

## **MINUTES OF MEETING JANUARY 21, 2009**

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

On Wednesday, the 21<sup>st</sup> day of January 2009, the Commissioners' Court convened the Special Term Voting Session at 9:13 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 11:17 AM.

The Commissioners Court reconvened the Voting Session at 12:35 PM.

The Commissioners Court recessed the Voting Session at 12:35 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 1:41 PM and adjourned at 1:41 PM.

The Commissioners Court, meeting as the Travis County Bee Cave Road District #1 (Galleria), convened at 1:41 PM and adjourned at 1:42 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:42 PM and adjourned at 1:49 PM.

The Commissioners Court reconvened the Voting Session at 1:50 PM.

The Commissioners Court adjourned the Voting Session at 1:52 PM.







7. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. PS000169MQ TO CHANGE THE NAME OF PHILLIPS, UPSHAW AND RICHARDS TO RICHARD PROPERTY, INC. (9:25 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.

### **TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS**

8. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A TOTAL SUBDIVISION VACATION IN PRECINCT TWO: SCARBROUGH SUBDIVISION (9 TOTAL LOTS); AND A REPLAT OF LOTS 1-9, SCARBROUGH SUBDIVISION (11 LOTS). (COMMISSIONER ECKHARDT) (9:17 AM)

**Clerk's Note:** Item 8 is the action item for the public hearing on Agenda Item 1.

Item 8 postponed until January 27, 2008.



10. RECEIVE STAFF UPDATE ON DESIGNATION OF TRAVIS COUNTY AS NON-ATTAINMENT FOR THE 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARD AND COURT CONSIDERATION AND ACTION IN SUPPORT OF THE 2009 BIG PUSH INITIATIVE. (9:49 AM)

**Members of the Court heard from:** Jon White, Natural Resources Program Manager, TNR; Adele Noel, Air Quality Project Manager, TNR; Bill Gill, Director, Air Quality Planning, Capital Area Council of Governments (CAPCOG); Tom Webber, Environmental Quality Program Manager, TNR; and Ronnie Gjemre, Travis County Resident.

Discussion only. No formal action taken.

Item 10 to be reposted on February 3, 2008.

11. CONSIDER AND TAKE APPROPRIATE ACTION ON ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES FOR ELM CREEK SUBDIVISION SECTIONS 5A AND 5B, IN PRECINCT ONE. (9:25 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 REQUEST FOR A VARIANCE TO CHAPTER 82.401 (C)(4), STANDARDS FOR CONSTRUCTION OF STREETS AND DRAINAGE IN SUBDIVISIONS, TO ALLOW THE ACCEPTANCE OF DEDICATION OF A PORTION OF THE STREET AND DRAINAGE FACILITIES IN OVERLOOK AT LEWIS MOUNTAIN SECTION TWO, A SUBDIVISION IN PRECINCT THREE. (9:25 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 THE FOLLOWING REQUESTS: (10:30 AM)

A. RECONSIDERATION OF THE LIST OF TRANSPORTATION PROJECTS TRAVIS COUNTY SUBMITTED TO THE CAPITAL AREA METROPOLITAN PLANNING COUNCIL AS PART OF THIS REGION'S RESPONSE TO THE FEDERAL ECONOMIC STIMULUS PACKAGE; AND

B. DELETION OF THE REIMERS-PEACOCK ROAD PROJECT IN SOUTHWEST TRAVIS COUNTY.

**Clerk's Note:** Items 13.A&B are associated with one another and were called for concurrent discussion.

**Clerk's Note:** The Court discussed list "B" submitted by the Transportation and Natural Resources Department, which contains only Travis County projects to be submitted for the Federal Economic Stimulus Package.

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

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve list "B"; to keep the list that we have already submitted, but if the Capital Area Metropolitan Planning Organization (CAMPO) and the State of Texas exclude some of those projects, we are saying, here is Travis County's "B" list; to authorize submission of that, or ratification of submission in Item 13.A.

**A Substitute Motion was made by Commissioner Davis and Seconded by Commissioner Eckhardt** that the 290 East project be deleted from the list.

**A Restatement of the Substitute Motion was made by Commissioner Davis** to delete US 290 East added capacity from the stimulus package list.

**Clerk's Note:** The Court took a vote on whether to vote on the Substitute Motion before the Standing Motion.

<b>Motion failed:</b>	County Judge Samuel T. Biscoe	no
	Precinct 1, Commissioner Ron Davis	yes
	Precinct 2, Commissioner Sarah Eckhardt	no
	Precinct 3, Commissioner Karen Huber	no
	Precinct 4, Commissioner Margaret J. Gómez	yes





**ITEM 14 CONTINUED**

14. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING ITEMS RELATED TO THE PLANNING FOR THE PROGRAM YEAR 2009 ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS RECEIVED FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD): (11:10 AM)

C. PROJECT SELECTION CRITERIA.

**Members of the Court heard from:** Christy Moffett, Social Services Manager, TCHHS.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve Item 14.C.

**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

**PLANNING AND BUDGET DEPT. ITEMS**

15. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:13 AM)

Item 15 not needed.



### ADMINISTRATIVE OPERATIONS ITEMS

18. 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 \$738,207.12 FOR THE PERIOD OF JANUARY 2 TO 8, 2009. (9:25 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 PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:25 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.

### OTHER ITEMS

20. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:25 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. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF DECEMBER 2008. (9:13 AM)

Item 21 postponed until January 27, 2008.

**Clerk's Note:** The Court noted that the reports in Item 21 can only be approved at a regularly scheduled Tuesday meeting.

- 22. CONSIDER AND TAKE APPROPRIATE ACTION ON POLICIES AND PROCEDURES FOR THE FOLLOWING: (11:12 AM)
  - A. ADVANCING THE TRAVIS COUNTY AGENDA FOR THE 81<sup>ST</sup> TEXAS LEGISLATURE;
  - B. ADVISING THE COURT ON LEGISLATIVE PROPOSALS THAT AFFECT THE COUNTY AND RECOMMENDING THE COURT TAKE ACTION IN SUPPORT OF OR OPPOSITION TO THOSE PROPOSALS; AND
  - C. REQUESTS FROM OTHER ELECTED OFFICIALS, ORGANIZATIONS AND CONSTITUENTS TO SUPPORT OR OPPOSE LEGISLATION.

**Clerk’s Note:** Items 22.A-C are associated with one another and were called for concurrent discussion.

**Clerk’s Note:** The Court discussed that Commissioner Eckhardt and Commissioner Huber have expressed interest in serving as liaisons during the 81<sup>st</sup> Legislative Session.

**Members of the Court heard from:** Deece Eckstein, Intergovernmental Relations Officer; and John Hille, Assistant County Attorney.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez that the two be appointed.

**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 discussed the Policies and Procedures for the 81<sup>st</sup> Texas Legislature.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the document in Item 22.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

23. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL BETWEEN TRAVIS COUNTY, THE CITY OF AUSTIN AND THE AUSTIN INDEPENDENT SCHOOL DISTRICT FOR THE MEN AND BOYS HARVEST FOUNDATION TO ENHANCE THE EDUCATIONAL AND ECONOMIC OPPORTUNITIES OF TRAVIS COUNTY YOUTH. (9:14 AM)

Item 23 postponed until January 27, 2008.

24. CONSIDER AND TAKE APPROPRIATE ACTION ON A CONTRACT AMENDMENT WITH THE TRAVIS COUNTY HOUSING FINANCE CORPORATION IN ORDER TO PROVIDE FUNDS TO CONVERT A PART-TIME SENIOR FINANCIAL ANALYST TO FULL-TIME STATUS FOR THREE MONTHS. (9:25 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.

**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.

- 25. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. FRANK LEO RAKAS AND SHARRON KAY WILLIAMS (PAYMAN ZAMIRPOUR AND BANAFSHEH BEH BBAHANI RESALE DEED). <sup>1</sup> (11:17 AM) (1:51 PM)

**Clerk's Note:** Judge Biscoe announced that Item 25 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 Eckhardt** that we authorize the County Judge to sign the proposed resale deed to Payman Zamirpour and Banafsheh Beh Bbahani, and they have paid the County \$8,950.00 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	absent

- 26. RECEIVE LEGAL ADVICE FROM AND GIVE DIRECTION TO COUNTY ATTORNEY REGARDING SETTLEMENT OFFER IN BENJAMIN MALDONADO WORKER'S COMPENSATION LIEN CASE; SUBROGATION. <sup>1</sup> (11:17 AM) (1:51 PM)

**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 Davis** that we authorize the County Attorney to file a lawsuit against this defendant to try to recoup the County's expenditure as soon as possible.

**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	absent

- 27. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE STATUS OF INVESTIGATION OF CLAIMS BY KAREN STEITLE, INCLUDING THE CLAIMS IN EEOC CHARGE NO. 31C-2008-01470. <sup>1 AND 3</sup> (11:17 AM) (1:50 PM)

**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 and Gov't. Code Ann. 551.074, Personnel Matters.

Discussion only. No formal action taken.

Item 27 to be reposted on January 27, 2008.

- 28. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE STATUS OF INVESTIGATION OF CLAIMS BY CHUCK KELLEY, INCLUDING THE CLAIMS IN EEOC CHARGE NO. 31C-2008-01436 AND EEOC CHARGE NO. 450-2009-00943. <sup>1 AND 3</sup> (11:17 AM) (1:50 PM)

**Clerk's Note:** Judge Biscoe announced that Item 28 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.074, Personnel Matters.

Discussion only. No formal action taken.

Item 28 to be reposted on January 27, 2008.

29. A. RECEIVE LEGAL BRIEFING FROM COUNTY ATTORNEY ON ISSUES REGARDING CONFIDENTIAL CLIMATE ASSESSMENT RECEIVED FROM EMPLOYMENT PRACTICES SOLUTIONS AND TAKE APPROPRIATE ACTION <sup>1 AND 3</sup>; AND
- B. DELIBERATE RESULTS OF CONFIDENTIAL CLIMATE ASSESSMENT IN RELATION TO EXECUTIVE MANAGER OF ADMINISTRATIVE OPERATIONS; DIRECTOR OF HUMAN RESOURCES MANAGEMENT DEPARTMENT (HRMD); AND HRMD SLOT NUMBERS 23, 16 AND 9 AND TAKE APPROPRIATE ACTION. <sup>1 AND 3</sup> (11:17 AM) (1:50 PM)

**Clerk's Note:** Judge Biscoe announced that Items 29.A& B would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.074, Personnel Matters.

Discussion only. No formal action taken.

Items 29.A&B to be reposted on January 27, 2008.

30. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING THE PENDING LITIGATION IN TRAVIS COUNTY, TEXAS AND STATE OF TEXAS VS. COLDWATER DEVELOPMENT LTD. AND RODMAN EXCAVATION, INC., ET. AL. <sup>1</sup> (11:17 AM)

**Clerk's Note:** Judge Biscoe announced that Item 30 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Item 30 postponed until January 27, 2008.

31. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING COMMISSIONERS COURTS RESPONSIBILITY FOR PROVIDING COLLABORATION, MANAGEMENT OR OVERSIGHT OF THE TRAVIS COUNTY HOUSING AUTHORITY. <sup>1</sup> (11:17 AM) (1:50 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.

Item 30 was not discussed.

Item 31 to be reposted on January 27, 2008.



**MINUTES OF MEETING – JANUARY 21, 2009**

**TRAVIS COUNTY BEE CAVE ROAD DISTRICT NO. 1**

On Wednesday, the 21<sup>st</sup> day of January, 2009, the Commissioners’ Court, meeting as the Travis County Bee Cave Road District No. 1 (Galleria) Board of Directors, convened the Voting Session at 1:41 PM 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 record notes that Precinct Four Commissioner Margaret Gómez was not present during this Voting Session.

The Road District Board of Directors adjourned the Voting Session of the Travis County Bee Cave Road District No. 1 (Galleria) at 1:42 PM.

1. APPROVE RATIFICATION OF THE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST ROAD DISTRICT FUNDS. (1:41 PM)

**Motion by** Judge Biscoe **and seconded by** Commissioner Huber to approve the investments in Item 1.

<b>Motion carried:</b> 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



**MINUTES OF MEETING – JANUARY 21, 2009**

**NORTHWEST TRAVIS COUNTY ROAD DISTRICT NO. 3**

On Wednesday, the 21<sup>st</sup> day of January 2009, the Commissioners’ Court, meeting as the Northwest Travis County Road District No. 3 (Golden Triangle) Board of Directors, convened the Voting Session at 1:41 PM 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 record notes that Precinct Four Commissioner Margaret Gómez was not present during this Voting Session.

The Road District Board of Directors adjourned the Voting Session of the Northwest Travis County Road District No. 3 (Golden Triangle) at 1:41 PM.

1. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST ROAD DISTRICT FUNDS. (1:41 PM)

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt that the claims be paid and any investments be made.

<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	absent

