

MINUTES OF MEETING JULY 6, 2010

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 6th day of July 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 Four Commissioner Margaret Gómez was not present during this Voting Session.

The Commissioners Court retired to Executive Session at 10:32 AM.

The Commissioners Court reconvened the Voting Session at 11:24 AM.

The Commissioners Court adjourned the Voting Session at 11:28 AM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 11:28 AM and adjourned at 11:28 AM.

The Commissioners Court, meeting as the Travis County Bee Cave Road District #1 (Galleria), convened at 11:29 AM and adjourned at 11:29 AM.

1. CONSIDER AND TAKE ACTION REGARDING: (9:12 AM)
 - A. AN ORDER AUTHORIZING THE ISSUANCE OF TRAVIS COUNTY, TEXAS, LIMITED TAX REFUNDING BONDS, SERIES 2010, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$35,000,000; LEVYING A TAX IN PAYMENT THEREOF; PROVIDING FOR THE AWARD OF THE SALE THEREOF IN ACCORDANCE WITH SPECIFIED PARAMETERS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT AND AN ESCROW AGREEMENT; APPROVING THE OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATING THERETO; AND
 - B. AUTHORIZATION FOR THE COUNTY JUDGE TO SIGN THE DOCUMENTS AFTER CLOSING. (THIS ITEM MAY BE TAKEN INTO EXECUTIVE SESSION PURSUANT TO GOV'T. CODE ANN. 551.071, CONSULTATION WITH ATTORNEY)

Clerk's Note: Items 1.A&B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Glenn Opel, Bond Counsel, Vinson and Elkins; and Ladd Pattillo, Travis County Financial Adviser.

Motion by Judge Biscoe **and seconded by** Commissioner Huber to approve Item 1.A.

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	absent

Clerk's Note: The County Judge noted that Item 1.B is not needed as by approving Item 1.A the Court have approved all the necessary documents to be executed as needed.

2. CONSIDER AND TAKE APPROPRIATE ACTION TO ADD DEECE ECKSTEIN TO THE TRAVIS COUNTY CORE TEAM. (9:18 AM)

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

Clerk's Note: The County Judge requested a courtesy postponement of this Item; and if another member of the Court chooses to put it back on the Agenda for discussion at least four Commissioners Court members should be present.

3. APPROVE SCOPE OF SERVICES FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR NEW TRAVIS COUNTY ADMINISTRATION BUILDING AT 700 LAVACA STREET AND AUTHORIZE PURCHASING AGENT TO ISSUE REQUEST FOR QUALIFICATIONS (RFQ) NO. Q100247-RV. (9:36 AM)

Item 3 postponed until July 27, 2010.

CITIZENS COMMUNICATION

Members of the Court heard from: Kenneth Snyder, Northridge Acres Resident; Maurice Priest, Travis County Resident; Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR); Randy Nicholson, Comprehensive Planning Manager, TNR; and Ronnie Gjemre, Travis County Resident. (9:36 AM)

CONSENT ITEMS

Motion by Commissioner Eckhardt **and seconded by** Commissioner Huber to approve the following Consent Items: C1-C3 and Items 4, 5, 6, 7, 9, 10, and 12. (9:48 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	absent

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS.
- C3. APPROVE THE COMMISSIONERS COURT MINUTES FOR THE VOTING SESSION OF JUNE 22, 2010.

ADMINISTRATIVE OPERATIONS ITEMS

4. 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 \$782,774.17 FOR THE PERIOD OF JUNE 18, 2010 TO JUNE 24, 2010. (9:48 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.

5. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:48 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. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. 08AE0209LP, WELLS BRANCH AND THERMAL DRIVE SIDEWALK IMPROVEMENTS, KLOTZ & ASSOCIATES. (9:48 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 CONTRACT AWARD FOR SEPTIC AND HOLDING TANK SERVICES, IFB NO. B100195-NB, TO THE SOLE BIDDER, PLUMMERS ENVIRO SOLUTIONS, INC. (9:48 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.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

8. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR GENERAL FUND PAYMENT FOR REIMBURSEMENT OF EXPENDITURE FOR AN INELIGIBLE EXPENSE OF \$3,000 AGAINST THE LOW INCOME REPAIR, RETROFIT, AND REPLACEMENT ASSISTANCE PROGRAM GRANT. (9:11 AM)

Item 8 postponed until July 13, 2010.

PLANNING AND BUDGET DEPT. ITEMS

9. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:48 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 TO RATIFY AMENDED APPLICATION TO THE STATE OF TEXAS – AUTO BURGLARY AND THEFT PREVENTION AUTHORITY FOR THE SHERIFF'S OFFICE TO CONTINUE SHERIFF'S COMBINED AUTO THEFT TASK FORCE PROGRAM. THE ORIGINAL APPLICATION WAS APPROVED ON MAY 4, 2010 AND THE REQUESTED AWARD HAS BEEN REDUCED IN THE AMENDED APPLICATION BASED ON DIRECTION FROM THE GRANTOR. (9:48 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. REVIEW AND TAKE APPROPRIATE ACTION REGARDING PROPOSED FISCAL YEAR 2011 ABBREVIATED BUDGET HEARINGS AND MARK-UP SCHEDULE AND RELATED MEMO TO APPOINTED AND ELECTED OFFICIALS. (9:50 AM)

Clerk's Note: The Court discussed revisions to the proposed memo:

- Memo to come from Commissioners Court
- PBO were directed to add a 2.5% pay increase in the preliminary Budget and the Court are working hard to retain it
- There will be a slight increase in health insurance costs for both employees and the County
- No lay-offs

Members of the Court heard from: Rodney Rhoades, Executive Manager, Planning and Budget Office (PBO).

Motion by Judge Biscoe and seconded by Commissioner Eckhardt to approve Item 11, and empower the County Judge to sign on behalf of the Commissioners Court.

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	absent

OTHER ITEMS

12. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPOINT LAURA WOLF TO SERVE AS A PRECINCT TWO APPOINTEE TO THE TRAVIS COUNTY CHILDREN'S PROTECTIVE SERVICES BOARD EFFECTIVE IMMEDIATELY THROUGH JULY 2013. (COMMISSIONER ECKHARDT) (9:48 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.

13. CONSIDER AND TAKE APPROPRIATE ACTION ON LETTER TO UNITED STATES SENATORS KAY BAILEY HUTCHINSON AND JOHN CORNYN REGARDING EXTENSION OF FEDERAL MEDICAL ASSISTANCE PERCENTAGES FUNDING FOR ANOTHER SIX MONTHS, THROUGH JUNE 30, 2011. (9:57 AM)

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

Motion by Commissioner Eckhardt **and seconded by** Commissioner Huber to make the language as strong as absolutely possible, and that the County Judge be authorized to sign on behalf of the Court.

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	absent

14. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING RECENT DAMAGES TO THE COUNTY FACILITY AT 1600 SMITH ROAD, AND RELATED ISSUES. (10:04 AM) (10:32 AM) (11:24 AM)

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.

Members of the Court heard from: Roger El Khoury, Director, Facilities Management; Sherri Fleming, Executive Manager, TCHHS&VS; and Dan Mansour, Risk and Benefits Manager, Human Resources Management Department (HRMD).

Motion by Judge Biscoe **and seconded by** Commissioner Huber that we authorize Risk Management and Facilities Management to work with the Extension Service staff for appropriate relocation services, alternate office space, and any other relief that would be appropriate to remedy this problem.

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	absent

15. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING CONTRACT PROVISIONS REQUESTED TO BE ADDED BY LICENSEE TO LICENSE AGREEMENT WITH THE TEXAS HEATWAVE REGARDING USE OF THE TRAVIS COUNTY EXPO CENTER. (THIS ITEM MAY BE TAKEN INTO EXECUTIVE SESSION PURSUANT TO GOV'T. CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (10:18 AM) (10:32 AM) (11:24 AM)

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.

Members of the Court heard from: Roger El Khoury, Director, Facilities Management; David McDonald, Owner, Texas Heatwave, Inc.; and Nathan Mackey, Entertainment Director, Texas Heatwave, Inc.

Motion by Commissioner Eckhardt **and seconded by** Commissioner Huber that we not allow the tent camping; and further that we direct Staff to come back with some policy with regard to tent camping and to what type of events we extend that possibility contractually.

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	absent

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

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.

16. **REVISED NOTATION:** RECEIVE BRIEFING REGARDING HOMELAND SECURITY AIR SAMPLING PROGRAM. ⁴ (10:32 AM) (11:25 AM)

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 551.076, Security.

Discussion only. No formal action taken.

17. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION ON REQUEST FROM COUNTY ATTORNEY AUTHORIZING COUNTY ATTORNEY TO HIRE EXPERT(S) IN CLAUDIA SCOTT-DAVIS V. TRAVIS COUNTY. ¹ (10:32 AM) (11:26 AM)

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.

Motion by Judge Biscoe **and seconded by** Commissioner Huber that we authorize the retention of an appropriate expert.

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	absent

18. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE POTENTIAL PURCHASE OF REAL ESTATE IN CENTRAL AUSTIN. ^{1 AND 2}
(10:32 AM)

Clerk's Note: Judge Biscoe announced that Item 18 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 18 postponed until July 13, 2010.

19. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE FOLLOWING LEASE AGREEMENTS AT 700 LAVACA: (10:32 AM (11:26 AM)
- A. BRUCE A. LIPSHY, LIPSHY & ESCAMILLA, LLP;
- B. FRANK W. DENIUS; AND
- C, SCHWAB STRUCTURAL ENGINEERING. ^{1 AND 2}

Clerk's Note: Judge Biscoe announced that Items 19.A-C 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.

Clerk's Note: The Court discussed Item 19.C, Schwab Structural Engineering.

Motion by Judge Biscoe **and seconded by** Commissioner Huber that we authorize Staff to try to enter into some sort of an agreement with the tenant there, where the County would retain the deposit and certain furniture there in exchange for the lessees', basically, early breach of the agreement by moving out before the expiration. The idea is to sit down with the tenant and try to work out some sort of an agreement with a signed document.

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	absent

ITEM 19 CONTINUED

Clerk's Note: The Court discussed Item 19.B, Frank W. Denius.

Motion by Judge Biscoe **and seconded by** Commissioner Eckhardt that we indicate to him our intention to enforce the contract, so we would expect compensation to the County through the February 28th, 2011 term.

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	absent

No action needed on Item 19.A.

ADDED ITEMS

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR THE CORE TEAM TO CONSIDER THE USE OF VARIOUS DESIGN, PROJECT MANAGEMENT AND CONSTRUCTION DELIVERY METHODS FOR THE 700 LAVACA BUILDING RENOVATION PROJECT AND REPORT BACK WITH RECOMMENDATIONS. (9:26 AM)

Members of the Court heard from: Rodney Rhoades, Executive Manager, PBO; Cyd Grimes, Travis County Purchasing Agent; and Roger El Khoury, Director, Facilities Management.

Discussion only. No formal action taken.

Item A1 to be reposted on July 27, 2010.

ADJOURNMENT

Motion by Judge Biscoe **and seconded by** Commissioner Eckhardt to adjourn the Voting Session. (11:28 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	absent

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge