

MINUTES OF MEETING SEPTEMBER 29, 2009

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 29th day of September 2009, the Commissioners' Court convened the Voting Session at 9:17 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 10:56 AM.

The Commissioners Court reconvened the Voting Session at 12:21 PM.

The Commissioners Court recessed the Voting Session at 12:21 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 1:40 PM and adjourned at 1:47 PM.

The Commissioners Court, meeting as the Travis County Bee Cave Road District #1 (Galleria), convened at 1:47 PM and adjourned at 1:50 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:50 PM and adjourned at 1:57 PM.

The Commissioners Court, meeting as the Capital Health Facilities Development Corporation, convened at 1:57 PM and adjourned at 1:59 PM.

The Commissioners Court reconvened the Voting Session at 1:59 PM.

The Commissioners Court retired to Executive Session at 2:38 PM.

The Commissioners Court reconvened the Voting Session at 5:02 PM.

The Commissioners Court adjourned the Voting Session at 5:21 PM.

CONSENT ITEMS

Members of the Court heard from: Gus Peña, Travis County Resident; Ronnie Gjemre, Travis County Resident; and Mary Etta Gerhardt, Assistant County Attorney.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C2 and Items 6, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20.A&B, 22, 23, 24.A&B, 25, 26, 27, 28, 29, 37.A&B, 39, 40, 41.A&B, 42, 43, 44, 45, 46, and 47. (10:01 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 SEPTEMBER 15, 2009.

SPECIAL ITEMS

- 2. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:17 AM)

Item 2 not needed.

Item 2 to be reposted on October 6, 2009.

- 5. APPROVE RESOLUTION RECOGNIZING JUDY PITTSFORD ON HER RETIREMENT FROM TRAVIS COUNTY. (JUDGE BISCOE) (10:15 AM)

Members of the Court heard from: Judy Pittsford, Information Technology Director, Information and Telecommunications Systems (ITS); Joe Harlow, Chief Technology Officer, ITS Systems; and Jimmy Castro, Travis County Resident.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the Resolution in Item 5.

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

- 6. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING TRAVIS COUNTY MEDICAL EXAMINERS OFFICE ON AN INTERNSHIP AGREEMENT BETWEEN EVEREST INSTITUTE AND TRAVIS COUNTY. (10:01 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.

13. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 5) TO CONTRACT NO. PS070215RE WITH WORKSOURCE SOLUTIONS-CAPITAL AREA WORKFORCE BOARD FOR CHILD CARE MENTORING COLLABORATIVE. (10:01 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. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. PS070371JW WITH ESPEY CONSULTANTS, INC. FOR CONSULTING SERVICES FOR HAMILTON POOL POLLUTION. (10:01 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. APPROVE MODIFICATION NO. 17 TO CONTRACT NO. PS960295JW WITH AUSTIN CHILD GUIDANCE CENTER FOR MENTAL HEALTH TREATMENT AND CONSULTATION SERVICES TO JUVENILE OFFENDERS. (10:01 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. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. PS080215VR WITH SANTOS ALLIANCES FOR PROFESSIONAL LEGISLATIVE ADVOCACY SERVICES. (10:01 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. REVIEW AND APPROVE LIST OF AUTO RENEWAL INTERLOCAL AGREEMENTS AND CONTRACTS FOR VARIOUS SERVICES. (SEE ATTACHMENT "A" TO THIS AGENDA) (10:01 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.

18. APPROVE RENEWAL OF INTERLOCAL COOPERATION AGREEMENT NO. IL990109OJ, CITY OF AUSTIN/DOWNTOWN AUSTIN ALLIANCE, TO PROVIDE SERVICES AND IMPROVEMENTS FOR THE AUSTIN DOWNTOWN PUBLIC IMPROVEMENT DISTRICT. (COMMISSIONER GÓMEZ) (10:01 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.

19. APPROVE CONTRACT AWARD FOR IFB NO. B100001-DR, RESIDENTIAL ROOF REPAIR/REPLACEMENT SERVICES, TO THE LOW BIDDER, VALDEZ REMODELING AND WEATHERIZATION INC. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (10:56 AM) (2:38 PM) (5:02 PM)

Discussion only. No formal action taken.

Item 10 to be reposted on October 6, 2009.

20. A. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 07T00006OJ WITH ARTHUR J. GALLAGHER FOR AVIATION INSURANCE COVERAGE;

B. REJECT TRIA COVERAGE (TERRORISM COVERAGE) AND AUTHORIZE THE COUNTY JUDGE TO SIGN THE TRIA DISCLOSURE FORM.
(10:01 AM)

Clerk's Note: Items 20.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

21. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. PS090071VR WITH YOUTH ADVOCATE PROGRAM FOR MENTOR PROGRAM SERVICES. (10:30 AM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; and Gus Peña, Travis County Resident.

Motion by Commissioner Gómez **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

22. APPROVE CONTRACT NO. IL090291RE WITH DEL VALLE INDEPENDENT SCHOOL DISTRICT FOR CARE COORDINATOR SERVICES. (10:01 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 CONTRACT NO. IL090351RE WITH THE UNIVERSITY OF TEXAS FOR HIV/AIDS AWARENESS AND PREVENTION SERVICES. (10:01 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 REGARDING INTERLOCAL AGREEMENT NO. IL080121ML WITH THE CITY OF AUSTIN FOR FORENSIC LAB SERVICES AS FOLLOWS: (10:01 AM)

A. RATIFICATION OF MODIFICATION NO. 1; AND

B. MODIFICATION NO. 2.

Clerk's Note: Items 24.A&B 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

- 25. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A LICENSE AGREEMENT WITH JOHN O. LIMON FOR PURPOSE OF HAVING EXCLUSIVE USE OF WEBBERVILLE PARK FOR THE ANNUAL LIMON REUNION. (COMMISSIONER DAVIS) (10:01 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.

- 26. CONSIDER AND TAKE APPROPRIATE ACTION ON A FINAL PLAT FOR RECORDING IN PRECINCT FOUR: HOUSE OF PRAYER SUBDIVISION (1 TOTAL LOT). (COMMISSIONER GÓMEZ) (10:01 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 A CASH SECURITY AGREEMENT WITH HIGHLAND HOMES, AUSTIN FOR SIDEWALK FISCAL FOR COMMONS AT ROWE LANE IIA SUBDIVISION, LOT 28, BLOCK I. (COMMISSIONER ECKHARDT) (10:01 AM)

Clerk's Note: Item 27 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 28. CONSIDER AND TAKE APPROPRIATE ACTION ON AN INTERLOCAL AGREEMENT WITH THE CITY OF LEANDER FOR ON-SITE WASTEWATER SERVICES. (COMMISSIONER HUBER) (10:01 AM)

Clerk's Note: Item 28 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 29. CONSIDER AND TAKE APPROPRIATE ACTION ON A LICENSE AGREEMENT WITH R AND B SPORTS, LLC FOR A TRIATHLON AT PACE BEND PARK. (COMMISSIONER HUBER) (10:01 AM)

Clerk's Note: Item 29 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

- 30. CONSIDER AND TAKE APPROPRIATE ACTION ON ITEMS RELATED TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROVIDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT: (10:34 AM)
 - A. AUTHORIZE THE USE OF INTERNAL HEALTH AND HUMAN SERVICES AND VETERANS SERVICES RESOURCES FOR OPERATING EXPENSES UNTIL A FULLY EXECUTED PROGRAM YEAR 2009 GRANT AGREEMENT IS OBTAINED FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND
 - B. CERTIFICATE OF EXEMPTIONS FROM ENVIRONMENTAL ASSESSMENT FOR THE FOLLOWING PROGRAM YEAR 2009 PROJECTS: 1) FAMILY SUPPORT SERVICES SOCIAL WORK SERVICES EXPANSION; 2) YOUTH SERVICES FLEX FUND EXPANSION; AND 3) ADMINISTRATIVE EXPENSES.

Clerk’s Note: Items 30.A&B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Christy Moffett, Social Services Manager, Travis County Health and Human Services (TCHHS).

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 30.A.

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 Davis **and seconded by** Commissioner Gómez to approve Item 30.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

32. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL BETWEEN TRAVIS COUNTY AND THE CITY OF AUSTIN FOR THE PROVISION OF PUBLIC HEALTH SERVICES FOR FISCAL YEAR 2010. (10:40 AM)

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

Motion by Commissioner Huber **and seconded by** Commissioner Davis that we ask Sherri Fleming, Executive Manager, TCHHS&VS and her staff to continue their work with the appropriate City of Austin staff and the Sheriff's Department and the incorporated cities, the rest of them in Travis County, to look towards recommendations for improvement in animal control coordination, as it comes under the umbrella of this interlocal, and to have those recommendations back to the Court by May of 2010; such that we can take a look at those prior to the renewal of this interlocal in 2011 for the 2011 year.

Withdrawal of the Previous Motion was made by Commissioner Huber **and Seconded by** Commissioner Davis.

Motion by Commissioner Gómez **and seconded by** Commissioner Huber to approve the current interlocal agreement in Item 32.

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 expressed their intention to revisit the animal control part of this interlocal next week, October 6, 2009.

41. 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. (10:01 AM)

Clerk's Note: Items 41.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

42. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATION TO DESIGNATE DANA HESS, EMPLOYMENT SPECIALIST, HUMAN RESOURCES MANAGEMENT DEPARTMENT (HRMD) AS THE CIVIL RIGHTS/EEO LIAISON OFFICER TO MEET GRANT REQUIREMENTS. (10:01 AM)

Clerk's Note: Item 42 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

43. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATION TO SETTLE THE LIABILITY CLAIM WITH FARMERS INSURANCE AS SUBROGEE OF MARIA MENDEZ. (10:01 AM)

Clerk's Note: Item 43 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 by approving Item 43 the Court are settling the property claim for \$12,024.76.

OTHER ITEMS

44. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (10:01 AM)

Clerk's Note: Item 44 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

45. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AUTHORIZE THE TRAVIS COUNTY SHERIFF TO EXECUTE AN AGREEMENT FOR THE USE OF THE STATE AND LOCAL OVERTIME AND AUTHORIZED EXPENSE/STRATEGIC INITIATIVE PROGRAM BETWEEN THE TRAVIS COUNTY SHERIFF'S OFFICE AND THE U.S. DEPARTMENT OF JUSTICE RELATED TO THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES. (10:01 AM)

Clerk's Note: Item 45 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

46. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPOINT BRIE L. FRANCO TO SERVE ON THE BOARD OF TRAVIS COUNTY CHILDREN'S PROTECTIVE SERVICES. (COMMISSIONER GÓMEZ) (10:01 AM)

Clerk's Note: Item 46 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

47. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF AUGUST, 2009. (10:01 AM)

Clerk's Note: Item 47 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

49. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. DORIS WILLIAMS (DAPHNE GILBERT RESALE DEED). ¹ (10:56 AM) (5:03 PM)

Clerk's Note: Judge Biscoe announced that Item 49 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe and seconded by Commissioner Gómez that we authorize the County Judge to sign the prepared resale deed to Daphne Gilbert, who has paid Travis County the sum of \$15,545.31.

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

50. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. MICHAEL J. KNIZNER AND CHERYL L. KNIZNER (RHONI A. LAHN RESALE DEED). ¹ (10:56 AM) (5:03 PM)

Clerk's Note: Judge Biscoe announced that Item 50 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe and seconded by Commissioner that we authorize the County Judge to sign on behalf of the Commissioners Court the prepared tax resale deed to Rhoni A. Lahn, who has paid Travis County the sum of \$2,800.00.

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

53. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. WOODIE G. WILLIAMS (PATRICK RYAN CROSBY RESALE DEED). ¹ (10:56 AM) (5:05 PM)

Clerk's Note: Judge Biscoe announced that Item 53 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe and seconded by Commissioner Gómez that we authorize the County Judge to sign the prepared tax resale deed to Patrick Ryan Crosby, who has paid Travis County the sum of \$4,500.00 in cash.

Motion carried:

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

54. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING CLAIMS BY ALICIA PEREZ. ¹ (10:56 AM) (2:38 PM) (5:05 PM)

Clerk's Note: Judge Biscoe announced that Item 54 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 54 to be reposted on October 6, 2009.

55. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING CLAIM BY LINDA MOORE SMITH. ¹ (10:56 AM) (2:38 PM) (5:05 PM)

Clerk's Note: Judge Biscoe announced that Item 55 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 55 to be reposted on October 6, 2009.

