

MINUTES OF MEETING NOVEMBER 24, 2009

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 24th day of November 2009, the Commissioners' Court convened the Voting Session at 9:13 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Gillian Porter.

The Commissioners Court recessed the Voting Session at 12:27 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 2:08 PM and adjourned at 2:08 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 2:08 PM and adjourned at 2:12 PM.

The Commissioners Court reconvened the Voting Session at 2:12 PM.

The Commissioners Court retired to Executive Session at 3:00 PM.

The Commissioners Court reconvened the Voting Session at 4:46 PM.

The Commissioners Court adjourned the Voting Session at 4:50 PM.

SPECIAL ITEM

4. INTRODUCTION OF FIRE CADET CLASS NUMBER TEN TO COMMISSIONERS COURT BY EMERGENCY SERVICES DISTRICT NO. 4. (JUDGE BISCOE) (9:40 AM)

Members of the Court heard from: Don Smith, Chief, Travis County Fire Control, Emergency Services District #4, ESD # 4; Paul Reynolds, Chief, Travis County ESD # 4; Riley Iverson, Firefighter Cadet Class 10; Shawn Burkhart, Firefighter Cadet Class 10; Andrew Perry, Firefighter Cadet Class 10; Randy Palos, Firefighter Cadet Class 10; Josh Lopez, Firefighter Cadet Class 10; Ryan Douglass, Firefighter Cadet Class 10; Lorenzo Ruiz, Firefighter Cadet Class 10; Leslie Lugo, Firefighter Cadet Class 10; Lucas Orona, Firefighter Cadet Class 10; Megan Bennight, Firefighter Cadet Class 10; Isaac Silva, Firefighter Cadet Class 10; Andrew Garcia, Firefighter Cadet Class 10; Jacob Couch, Firefighter Cadet Class 10; Chris Escobar, Firefighter Cadet Class 10; and John Schwartz, Firefighter Cadet Class 10.

Discussion only. No formal action taken.

TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

THIS ITEM WILL BE DISCUSSED AT 10:30 A.M.

5. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(10:38 AM) (2:12 PM)

A. APPLICATIONS FOR SITE DEVELOPMENT PERMITS FOR TXI HORNSBY BEND EAST AND TXI HORNSBY BEND WEST MINING SITES (PERMIT APPLICATION NOS. 08-2430 AND 08-2431, RESPECTIVELY); AND

B. ROADWAY IMPROVEMENT AGREEMENT WITH TXI OPERATIONS, L.P.

Members of the Court heard from: Anna Bowlin, Division Director, Engineering Services, TNR; Teresa Calkins, Engineer, TNR; Henry Gilmore, Partner, DuBois, Bryant, and Campbell, LLP, Representing TXI Operations, LP; Stephen England, TXI Operations, LP; Jeff Roessler, General Manager, Operations, Sandy Gravel Sites, TXI Operations, LP; Jeanette Kincaid, Travis County Resident; Judy Holden, Travis County Resident; Nathaniel Booker, Travis County Resident; Lujuana Napier, Travis County Resident; Richard Franklin, Travis County Resident; Charlie Dobbins, Travis County Resident; Carla Bright, Sales Agent, Reytex Homes; Kerry Hemerick, Travis County Resident; Terry Buckhay, Travis County Resident; Don Holden, Travis County Resident; Richard McDonald, Travis County Resident; Kenneth Koym, Imperial Valley Homeowners Association; Mandy Carrasco, Travis County Resident; Dr. Elizabeth Jones, Travis County Resident; Ronnie Gjemre, Travis County Resident; Patricia Olivera, Travis County Resident; and Zerah Weissman, Travis County Resident.

Items 5.A&B were revisited at 2:12 PM.

Members of the Court heard from: Maurice Priest, Travis County Resident; Richard MacDonald, Travis County Resident; Anna Bowlin, Division Director, Engineering Services, TNR; Maurice Osborn, Manager of Communication and Government Affairs, TXI Operations, LP; and Teresa Calkins, Engineer, TNR.

Discussion only. No formal action taken.

Items 5.A&B to be reposted December 8, 2009.

6. CONSIDER AND TAKE APPROPRIATE ACTION ON A FINAL PLAT FOR RECORDING IN PRECINCT ONE: LAKES AT NORTHTOWN SECTION 3 SUBDIVISION (50 TOTAL LOTS), AND A SUBDIVISION CONSTRUCTION AGREEMENT WITH HANNA/MAGEE L.P. #1. (COMMISSIONER DAVIS) (9:38 AM)

Clerk's Note: Item 6 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

7. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT FOUR: RESUBDIVISION OF LOT 9-B, PARTITION OF IDA MAE BURCH SUBDIVISION (4 TOTAL LOTS). (COMMISSIONER GÓMEZ) (9:38 AM)

Clerk's Note: Item 7 is the action item for the public hearing on Agenda Item 2.

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 REGARDING A PROPOSED STREET NAME ASSIGNMENT FOR A PRIVATE EASEMENT TO BE KNOWN AS "CASLANO COVE" OFF SHORE VISTA DRIVE NEAR QUINLAN PARK ROAD. (COMMISSIONER HUBER) (9:38 AM)

Clerk's Note: Item 8 is the action item for the public hearing on Agenda Item 3.

Clerk's Note: Item 8 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

9. CONSIDER AND TAKE APPROPRIATE ACTION ON ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES FOR THE STONE RIDGE PHASE B, SECTION TWO SUBDIVISION. (COMMISSIONER GÓMEZ) (9:38 AM)

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

- 10. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST FOR A VARIANCE TO TRAVIS COUNTY CODE CHAPTER 30-3-191, SIDEWALK INSTALLATION IN SUBDIVISIONS FOR THE SOUTHVIEW HILLS ESTATES PRELIMINARY PLAN. (COMMISSIONER GÓMEZ) (9:38 AM)

Clerk’s Note: Item 10 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 11. CONSIDER AND TAKE APPROPRIATE ACTION ON A NEW PROGRAM: TRAVIS COUNTY WHEELS, ACCEPT DONATION OF ITEMS FOR THE PROGRAM AND ADD THE BIKES TO THE ASSET INVENTORY. (COMMISSIONER ECKHARDT) (9:49 AM) (3:00 PM) (4:46 PM)

Clerk’s Note: Judge Biscoe announced that Item 11 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from: Adele Noel, Air Quality Project Manager, TNR; and Julie Joe, Assistant County Attorney.

Discussion only. No formal action taken.

Item 11 to be reposted on December 1, 2009.

- 12. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING APPOINTMENT OF COMMISSIONERS COURT MEMBERS TO SERVE AS COMPREHENSIVE PLAN SUBCOMMITTEE. (2:33 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; John Hille, Assistant County Attorney; and Maurice Priest, Travis County Resident.

Motion by Judge Biscoe **and seconded by** Commissioner Huber to appoint Commissioner Huber and Commissioner Eckhardt to represent the Commissioners Court as the Comprehensive Plan Sub-committee.

Motion carried:

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	no

PLANNING AND BUDGET DEPT. ITEMS

13. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:38 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. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
(9:38 AM)
- A. GRANT APPLICATION TO THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR HEALTH AND HUMAN SERVICES RETIRED SENIOR VOLUNTEER PROGRAM, TO CONTINUE TO RECEIVE FUNDS TO PAY A PORTION OF THE PROGRAM'S STAFF AND OPERATING EXPENSES; AND
 - B. GRANT CONTRACT AMENDMENT TO EXTEND THE GRANT PERIOD FOR THE 2007 LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM GRANT WITH THE TEXAS DIVISION OF EMERGENCY MANAGEMENT.

Clerk's Note: Item 14.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

ADMINISTRATIVE OPERATIONS ITEMS

15. 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 \$1,238,417.14 FOR THE PERIOD OF NOVEMBER 6 TO 12, 2009. (9:38 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. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:38 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.

JUSTICE AND PUBLIC SAFETY ITEMS

17. DISCUSS AND TAKE APPROPRIATE ACTION ON THE ADOPTION OF FIRE CODE CIVIL PENALTY GUIDELINES FOR TRAVIS COUNTY. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (9:54 AM)

Members of the Court heard from: Danny Hobby, Executive Manager, Travis County Emergency Services; Hershel Lee, Fire Marshal; and Gary Martin, Assistant County Attorney.

Discussion only. No formal action taken.

Item 17 to be reposted on December 8, 2009.

PURCHASING OFFICE ITEMS

18. APPROVE THE FOLLOWING CONTRACTS FOR DRUG AND ALCOHOL TESTING SERVICES: (9:38 AM)
- A. CONTRACT NO. PS100008ML, KROLL, INC.;
 - B. CONTRACT NO. PS100009ML, FORWARD EDGE, INC.;
 - C. CONTRACT NO. PS100010ML, ACCUDIAGNOSTICS;
 - D. CONTRACT NO. PS100011ML, FOREMOST FORENSICS;
 - E. CONTRACT NO. PS100012ML, PHAMATECH LABORATORIES;
 - F. CONTRACT NO. PS100018ML, PINNACLE MANAGEMENT CORPORATION;
 - G. CONTRACT NO. PS100019ML, SOURCE 1 SOLUTIONS;
 - H. CONTRACT NO. PS100020ML, PROMED MEDICAL CARE CENTER;
 - I. CONTRACT NO. PS100021ML, CONCENTRA HEALTH SERVICES, INC.;
 - J. CONTRACT NO. PS100022ML, COMPLIANCE CONSORTIUM CORPORATION; AND
 - K. CONTRACT NO. PS100023ML, PRORESULTS.

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

19. DECLARE LISTING OF CERTAIN EQUIPMENT AS SURPLUS AND SELL AT PUBLIC AUCTION PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (9:38 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 TWELVE-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 09T000400J, HERBERT L. JAMISON & COMPANY, LLC FOR BLANKET JUDGES PROFESSIONAL LIABILITY INSURANCE. (2:30 PM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent.

Discussion only. No formal action taken.

Item 20 to be reposted on December 1, 2009.

- 21. REJECT ALL BIDS FOR IFB NO. 100005-LC, PANASONIC P2CARDS. (9:38 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 MODIFICATION NO. 3 TO CONTRACT NO. PS070371JW, ESPEY CONSULTANTS, INC., CONSULTING SERVICES FOR HAMILTON CREEK AND POOL CLEANUP. (9:14 AM)

Item 22 postponed until December 1, 2009.

- 23. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING CHANGES TO THE TRAVIS COUNTY CODE: (2:30 PM)
 - A. ORDER TO REPLACE CHAPTER 32, TRAVIS COUNTY PURCHASING AND PROCEDURES MANUAL; AND
 - B. ORDER TO AMEND SECTION 4.6.1 OF CHAPTER 33, FIXED ASSET PROCEDURE MANUAL.

Clerk's Note: Items 23.A&B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve Items 23.A&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

OTHER ITEMS

24. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:38 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 REQUEST FROM TRAVIS COUNTY ASSESSOR/COLLECTOR TO OFFER ALL MORTGAGE SERVICING COMPANIES THE OPTION TO WIRE THEIR PROPERTY TAX PAYMENTS DIRECTLY INTO THE TEXPOOL INVESTMENT ACCOUNT. (9:38 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 requested a status report on the impact of this program in May, 2010.

26. CONSIDER AND TAKE APPROPRIATE ACTION ON EQUITABLE SHARING AGREEMENT AND CERTIFICATION FOR FEDERAL FORFEITURE PROCEEDS FOR THE DISTRICT ATTORNEY'S OFFICE. (9:38 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 LICENSE AGREEMENT BETWEEN TRAVIS COUNTY AND DENTON COUNTY FOR THE USE OF I-JURY CODE DEVELOPED BY TRAVIS COUNTY. (9:38 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 ISSUES REGARDING THE HUMAN RESOURCES MANAGEMENT DEPARTMENT (HRMD) AND COUNTY ORGANIZATIONAL DESIGN INCLUDING: (9:14 AM)

A. JOB DESCRIPTION AND POSTING FOR INTERIM DIRECTOR OF HRMD; AND

B. AUTHORIZATION FOR ORGANIZATIONAL PLANNING TEAM TO COMPLETE SELECTION PROCESS AND RECOMMEND INTERIM DIRECTOR OF HRMD TO COMMISSIONERS COURT.

Items 28.A&B postponed until December 1, 2009.

29. CONSIDER AND TAKE APPROPRIATE ACTION ON SENDING LETTERS TO THE UNITED STATES SENATE AND HOUSE OF REPRESENTATIVES ON THE FUNDING OF METROPOLITAN PLANNING ORGANIZATIONS FOR FISCAL YEAR 2010. (COMMISSIONER ECKHARDT) (10:11 AM) (3:00 PM) (4:47 PM)

Members of the Court heard from: Joe Cantalupo, Executive Director, Capital Area Metropolitan Planning Organization (CAMPO); Ronnie Gjemre, Travis County Resident; Maurice Priest, Travis County Resident; and Joe Gieselman, Executive Manager, TNR.

Motion by Commissioner Eckhardt **and seconded by** Commissioner Huber that we send a letter to the Chairs of the relevant committees of the House and Senate to make the impact on Travis County known of the continuing resolutions with regard to federal transportation funding.

A Friendly Amendment to the previous Motion was offered by Judge Biscoe that we tailor this letter to Travis County so we, basically, revise it.

Acceptance of the Friendly Amendment was made by Commissioner Eckhardt **and** Commissioner Huber.

A Clarification of the Motion was made by Judge Biscoe that the Motion is to edit the letter, bring it back before we adjourn today, and tell the Feds we need restoration of planning dollars.

Motion carried: 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

ITEM 29 CONTINUED

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.

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; and John Hille, Assistant County Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Huber to approve the proposed draft.

Motion carried: 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

- 30. CONSIDER AND TAKE APPROPRIATE ACTION ON REVISION OF TRAVIS COUNTY PRECINCT THREE APPOINTEES TO THE CITY OF AUSTIN COMPREHENSIVE PLAN CITIZENS ADVISORY COMMITTEE AND DESIGNATE CAROL TORGRIMSON AS THE PRIMARY APPOINTEE AND IRA YATES AS THE ALTERNATE APPOINTEE. (COMMISSIONER HUBER)
(9:38 AM)

Clerk's Note: Item 30 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.

- 31. CONSIDER AND TAKE APPROPRIATE ACTION CONCERNING THE SETTLEMENT OFFER REGARDING PAYMENT FOR STAR FLIGHT SERVICES RENDERED TO KIMBERLY CLIFFORD. ¹ (3:00 PM) (4:48 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.

Clerk's Note: The County Judge noted that the County has been paid \$7,735.38 by Kimberly Clifford's insurance company.

Motion by Judge Biscoe and seconded by Commissioner Gómez that we accept the offer to satisfy outstanding indebtedness by her paying half the balance, in the amount of \$605.82.

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 A PROPOSED LEASE AGREEMENT WITH BUTTROSS PROPERTIES, A TEXAS CORPORATION FOR SPACE LOCATED AT 8011-A CAMERON ROAD IN AUSTIN, TEXAS. ¹
^{AND 2} (3:00 PM) (4:49 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 Eckhardt that we approve the proposed lease agreement with the options contained therein.

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

33. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE POTENTIAL PURCHASE OF REAL ESTATE IN CENTRAL AUSTIN AREA. ¹
^{AND 2} (3:00 PM) (4:49 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 December 1, 2009.

