

## **MINUTES OF MEETING JANUARY 5, 2010**

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

On Tuesday, the 2<sup>nd</sup> day of January 2010, the Commissioners' Court convened the Voting Session at 9:15 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 retired to Executive Session at 10:57 AM.

The Commissioners Court reconvened the Voting Session at 12:19 PM.

The Commissioners Court adjourned the Voting Session at 12:23 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 12:23 PM and adjourned at 12:24 PM.

The Commissioners Court, meeting as the Travis County Bee Cave Road District #1 (Galleria), convened at 12:24 PM and adjourned at 12:25 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 12:25 PM and adjourned at 12:17 PM.

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation; the Capital Industrial Development Corporation; the Capital Health Facilities Development Corporation; the Travis County Development Authority; and the Travis County Cultural Education Facilities Finance Corporation, convened at 12:27 PM and adjourned at 12:28 PM.

### **CITIZENS COMMUNICATION**

**Members of the Court heard from:** Maurice Priest, Travis County Resident.  
(9:15 AM)

**CONSENT ITEMS**

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C4 and Items 2, 3, and 4. (9:19 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 PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS.
- C3. APPROVE SETTING A PUBLIC HEARING ON JANUARY 26, 2010 TO RECEIVE COMMENTS REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO REJECT THE DEDICATION OF PASEO SUR IN ARROYO DOBLE, SECTION FOUR SUBDIVISION. (COMMISSIONER HUBER)
- C4. APPROVE MINUTES FOR VOTING SESSION OF DECEMBER 22, 2009.

**PLANNING AND BUDGET DEPT. ITEMS**

- 1. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:15 AM)

Item 1 not needed.

- 2. CONSIDER AND TAKE APPROPRIATE ACTION ON A GRANT CONTRACT WITH THE OFFICE OF TEXAS ATTORNEY GENERAL TO CONTINUE THE PROJECT SAFE NEIGHBORHOODS PROGRAM IN THE DISTRICT ATTORNEY'S OFFICE. (9:19 AM)

**Clerk's Note:** Item 2 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

3. 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 \$829,110.94 FOR THE PERIOD OF DECEMBER 18 TO 24, 2009. (9:19 AM)

**Clerk's Note:** Item 3 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

4. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:19 AM)

**Clerk's Note:** Item 4 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

### JUSTICE AND PUBLIC SAFETY ITEMS

5. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING AN ORDER OF THE TRAVIS COUNTY COMMISSIONERS COURT AMENDING THE TRAVIS COUNTY CODE, CHAPTER 71 FIRE CODE. (9:21 AM)

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

Discussion only. No formal action taken.

Item 5 to be reposted January 19, 2010.

**Clerk's Note:** The Court noted that the proposed amendments to Chapter 71 will be posted on the Fire Marshal's website for the next two weeks for the public to review and provide comments at the January 19, 2010 voting session.

## PURCHASING OFFICE ITEMS

6. APPROVE MODIFICATION NO. 15 TO CONTRACT NO. 07T000040J, WASTE MANAGEMENT OF TEXAS, FOR REFUSE COLLECTION. (9:15 AM)

Item 6 postponed.

## TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

7. CONSIDER AND TAKE APPROPRIATE ACTION ON DEMANDS FOR INSTALLATION OF WOOD PRIVACY FENCING BETWEEN RESIDENTIAL SINGLE-FAMILY LOTS AND THE ANDERSON MILL ROAD RIGHT OF WAY FROM THE FOLLOWING LANDOWNERS: (9:50 AM) (10:57 AM) (12:19 PM)
  - A. MICHAEL LAVERY;
  - B. JAMES WENZLAFF; AND
  - C. PATRICIA PORTER. (COMMISSIONER HUBER)  
(THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T. CODE ANN. 551.071, CONSULTATION WITH ATTORNEY)

**Clerk's Note:** Items 7.A-C are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Steve Manilla, Director, Public Works, Transportation and Natural Resources (TNR); Greg Chico, Right-of-Way Manager, TNR; James Wenzlaff, claimant; Michael Lavery, claimant; and John Hille, Assistant County Attorney.

**ITEM 7 CONTINUED**

**Motion by** Judge Biscoe **and seconded by** Commissioner Huber that we act on the following in an effort to resolve and settle demands for County installation of wood privacy fencing along Anderson Mill Road between residential lots owned by Michael Lavery, James Wenzlaff, and Patricia Porter, and the public right-of-way (ROW), Travis County extends a settlement offer to each, to include survey and staking of the ROW line, the following sums of money:

- Michael Lavery               \$1,430.00
- James Wenzlaff             \$3,600.00
- Patricia Porter             \$2,470.00

In addition, the Commissioners Court authorizes County Staff and the County Attorney to negotiate and have the County Judge execute settlement agreements reached with these parties, if any. These amounts are supposed to represent 50% of the claims, and we do this in light of the appraisals that we did, their responses, and our ultimately settling the three cases for significant amounts over and above the County's appraisals.

<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

8. CONSIDER AND TAKE APPROPRIATE ACTION ON A PRELIMINARY PLAN IN PRECINCT THREE: AMMARON HILLS SUBDIVISION (15 TOTAL LOTS). (COMMISSIONER HUBER) (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T. CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (9:19 AM)

Item 8 postponed.

9. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: PALOMINO RANCH SUBDIVISION (9 TOTAL LOTS). (COMMISSIONER HUBER) (10:28 AM)

**Clerk's Note:** The Court discussed adding the following note to the plat: "The water source for this property, as stipulated in its platting, is well water. Well water in this area has demonstrated, historically, that it may or may not be readily available at all times."

**Members of the Court heard from:** Anna Bowlin, Division Director, Engineering Services, TNR; Greg Maphet, applicant; and Loy Wright, applicant

**Motion by** Commissioner Huber **and seconded by** Commissioner Gómez to approve Item 9, with the added plat note.

**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

10. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR TRAVIS COUNTY TO TAKE A POSITION BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) REGARDING GROUNDWATER CONSERVATION DISTRICTS AUTHORIZED BY CHAPTERS 35 AND 36 OF THE TEXAS WATER CODE. (JUDGE BISCOE) (10:51 AM)

**Members of the Court heard from:** Tom Weber, Environmental Quality Program Manager, TNR.

**Motion by** Commissioner Huber **and seconded by** Judge Biscoe to approve Item 10.

**Motion carried:**

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

## OTHER ITEMS

11. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING AN ORDER TO DESIGNATE ELECTION DAY POLLING PLACES FOR THE MARCH 2, 2010 JOINT PRIMARY ELECTION. (10:42 AM)

**Members of the Court heard from:** Dana DeBeauvoir, Travis County Clerk.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve the proposed order in 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 AN ORDER DESIGNATING MAIN EARLY VOTING POLLING PLACE, TEMPORARY BRANCH EARLY VOTING POLLING PLACES, AND HOURS FOR EARLY VOTING ON WEEKDAYS FOR MARCH 2, 2010 JOINT PRIMARY ELECTION.  
(10:44 AM)

**Members of the Court heard from:** Dana DeBeauvoir, Travis County Clerk.

**Motion by Commissioner Davis and seconded by Commissioner Eckhardt** to approve Item 12.

<b>Motion carried:</b>	County Judge Samuel T. Biscoe	absent
	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

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.

13. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION ON REVISION OF POLICY RELATED TO FAMILY AND MEDICAL LEAVE BASED ON FINAL REGULATION PROMULGATED BY DEPARTMENT OF LABOR AND RECENT REVISIONS TO LAW. <sup>1</sup> (10:57 AM) (12:21 PM)

**Clerk's Note:** Judge Biscoe announced that Item 13 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Item 13 was not discussed.

Item 13 to be reposted January 12, 2010.

14. CONSIDER AND TAKE APPROPRIATE ACTION ON THE POSSIBLE DISPOSITION OF A .0031 ACRE (135 SQUARE FEET) TRIANGULAR TRACT OF UNUSED, EXCESS RIGHT OF WAY ADJACENT TO LOT 113 ON LAKEPLACE LANE, AND APPOINT A COMMISSIONER OF SALE. (COMMISSIONER HUBER) <sup>1 AND 2</sup> (10:57 AM) (12:21 PM)

**Clerk's Note:** Judge Biscoe announced that Item 14 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 Gómez that we authorize the sale of this property, and that we appoint Commissioner Huber as the Commissioner of sale to get this done.

<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



15. CONSIDER AND TAKE APPROPRIATE ACTION ON A PROPOSED FOURTH AMENDMENT TO THE EXISTING PURCHASE CONTRACT FOR THE SALE OF COUNTY-OWNED PROPERTY LOCATED ON JOHNNY MORRIS ROAD TO BALCONES RESOURCES, INC. (COMMISSIONER DAVIS) <sup>1 AND 2</sup>  
(10:57 AM) (12:22 PM)

**Clerk's Note:** Judge Biscoe announced that Item 15 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 Davis that we extend the contract outstanding to July 30, 2010, and that the County Judge be authorized to sign the amendment to extend this deadline.

**Motion carried:**

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

16. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING CONTRACTS BETWEEN TRAVIS COUNTY AND THE STAR OF TEXAS RODEO. <sup>1 AND 2</sup>  
(10:57 AM) (12:23 PM)

**Clerk's Note:** Judge Biscoe announced that Item 16 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 16 was not discussed.

Item 16 to be reposted January 12, 2010.

17. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE POTENTIAL PURCHASE OF REAL ESTATE IN THE CENTRAL AUSTIN AREA. <sup>1</sup> (10:57 AM) (12:23 PM)

**Clerk's Note:** Judge Biscoe announced that Item 17 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 17 to be reposted January 12, 2010.

## ADJOURNMENT

**Motion by Commissioner Davis and seconded by Commissioner Gómez to adjourn the Voting Session. (12:23 PM)**

<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

**MINUTES APPROVED BY THE COMMISSIONERS' COURT**

**Date of Approval**

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