

MINUTES OF MEETING NOVEMBER 25, 2008

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 25th day of November 2008, the Commissioners' Court convened the Voting Session at 9:17 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 11:36 AM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:23 PM and adjourned at 1:47 PM.

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation; the Capital Industrial Development Corporation; and the Travis County Cultural Education Facilities Finance Corporation, convened at 1:48 PM and adjourned at 1:49 PM.

The Commissioners Court reconvened the Voting Session at 1:49 PM.

The Commissioners Court retired to Executive Session at 1:49 PM.

The Commissioners Court reconvened the Voting Session at 4:50 PM.

The Commissioners Court adjourned the Voting Session at 5:29 PM.

CITIZENS COMMUNICATION

Members of the Court heard from: Maurice Priest, Travis County Resident; Ronnie Gjemre, Travis County Resident; Jim Sylvester, Chief Deputy, Travis County Sheriff's Office (TCSO); Gus Peña, Travis County Resident; and Jennifer Gale, Travis County Resident. (9:18 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Daugherty to approve the following Consent Items: C1-C5 and Items 2, 3, 5.A-D, 6, 7, 8, 10, 12, 13, 15, 16.A-D, 17, 18, 19, 22, 23.A-E, 24, and 26.A-E. (9:34 AM)

Motion carried:

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| County Judge Samuel T. Biscoe | yes |
| Precinct 1, Commissioner Ron Davis | yes |
| Precinct 2, Commissioner Sarah Eckhardt | yes |
| Precinct 3, Commissioner Gerald Daugherty | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2. APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSIONS OF NOVEMBER 7 AND 14, 2008.
- C3. APPROVE PROCLAMATION RECOGNIZING TRAVIS COUNTY DISTRICT ATTORNEY RONNIE EARLE ON HIS RETIREMENT AFTER 32 YEARS OF SERVICE AND PROCLAIM DECEMBER 2, 2008 AS "TRAVIS COUNTY DISTRICT ATTORNEY RONNIE EARLE DAY."
- C4. RATIFY PROCLAMATION RECOGNIZING CONSTABLE LUKE MERCER'S RETIREMENT AND HIS OUTSTANDING SERVICE TO TRAVIS COUNTY.
- C5. APPROVE SETTING A PUBLIC HEARING ON DECEMBER 16, 2008 TO RECEIVE COMMENTS REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE TWO THREE-FOOT PUBLIC UTILITY EASEMENTS LOCATED ALONG THE COMMON LOT LINE OF LOTS 101 AND 102 OF EDGEWATER BEACH, SECTION 2 SUBDIVISION.
(COMMISSIONER DAUGHERTY)

SPECIAL ITEMS

1. RECEIVE BRIEFING FROM CITY OF AUSTIN STAFF ON THE PROPOSED HOMESTEAD PRESERVATION REINVESTMENT ZONE, A TAX INCREMENT FINANCING (TIF) ZONE SUPPORTING AFFORDABLE HOUSING IN THE HOMESTEAD PRESERVATION DISTRICT, AND TAKE APPROPRIATE ACTION. (9:36 AM)

Members of the Court heard from: Council Member Mike Martinez, City of Austin; Margaret Shaw, Neighborhood Housing Community Development, City of Austin; Leslie Browder, Chief Financial Officer, City of Austin; Harvey Davis, Manager, Travis County Corporations; Council Member Laura Morrison, City of Austin; Susan Spataro, Travis County Auditor; and Chris Fanuel, Executive Assistant, Commissioner Precinct 1 Office.

Motion by Judge Biscoe and seconded by Commissioner Gómez that we direct Staff to work with the City of Austin staff to make as much progress as possible on this project between now and the last meeting of this year, December 23, 2008, and if we cannot move then, we simply take additional time and try to do it right. It's a big issue and revenue is real important, so I do think we ought to move in this direction, but we've talked about it long enough to do what we can; and if we have to wait until the revenue picture gets better, my view is that we should do that. At the same time, though, rather than waste the time, we ought to try to put together a simple English explanation of what we have in mind, be able to explain to voters why we think it is beneficial and is likely to be successful and a good investment of public dollars, and other concerns and comments that we've heard today; let's just try to address in a question and answer brochure, if we could get a draft and kind of share it, maybe we'll have additional questions, maybe we can tweak the language. I do think we ought to try to proceed together if possible.

Clerk's Note: Chris Fanuel, Executive Assistant, Commissioner Precinct 1 Office read a letter from Karen Huber, Commissioner-Elect for Precinct 3 regarding this item.

A Substitute Motion was made by Commissioner Davis to delay this and defer this until we are able to have Staff to report to the Court with all the due diligence, which is going to go beyond the December, 31, 2008 date.

Clerk's Note: The Motion died for lack of a Second.

Clerk's Note: The Court voted on the Standing Motion at this time.

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| Motion carried: County Judge Samuel T. Biscoe | yes |
| Precinct 1, Commissioner Ron Davis | no |
| Precinct 2, Commissioner Sarah Eckhardt | yes |
| Precinct 3, Commissioner Gerald Daugherty | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

ADMINISTRATIVE OPERATIONS ITEMS

2. REVIEW AND APPROVE THE IMMEDIATE RELEASE OF REIMBURSEMENT PAYMENT TO UNITED HEALTHCARE FOR CLAIMS PAID FOR PARTICIPANTS IN THE TRAVIS COUNTY EMPLOYEE HEALTH CARE FUND FOR PAYMENT OF \$764,495.13 FOR THE PERIOD OF NOVEMBER 7 TO NOVEMBER 13, 2008. (9:34 AM)

Clerk's Note: Item 2 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

3. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:34 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 REGARDING THE NEW SITE LOCATION AND BUILDING FOOTPRINT OF THE NEW PRECINCT ONE OFFICE BUILDING AT 4705 HEFLIN LANE, AUSTIN, TEXAS. (11:21 AM)

Members of the Court heard from: Roger El Khoury, Director, Facilities Management; and Amy Lambert, Project Manager, Facilities Management.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 4.

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

5. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING AUTOMOBILE TOTAL LOSS CLAIM RECOMMENDATIONS FOR THE PERIOD OF NOVEMBER 1, 2007 THROUGH OCTOBER 31, 2008: (9:34 AM)
 - A. TRAVIS COUNTY SHERIFF'S OFFICE UNIT 2056 - SETTLE;
 - B. HEALTH AND HUMAN SERVICES UNIT 2770 - SETTLE;
 - C. TAX OFFICE UNIT TNR1300 - SETTLE; AND
 - D. TRAVIS COUNTY SHERIFF'S OFFICE UNIT 2720 - SETTLE.

Clerk's Note: Items 5.A-D 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 the settlement figure for the Total Loss Claims in Items 5.A-D would total \$100,360.00.

JUSTICE AND PUBLIC SAFETY ITEMS

6. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO PAY FOR TRAVEL COSTS OF A SAFEPLACE EMPLOYEE FOR THE OFFICE ON VIOLENCE AGAINST WOMEN SAFE HAVENS NEW GRANTEE ORIENTATION TO BE REIMBURSED FROM ANTICIPATED GRANT REVENUES. (9:34 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.

PURCHASING OFFICE ITEMS

7. DECLARE LISTING OF EQUIPMENT AS SURPLUS AND SELL AT PUBLIC AUCTION PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (9:34 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. ACCEPT 18 COPIERS AS DONATION AND DECLARE COPIERS AS SURPLUS AND SELL AT PUBLIC AUCTION PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (9:34 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 NO. IL090060VR, AUSTIN-TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION, FOR FAMILY PRESERVATION PROGRAM SERVICES TO JUVENILE OFFENDERS. (JUVENILE PROBATION) (11:20 AM)

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Item 9.

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

Clerk's Note: Item 9 was further discussed at 11:20 AM with a request by Commissioner Davis that the Commissioners' Court record reflect a Corrected Vote on Item 9. Judge Biscoe instructed that the record show Commissioner Davis voting yes on the Motion on Item 9. The Commissioners' Court record does reflect the Corrected Vote.

Corrected Vote:

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| Motion carried: County Judge Samuel T. Biscoe | abstain |
| Precinct 1, Commissioner Ron Davis | yes |
| Precinct 2, Commissioner Sarah Eckhardt | yes |
| Precinct 3, Commissioner Gerald Daugherty | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

10. APPROVE CONTRACT NO. PS090071VR, YOUTH ADVOCATE PROGRAMS, INC., FOR MENTOR PROGRAM SERVICES TO JUVENILE OFFENDERS. (JUVENILE PROBATION) (9:34 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. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. 07T00173VC, SECURUS TECHNOLOGIES INC., FOR INMATE TELEPHONE SERVICES. (INFORMATION AND TELECOMMUNICATION SYSTEMS/TRAVIS COUNTY SHERIFF'S OFFICE) (11:18 AM) (11:20 AM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent.

Motion by Commissioner Gómez **and seconded by** Commissioner Daugherty to approve Item 11.

Motion carried:

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

Clerk's Note: Item 11 was further discussed at 11:20 AM with a request by Commissioner Davis that the Commissioners' Court record reflect a Corrected Vote on Item 11. Judge Biscoe instructed that the record show Commissioner Davis voting yes on the Motion on Item 11. The Commissioners' Court record does reflect the Corrected Vote.

Corrected Vote:

Motion carried:

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| County Judge Samuel T. Biscoe | yes |
| Precinct 1, Commissioner Ron Davis | yes |
| Precinct 2, Commissioner Sarah Eckhardt | yes |
| Precinct 3, Commissioner Gerald Daugherty | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

12. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: THE RESUBDIVISION OF LOTS 280-294 AND LOTS 343-355 BLOCK A, AND LOTS 1-13, BLOCK D OF STEINER RANCH PHASE ONE SECTION 10D SUBDIVISION. (COMMISSIONER DAUGHERTY) (9:34 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 ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES FOR THE COMMONS AT ROWE LANE PHASE I AND A LICENSE AGREEMENT FOR THE COMMONS AT ROWE LANE PHASE I. (COMMISSIONER ECKHARDT)
(9:34 AM)

Clerk's Note: Item 13 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

14. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(10:46 AM)
 - A. AMENDMENT TO SECTION 1.019 COUNTY VEHICLE USAGE POLICY OF THE TRAVIS COUNTY CODE RELATING TO THE PAYMENT OF FINES AND PENALTIES FOR TRAFFIC CITATIONS;
 - B. AMENDMENT TO SECTION 1.019 COUNTY VEHICLE USAGE POLICY OF THE TRAVIS COUNTY CODE RELATING TO THE USE OF TOLL ROADS AND THE PAYMENT OF TOLL FEES;
 - C. NOTICE TO COUNTY EMPLOYEES ABOUT CHANGES IN COUNTY VEHICLE USAGE POLICY; AND
 - D. BUDGET AMENDMENT AND TRANSFER OF \$4,821 FROM THE GENERAL FUND RESERVE TO TRANSPORTATION AND NATURAL RESOURCES FLEET SERVICES.
 - E. AUTHORIZE PAYMENT OF \$4,821 TO THE CITY OF AUSTIN FOR SIXTY-FOUR OUTSTANDING TRAFFIC CITATIONS ISSUED TO COUNTY VEHICLES BETWEEN 2002 AND 2008; AND REQUEST REIMBURSEMENT FROM CERTAIN COUNTY EMPLOYEES.

Clerk's Note: Items 14.A-E are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR); Barbara Wilson, Assistant County Attorney; and James W. Collins, Executive Assistant, Travis County Attorney's Office.

ITEM 14 CONTINUED

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve Items 14.D&E. That is, to take the \$4,821.00 from Allocated Reserve and send it to the City of Austin; to demand reimbursement from certain County employees, namely those who got the citations; and try to get the County reimbursed as much as possible.

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| Motion carried: | County Judge Samuel T. Biscoe | yes |
| | Precinct 1, Commissioner Ron Davis | no |
| | Precinct 2, Commissioner Sarah Eckhardt | yes |
| | Precinct 3, Commissioner Gerald Daugherty | yes |
| | Precinct 4, Commissioner Margaret J. Gómez | yes |

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Item 14.A.

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

Motion by Commissioner Eckhardt **and seconded by** Commissioner Gómez to approve Item 14.B.

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

ITEM 14 CONTINUED

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Item 14.C.

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

Clerk's Note: By approving Item 14.C the Court authorizes the placing of flyers in with paychecks to inform Staff of the new policy regarding the use of toll roads, and the placing of the same notice inside each County vehicle.

PLANNING AND BUDGET DEPT. ITEMS

15. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:34 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:
(9:34 AM)
 - A. GRANT CONTRACT WITH THE BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM THROUGH THE OFFICE OF THE GOVERNOR'S CRIMINAL JUSTICE DIVISION FOR JUVENILE PROBATION DEPARTMENT TO CONTINUE SERVICES PROVIDED TO JUVENILES DUALY-DIAGNOSED WITH MENTAL HEALTH AND SUBSTANCE ABUSE ISSUES;
 - B. GRANT CONTRACT WITH OFFICE OF ATTORNEY GENERAL FOR FY '09 PROJECT SAFE NEIGHBORHOODS GRANT PROGRAM IN DISTRICT ATTORNEY'S OFFICE;
 - C. GRANT CONTRACT AMENDMENT TO APPROVE SUPPLEMENTAL AWARD FOR FY '08 PROJECT SAFE NEIGHBORHOODS GRANT FROM OFFICE OF ATTORNEY GENERAL IN THE DISTRICT ATTORNEY'S OFFICE; AND
 - D. GRANT CONTRACT REVISION OF BUDGET AND SCOPE OF SERVICE FOR THE SAFE HAVENS GRANT FROM THE US DEPARTMENT OF JUSTICE, OFFICE OF VIOLENCE AGAINST WOMEN IN COUNSELING AND EDUCATION SERVICES.

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

OTHER ITEMS

17. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:34 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.

18. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF OCTOBER, 2008. (9:34 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 BOND FOR JON WISSER TO SERVE AS VISITING TRAVIS COUNTY JUSTICE OF THE PEACE.
(9:34 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 INTERLOCAL BETWEEN TRAVIS COUNTY, THE CITY OF AUSTIN AND THE AUSTIN INDEPENDENT SCHOOL DISTRICT TO ENHANCE THE SOCIAL, CULTURAL, EDUCATIONAL AND ECONOMIC OPPORTUNITIES OF AFRICAN-AMERICAN MEN AND YOUTH. (9:17 AM)

Item 20 postponed until December 2, 2008.

21. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(11:32 AM)
- A. A LICENSE AGREEMENT BETWEEN TRAVIS COUNTY AND JOHNSON COUNTY FOR THE USE OF I-JURY CODE DEVELOPED BY TRAVIS COUNTY;
 - B. AUTHORIZE THE TRAVIS COUNTY JUDGE TO EXECUTE THE SOFTWARE LICENSE AGREEMENT ON BEHALF OF TRAVIS COUNTY;
AND
 - C. AUTHORIZE THE DIRECTOR OF INFORMATION AND TELECOMMUNICATIONS SYSTEMS OF TRAVIS COUNTY TO EXECUTE THE SAME SOFTWARE LICENSE AGREEMENT WITH OTHER COUNTIES ON BEHALF OF TRAVIS COUNTY WITHOUT FURTHER APPROVAL OF COMMISSIONERS COURT.

Clerk's Note: Items 21.A-C are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Michelle Brinkman, Chief Deputy, Travis County District Clerk's Office; and Tenley Aldredge, Assistant County Attorney.

ITEM 21 CONTINUED

Motion by Commissioner Gómez **and seconded by** Commissioner Daugherty to approve Items 21.A&B.

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

Item 21.C to be reposted.

22. CONSIDER AND TAKE APPROPRIATE ACTION ON A MEMORANDUM OF UNDERSTANDING BETWEEN TRAVIS COUNTY BY AND THROUGH THE TRAVIS COUNTY SHERIFF'S OFFICE WITH THE TRAVIS COUNTY COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT FOR ADDITIONAL SPACE TO HOUSE DEFENDANTS PARTICIPATING IN THE SMART PROGRAM. (9:34 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 EQUITABLE SHARING AGREEMENTS AND CERTIFICATIONS FOR FEDERAL FORFEITURE PROCEEDS FOR THE FOLLOWING DEPARTMENTS:
(9:34 AM)
- A. DISTRICT ATTORNEY'S OFFICE;
B. CONSTABLE PCT. 1;
C. CONSTABLE PCT. 3;
D. CONSTABLE PCT. 4; AND
E. CONSTABLE PCT. 5.

Clerk's Note: Items 23.A-E 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 REQUEST TO APPOINT NICOLE FRANCOIS, KIRSTY HAMMOND, PERRY LANGHAM, SHEILA THOMAS, SCOTT THOMAS (ALTERNATE) AND ERNST TOUSSAINT TO SERVE ON THE NEGOTIATION TEAM FOR THE PROPOSED 2010 GREENRIDGE ANNEXATION PLAN BY THE CITY OF PFLUGERVILLE. (COMMISSIONER ECKHARDT) (9:34 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. DISCUSS AND TAKE APPROPRIATE ACTION ON TRAVIS COUNTY PARTICIPATION IN THE CREATION OF AN AUSTIN/TRAVIS COUNTY SUSTAINABLE FOOD POLICY COUNCIL IN COLLABORATION WITH THE CITY OF AUSTIN. (COMMISSIONER ECKHARDT AND COMMISSIONER DAVIS) (10:38 AM) (1:49 PM) (4:50 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.

Members of the Court heard from: Council Member Mike Martinez, City of Austin; Council Member Laura Morrison, City of Austin and Mary Etta Gerhardt, Assistant County Attorney.

Motion by Commissioner Eckhardt **and seconded by** Commissioner Davis to approve the changes made to the Resolution in Item 25.

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

26. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FISCAL YEAR 2008 ASSET FORFEITURE REPORTS AS REQUIRED BY CHAPTER 59.06 OF THE CODE OF CRIMINAL PROCEDURE FOR THE FOLLOWING DEPARTMENTS: (9:34 AM)

- A. CONSTABLE PCT. 1;
- B. CONSTABLE PCT. 2;
- C. CONSTABLE PCT. 3;
- D. CONSTABLE PCT. 4; AND
- E. CONSTABLE PCT. 5.

Clerk's Note: Items 26.A-E 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.

27. RECEIVE BRIEFING FROM AND GIVE DIRECTION TO COUNTY ATTORNEY REGARDING SETTLEMENT OFFER IN ALISON TARTER WORKER'S COMPENSATION LIEN CASE; SUBROGATION. ¹ (1:49 PM) (4:50 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.

Motion by Judge Biscoe and seconded by Commissioner Daugherty that we agree to accept the \$20,000.00 in settlement of this matter with Travis County getting one-third or \$6,670.00, in settlement of our right to subrogation, reimbursement, etc.

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

28. 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 (1:49 PM) (4:51 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.

Discussion only. No formal action taken.

Item 28 to be reposted on December 2, 2008.

29. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY, CONSIDER SETTLEMENT OFFER AND TAKE APPROPRIATE ACTION REGARDING TAKEOVER AGREEMENT BETWEEN TRAVIS COUNTY AND INSURORS INDEMNITY COMPANY AS PERFORMANCE BOND SURETY ON CONTRACT BETWEEN TRAVIS COUNTY AND DSSI CORPORATION FOR CONTROL PANEL UPGRADE AT TRAVIS COUNTY CORRECTIONAL COMPLEX BUILDINGS 2 AND 3. ¹ (1:49 PM) (4:51 PM)

Clerk's Note: Judge Biscoe announced that Item 29 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 accept the settlement of \$100,000.00 from the bonding company; that we request the Sheriff's Office appropriate representatives to come to Court next Tuesday, December 2, 2008, and discuss with us the security matters involving this project.

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

30. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE
POTENTIAL PURCHASE OF REAL ESTATE IN CENTRAL AUSTIN. ^{1 AND 2}
(1:49 PM) (4:52 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.

Clerk's Note: Items 30 and 31 are associated with one another.

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty that we have these two items, Item 30 and 31, on the Court's Agenda on December 9, 2008 for consideration and appropriate action.

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

Items 30 and 31 to be reposted on December 9, 2008.

31. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE
POTENTIAL PURCHASE OF REAL ESTATE ALONG AIRPORT BOULEVARD.
^{1 AND 2} (1:49 PM) (4:52 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 and Gov't. Code Ann. 551.072, Real Property.

Clerk's Note: Items 30 and 31 are associated with one another. Please refer to Item 30 for a summary of the action taken by the Court

32. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING THE MARAVILLA DEVELOPMENT (PRIMERA HOMES) IN CARDINAL HILLS ESTATES UNIT 15 AND THE STATUS OF THE FISCAL SURETY BOND FROM THE HARTFORD. ¹
(1:49PM) (4:52 PM)

Clerk's Note: Judge Biscoe announced that Item 32 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez that we move forward with finalizing the agreement with the Hartford; and that we set and stage all of the necessary meetings that we need to have, and move forward with this project.

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

Clerk's Note: The County Judge noted that the bond covers drainage, streets, and ditches, and specifically the checklist that Transportation and Natural Resources (TNR) has been negotiated with the bonding company, with no specific tracts of land. The County Judge also noted that there would be a copy of the proposed Agreement available for the public to view upon request.

33. CONSIDER AND TAKE APPROPRIATE ACTION ON CLAIM FROM WILLIAM AND LUISA BARLOW REGARDING ALLEGED DAMAGES TO LOT 75, CARDINAL HILLS ESTATES, UNIT 15, MARAVILLA SUBDIVISION. ¹
(1:49 PM) (4:55 PM)

Clerk's Note: Judge Biscoe announced that Item 33 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from: William Barlow, Claimant; Luisa Barlow, Claimant; and Stacey Scheffel, Flood Plain Manager, TNR.

Discussion only. No formal action taken.

Item 33 to be reposted on December 9, 2008.

34. CONSIDER AND TAKE APPROPRIATE ACTION ON A PROPOSAL TO ACQUIRE OPEN SPACE PARKLAND ALONG UNION CREEK NEAR STATE HIGHWAY 71 EAST WITH 2005 AUTHORIZED BOND FUNDS, IN PRECINCT FOUR. ^{1 AND 2} (1:49 PM) (4:54 PM)

Clerk's Note: Judge Biscoe announced that Item 34 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 Staff to continue negotiating with the owners of this tract of land; have it back on the Court's Agenda next, December 2, 2008, just in case we need it.

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

Item 34 to be reposted on December 2, 2008.

35. RECEIVE UPDATE FROM COUNTY ATTORNEY REGARDING THE EXISTING IMPROVED PROPERTY COMMERCIAL CONTRACT BETWEEN TRAVIS COUNTY AND BALCONES RESOURCES, INC. FOR THE SALE OF PROPERTY LOCATED ON JOHNNY MORRIS ROAD, IN PRECINCT ONE, AND TAKE APPROPRIATE ACTION. ^{1 AND 2} (1:49 PM) (4:54 PM)

Clerk's Note: Judge Biscoe announced that Item 35 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.

Discussion only. No formal action taken.

Item 35 to be reposted on December 2, 2008.

ADJOURNMENT

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to adjourn the Voting Session. (5:29 PM)

Motion carried:

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

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge