do so. As an example, the ability to leverage County dollars for a substantially larger amount of outside funding.”
- 2) Option 3 with two changes – “Any request not submitted within the approved time frame will not be considered, unless there is an extraordinary and compelling reason to do so. As an example, the ability to leverage county dollars for a substantially larger amount of outside funding. The item must be submitted to the Commissioners Court as well as the relevant County office. A member of the Commissioners Court must sponsor any request submitted after the due date for it to be considered for the FY ‘10 budget process.”

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve Option 3 with two changes.

<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 Karen Huber	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

**Motion by Commissioner Davis and seconded by Commissioner Eckhardt** to approve budget guidelines in Item 13.B.

<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 Karen Huber	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

## ADMINISTRATIVE OPERATIONS ITEMS

14. 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 \$859,996.86 FOR THE PERIOD OF JANUARY 30 TO FEBRUARY 5, 2009. (10:00 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 PROPOSED ROUTINE PERSONNEL AMENDMENTS. (10:00 AM)

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

16. A. CONSIDER AND TAKE APPROPRIATE ACTION ON EMPLOYEE REFUNDS UNDER TUITION REIMBURSEMENT POLICY 10.021; AND  
B. AUTHORIZE THE COUNTY AUDITOR AND TREASURER TO REIMBURSE CERTAIN EMPLOYEES. (10:00 AM)

**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.

## JUSTICE AND PUBLIC SAFETY ITEMS

17. CONSIDER AND TAKE APPROPRIATE ACTION ON THE UPDATED AMERICAN RED CROSS OF CENTRAL TEXAS MEMORANDUM OF UNDERSTANDING WITH TRAVIS COUNTY. (10:00 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.

**Clerk's Note:** The County Judge noted that the Contract would be effective from January 31, 2009 at the request of the Red Cross of Central Texas.

**PURCHASING OFFICE ITEMS**

18. APPROVE INTERLOCAL AGREEMENT NO. IL090054VR, AUSTIN-TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION, FOR SUBSTANCE ABUSE TREATMENT SERVICES FOR THE DRUG DIVERSION COURT PROGRAM. (2:22 PM)

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

**Motion carried:**

County Judge Samuel T. Biscoe	abstain
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

19. APPROVE CONTRACT AWARD FOR CUSTOM WELDING TRAILERS, IFB NO. B090150NB, TO THE LOW BIDDER, MAGNUM TRAILERS. (10:00 AM)

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

20. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. 08K00128RV, THE BARR COMPANY, FOR PRECINCT TWO OFFICE BUILDING MODIFIED ENTRY AND SECOND FLOOR EXPANSION. (10:00 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.

21. APPROVE CONTRACT NO. PS090162ML TO ORCHID CELLMARK FOR PROFESSIONAL DNA CONSULTING AND ANALYSIS SERVICES. (11:16 AM)

**Members of the Court heard from:** Marvin Brice, Construction Procurement Management, Purchasing; and Susan Spataro, Travis County Auditor.

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt to approve Item 21.

**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

22. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (10:00 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. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF JANUARY 2009. (10:00 AM)

**Clerk's Note:** Item 23 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

24. CONSIDER AND TAKE APPROPRIATE ACTION ON APPOINTMENT OF RONDA DARDIN SCHULTZ TO THE TRAVIS COUNTY CHILDREN'S PROTECTIVE SERVICES BOARD EFFECTIVE IMMEDIATELY TO FEBRUARY 2012. (COMMISSIONER DAVIS) (10:00 AM)

**Clerk's Note:** Item 24 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

25. 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 AND/OR MODIFICATION OF AFTER SCHOOL INTERLOCAL, AS APPROPRIATE. (2:06 PM)

**Members of the Court heard from:** Sherri Fleming, Executive Manager, TCHHS&VS; and Mary Etta Gerhardt, Assistant County Attorney.

Discussion only. No formal action taken.

Item 25 to be reposted on February 24, 2009.

26. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AUTHORIZE COUNTY STAFF AND APPROPRIATE CONSULTANTS TO THE COUNTY TO TAKE SUCH ACTIONS AS ARE NECESSARY TO PROCEED WITH THE REFUNDING OF A PORTION OF THE COUNTY'S OUTSTANDING LIMITED TAX DEBT. (1:53 PM)

**Members of the Court heard from:** Ladd Pattillo, Travis County Financial Adviser; and Don Gonzalez, Director, Estrada and Hinojosa.

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt that we authorize Staff and the Consultant to work with these consultants to put together an appropriate deal to bring back to us at the appropriate time.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes



27. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING: (11:33 AM)

- A. STATUS REPORT ON THE 81<sup>ST</sup> TEXAS LEGISLATURE;
- B. TRAVIS COUNTY'S POSITION REGARDING LEGISLATIVE OPTIONS TO INCREASE TRANSPORTATION MOBILITY FUNDING;
- C. DRAFT BILL LANGUAGE FOR CERTAIN TRAVIS COUNTY LEGISLATIVE PRIORITIES; AND
- D. BILLS PENDING BEFORE THE 81<sup>ST</sup> TEXAS LEGISLATURE.

**Clerk's Note:** Items 27.A&D are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Deece Eckstein, Intergovernmental Relations Officer; Greg Knaupe, Legislative Consultant, Santos Alliance, Inc.; Joe Gieselman, Executive Manager, TNR; and John Hille, Assistant County Attorney.

**Clerk's Note:** The Court discussed the modification of Bullet 1 of the proposed Travis County Principles regarding Local Transportation Options in Item 27.B to – **"USER BASED:** New transportation funding sources should be levied on users of the transportation system and/or sources that generate/benefit from the use."

**Motion by** Commissioner Eckhardt **and seconded by** Judge Biscoe to approve the language change.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**Clerk's Note:** The Court discussed the modification of Bullet 4 of the proposed Travis County Principles regarding Local Transportation Options in Item 27.B.

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt to insert "substantial net increase".

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**ITEM 27 CONTINUED**

**Clerk's Note:** The Court discussed the adoption of the Travis County Principles on Local Transportation Funding for the 81<sup>st</sup> Legislative Session.

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Davis to move the adoption of the principles.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**Clerk's Note:** The Court discussed replacement language to the Policy Statement on Alternatives to Transportation Mobility Funding approved by Travis County in 2008.

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Davis to approve "Establish local option regional revenue sources - Travis County supports legislation to provide for a local option gas tax, motor vehicle sales tax for vehicles over \$30,000.00, vehicle registration fee, distance based road user fee, safety inspection fee, congestion charges or impact fees. Travis County has a preference for regional revenue sources that are progressive and promote reductions in per capita vehicle miles traveled."

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Davis to approve the addition of a final bullet: "Fully fund the Rail Relocation and Improvement Program."

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**ITEM 27 CONTINUED**

**Clerk's Note:** The County Judge noted that by approving the previous Motions the Court has adopted both the Policy Statement and the Principles, and directs its Legislative Consultants to find whatever is the best legislative vehicle.

**Clerk's Note:** In Item 27.C the Court discussed a bill amending two provisions of statute that will allow Travis County to levee a fee on new development that helps pay for the arterial roadway system that serves that subdivision.

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Huber to approve the bill.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Items 27.A&D were Discussion only. No formal action taken.

Items 27.A&D to be reposted on February 24, 2009.

28. RECEIVE AUDIT REPORTS FOR THE FOLLOWING EMERGENCY SERVICES DISTRICTS: (10:00 AM)
- A. EMERGENCY SERVICES DISTRICT NO. 1 FOR FISCAL YEAR 2007;
  - B. EMERGENCY SERVICES DISTRICT NO. 2 FOR FISCAL YEAR 2007;
  - C. EMERGENCY SERVICES DISTRICT NO. 5 FOR FISCAL YEARS 2005, 2006 AND 2007;
  - D. EMERGENCY SERVICES DISTRICT NO. 8 FOR FISCAL YEAR 2007; AND
  - E. EMERGENCY SERVICES DISTRICT NO. 12 FOR FISCAL YEARS 2006 AND 2007;

**Clerk's Note:** Items 28.A-E 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.

29. CONSIDER AND TAKE APPROPRIATE ACTION ON AN OFFER TO SELL APPROXIMATELY 80 ACRES OF LAND LOCATED NEAR STATE HIGHWAY 130 AND U.S. HIGHWAY 71 EAST FOR INCLUSION IN THE ONION CREEK OPEN SPACE PROJECT. <sup>1 AND 2</sup> (2:37 PM) (4:37 PM)

**Clerk's Note:** Judge Biscoe announced that Item 29 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 accept the offer of \$360,000.00 for the 82.5 acres, and the source is the 2005 Bond Election Program.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

30. CONSIDER AND TAKE APPROPRIATE ACTION ON PURCHASE CONTRACT FOR APPROXIMATELY 3.5 ACRES OF LAND FROM THE TRAVIS COUNTY COMMUNITY SUPERVISION AND CORRECTIONS DIVISION TO SECURE SMART FACILITY ENHANCEMENTS. <sup>1 AND 2</sup> (2:37 PM) (4:38 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 and Gov't. Code Ann. 551.072, Real Property.

Discussion only. No formal action taken.

Item 30 to be reposted on February 24, 2009.

31. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING POSSIBLE SALE OF COUNTY-OWNED LAND OFF FM 969 IN EAST AUSTIN. <sup>1 AND 2</sup>  
(2:37 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 and Gov't. Code Ann. 551.072, Real Property.

Item 31 was not discussed.

Item 31 postponed until February 24, 2009.

32. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING ISSUES RELATED TO NOVATION OF LICENSE AGREEMENT FOR OPERATION OF COMMUNITY CENTER. <sup>1 AND 2</sup> (2:37 PM)  
(4:38 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 and Gov't. Code Ann. 551.072, Real Property.

**Motion by** Judge Biscoe **and seconded by** Commissioner Huber that we authorize the sending of an appropriate letter to the lessee in this case, indicating that we need past due payments to be brought current, and other terms and conditions of the contract to be complied with by or before the end of the contract period, which ends May 31, 2009.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

33. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE POTENTIAL PURCHASE OF REAL ESTATE IN CENTRAL AUSTIN. <sup>1 AND 2</sup>  
(2:37 PM) (4:39 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 and Gov't. Code Ann. 551.072, Real Property.

Discussion only. No formal action taken.

Item 33 to be reposted on March 3, 2009.

34. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE POTENTIAL PURCHASE OF REAL ESTATE ALONG AIRPORT BOULEVARD.  
<sup>1 AND 2</sup> (2:37 PM) (4:39 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. 551.072, Real Property.

Discussion only. No formal action taken.

Item 34 to be reposted on March 3, 2009.

35. A. RECEIVE LEGAL BRIEFING FROM COUNTY ATTORNEY ON ISSUES REGARDING CONFIDENTIAL CLIMATE ASSESSMENT AND IMPLEMENTATION OF HUMAN RESOURCES MANAGEMENT DEPARTMENT (HRMD) DEVELOPMENT PLAN FOR EXECUTIVE MANAGER OF ADMINISTRATIVE OPERATIONS AND DIRECTOR OF HRMD AND TAKE APPROPRIATE ACTION; AND
- B. DELIBERATE RESULTS OF CONFIDENTIAL CLIMATE ASSESSMENT AND IMPLEMENTATION OF HRMD DEVELOPMENT PLAN FOR EXECUTIVE MANAGER OF ADMINISTRATIVE OPERATIONS AND DIRECTOR OF HRMD AND TAKE APPROPRIATE ACTION. <sup>1 AND 3</sup>  
 (2:37 PM) (4:39 PM)

**Clerk's Note:** Judge Biscoe announced that Items 35.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.

**Members of the Court heard from:** Mary Etta Gerhardt, Assistant County Attorney.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that the Commissioners Court approve and send out a statement of Court expectations of Human Resources Management Department (HRMD) employee behavior, and that we share with Alicia Perez, Executive Manager, Administrative Operations and Linda Moore Smith, Director, HRMD a copy of that letter moments before we deliver copies to HRMD employees.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	no
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

36. CLAIMS BY CHUCK KELLEY, INCLUDING THE CLAIMS IN EEOC CHARGE NO. 31C-2008-01436 AND EEOC CHARGE NO. 450-2009-00943. <sup>1</sup> (2:37 PM) (4:40 PM)

**Clerk's Note:** Judge Biscoe announced that Item 36 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Clerk's Note:** Items 36 and 37 are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** John Hille, Assistant County Attorney.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez that we authorize the County Judge and Commissioner Gómez as a subcommittee of the Commissioners Court to send letters to parties sharing the results of the investigation and claims filed by Ms. Steitle and Mr. Kelley, and that we revise the draft that we had been presented.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

37. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING CLAIMS BY KAREN STEITLE, INCLUDING THE CLAIMS IN EEOC CHARGE NO. 31C-2008-01470. <sup>1</sup> (2:37 PM) (4:40 PM)

**Clerk's Note:** Judge Biscoe announced that Item 37 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.

**Clerk's Note:** Items 37 and 36 are associated with one another and were called for concurrent discussion. Please refer to Item 36 for a summary of the action taken by the Court.

**ADDED ITEMS**

- A1. RECEIVE UPDATE ON VISITATION CENTER CONSTRUCTION PROJECT AT TRAVIS COUNTY COMMUNITY JUSTICE CENTER (STATE JAIL) AND TAKE APPROPRIATE ACTION. (2:23 PM)

**Members of the Court heard from:** Roger Jefferies, Executive Manager, Justice and Public Safety (JPS).

Discussion only. No formal action taken.

- A2. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM THE ENVISION CENTRAL TEXAS WORK GROUP FOR COMMENTS ON PROCESS AND RECOMMENDATIONS REGARDING COUNTY GROWTH MANAGEMENT AUTHORITY. (2:23 PM)

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis that we express our deep appreciation to them for sending us this information; that we indicate our keen interest and desire in providing a formal response; and that we indicate our intention to review this matter further, and approve a formal document setting forth our position next Tuesday, February 24th, 2009; that we further find out as much as we can about the early March, 2009 Capital Area Council of Governments (CAPCOG) Conference.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes



## ADJOURNMENT

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to adjourn the Voting Session. (4:41 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

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**Date of Approval**

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