

MINUTES OF MEETING FEBRUARY 9, 2010

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 9th day of February 2010, the Commissioners' Court convened the Voting Session at 9:10 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 record notes that Precinct One Commissioner Ron Davis was not present during this Voting Session.

The Commissioners Court retired to Executive Session at 10:02 AM.

The Commissioners Court reconvened the Voting Session at 10:59 AM.

The Commissioners Court adjourned the Voting Session at 11:01 AM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 11:01 AM and adjourned at 11:02 AM.

The Commissioners Court, meeting as the Travis County Bee Cave Road District #1 (Galleria), convened at 11:02 AM and adjourned at 11:02 AM.

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation, convened at 11:02 AM and adjourned at 11:02 AM.

CITIZENS COMMUNICATION

Members of the Court heard from: Maurice Priest, Travis County Resident; Dr. Steve Wilson, President, Emergency Services District Board No. 9 (ESD #9); Steven Broberg, Director, Records Management and Communication Resources (RMCR); Christy Moilanen, Archivist, RMCR; Amalia Rodriguez-Mendoza, Travis County District Clerk; Rick Luna, Travis County Resident; Ronnie Gjemre, Travis County Resident; and Gus Peña, Travis County Resident. (9:10 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Huber to approve the following Consent Items: C1-C4 and Items 3, 4, 5, 6, 7, 8, 9, 10.A-C, 11, 12, 14, 15.A-C, 16, 18, 19, 20, 21, 22, 23, 24, 25, and A1. (9:33 AM)

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
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 MARCH 2, 2010 TO RECEIVE COMMENTS REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE EIGHT FIVE-FOOT PUBLIC UTILITY EASEMENTS LOCATED ALONG THE COMMON LOT LINES OF LOTS 2 AND 3, LOTS 3 AND 36, LOTS 36 AND 37, AND LOTS 37 AND 2, BLOCK 5, WITH LOTS 2 AND 3 BEING WITHIN AUSTIN LAKE ESTATES, SECTION ONE SUBDIVISION AND LOTS 36 AND 37 BEING WITHIN AUSTIN LAKE ESTATES, SECTION THREE SUBDIVISION. (COMMISSIONER HUBER)
- C4. APPROVE MINUTES FOR VOTING SESSION OF JANUARY 26, 2010.

RESOLUTIONS AND PROCLAMATIONS

1. APPROVE PROCLAMATION RECOGNIZING FEBRUARY 12, 2010 AS "TAKE HEART AUSTIN DAY" IN THE AUSTIN-TRAVIS COUNTY COMMUNITY.
(COMMISSIONER ECKHARDT) (9:36 AM)

Members of the Court heard from: Louis Gonzales, Program Manager, Take Heart Austin; and Danny Hobby, Executive Manager, Travis County Emergency Services.

Motion by Commissioner Eckhardt **and seconded by** Commissioner Gómez to approve the Proclamation in Item 1.

Motion carried:

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

2. APPROVE PROCLAMATION DESIGNATING THE MONTH OF FEBRUARY, 2010 AS "CONGENITAL HEART DEFECT AWARENESS MONTH" IN TRAVIS COUNTY. (JUDGE BISCOE) (9:40 AM)

Members of the Court heard from: Natalie Carlson, Secretary, Milagros; Erin Porter, Congenital Heart Defect Survivor; and Michael Heath, Congenital Heart Defect Survivor.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the Proclamation in Item 2.

Motion carried:

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

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 \$437,127.76 FOR THE PERIOD OF JANUARY 22 TO 28, 2010. (9:33 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. (9:33 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.

Clerk's Note: The County Judge noted that Item 4 was approved with the exclusion of the two new job classifications for STAR flight. The new job classifications will be posted separately Tuesday, February 16, 2010.

JUSTICE AND PUBLIC SAFETY ITEMS

5. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REVISED AND AMENDED AGREEMENT FOR NEONATAL INTENSIVE CARE UNIT (NICU) TRANSPORT HELICOPTER SERVICES AMONG TRAVIS COUNTY, SETON HEALTHCARE AND PEDIATRIX MEDICAL SERVICES, INC. (9:33 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.

PURCHASING OFFICE ITEMS

6. DECLARE CERTAIN VEHICLES AND EQUIPMENT AS SURPLUS PROPERTY AND SELL AT PUBLIC AUCTION PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (9:33 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. APPROVE MODIFICATION NO. 3 FOR TERMINATION OF CONTRACT NO. 06AE0303LP, CUNNINGHAM - ALLEN, INC., FOR SOUTHEAST METRO PARK PHASE II. (9:33 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. REJECT ALL BIDS RECEIVED FOR IFB NO. B100040-RV, EXPOSITION CENTER SEATING REPLACEMENT, AND REBID. (9:33 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. APPROVE INTERLOCAL AGREEMENT WITH TEXAS WORKFORCE COMMISSION FOR INFORMATION RELEASE. (9:33 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. RESCIND APPROVAL OF CONTRACT AWARD FOR IFB NO. B100047-DR, RESIDENTIAL ROOF REPAIR/REPLACEMENT SERVICES, AND APPROVE CONTRACT AWARD TO THE FOLLOWING BIDDERS: (9:33 AM)

A. PRIMARY: SOUTHWEST KEY MAINTENANCE LLC;

B. SECONDARY: VALDEZ REMODELING AND WEATHERIZATION, INC; AND

C. TERTIARY: QA CONSTRUCTION SERVICES, INC.

Clerk's Note: Items 10.A-C 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

11. CONSIDER AND TAKE APPROPRIATE ACTION ON A CASH SECURITY AGREEMENT WITH HIGHLAND HOMES, AUSTIN FOR SIDEWALK FISCAL FOR COMMONS AT ROWE LANE IIA, LOT 15, BLOCK L SUBDIVISION. (COMMISSIONER ECKHARDT) (9:33 AM)

Clerk's Note: Item 11 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 A PRELIMINARY PLAN IN PRECINCT THREE: AMMARON HILLS SUBDIVISION (15 TOTAL LOTS). (COMMISSIONER HUBER) (9:33 AM)

Clerk's Note: Item 12 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

13. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REQUEST TO BECOME A FINANCIAL PARTNER TOWARD A FEASIBILITY STUDY FOR A CAREER AND EDUCATION TRAINING PROGRAM. (9:46 AM)

Members of the Court heard from: Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); and Travis Gatlin, Budget Analyst, Planning and Budget Office (PBO).

Motion by Judge Biscoe and seconded by Commissioner Davis to approve Item 13. Funding will come from one time savings within the FY '10 Public Health Budget.

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

PLANNING AND BUDGET DEPT. ITEMS

14. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:33 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. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE AND TAKE APPROPRIATE ACTION: (9:33 AM)
- A. ANNUAL APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR JUVENILE PROBATION TO CONTINUE THE EXISTING JUVENILE DRUG COURT AND IN-HOME FAMILY SERVICES PROGRAM;
 - B. BI-ANNUAL MEMORANDUM OF UNDERSTANDING WITH THE CITY OF AUSTIN AND OTHER COLLABORATIVE PARTNERS TO SUBMIT A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN, TO CONTINUE THE EXISTING FAMILY VIOLENCE PROTECTION TEAM PROGRAM IN THE SHERIFF'S OFFICE, DISTRICT ATTORNEY'S OFFICE, COUNTY ATTORNEY'S OFFICE AND CONSTABLE, PRECINCT 5; AND
 - C. ANNUAL GRANT CONTRACT WITH ATMOS ENERGY FOR THE EXISTING KEEPING THE WARMTH PROGRAM THROUGH HEALTH AND HUMAN SERVICES TO PROVIDE CONSERVATION KITS AND OTHER ENERGY EFFICIENCY SUPPLIES AND INSTALLATIONS TO LOW-INCOME RESIDENTS THAT ARE CUSTOMERS OF ATMOS ENERGY.

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

OTHER ITEMS

16. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM THE CAPITAL AREA RURAL TRANSPORTATION SYSTEM (CARTS) TO RATIFY REAPPOINTMENT OF DEBBIE INGALSBE TO REPRESENT CARTS ON THE LONE STAR RAIL DISTRICT BOARD THROUGH FEBRUARY, 2012.
(COMMISSIONER GÓMEZ) (9:33 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. **REVISED LANGUAGE:** CONSIDER AND TAKE APPROPRIATE ACTION ON TRAVIS COUNTY ACTIVITIES SURROUNDING THE 2010 CENSUS, INCLUDING: (9:51 AM)
- A. EXPLANATION OF THE IMPORTANCE OF THE CENSUS TO TRAVIS COUNTY
 - B. OVERVIEW OF AUSTIN-TRAVIS COUNTY COMPLETE COUNT COMMITTEE ACTIVITIES;
 - C. SUMMARY OF ACTIVITIES PLANNED BY TRAVIS COUNTY DEPARTMENTS AND INDEPENDENT ELECTED OFFICIALS; AND
 - D. LICENSE AGREEMENT BETWEEN TRAVIS COUNTY AND THE U.S. CENSUS BUREAU FOR USE OF COUNTY FACILITIES.**

Clerk's Note: Items 17.A-D are associated with one another and were called for concurrent discussion.

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

Discussion only. No formal action taken.

Item 17.D to be reposted on February 16, 2010.

18. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT ONE TO A CONTRACT BETWEEN THE TEXAS DEPARTMENT OF TRANSPORTATION AND TRAVIS COUNTY RELATING TO SUBCONTRACTORS AND TITLE SERVICES CONTRACTING WITH THE TAX OFFICE. (9:33 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. CONSIDER AND TAKE APPROPRIATE ACTION ON REAPPOINTMENT OF CHARLES HEIMSATH TO THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY BOARD. (JUDGE BISCOE) (9:33 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. CONSIDER AND TAKE APPROPRIATE ACTION ON THE APPOINTMENT OF STEVE ALBERT TO THE EMERGENCY SERVICES DISTRICT NO. 6 BOARD OF COMMISSIONERS, EFFECTIVE IMMEDIATELY TO DECEMBER 31, 2011. (COMMISSIONER HUBER) (9:33 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. CONSIDER AND TAKE APPROPRIATE ACTION ON THE APPOINTMENT OF NELL PENRIDGE TO THE EMERGENCY SERVICES DISTRICT NO. 6 BOARD OF COMMISSIONERS, EFFECTIVE IMMEDIATELY TO DECEMBER 31, 2011. (COMMISSIONER HUBER) (9:33 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. CONSIDER AND TAKE APPROPRIATE ACTION ON THE APPOINTMENT OF JERRY STEIN TO THE EMERGENCY SERVICES DISTRICT NO. 6 BOARD OF COMMISSIONERS, EFFECTIVE IMMEDIATELY TO DECEMBER 31, 2011. (COMMISSIONER HUBER) (9:33 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. CONSIDER AND TAKE APPROPRIATE ACTION ON THE APPOINTMENT OF SHARON SELIGMAN TO THE EMERGENCY SERVICES DISTRICT NO. 8 BOARD OF COMMISSIONERS, EFFECTIVE IMMEDIATELY TO DECEMBER 31, 2011. (COMMISSIONER HUBER) (9:33 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 THE APPOINTMENT OF KRISTA MOY TO THE EMERGENCY SERVICES DISTRICT NO. 9 BOARD OF COMMISSIONERS, EFFECTIVE IMMEDIATELY TO DECEMBER 31, 2011. (COMMISSIONER HUBER) (9:33 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 THE APPOINTMENT OF JOHN HOGG TO THE EMERGENCY SERVICES DISTRICT NO. 9 BOARD OF COMMISSIONERS, EFFECTIVE IMMEDIATELY TO DECEMBER 31, 2011. (COMMISSIONER HUBER) (9:33 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.

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.

26. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING CLAIMS BY ALICIA PEREZ IN TEXAS WORKFORCE COMMISSION - CIVIL RIGHTS DIVISION (TWCCRD) CHARGE NO. 1A20200. ¹ (10:02 AM) (11:00 AM)

Clerk's Note: Judge Biscoe announced that Item 26 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 accept the offer of mediation; that we authorize Commissioner Eckhardt to represent Travis County there along with Roger Jefferies, Executive Manager, Justice and Public Safety (JPS), if he will accept the assignment; and that we indicate our support of Karl Bayer serving as mediator for us in that matter.

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

27. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING STATUS OF CONTRACT WITH SANTOS ALLIANCES FOR LEGISLATIVE ADVOCACY SERVICES. ¹ (10:02 AM) (11:01 AM)

Clerk's Note: Judge Biscoe announced that Item 27 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 27 to be reposted on February 23, 2010.

ADDED ITEMS

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON THE REAPPOINTMENT OF MIKE PEARSON TO THE EMERGENCY SERVICES DISTRICT NO. 8 BOARD OF COMMISSIONERS, EFFECTIVE IMMEDIATELY TO DECEMBER 31, 2011. (COMMISSIONER HUBER) (9:33 AM)

Clerk's Note: Item A1 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- A2. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROPOSED ACQUISITION OF CERTAIN REAL PROPERTY BY HABITAT FOR HUMANITY PURSUANT TO A CONTRACT WITH TRAVIS COUNTY AS PART OF THE TRAVIS COUNTY 2006 AND 2007 COMMUNITY DEVELOPMENT BLOCK GRANT PLAN. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T. CODE ANN. 551.071, CONSULTATION WITH ATTORNEY, AND GOV'T. CODE ANN. 551.072, REAL PROPERTY) (10:02 AM) (10:59 AM)

Clerk's Note: Judge Biscoe announced that Item A2 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.

Members of the Court heard from: Christy Moffett, Social Services Manager, Travis County Health and Human Services (TCHHS); and Mary Etta Gerhardt, Assistant County Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez that we, basically, authorize Habitat for Humanity to arrange to purchase the targeted real estate.

A Clarification of the Motion was made by Commissioner Gómez that it's an approval of the process to move forward.

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

ADJOURNMENT

Motion by Commissioner Gómez and seconded by Commissioner Huber to adjourn the Voting Session. (11:01 AM)

Motion carried:	County Judge Samuel T. Biscoe	yes
	Precinct 1, Commissioner Ron Davis	absent
	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