

MINUTES OF MEETING APRIL 7, 2009

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 7th day of April 2009, the Commissioners' Court convened the Voting Session at 9:15 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 recessed the Voting Session at 12:04 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 1:39 PM and adjourned at 1:39 PM.

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

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation, convened at 1:40 PM and adjourned at 1:44 PM.

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

The Commissioners Court retired to Executive Session at 2:51 PM.

The Commissioners Court reconvened the Voting Session at 5:20 PM.

The Commissioners Court adjourned the Voting Session at 5:24 PM.

CITIZENS COMMUNICATION

Members of the Court heard from: Gus Peña, Travis County Resident; Ronnie Gjemre, Travis County Resident; Maurice Priest, Travis County Resident; Don Smith, Chief, Travis County Fire Control, ESD # 4; Eric Brown, Firefighter Cadet Class 9; Harlen Bryant, Firefighter Cadet Class 9; Aaron Flournoy, Firefighter Cadet Class 9; Joseph Fritzinger, Firefighter Cadet Class 9; Mark Gentry, Firefighter Cadet Class 9; Nicholas Granados, Firefighter Cadet Class 9; Miguel Hernandez, Firefighter Cadet Class 9; Christopher Hudgins, Firefighter Cadet Class 9; Michael Hull, Firefighter Cadet Class 9; Robert Kimble, Firefighter Cadet Class 9; Sean Murphy, Firefighter Cadet Class 9; Luke Pittman, Firefighter Cadet Class 9; Wesley Porter, Firefighter Cadet Class 9; Michael Swingler, Firefighter Cadet Class 9; and Chris Vargas, Firefighter Cadet Class 9. (9:16 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Judge Biscoe to approve the following Consent Items: C1 and Items 5, 6.A-F, 7, 8.A&B, 16, 17.A&B, 18.A-F, 18.H, 19.A-H, 20, 21, 22, 23, 24, 25, and 26. (10:24 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 SESSIONS OF MARCH 24 AND 26, 2009. (10:28 AM)

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item C2.

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

SPECIAL ITEMS

1. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:36 AM)

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

Clerk's Note: Judge Biscoe announced that by taking no action the prohibition against outdoor burning stays in place.

Discussion only. No formal action taken.

TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

2. CONSIDER AND TAKE APPROPRIATE ACTION ON A RESOLUTION TO ENTER INTO A TRANSPORTATION PROJECT ADVANCED FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO CONSTRUCT THE EXTENSION OF HOWARD LANE TO STATE HIGHWAY 130 IN NORTHEAST TRAVIS COUNTY. (COMMISSIONER DAVIS)
(10:39 AM)

Members of the Court heard from: Steve Manilla, Director, Public Works, Transportation and Natural Resources (TNR); Christopher Gilmore, Assistant County Attorney; Pete Winstead, Winstead PC; and Greta Goldsby, representing Pete Winstead.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 2, and hold off on the County Judge signing it until we get the signed road construction agreements.

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

3. CONSIDER AND TAKE APPROPRIATE ACTION ON TWO ROAD CONSTRUCTION AGREEMENTS WITH TRAFALGAR 1, L.P. AND ANNE B. SCHRYVER ET. AL., FOR THE HOWARD LANE II ROAD PROJECT. (COMMISSIONER DAVIS) (10:29 AM)

Members of the Court heard from: Steve Manilla, Director, Public Works, TNR; Pete Winstead, Winstead PC; and Christopher Gilmore, Assistant County Attorney.

Clerk's Note: Staff requested that the Commissioners Court approve the agreements, but give the County Judge the authority to sign the documents once we receive a properly executed road construction agreement from Mrs. Schryver, the property owner.

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

Clerk's Note: By approving Item 3 the Court authorizes the County Judge to sign the road construction agreements after the property owner has properly executed the documents.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

4. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUESTS FROM CITY OF AUSTIN AND SUSTAINABLE FOOD POLICY BOARD FOR ASSIGNMENT OF COUNTY STAFF AND PARTICIPATION OF BOARD MEMBERS ON CITY-SPONSORED ETHICS TRAINING. (2:11 PM)

Members of the Court heard from: Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS).

Clerk's Note: The Court discussed the assignment of County Staff.

Motion by Judge Biscoe and seconded by Commissioner Gómez that we agree to assist with staffing, and that the Court be kept abreast of the workload.

A Clarification of the previous Motion was made by Judge Biscoe that the Motion was to defer to the expert judgement of the Sherri Fleming, Executive Manager, Health and Human Services (HHS), especially the part about keeping us up to speed on what's happening and how the workload is going.

A Friendly Amendment to the previous Motion was offered by Commissioner Eckhardt to have TCHHS&VS as the primary liaison, but to empower Sherri Fleming, Executive Manager, TCHHS&VS to reach out to the Transportation and Natural Resources Department (TNR) and the Intergovernmental Relations Office (IGR), or other divisions within the County, as they become relevant to the activities of the Board.

Acceptance of the Friendly Amendment was made by Judge Biscoe.

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 4 CONTINUED

Clerk's Note: The Court discussed the participation of board members on the City of Austin sponsored ethics training.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez that we ought to request it but not require it.

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

PLANNING AND BUDGET DEPT. ITEMS

5. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (10:24 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. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
(10:24 AM)
 - A. NEW GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE UNDER THE 2009 COMMUNITY ORIENTED POLICING SERVICES HIRING RECOVERY PROGRAM FOR THE FUNDING OF 12 DEPUTY SHERIFF POSITIONS OVER A THREE-YEAR PERIOD;
 - B. NEW GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, 2009 BYRNE JUSTICE ASSISTANCE GRANT TO REPLACE THE LOCAL LAW ENFORCEMENT BLOCK GRANT THAT HAS SUPPLIED FUNDING FOR VARIOUS LAW ENFORCEMENT PROJECTS WITHIN THE SHERIFF'S OFFICE;
 - C. GRANT APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR JUVENILE PROBATION TO CONTINUE TO RECEIVE USDA DONATED SCHOOL COMMODITIES;
 - D. GRANT APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR JUVENILE PROBATION TO CONTINUE PARTICIPATION IN THE NATIONAL SCHOOL LUNCH AND BREAKFAST PROGRAMS;
 - E. NEW GRANT APPLICATION TO THE TEXAS EDUCATION AGENCY FOR HEALTH AND HUMAN SERVICES AND VETERANS SERVICES TO SERVE AS THE LEAD AGENCY TO PROVIDE AFTER-SCHOOL PROGRAMS IN TEN ECONOMICALLY DISADVANTAGED AND HIGH-RISK ELEMENTARY SCHOOLS. THE APPLICATION IS FOR YEAR ONE OF A FIVE YEAR GRANT AND WILL PROVIDE RESOURCES FOR 13 COUNTY FULL TIME EMPLOYEES; AND
 - F. NEW GRANT APPLICATION TO THE CASEY FAMILY PROGRAMS TO FUND A CARE COORDINATOR POSITION IN THE HEALTH AND HUMAN SERVICES DEPARTMENT THAT WILL ARRANGE FOR YOUTH WITH COMPLEX MENTAL HEALTH NEEDS AND THEIR FAMILIES TO RECEIVE SERVICES UNDER THE REINTEGRATION PROJECT.

Clerk's Note: Items 6.A-F 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 \$586,930.54 FOR THE PERIOD OF MARCH 20 TO MARCH 26, 2009. (10:24 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 THE FOLLOWING:
(10:24 AM)

- A. PROPOSED ROUTINE PERSONNEL AMENDMENTS; AND
- B. REQUEST FROM COUNTY CLERK FOR AN EXCEPTION TO TRAVIS COUNTY CODE CHAPTER 10.0155, EMPLOYMENT OF SPECIAL PROJECT EMPLOYEES.

Clerk's Note: Items 8.A&B 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 REGARDING A PROPOSAL FOR VETERANS AND PEACE OFFICERS MEMORIALS AT WOODMANSEE PLAZA. (JUDGE BISCOE AND COMMISSIONER ECKHARDT) (10:43 AM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Roger El Khoury, Director, Facilities Management; Olie Pope, Director, Veterans' Services, Travis County Health and Human Services (TCHHS); David Jaso, Executive Member, The Veterans and Peace Officers Memorial Committee; and John Vasquez, Executive Member, The Veterans and Peace Officers Memorial Committee.

Discussion only. No formal action taken.

Item 9 to be reposted on April 21, 2009.

10. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REQUEST FOR A NEW SITE LOCATION FOR THE NEW DEL VALLE WELLNESS AND HEALTH CLINIC. (11:08 AM)

Clerk's Note: The Court discussed relocation plans of the Del Valle Wellness and Health Clinic due to the Texas Department of Transportation (TxDOT) plans for Hwy 71.

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Roger El Khoury, Director, Facilities Management; and Sherri Fleming, Executive Manager, TCHHS&VS.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve proceeding in the direction that we are headed, but that we put TxDOT on notice that because of their Hwy 71 expansion plans we have to change our plans for the location of the Wellness Clinic, and so we lose whatever investment we have made in our current site. Also, we need to let TxDOT know whatever additional costs there are we need to send them an invoice and get them to pay it, as soon as we can. They ought to know and we ought to expect them to reimburse us, whatever the additional costs are for having to change the strategy.

A Friendly Amendment to the previous Motion was offered by Commissioner Eckhardt to invoice TxDOT for any additional costs we will incur, and look at TxDOT's notice provisions to stop this from happening again.

Acceptance of the Friendly Amendment was made by Judge Biscoe and Commissioner Gómez.

An Addition to the Motion was made by Judge Biscoe to approve reorientation of the opening of the building due to the loss of access from the street; to calculate the time lost for providing services during construction; and for Health and Human Services to work with Facilities Management to find an alternative staging place for the Agrilife Extension Program.

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

11. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDING TRAVIS COUNTY CODE CHAPTER 38, LAW LIBRARY POLICIES. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY, AND GOV'T CODE ANN. 551.076, SECURITY) (2:20 PM)

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

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 11.

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

12. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING FACILITIES MANAGEMENT DEPARTMENT'S RESPONSES TO THE DECEMBER 15, 2008 GRIEVANCE PANEL RECOMMENDATIONS. (2:44 PM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; and Roger El Khoury, Director, Facilities Management.

Discussion only. No formal action taken.

JUSTICE AND PUBLIC SAFETY ITEMS

13. CONSIDER AND TAKE APPROPRIATE ACTION ON TRAVIS COUNTY'S DROUGHT DISASTER DECLARATION AND LETTER TO THE GOVERNOR REQUESTING STATE ASSISTANCE DUE TO ONGOING DROUGHT CONDITIONS. (JUDGE BISCOE AND COMMISSIONER DAVIS) (1:45 PM)

Clerk's Note: Items 13 and 14 are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Pete Baldwin, Emergency Management Coordinator, Travis County Emergency Services; Brad Pierce, Agriculture Agent, Texas AgriLife Extension Service, TCHHS; Skip Richter, Director, Texas AgriLife Extension Service, TCHHS; and Sherri Fleming, Executive Manager, TCHHS&VS.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve Item 13.

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 directed Staff to send the Drought Disaster Declaration letter to the Travis County Delegation, both United States Senators, and the United States Congressmen that represent Travis County.

Motion by Commissioner Davis **and seconded by** Commissioner Eckhardt to approve Item 14, and also if there is any monetary revelations that may be assigned with this drought impact, if that can also be brought back.

A Friendly Amendment to the previous Motion was offered by Commissioner Eckhardt to include the Sustainable Food Policy Board and City of Austin to be included in the assessment of data.

Acceptance of the Friendly Amendment was made by Commissioner Davis.

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

14. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO TEXAS AGRILIFE EXTENSION SERVICE IN TRAVIS COUNTY TO COORDINATE A STUDY OF DROUGHT IMPACTS ON TRAVIS COUNTY FARMERS AND RANCHERS. (COMMISSIONER DAVIS) (1:45 PM)

Clerk's Note: Items 13 and 14 are associated with one another and were called for concurrent discussion. Please refer to Item 13 for a summary of the action taken by the Court.

PURCHASING OFFICE ITEMS

15. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. PS080190RE, EVERGREEN SOLUTIONS LLC., FOR COMPENSATION ANALYSIS SERVICES. (2:31 PM)

Members of the Court heard from: Marvin Brice, Construction Procurement Management, Purchasing; Alicia Perez, Executive Manager, Administrative Operations; and Linda Moore Smith, Director, Human Resources Management Department (HRMD).

Motion by Judge Biscoe **and seconded by** Commissioner Eckhardt 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. DECLARE LISTING OF CERTAIN EQUIPMENT AS SURPLUS AND SELL AT PUBLIC AUCTION PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (10:24 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. APPROVE CONTRACT AWARD FOR FLOOR COVERING TIME AND MATERIALS, IFB NO. B090175NB, TO THE FOLLOWING QUALIFIED LOW BIDDERS: (10:24 AM)

- A. CDC CARPETS - (GROUPS A AND B); AND
- B. GOMEZ FLOOR COVERING, INC. - (GROUPS C AND D).

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. APPROVE CONTRACT AWARDS FOR OEM PARTS AND LABOR (HEAVY DUTY ROAD MACHINERY), IFB NO. B090185NB, TO THE FOLLOWING LOW BIDDERS: (10:24 AM)

- A. PROFESSIONAL TURF PRODUCTS, LP., FOR ITEMS 1, AND 7;
- B. MAGNUM CUSTOM TRAILER MANUFACTURING CO., INC., FOR ITEM 4;
- C. EQUIPMENT SOUTHWEST INC., FOR ITEMS 9, AND 16;
- D. CENTILLA CORP., FOR ITEMS 5, AND 11;
- E. COOPER EQUIPMENT CO., FOR ITEMS 6, 8, 12, AND 17;
- F. COWBOY HONDA OF KYLE FOR ITEM 21;

Clerk's Note: Items 18.A-F 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 Court noted that by approving Item 18.C, only Item 9 has been awarded.

18. APPROVE CONTRACT AWARDS FOR OEM PARTS AND LABOR (HEAVY DUTY ROAD MACHINERY), IFB NO. B090185NB, TO THE FOLLOWING LOW BIDDERS: (10:26 AM)

- G. EQUIPMENT SOUTHWEST INC., FOR ITEM 9; AND

Item 18.G was pulled from the agenda.

18. APPROVE CONTRACT AWARDS FOR OEM PARTS AND LABOR (HEAVY DUTY ROAD MACHINERY), IFB NO. B090185NB, TO THE FOLLOWING LOW BIDDERS: (10:24 AM)

H. KINLOCH EQUIPMENT AND SUPPLY INC., FOR ITEM 16.

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

19. APPROVE CONTRACT AWARDS FOR OEM PARTS AND LABOR (HEAVY DUTY ROAD MACHINERY), IFB NO. B090157NB, TO THE FOLLOWING LOW BIDDERS: (10:24 AM)

A. ANDERSON MACHINERY CO., FOR ITEMS 1, 2, 3, 4, 5, 20, 30, AND 36;

B. CENTRAL TEXAS EQUIPMENT, FOR ITEMS 8, 21, 34, AND 37;

C. CLOSNER EQUIPMENT CO. INC., FOR ITEM 23;

D. HOLT COMPANY OF TEXAS, FOR ITEM 12;

E. INDUSTRIAL DISPOSAL SUPPLY, FOR ITEM 28;

F. LONE STAR BMW/TRIUMPH, FOR ITEM 39;

G. LONGHORN INTERNATIONAL EQUIPMENT INC., FOR ITEM 25;

H. TEXANA MACHINERY CORP., FOR ITEM 35.

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. DECLARE GLOBAL POSITIONING DEVICE (GPS) EQUIPMENT AS SURPLUS AND AUTHORIZE TRADE-IN FOR NEW GPS DEVICE, PURSUANT TO SECTION 263.152 OF THE TEXAS LOCAL GOVERNMENT CODE. (10:24 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. REJECT PROPOSAL RECEIVED FOR RFS NO. S090158RG, PARK CONCESSION OPERATIONS. (10:24 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 TWO ORDERS EXEMPTING THE PURCHASE OF MECHANICAL, ELECTRICAL, AND PLUMBING ENGINEERING SERVICES AND STRUCTURAL ENGINEERING SERVICES FROM THE COMPETITIVE PROCUREMENT PROCESS PURSUANT TO SECTION 262.024 (A)(4) OF THE COUNTY PURCHASING ACT. (10:24 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. APPROVE MODIFICATION NO. 4 TO CONTRACT NO. 05AE0138JJ, MARTINEZ, WRIGHT AND MENDEZ DESIGN GROUP, FOR HOWARD LANE I DESIGN. (10:24 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.

OTHER ITEMS

24. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (10:24 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 REAPPOINTMENT OF NIKELLE S. MEADE TO THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY BOARD OF DIRECTORS, EFFECTIVE IMMEDIATELY THROUGH FEBRUARY, 2011. (JUDGE BISCOE) (10:24 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.

Clerk's Note: The Court noted that the re-appointment was due to Ms. Meade not serving a complete term.

26. CONSIDER AND TAKE APPROPRIATE ACTION ON RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES TO TEXPOOL FOR THE TRAVIS COUNTY TAX ASSESSOR COLLECTOR'S OFFICE. (10:24 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.

27. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO NOMINATE GOLFSMITH AS A TEXAS ENTERPRISE PROJECT. (JUDGE BISCOE) (9:16 AM)

Item 27 postponed until April 14, 2009.

28. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO ADDRESS WATER AVAILABILITY AND RELATED ISSUES AT TECOLOTE FARMS. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (2:51 PM) (5:20 PM)

Clerk's Note: Judge Biscoe announced that Item 28 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 28 to be reposted on April 14, 2009.

AT 11:00 A.M.

29. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING: (11:20 AM)

A. LEGISLATION RELATING TO EMINENT DOMAIN AND CONDEMNATION, INCLUDING HOUSE BILLS 4, 369, 402, 417, 1125, 1385, 1432, 1483, 1534, 1536, 2110, 2387, 2685 AND 3709, AND HOUSE JOINT RESOLUTIONS 14, 31 AND 65;

Clerk's Note: The Court discussed a draft document "There is Truth and Good Faith in Condemnation Procedures in Texas" explaining the Commissioners Court position regarding current Eminent Domain and Condemnation bills in the 81st Legislature.

Members of the Court heard from: Deece Eckstein, Intergovernmental Relations Officer; and John Hille, Assistant County Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the third bullet, as listed in the back up; that we share it with the legislative delegation.

A Substitute Motion was made by Commissioner Eckhardt to wait for a week and do the whole document.

Clerk's Note: The Substitute Motion died for lack of a Second.

Withdrawal of the Standing Motion was made by Judge Biscoe **and Seconded by** Commissioner Gómez.

Discussion only. No formal action taken.

ITEM 29 CONTINUED

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

B. LEGISLATION RELATING TO CRIMINAL JUSTICE REFORM AND RE-ENTRY ISSUES, INCLUDING HOUSE BILLS 612, 1335, 2100 AND 2161, AND SENATE BILL 1783;

Members of the Court heard from: Deece Eckstein, Intergovernmental Relations Officer; and Roger Jefferies, Executive Manager, Justice and Public Safety (JPS).

Clerk's Note: The Court discussed HB 612, legislation relating to the eligibility of certain persons for the food stamp program.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve HB 612.

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: By approving the above Motion the Court indicates its support for HB 612.

Clerk's Note: The Court discussed HB 1335, HB 2100, and SB 840, legislation relating to procedures for certain persons charged with certain new offenses or an administrative violation of a condition of release from the Texas Department of Criminal Justice on parole or to mandatory supervision.

Discussion only. No formal action taken.

ITEM 29 CONTINUED

Clerk's Note: The Court discussed HB 2161 legislation relating to the issuance of a personal identification certificate to present or former inmates of the Texas Department of Criminal Justice, and SB 1783, legislation relating to the use of an offender identification card or similar form of identification as proof of identity for an applicant for a driver's license or commercial driver's license.

Motion by Judge Biscoe **and seconded by** Commissioner Eckhardt that we support HB 2161, and amended SB 1783.

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

29. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING: (11:42 AM)

C. HOUSE BILL 3158 - RELATING TO THE ACCUMULATION AND PAYMENT OF SICK LEAVE FOR EMPLOYEES IN CERTAIN SHERIFF'S DEPARTMENTS;

Clerk's Note: The Court discussed the following points regarding HB 3158:

- It contradicts the principle of local control by mandating how employment benefits are determined by counties;
- It creates an un-funded mandate on the County to provide a cash benefit to certain employees;
- It confers that benefit on any employee "who leaves the classified service for any reason", including termination for cause;
- It treats the sheriff's department employees differently from any other county employees without a legislative rationale for that distinction;
- It does not clarify whether this new benefit applies only to sick leave hours earned after the effective date; and,
- It will have a significant fiscal impact on the County.

Members of the Court heard from: Deece Eckstein, Intergovernmental Relations Officer; and Rodney Rhoades, Executive Manager, Planning and Budget Office (PBO).

ITEM 29 CONTINUED

Motion by Judge Biscoe and seconded by Commissioner Gómez that we oppose this bill for the reasons stated; that we submit the reasons in this document to our representative, and that we have the members of the Court that vote in favor of this Motion to sign it.

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

29. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING: (11:47 AM)

- D. HOUSE BILL 3607 - RELATING TO THE AMENDMENT OF CHAPTER 2256, TEXAS GOVERNMENT CODE;

Members of the Court heard from: Deece Eckstein, Intergovernmental Relations Officer; and Mary Mayes, Investment Manager, Cash/Investment Management.

Motion by Commissioner Gómez **and seconded by** Commissioner Huber to support HB 3607.

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

ITEM 29 CONTINUED

29. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING: (11:50 AM)

E. HOUSE JOINT RESOLUTION 84 - PROPOSING A CONSTITUTIONAL AMENDMENT ALLOWING A STATE MANDATE IMPOSED ON A COUNTY TO HAVE EFFECT ONLY IF THE STATE PROVIDES FOR PAYMENT TO THE COUNTY OF THE COST OF THE MANDATE;

Motion by Judge Biscoe **and seconded by** Commissioner Eckhardt to approve Item 29.E.

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: By approving Item 29.E the Court indicates its support of HJR 84.

29. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING: (11:51 AM)

F. SENATE BILL 555 - RELATING TO INDEMNIFICATION PROVISIONS IN CONSTRUCTION CONTRACTS;

Members of the Court heard from: Deece Eckstein, Intergovernmental Relations Officer.

Discussion only. No formal action taken.

ITEM 29 CONTINUED

29. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING: (11:52 AM)

G. HOUSE BILL 1507 - RELATING TO AUTHORIZING CERTAIN POPULOUS COUNTIES TO ADOPT NOISE REGULATIONS; PROVIDING CRIMINAL AND CIVIL PENALTIES; AND

Members of the Court heard from: Deece Eckstein, Intergovernmental Relations Officer; Tom Weber, Environmental Quality Program Manager, TNR; and Hank Smith, Vice President, Homebuilders Association of Austin.

Motion by Commissioner Davis **and seconded by** Commissioner Eckhardt to approve Item 29.G.

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: By approving Item 29.G the Commissioners Court indicates its support for HB 1507.

ITEM 29 CONTINUED

29. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING: (11:58 AM)

H. STATUS REPORT ON TRAVIS COUNTY LEGISLATIVE PRIORITIES, INCLUDING HOUSE BILLS 1119, 1440, 1531, 1981, 2162, 2167, 2414, 2693, 3468, 3585, 3616, 3787, 3963, 4175 AND 4262, AND SENATE BILLS 497, 578, 1299, 2202, 2280, 2451 AND 2452.

Members of the Court heard from: Deece Eckstein, Intergovernmental Relations Officer; and Hank Smith, Homebuilders Association of Austin.

Clerk's Note: The Court discussed HB 1981, HB 2414, and SB 1299, relating to the regulation of storm water management by certain counties.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez that we formally support HB 1881, HB 2414, and SB 1299.

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

Motion by Commissioner Eckhardt **and seconded by** Commissioner Gómez to direct the Intergovernmental Relations Office (IGR) to continue working with the Homebuilders Association of Austin (HBA) on storm water and on extra territorial jurisdiction (ETJ) in order to continue pursuing a happy relationship with HBA on these bills.

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

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

Note 4 Gov't Code Ann 551.076, Security

Note 5 Gov't Code Ann 551.087, Deliberation Regarding Economic Development Negotiations

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.

30. CONSIDER AND TAKE APPROPRIATE ACTION ON PURCHASE CONTRACT WITH JOHN W. AND LESLIE SUSAN GANN FOR THE ACQUISITION OF LAND IN CONNECTION WITH THE BALCONES CONSERVATION PLAN. (COMMISSIONER HUBER) ² (2:51 PM) (5:20 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.

Motion by Judge Biscoe **and seconded by** Commissioner Huber that we accept the offer and purchase the 16 acres.

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

31. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO JOIN CITY OF AUSTIN AND OTHER PARTNERS IN THE REDEVELOPMENT OF SEAHOLM POWER PLANT PROJECT, INCLUDING THE OFFERING OF FINANCING INCENTIVES FOR PROJECT GREEN. ⁵ (2:51 PM) (5:20 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. 551.087, Deliberation Regarding Economic Development Negotiations.

Discussion only. No formal action taken.

Item 31 to be reposted on April 14, 2009.

32. RECEIVE BRIEFING FROM SECURITY COMMITTEE AND TAKE APPROPRIATE ACTION. ⁴ (2:51 PM) (5:21 PM)

Clerk's Note: Judge Biscoe announced that Item 32 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.076, Security.

Members of the Court heard from: Roger El Khoury, Director, Facilities Management.

Motion by Judge Biscoe **and seconded by** Commissioner Huber that we implement the plan that costs \$67,544.00; that we accept the offer to use the Capital Improvement Funding in the Facilities Management Department, that is in the neighborhood of \$30,000.00; and that we take whatever balance is necessary to get up to the \$67,544.00 from Allocated Reserve; and that we implement that strategy as soon as possible.

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

33. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING MOUNTAIN VIEW ESTATES SUBDIVISION. ¹
(9:38 AM) (2:51 PM) (5:22 PM)

Members of the Court heard from: Rob Surette, Mountain View Estates Resident; Billy Kelly, lot owner, Mountain View Estates; Karen Ruzicka, Mountain View Estates Resident; Richard Brown, building Whitestone Church; James Durham, Pastor, Whitestone Church; Kenneth Bonds, Mountain View Estates Resident; Terry Irion, representing Nicholas Peter, Inc., and Mountain View Austin Property Owners Association; Ed Miller, Member, Whitestone Church; Vlado Ruzicka, lot owner, Mountain View Estates; James Shirley, Travis County Resident; and Don Keaton, Mountain View Estates Resident.

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.

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

Motion by Judge Biscoe and seconded by Commissioner Huber that we request the County Attorney to take no further enforcement action at this time, and that we have this matter back on the Court's Agenda next Tuesday, April 14, 2009 for a follow up conversation, and, hopefully, action.

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

Clerk's Note: The County Judge noted that a letter is to be sent as discussed, with the changes made by the Commissioners Court.

Item 33 to be reposted on April 14, 2009.

34. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION ON NEED FOR PROFESSIONAL MALPRACTICE INSURANCE FOR LAWYERS IN CHILD AND PARENTAL REPRESENTATION OFFICES. ¹ (2:51 PM) (5:23 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.

Members of the Court heard from: Dan Mansour, Risk and Benefits Manager, HRMD.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to:

- try to get the State to pick up this cost if possible, and I understand that we have already asked them whether they will be able to do so, haven't heard a response yet, but if they will do so, then I think we ought to get them to do that;
- if the State cannot pick this up, because it's important, then I move that we first ask our lawyers to join that national association where malpractice insurance may be a lot more affordable than locally; then if that cannot be done, then;
- that they seek out the most affordable malpractice insurance here, and if we have to pay for this from Travis County funds, Dan Mansour, Risk and Benefits Manager, HRMD, the risk fund will be a good source, and appropriate.

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

ADDED ITEM

- A1. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING CAUSE NO. D-1-GN-09-0005000; J. ADAN BALLESTEROS VS. TRAVIS COUNTY, TEXAS AND BOB VANN; IN THE 250TH DISTRICT COURT OF TRAVIS COUNTY, TEXAS. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (2:56 PM)

Clerk's Note: Judge Biscoe announced that Item A1 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

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

Item A1 to be reposted on April 14, 2009.

ADJOURNMENT

Motion by Commissioner Davis **and seconded by** Commissioner Huber to adjourn the Voting Session. (5:24 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	absent

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge