

MINUTES OF MEETING MAY 19, 2009

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 19th day of May 2009, the Commissioners' Court convened the Voting Session at 9:16 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 11:56 AM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:42 PM and adjourned at 1:52 PM.

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

The Commissioners Court retired to Executive Session at 3:40 PM.

The Commissioners Court reconvened the Voting Session at 4:30 PM.

The Commissioners Court adjourned the Voting Session at 4:32 PM.

TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

7. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A 7.5 FOOT PUBLIC UTILITY EASEMENT LOCATED PARALLEL TO THE SOUTHWESTERLY LOT LINE OF LOT 5 OF CAMELOT SECTION 4 SUBDIVISION IN PRECINCT THREE. (COMMISSIONER HUBER) (9:44 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 ON THE FOLLOWING:
(3:01 PM)
- A. PROPOSED MODIFICATION TO TRAVIS COUNTY CODE CHAPTER 1.019, COUNTY VEHICLE USAGE POLICY; AND
- B. REQUEST TO APPROVE PAYMENT OF OUTSTANDING TOLL AMOUNTS.

Clerk's Note: Items 8.A&B are associated with one another and were called for concurrent discussion.

Clerk's Note: The Court discussed:

- Central Texas Regional Mobility Authority (CTRMA) have agreed to reduce the outstanding tolls to \$78.20;
- Harris County RMA have agreed to reduce the outstanding tolls to \$8.00;
- Texas Turnpike Authority is still looking into the request to reduce the outstanding tolls being charged to Travis County.

Members of the Court heard from: Carol Joseph, Assistant Director, TNR; Barbara Wilson, Assistant County Attorney; and Leroy Nellis, Budget Manager, Planning and Budget Office (PBO).

ITEM 8 CONTINUED

Motion by Commissioner Huber **and seconded by** Judge Biscoe to pay the CTRMA \$78.20 and Harris County RMA \$8.00.

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	yes

Clerk's Note: The Court noted that every effort will be made to recover the toll fees the Commissioners Court have agreed to pay from the Travis County employees who incurred them.

Item 8.A to be reposted when ready.

9. CONSIDER AND TAKE APPROPRIATE ACTION ON A PROPOSED SHORT-TERM (6 WEEK) LEASE BACK OF A RESIDENTIAL PROPERTY LOCATED IN PRECINCT THREE, CURRENTLY UNDER CONTRACT FOR SALE TO TRAVIS COUNTY FOR INCLUSION IN THE BALCONES CANYONLANDS PRESERVE. (COMMISSIONER HUBER) (9:16 AM)

Item 9 was pulled from the Agenda.

10. NOTIFY COURT OF SATISFACTORY CONSTRUCTION OF THE PRIVATE STREETS FOR CANYONS AT LAKE TRAVIS SUBDIVISION IN PRECINCT THREE. (COMMISSIONER HUBER) (9:44 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 FINAL PLAT FOR RECORDING IN PRECINCT THREE: BEE CREEK HILL ESTATES SUBDIVISION (8 TOTAL LOTS). (COMMISSIONER HUBER) (9:44 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 FINAL PLAT FOR RECORDING IN PRECINCT THREE: AMARRA DRIVE, PHASE 3 SUBDIVISION (101 TOTAL LOTS). (COMMISSIONER HUBER) (9:44 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 ON THE FOLLOWING ITEMS RELATED TO THE PLANNING OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AVAILABLE THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT: (10:17 AM)

- A. REVIEW AND APPROVE PROJECTS TO BE INCLUDED IN THE PROJECT YEAR 2008 SUBSTANTIAL AMENDMENT; AND

- B. OTHER RELATED ITEMS.

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

Clerk’s Note: Staff recommended the water connection of income eligible residences in Plainview Estates as the project for the 2008 Substantial Amendment.

Members of the Court heard from: Christy Moffett, Social Services Manager, TCHHS; and Sherri Fleming, Executive Manager, TCHHS&VS.

Motion by Commissioner Davis **and seconded by** Judge Biscoe to approve this.

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: By passing the above Motion the Commissioners Court has approved that the funds from the Community Development Block Grant Recovery Program are to be used for the water connection project in Plainview Estates.

ITEM 14 CONTINUED

Motion by Commissioner Eckhardt and seconded by Commissioner Huber to approve Item 14.A.

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

Motion by Commissioner Eckhardt and seconded by Commissioner Huber to approve Item 14.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

Motion by Commissioner Gómez and seconded by Commissioner Eckhardt 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. (11:55 AM)

Members of the Court heard from: Leroy Nellis, Budget Manager, Planning and Budget Office (PBO).

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve Item 15.

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. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:

- A. NEW GRANT APPLICATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BEGIN AN OFFENDER REENTRY PROGRAM FOR WOMEN ENROLLED IN THE COMMITMENT TO CHANGE PROGRAM AT THE WOODMAN STATE JAIL; AND
- B. NEW GRANT APPLICATION WITH THE EMERGENCY FOOD AND SHELTER LOCAL BOARD FOR HEALTH AND HUMAN SERVICES TO RECEIVE AMERICAN RECOVERY AND REINVESTMENT GRANT RESOURCES TO PROVIDE EMERGENCY UTILITY ASSISTANCE TO QUALIFIED TRAVIS COUNTY RESIDENTS.

Clerk's Note: Items 16.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 17. ACCEPT AND OPEN BIDS RELATING TO, AND CONSIDER AND TAKE ACTION ON AN ORDER AUTHORIZING, THE ISSUANCE OF \$6,980,000 TRAVIS COUNTY, TEXAS, UNLIMITED TAX ROAD BONDS, SERIES 2009, AND MATTERS PERTAINING THERETO. (10:29 AM)

Clerk's Note: Items 17, 18, and 19 are associated with one another and were called for concurrent discussion.

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

Motion by Judge Biscoe and seconded by Commissioner Davis to approve the bid from BOSCO, Inc in the amount of the 1.740781% on the \$17,730,000.00 Certificates of Obligation.

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: By approving the above Motion the Court adopted the order to authorize the issuance of the \$17,730,000.00 Certificates of Obligation, Series 2009 in Item 18.

Motion by Judge Biscoe and seconded by Commissioner Huber to approve the bid of Southwest Securities, Inc. from Dallas, whose bid is 3.726392%.

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: By approving the above Motion the Court adopted the order to authorize the issuance of the \$6,705,000.00 Permanent Improvement Bonds, Series 2009 in Item 19.

ITEM 17 CONTINUED

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the bid of Southwest Securities, Inc. from Dallas, whose bid was 3.726754%.

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: By approving the above Motion the Court adopted the order to authorize the issuance of the \$6,980,000.00 Unlimited Tax Road Bonds, Series 2009 in Item 17.

Motion by Judge Biscoe and seconded by Commissioner Davis that we authorize the County Judge to sign the bid forms on behalf of the Commissioners Court.

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

- 18. ACCEPT AND OPEN BIDS RELATING TO, AND CONSIDER AND TAKE ACTION ON AN ORDER AUTHORIZING, THE ISSUANCE OF \$17,730,000 TRAVIS COUNTY, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 2009 (LIMITED TAX), AND MATTERS PERTAINING THERETO. (10:29 AM)

Clerk’s Note: Items 17, 18 and 19 are associated with one another and were called for concurrent discussion. Please refer to Item 17 for a summary of the action taken by the Court.

- 19. ACCEPT AND OPEN BIDS RELATING TO, AND CONSIDER AND TAKE ACTION ON AN ORDER AUTHORIZING, THE ISSUANCE OF \$6,705,000 TRAVIS COUNTY, TEXAS, PERMANENT IMPROVEMENT BONDS, SERIES 2009 (LIMITED TAX), AND MATTERS PERTAINING THERETO. (10:29 AM)

Clerk’s Note: Items 17, 18 and 19 are associated with one another and were called for concurrent discussion. Please refer to Item 17 for a summary of the action taken by the Court.

ADMINISTRATIVE OPERATIONS ITEMS

20. 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 \$477,613.64 FOR THE PERIOD OF MAY 1 TO 7, 2009. (9:44 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 PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:44 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. A. RECEIVE EVERGREEN SOLUTIONS, LLC PROGRESS REPORT AND COMPENSATION COMMITTEE RECOMMENDATIONS AND TAKE APPROPRIATE ACTION; AND
- B. CONSIDER AND TAKE APPROPRIATE ACTION ON EVERGREEN SOLUTIONS, LLC PROPOSED REVISION TO THE CLASSIFIED PAY SCALE TO ACHIEVE MARKET COMPETITIVENESS, EFFECTIVE OCTOBER 1, 2009. (2:18 PM)

Clerk's Note: Items 22.A&B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Todd Osbourne, Consultant, Evergreen Solutions LLC; Rodney Rhoades, Executive Manager, PBO; Susan Spataro, Travis County Auditor; and Linda Moore Smith, Director, Human Resources Management Department (HRMD).

Clerk's Note: The Court discussed the Compensation Committees recommendation to suspend the FY 2009 Market Salary Study.

Motion by Judge Biscoe and seconded by Commissioner Eckhardt that we follow that excellent advice.

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 noted that they would like to review the Market Salary Survey on an annual basis.

ITEM 22 CONTINUED

Clerk’s Note: The Court discussed the Evergreen Solutions, LLC recommendations to revise the Classified Pay Scale effective October 1, 2009:

- Add two pay grades to the top of the Classified pay Scale, grades 33 and 34;
- Increase the range widths for grades 30 through 34 from 60% to 70%; and,
- Increase the current pay scale minimum by 2.5% effective October 1, 2009, plus a recommendation by the Compensation Committee that any increase in the scale be tied to an across the board pay increase for the general employees.

Motion by Commissioner Gómez to approve Item 22.B.

A Friendly Amendment to the previous Motion was offered by Commissioner Eckhardt to say we would adjust the pay scale to whatever degree we can afford an across the board salary increase.

Withdrawal of the previous Motion was made by Commissioner Gómez.

Motion by Commissioner Eckhardt **and seconded by** Judge Biscoe that if we are able to afford an across the board increase, that the pay scale should be floated to whatever degree that across the board salary increase was.

A Clarification of the previous Motion was made by Commissioner Eckhardt that should we find ourselves able to afford an across the board percentage increase, that it is our intention to also float the pay scale by whatever that percentage is.

An Addition to the Previous Motion was made by Commissioner Eckhardt that for the FY 2010 budget process, if we find we can afford an across the board salary increase that we consider floating the pay scale to that same degree.

A Friendly Amendment to the previous Motion was offered by Judge Biscoe that if the Court grants an across the board pay increase in 2010, or thereafter, it will consider increasing the pay scale in a like amount.

Acceptance of the Friendly Amendment was made by Commissioner Eckhardt.

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	yes

23. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE FOLLOWING LIABILITY CLAIM RECOMMENDATIONS: (2:52 PM)

- A. RS ROWLETT - PARTIAL DENIAL;
- B. ANNETTE ASHCRAFT - DENIAL;
- C. SANDY MARIE RIVERA - DENIAL; AND
- D. KC RENAHER - DENIAL.

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

Members of the Court heard from: Dan Mansour, Risk and Benefits Manager, HRMD; and Donna Parker Stirman, Risk Management, HRMD.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the Staff recommendations for Items 23.A-D.

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

24. **REVISED LANGUAGE:** CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING RECOMMENDATIONS REGARDING GROUP BENEFITS HEALTH PLAN FISCAL YEAR 2010 RATES AND ISSUES: (3:13 PM)
- A. BASIC LIFE RATE RENEWAL;
 - B. LONG TERM DISABILITY RENEWAL;
 - C. OPTION TO RENEW ALL THREE DENTAL PLANS WITH NO INCREASE FOR FISCAL YEAR 2010;
 - D. NO RATE INCREASE TO RETIREE HEALTH CARE PREMIUMS FOR FISCAL YEAR 2010; AND
 - E. SET 4:30 P.M. START TIME FOR EMPLOYEE HEARING SET FOR JUNE 17, 2009, IN COMMISSIONERS COURTROOM.

Clerk’s Note: Items 24.A-E are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Dan Mansour, Risk and Benefits Manager, HRMD; Oma Claunch, Broker, Insurance Unlimited; and Cindy Purinton, Benefit Administrator, HRMD.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve Item 24.E.

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

Motion by Commissioner Gómez **and seconded by** Judge Biscoe to approve Item 24.A.

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

ITEM 24 CONTINUED

Motion by Commissioner Gómez **and seconded by** Judge Biscoe to approve Item 24.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

Motion by Commissioner Gómez **and seconded by** Judge Biscoe to approve Item 24.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

Motion by Commissioner Gómez **and seconded by** Judge Biscoe to approve Item 24.D.

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

JUSTICE AND PUBLIC SAFETY ITEMS

25. RECEIVE UPDATE AND TAKE APPROPRIATE ACTION ON UPCOMING GRANT OPPORTUNITIES FOR THE TRAVIS COUNTY CRIMINAL JUSTICE AND LAW ENFORCEMENT COMMUNITY. (11:39 AM)

Members of the Court heard from: Roger Jefferies, Executive Manager, Justice and Public Safety (JPS); and Richard McCain, Constable, Precinct 3.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve Item 25.

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

26. CONSIDER AND TAKE APPROPRIATE ACTION ON THE NEED, SCOPE AND SITE SEARCH FOR THE NEW TRAVIS COUNTY MEDICAL EXAMINER'S OFFICE AND RELATED ISSUES. (1:53 PM)

Members of the Court heard from: Danny Hobby, Executive Manager, Travis County Emergency Services; and Leslie Stricklan, Project Manager, Facilities Management.

Motion by Commissioner Davis **and seconded by** Judge Biscoe to recommend that the neighborhoods need to be first in the process.

A Clarification of the previous Motion was made by Judge Biscoe that Commissioner Davis recommends a Public Hearing process.

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 directed Staff to bring an outline of the Public Hearing process back to the Commissioners Court on Tuesday, May 26, 2009.

ITEM 26 CONTINUED

Motion by Judge Biscoe and seconded by Commissioner Eckhardt that in addition to the criteria that we have been looking at, that we add another one, which is public support; so, we would just add that criterion to the criteria that we have used to identify the sites that we have short listed.

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

27. CONSIDER AND TAKE APPROPRIATE ACTION ON THE TEXAS REGIONAL RESPONSE NETWORK CERTIFICATION LETTER FOR 2009. (11:53 AM)

Members of the Court heard from: Danny Hobby, Executive Manager, Travis County Emergency Services.

Motion by Commissioner Gómez and seconded by Commissioner Eckhardt to approve Item 27.

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

PURCHASING OFFICE ITEMS

28. APPROVE ORDER EXEMPTING THE PURCHASE OF GRADAL EXCAVATORS PARTS AND SERVICE FROM WAUKESHA-PEARCE INDUSTRIES INC. FROM THE COMPETITIVE PROCUREMENT PROCESS PURSUANT TO SECTION 262.024 (A) (7) (D) OF THE COUNTY PURCHASING ACT. (9:44 AM)

Clerk’s Note: Item 28 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

29. APPROVE CONTRACT AWARD FOR PLUMBING TIME AND MATERIALS, IFB NO. B090176NB, TO THE LOW BIDDER, BEN SPRINKLER & PLUMBING. (9:44 AM)

Clerk's Note: Item 29 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

30. APPROVE MODIFICATION NO. 1 FOR TERMINATION OF CONTRACT NO. PS090018VR, KIMBERLI JEAN COCHRAN, FOR PROFESSIONAL VISITATION SERVICES. (9:44 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.

31. APPROVE CONTRACT AWARD FOR RAY MARTINEZ (PRECINCT FOUR) OFFICE BUILDING PARKING LOT EXPANSION, IFB NO. B090198JT, TO THE LOW BIDDER, SEGURA CONSTRUCTION, LLC. (9:44 AM)

Clerk's Note: Item 31 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

32. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO INTERLOCAL AGREEMENT NO. IL070240ML, FALLS COUNTY, FOR INMATE HOUSING SERVICES. (9:44 AM)

Clerk's Note: Item 32 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

33. CONSIDER AND TAKE APPROPRIATE ACTION ON APPROVAL OF SCOPE OF SERVICES AND ISSUANCE OF REQUEST FOR QUALIFICATIONS NO. Q090166JT, ARCHITECTURAL AND ENGINEERING CONSULTING SERVICES FOR A PLANNING STUDY FOR A NEW TRAVIS COUNTY MEDICAL EXAMINER'S OFFICE. (2:02 PM)

Members of the Court heard from: Danny Hobby, Executive Manager, Travis County Emergency Services; Leslie Stricklan, Project Manager, Facilities Management; Cyd Grimes, Travis County Purchasing Agent; Alicia Perez, Executive Manager, Administrative Operations; and Roger El Khoury, Director, Facilities Management.

Discussion only. No formal action taken.

Item 33 to be reposted on May 26, 2009.

34. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. PS090134RE, WORKFORCE SOLUTIONS-CAPITAL AREA WORKFORCE BOARD, FOR RAPID EMPLOYMENT MODEL. (9:44 AM)

Clerk's Note: Item 34 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

35. APPROVE ISSUANCE OF JOB ORDER NO. 44, MINOR CONSTRUCTION AND RENOVATION SERVICES, CONTRACT NO. 07K00307RV, ARCHITECTURAL HABITAT OF AUSTIN, INC. (9:44 AM)

Clerk's Note: Item 35 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

36. APPROVE PURCHASE OF DATAFLUX SOFTWARE LICENSE AND MAINTENANCE SERVICES FROM TEXAS DEPARTMENT OF INFORMATION RESOURCES THROUGH EXECUTIVE INFORMATION SYSTEMS, LLC. (9:16 AM)

Item 36 was pulled from the Agenda.

- 37. APPROVE CONTRACT AWARD TO BROADDUS AND ASSOCIATES FOR CONSULTING SERVICES FOR THE TRAVIS COUNTY CENTRAL CAMPUS STUDY FOR A STRATEGIC NEEDS ANALYSIS AND FACILITIES MASTER PLAN. (10:40 AM)

Clerk’s Note: The Court discussed the internal organizational structure for the Downtown Master Plan, and agreed to postpone a decision until May 26, 2009.

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; Christian Smith, Special Assistant to the Commissioners Court; Alicia Perez, Executive Manager, Administrative Operations; Rodney Rhoades, Executive Manager, PBO; Leslie Stricklan, Project Manager, Facilities Management; and Belinda Powell, Capital Planning Coordinator, PBO.

Motion by Judge Biscoe **and seconded by** Commissioner Eckhardt to approve the proposed contract.

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	yes

Clerk’s Note: The Court noted that the contract has two phases:

- Phase One is funded in the FY '09 budget Special Reserve; and,
- Phase Two funding is subject to approval during the FY '10 budget mark-up.

There is a “funding-out clause” in the contract if the funding is not approved.

OTHER ITEMS

- 38. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:44 AM)

Clerk’s Note: Item 38 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

AT 11:00 A.M.

39. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING: (11:14 AM)

- A. STATUS REPORT ON THE 81ST TEXAS LEGISLATURE;
- B. STATUS REPORT ON TRAVIS COUNTY LEGISLATIVE PRIORITIES, INCLUDING HOUSE BILLS 612, 1119, 1335, 1440, 1531, 1711, 1981, 2100, 2161, 2162, 2167, 2414, 2693, 3468, 3585, 3616, 3787, 3963, 4175 AND 4262, AND SENATE BILLS 497, 578, 1299, 1783, 2202, 2280, 2451, 2452 AND 2472;
- C. STATUS REPORT ON TRAVIS COUNTY LEGISLATIVE ACTIVITIES, INCLUDING HOUSE BILLS 2, 9, 17, 46, 78, 88, 117, 127, 133, 134, 337, 402, 561, 562, 564, 612, 650, 692, 701, 711, 721, 755, 765, 773, 987, 1018, 1029, 1038, 1092, 1211, 1284, 1483, 1507, 1575, 1576, 1674, 1906, 1909, 1920, 2007, 2170, 2291, 2369, 2495, 2524, 2573, 2859, 3158, 3448, 3607, 3983, 4729 AND 4756, HOUSE JOINT RESOLUTIONS 15, 22, 36, 43, 55 AND 84, SENATE BILLS 1, 16, 18, 218, 253, 294, 299, 383, 402, 555, 624, 678, 700, 721, 771, 855, 942, 1023, 1310, 1323, 2294, 2301 AND 2474, AND SENATE JOINT RESOLUTIONS 10 AND 48;
- D. SENATE BILL 312 - RELATING TO THE REGULATION AND CERTIFICATION OF MEDICAL EXAMINERS AND THE CONDUCT OF AUTOPSY AND INQUEST INVESTIGATIONS BY JUSTICES OF THE PEACE AND MEDICAL EXAMINERS; PROVIDING PENALTIES;
- E. SENATE BILL 1569, HOUSE BILL 3153 AND HOUSE BILL 2623 - RELATING TO UNEMPLOYMENT COMPENSATION MODERNIZATION;
- F. SENATE BILL 1770 AND HOUSE BILL 2492 - RELATING TO THE CREATION, OPERATION, AND FUNDING OF THE TEXAS SUSTAINABLE YOUTH PROGRAM; AND
- G. SENATE BILL 108 AND HOUSE BILL 516 - RELATING TO THE ESTABLISHMENT AND FUNDING OF A GREEN JOB SKILLS TRAINING PROGRAM.

Clerk's Note: Items 39.A-G 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.

40. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING AN ORDER ON A TAX EXEMPT NOTE AND RELATED LOAN AGREEMENT TO BE UNDERTAKEN BY OGLESBY EDUCATIONAL FACILITIES CORPORATION TO FINANCE A PROJECT FOR CHAPARRAL STAR ACADEMY, INC. D/B/A STAR CHARTER SCHOOL. (9:44 AM)

Clerk's Note: Item 40 is the action item for the public hearing on Agenda Item 1.

Clerk's Note: Item 40 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 40 is approved with a waiver of the \$3,000.00 fee.

41. CONSIDER AND TAKE APPROPRIATE ACTION CONCERNING THE ADOPTION OF AN ORDER TO PARTICIPATE IN THE TEXAS ENTERPRISE ZONE PROGRAM, TO NOMINATE GOLFSMITH AS AN ENTERPRISE PROJECT, AND AN ORDER TO IDENTIFY AND SUMMARIZE AVAILABLE LOCAL INCENTIVES. (9:35 AM)

Clerk's Note: Item 41 is the action item for the public hearing on Agenda Item 3.

Item 41 postponed until May 26, 2009.

42. APPOINT JOE GIESELMAN AS THE COUNTY REPRESENTATIVE TO ATTEND THE MEDIATION OF THE TRAVIS COUNTY V. FLINT HILLS RESOURCES, L.P. AND KOCH PIPELINE CO., L.P. (9:44 AM)

Clerk's Note: Item 42 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

43. CONSIDER AND TAKE APPROPRIATE ACTION ON MODIFIED PROCESS TO FILL JOINT APPOINTEE SLOT ON TRAVIS COUNTY HEALTHCARE DISTRICT BOARD OF MANAGERS. (3:23 PM)

Clerk's Note: The Court discussed that a new sub-committee of three members would re-interview the two applicants in question, Anthony Haley and Katrina Daniel, and bring their recommendations back to the City of Austin and Travis County for approval. The Committee will consist of:

- Commissioner Sarah Eckhardt representing Travis County, who did not participate in the interviews;
- City of Austin Council Member Laura Morrison, who had not previously participated in the selection process; and,
- Vanessa Saria, Executive Director, Community Action Network (CAN).

Motion by Commissioner Huber **and seconded by** Commissioner Eckhardt to approve the compromise selection process.

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	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

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.

- 44. CONSIDER AND TAKE APPROPRIATE ACTION TO AUTHORIZE TRAVIS COUNTY STAFF TO NEGOTIATE AN ADDITIONAL LEASE COVERING TRAVIS COUNTY SCHOOL LAND. ^{1 AND 2} (3:40 PM) (4:30 PM)

Clerk's Note: Judge Biscoe announced that Item 44 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 County Attorney's Office to negotiate with Austin Energy regarding the proposal they have brought to us regarding this school property.

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

- 45. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING POSSIBLE SALE OF COUNTY OWNED LAND OFF FM 969 IN EAST AUSTIN. ^{1 AND 2} (3:40 PM)

Clerk's Note: Judge Biscoe announced that Item 45 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 45 pulled from the Agenda.

- 46. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. PROD LAND COMPANY, INC. (KPD PROPERTIES, LLC RESALE DEED). ¹ (3:40 PM) (4:31 PM)

Clerk's Note: Judge Biscoe announced that Item 46 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 approve and authorize the County Judge to sign the proposed tax resale deed to KPD Properties, LLC, the land in question, because they have paid to Travis County the sum of \$10,232.88 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	yes

- 47. 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. ¹ (3:40 PM) (4:31 PM)

Clerk's Note: Judge Biscoe announced that Item 47 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

No action required on Item 47.

48. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING PROPOSAL FOR DOWNTOWN OFFICE BUILDING BY D2000, A TURN KEY DEVELOPMENT COMPANY. ^{1 AND 2} (3:40 PM) (4:31 PM)

Clerk's Note: Judge Biscoe announced that Item 48 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, without objection, agreed to consider the points discussed and think of any additional ones.

Item 48 to be reposted on June 2, 2009.

49. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE STATUS OF CLAIMS BY CHUCK KELLEY (INCLUDING THE CLAIMS IN EEOC CHARGE NOS. 31-C2008-01436C AND 450-2009-00943). ¹ (3:40 PM) (4:32 PM)

Clerk's Note: Judge Biscoe announced that Item 49 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

No action required on Item 49.

ADDED ITEM

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUESTS FROM LOCAL NONPROFITS FOR LOCAL GOVERNMENT CERTIFICATION FORM FOR THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS. (11:49 AM)

Members of the Court heard from: Sherri Fleming, Executive Manager, TCHHS&VS.

Motion by Judge Biscoe **and seconded by** Commissioner Davis that we authorize Sherri Fleming, Executive Manager, TCHHS&VS to give such certification as appropriate.

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: By approving the certification by Sherri Fleming, Executive Manager, TCHHS&VS the Court are authorizing the non-profit entities to submit a grant proposal and that the Commissioners Court are aware of the submissions and are certifying that the activities will take place within Travis County.

