

MINUTES OF MEETING JULY 7, 2009

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 7th day of July 2009, 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 retired to Executive Session at 10:50 AM.

The Commissioners Court reconvened the Voting Session at 12:08 PM.

The Commissioners Court recessed the Voting Session at 12:08 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation; 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 1:41 PM and adjourned at 1:42 PM.

The Commissioners Court reconvened the Voting Session at 1:42 PM.

The Commissioners Court retired to Executive Session at 1:43 PM.

The Commissioners Court reconvened the Voting Session at 5:00 PM.

The Commissioners Court adjourned the Voting Session at 5:02 PM.

- 2. RECEIVE COMMENTS REGARDING THE PROPOSED NEIGHBORHOOD STABILIZATION PROGRAM 2 APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT BY THE TRAVIS COUNTY HOUSING FINANCE CORPORATION. (ACTION ITEM #27) (9:13 AM)

Clerk’s Note: This Item is a public hearing to receive comments.

Motion by Commissioner Gómez **and seconded by** Commissioner Huber to open the public hearing.

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

Members of the Court heard from: Harvey Davis, Manager, Travis County Corporations.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to close the public hearing.

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 County Judge noted that Item 27 is not related to the Public Hearing in Item 2.

CITIZENS COMMUNICATION

Members of the Court heard from: Ronnie Gjemre, Travis County Resident; Gus Peña, Travis County Resident; Maurice Priest, Travis County Resident; Linda Moore Smith, Director, Human Resources Management Department (HRMD); Todd Osburn, Compensation Manager, HRMD; and Scott Johnson, Travis County Resident. (9:15 AM)

TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

4. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A 25-FOOT BY 194.01 FOOT (0.11 ACRE) DRAINAGE EASEMENT AS RECORDED IN VOLUME 12390, PAGE 558 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS LOCATED ACROSS A PORTION OF LOT 5, BLOCK A, PALEFACE RANCH SUBDIVISION, SECTION 2B AS RECORDED IN BOOK 95, PAGE 86 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS. (COMMISSIONER HUBER) (9:31 AM)

Clerk's Note: Item 4 is the action item for the public hearing on Agenda Item 1.

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 A PRELIMINARY PLAN AND PHASING AGREEMENT WITH BLACKSTONE VINEYARD DEVELOPMENT, LLC FOR BLACKSTONE VINEYARD SUBDIVISION. (COMMISSIONER HUBER) (9:31 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.

6. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST TO PURCHASE A 2009 KUBATA TRACTOR L3400 AND ADD IT TO THE TRAVIS COUNTY FLEET TO SUPPORT A REVISED CAPITAL AREA COUNCIL OF GOVERNMENTS GRANT PROJECT FOR FOOD WASTE COMPOSTING AT THE DEL VALLE CORRECTIONAL FACILITY. (9:31 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.

Clerk's Note: The Court congratulated TNR and the Travis County Sheriff's Office (TCSO) for working together to make this happen.

7. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(9:31 AM)
 - A. ACCEPTANCE OF DEDICATION OF IMPROVED STREET AND DRAINAGE FACILITIES FOR QUINLAN PARK ROAD FROM THE SOUTHERN BOUNDARY OF STEINER RANCH, PHASE 1, SECTION 9 TO QUINLAN PARK ROAD'S INTERSECTION WITH SELMA HUGHES PARK ROAD, PHASE 4B, STEINER RANCH MASTER PHASING AGREEMENT; AND
 - B. THIRD AMENDMENT TO LICENSE AGREEMENT BETWEEN TRAVIS COUNTY AND THE STEINER RANCH MASTER ASSOCIATION, INC. FOR PHASE 4B LANDSCAPE IMPROVEMENTS. (COMMISSIONER HUBER)

Clerk's Note: Items 7.A&B 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 CONCERNING A PROPOSED EXTENSION OF THE CURRENT FEE SCHEDULE FOR PARTICIPATION UNDER THE BALCONES CANYONLANDS CONSERVATION PLAN - SHARED VISION UNTIL SEPTEMBER 30, 2009. (COMMISSIONER HUBER) (9:31 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. CONSIDER AND TAKE APPROPRIATE ACTION ON A CASH SECURITY AGREEMENT WITH STREETMAN HOMES FOR SIDEWALK FISCAL FOR WEST CYPRESS HILLS, SECTION 2, LOT 26 AND 16, BLOCK 1, LOT 7, BLOCK 7, AND SECTION 3A, LOT 19, BLOCK B. (COMMISSIONER HUBER) (9:31 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. NOTIFY COURT OF SATISFACTORY CONSTRUCTION OF THE PRIVATE STREETS AND DRIVES FOR SPANISH OAKS, GOLF VILLAS SUBDIVISION AND SPANISH OAKS, PRESERVE CONDOMINIUMS AND LODGE. (COMMISSIONER HUBER) (9:31 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 REQUEST TO USE ALTERNATIVE FISCAL AND A CASH SECURITY AGREEMENT FOR THE COVES AT SKY RANCH, SECTION ONE. (COMMISSIONER HUBER) (9:31 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 AND A PHASING AGREEMENT WITH H.M. PFLUGER, LTD. FOR THE ENTRADA SUBDIVISION. (COMMISSIONER ECKHARDT) (9:31 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 FROM HEALTH AND HUMAN SERVICES AND VETERANS SERVICE DEPARTMENT TO IMPLEMENT AN ANTICIPATED FEDERALLY FUNDED WEATHERIZATION PROGRAM. (9:11 AM)

Item 13 postponed until July 14, 2009.

14. CONSIDER AND TAKE APPROPRIATE ACTION TO REAPPOINT SANDRA BRILEY, PHD, TO THE AUSTIN EARLY CHILDHOOD COUNCIL, EFFECTIVE JULY 31, 2009 THROUGH DECEMBER 31, 2012. (9:31 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.

Clerk's Note: The County Judge requested that Staff report back to the Court on progress at the beginning of Fiscal Year 2010.

PLANNING AND BUDGET DEPT. ITEMS

15. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:31 AM)

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

16. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
(9:31 AM)

- A. NEW GRANT CONTRACT 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; AND
- B. CONTRACT AMENDMENT FOR THE AMERICORPS GRANT PROGRAM IN THE HEALTH AND HUMAN SERVICES DEPARTMENT TO ADJUST AWARD BASED ON ACTUAL MEMBER STIPEND FUNDS EXPENDED.

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.

ADMINISTRATIVE OPERATIONS ITEMS

17. 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 \$1,023,641.48 FOR THE PERIOD OF JUNE 19 TO 25, 2009. (9:31 AM)

Clerk's Note: Item 17 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 LICENSE AGREEMENT WITH MANOS DE CRISTO FOR USE OF COUNTY BUILDING AT 5335 AIRPORT BOULEVARD. (10:18 AM)

Members of the Court heard from: Roger El Khoury, Director, Facilities Management; Judith Cárdenas, Outreach Coordinator, Manos De Cristos; Julie Ballesteros, Executive Director, Manos De Cristos; Alicia Perez, Executive Manager, Administrative Operations; and Mary Etta Gerhardt, Assistant County Attorney.

Motion by Judge Biscoe and seconded by Commissioner Gómez that we approve the request for a license to use the facility for the described purpose; that we pick up the utility costs; and that approval is conditioned upon the ability to get an insurance rider to cover the County property.

An Addition to the previous Motion was made by Commissioner Gómez with the understanding that this is for just one year, as the building may not be available next year.

A Friendly Amendment to the previous Motion was offered by Commissioner Davis that the Sheriff had previously offered to help raise funds to offset the utility costs. We would appreciate any assistance he can give.

Acceptance of the Friendly Amendment was made by Judge Biscoe.

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 21 to be reposted on July 14, 2009.

PURCHASING OFFICE ITEMS

- 22. APPROVE MODIFICATION NO. 7 TO CONTRACT NO. 05AE0176JJ, LOCKWOOD, ANDREWS AND NEWNAM, INC. FOR EASTSIDE SERVICE CENTER PROJECT. (9:31 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. APPROVE ORDER EXEMPTING THE PURCHASE OF MECHANICAL, ELECTRICAL AND PLUMBING ENGINEERING SERVICES FOR BUILDINGS B155, B185, B188 AND B230 AT TRAVIS COUNTY CORRECTIONAL COMPLEX FROM THE COMPETITIVE PROCUREMENT PROCESS PURSUANT TO SECTION 262.024 (A)(4) OF THE TEXAS LOCAL GOVERNMENT CODE. (9:31 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.

Clerk's Note: The County Judge noted that by approving Item 23 the Court is only approving the exemption order; the contract will be brought to the Commissioners Court at a later date.

24. APPROVE CONTRACT AWARD FOR PRECAST CONCRETE BRIDGE COMPONENTS, IFB NO. B090270-LD, TO THE LOW BIDDER, CONTECH CONSTRUCTION PRODUCTS. (9:31 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.

OTHER ITEMS

25. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:31 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.

26. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING ADDITION OF 2009 MAGNUM FLAT BED TRAILER TO THE TRAVIS COUNTY VEHICLE FLEET FOR PROGRAMS, GROUNDS AND MAINTENANCE USE WITHIN THE CORRECTIONS BUREAU. (9:31 AM)

Clerk's Note: Item 26 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

27. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDED RESOLUTION SUPPORTING THE APPLICATION OF TRAVIS COUNTY HOUSING FINANCE CORPORATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR NEIGHBORHOOD STABILIZATION PROGRAM FUNDING. (9:31 AM)

Clerk's Note: Item 27 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

28. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM CONSTABLE PRECINCT TWO FOR AN INTERLOCAL AGREEMENT WITH LEANDER INDEPENDENT SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICERS. (9:34 AM)

Item 28 postponed until July 14, 2009.

29. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING: (10:42 AM)
- A. STATUS UPDATE ON LEGISLATION AFFECTING TRAVIS COUNTY IN THE 81ST TEXAS LEGISLATURE, REGULAR SESSION; AND
 - B. STATUS REPORT ON THE 81ST TEXAS LEGISLATURE, FIRST CALLED SESSION.

Clerk's Note: Items 29.A&B 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.

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.

30. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING PROPOSAL FOR DOWNTOWN OFFICE BUILDING BY D2000, A TURN KEY DEVELOPMENT COMPANY. ^{1 AND 2} (10:50 AM) (1:43 PM) (5:00 PM)

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 and Gov't. Code Ann. 551.072, Real Property.

Item 30 was not discussed.

Item 30 to be reposted on July 14, 2009.

31. RECEIVE LEGAL BRIEFING FROM COUNTY ATTORNEY ON ISSUES REGARDING IMPLEMENTATION AND STATUS OF THE HUMAN RESOURCES MANAGEMENT DEPARTMENT DEVELOPMENT PLAN FOR EXECUTIVE MANAGER OF ADMINISTRATIVE OPERATIONS AND DIRECTOR OF HUMAN RESOURCES AND TAKE APPROPRIATE ACTION. ¹ (10:50 AM) (1:43 PM) (5:01 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.

Discussion only. No formal action taken.

Item 31 to be reposted on July 14, 2009.

- 32. DELIBERATE IMPLEMENTATION AND STATUS OF HUMAN RESOURCES MANAGEMENT DEPARTMENT DEVELOPMENT PLAN FOR EXECUTIVE MANAGER OF ADMINISTRATIVE OPERATIONS AND DIRECTOR OF HUMAN RESOURCES AND TAKE APPROPRIATE ACTION. ³ (10:50 AM) (1:43 PM) (5:01 PM)

Clerk’s Note: Judge Biscoe announced that Item 32 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.074, Personnel Matters.

Discussion only. No formal action taken.

Item 32 to be reposted on July 14, 2009.

- 33. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING SETTLEMENT PROPOSALS IN THE FOLLOWING PENDING EMINENT DOMAIN PROCEEDINGS FOR THE CAMERON ROAD EXTENSION AND BRIDGE CONSTRUCTION PROJECT: (10:50 AM) (5:01 PM)

- A. TRAVIS COUNTY VS. KINGS GATE L.P.;
- B. TRAVIS COUNTY VS. NORTH GATE L.P.; AND
- C. TRAVIS COUNTY VS. BISHOPS FIELD L.P. ^{1 AND 2}

Clerk’s Note: Judge Biscoe announced that Items 33.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: Items 33.A-C are associated with one another and were called for concurrent discussion.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez that we accept the Eminent Domain acceptance agreement in the amount of \$38,883.00 from North Gate L.P., from Bishops Fields L.P., and also Kings Gate L.P.; and that we also direct Staff to prepare the necessary paperwork and bring it back in the proper time line that was indicated in discussion to be signed off as far as signatures for that amount of money.

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

