

## **MINUTES OF MEETING DECEMBER 2, 2008**

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

On Tuesday, the 2<sup>nd</sup> day of December 2008, the Commissioners' Court convened the Voting Session at 9:18 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 record notes that Precinct Three Commissioner Gerald Daugherty was not present during this Voting Session.

The Commissioners Court retired to Executive Session at 10:17 AM.

The Commissioners Court reconvened the Voting Session at 11:42 AM.

The Commissioners Court recessed the Voting Session at 11:44 AM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:40 PM and adjourned at 1:59 PM.

The Commissioners Court reconvened the Voting Session at 1:59 PM.

The Commissioners Court adjourned the Voting Session at 2:21 PM.

**PUBLIC HEARINGS**

1. RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: AMENDED PLAT OF LOTS 1-3 AND LOT 2A, BLOCK A, MARSHALL'S POINT SUBDIVISION. (COMMISSIONER DAUGHERTY) (ACTION ITEM #18) (9:18 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 18 for a summary of the action item.

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

<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 Gerald Daugherty	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

**Members of the Court heard from:** Anna Bowlin, Program Manager, Planning and Engineering, Transportation and Natural Resources (TNR).

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

<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 Gerald Daugherty	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

2. RECEIVE COMMENTS REGARDING THE PROGRAM YEAR 2007 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT RELATED TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS RECEIVED FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD). (9:19 AM)

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez 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 Gerald Daugherty	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

**Members of the Court heard from:** Christy Moffett, Social Services Manager, Travis County Health and Human Services (TCHHS)

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez 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 Gerald Daugherty	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

## CITIZENS COMMUNICATION

**Members of the Court heard from:** Maurice Priest, Travis County Resident, Gus Peña, Travis County Resident; and Ronnie Gjemre, Travis County Resident. (9:23 AM)

## CONSENT ITEMS

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C5 and Items 4, 6, 7, 8.A&B, 10, 11.A&B, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23.A&B, 24, 26, 29, 30, and 31. (9:43 AM)

**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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2. APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF NOVEMBER 18, 2008.
- C3. APPROVE CORRECTED COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF SEPTEMBER 3, 2008.
- C4. APPROVE SETTING A PUBLIC HEARING ON DECEMBER 23, 2008 TO RECEIVE COMMENTS REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A 3.573 ACRE PORTION OF A RIGHT OF WAY ORIGINALLY DEDICATED FOR HEATHERWILDE BOULEVARD.
- C5. REAPPOINT ROBERT HENDEE, M.D. TO THE TRAVIS COUNTY CHILDREN'S PROTECTIVE SERVICES BOARD, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 2011. (JUDGE BISCOE)

## RESOLUTIONS AND PROCLAMATIONS

- 3. PRESENT PROCLAMATION TO DISTRICT ATTORNEY RONNIE EARLE ON HIS RETIREMENT AFTER 32 YEARS OF SERVICE TO TRAVIS COUNTY. (9:22 AM) (9:51 AM)

**Members of the Court heard from:** Rosemary Lehmberg, District Attorney-Elect; and Ronnie Earle, District Attorney.

Discussion only. No formal action taken.

4. APPROVE RESOLUTION RECOGNIZING GLORIA GREINER FOR HER MANY YEARS OF SERVICE TO TRAVIS COUNTY. (9:43 AM)

**Clerk's Note:** Item 4 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

### SPECIAL ITEMS

5. RECEIVE STATUS REPORT ON THE TRAVIS COUNTY COMBINED CHARITIES CAMPAIGN AND RECOGNIZE TOP CONTRIBUTORS. (9:34 AM)

**Members of the Court heard from:** Dana DeBeauvoir, Travis County Clerk.

Discussion only. No formal action taken.

**Clerk's Note:** The following Travis County employees were recognized for their generous contributions to the Combined Charities Campaign: Theresa Goff, Travis County Counseling and Education Services (TCCES); Kimberly Dillon, TCCES; Adele Coles, TCCES; Caryl Colburn, Director, TCCES; Michelle Kimbrough, Civil District Judge's Office; The Honorable Jan Breland, Judge, County Court at Law Number Six; David Escamilla, Travis County Attorney; John Lipscomb, County Attorney's Office; Kevin Morse, Assistant County Attorney; Dina White, District Attorney's Office; Paige Pritchett, District Attorney's Office; Lloyd Evans, Facilities Management; Linda Moore Smith, Director, Human Resources Management Department (HRMD); Giovanni Mastromatteo, Information and Telecommunications Systems (ITS); Joe Harlow, Chief Technology Officer, ITS; Judy Pittsford, Project Manager, ITS; Pamela Van Pelt, ITS; Renata Clairidge, Domestic Relations Office (DRO); Jana Cotton, Probate; Captain Lisa Brown, Travis County Sheriff's Office (TCSO); Sergeant Melody Hardin, TCSO; Lieutenant Robin Osborn, TCSO; David Eakins, TCSO; Frank Lofton, TCSO; Phyllis Clair, TCSO; Steven Broberg, Director, Records Management and Communication Resources (RMCR); Theresa Calkins, TNR; Adele Noel, Air Quality Project Manager, TNR; and Carol Joseph, Assistant Director, TNR.

**ADMINISTRATIVE OPERATIONS ITEMS**

6. 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 \$398,204.17 FOR THE PERIOD OF NOVEMBER 14 TO NOVEMBER 20, 2008. (9:43 AM)

**Clerk's Note:** Item 6 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

7. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:43 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. A. CONSIDER AND TAKE APPROPRIATE ACTION ON THE WORKFORCE INVESTMENT SUMMARY WHICH HIGHLIGHTS FISCAL YEAR 2009 COMPENSATION AND BENEFITS DECISIONS OF THE COMMISSIONERS COURT; AND  
  
B. APPROVE PRINTING AND DISTRIBUTION OF THE WORKFORCE INVESTMENT SUMMARY TO TRAVIS COUNTY EMPLOYEES AS A PAYROLL STUFFER ON DECEMBER 15, 2008. (9:43 AM)

**Clerk's Note:** Items 8.A&B 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 REGARDING THE ASSIGNMENT OF SPACE IN THE FIFTH FLOOR OF THE NED GRANGER BUILDING FOR THE INTERGOVERNMENTAL RELATIONS STAFF.  
(10:07 AM)

**Members of the Court heard from:** Roger El Khoury, Director, Facilities Management; and Alicia Perez, Executive Manager, Administrative Operations.

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Gómez that such allocation be made.

**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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

## PURCHASING OFFICE ITEMS

10. APPROVE CONTRACT AWARD FOR SAFETY SUPPLIES, IFB NO. B080265NB, TO THE QUALIFIED LOW RESPONSIVE BIDDER, AMERICAN SAFETY UTILITY CORPORATION. (TRANSPORTATION AND NATURAL RESOURCES) (9:43 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 CONTRACT AWARDS FOR FLAT TIRE AND TUBE REPAIR AND REPLACEMENT, IFB NO. B090051RG, TO THE FOLLOWING LOW BIDDERS:  
(9:43 AM)

- A. ACE ROADSIDE SERVICE - PRIMARY CONTRACTOR; AND
- B. SOUTHERN TIRE MART - SECONDARY CONTRACTOR.  
(TRANSPORTATION AND NATURAL RESOURCES)

**Clerk's Note:** Items 11.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

12. APPROVE ISSUANCE OF FOLLOWING JOB ORDER NOS. 28 AND 29, MINOR CONSTRUCTION AND RENOVATION SERVICES, CONTRACT NO. 07K00307RV, ARCHITECTURAL HABITAT OF AUSTIN, INC. (FACILITIES MANAGEMENT) (9:43 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. APPROVE CONTRACT AWARD FOR BLANKET JUDGES PROFESSIONAL LIABILITY INSURANCE, RFP NO. P090040OJ, TO THE QUALIFIED RESPONDENT, HEBERT L. JAMISON AND COMPANY. (HUMAN RESOURCES MANAGEMENT DEPARTMENT) (9:43 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. APPROVE CONTRACT WITH ORION RESEARCH AND MANAGEMENT SERVICES FOR WILDLIFE MANAGEMENT SERVICES ON VARIOUS PARKS AND PRESERVE TRACTS OWNED OR MANAGED BY TRAVIS COUNTY. (TRANSPORTATION AND NATURAL RESOURCES) (9:43 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.

15. APPROVE MODIFICATION NO. 8 TO CONTRACT NO. PS010064JW, CHOOSING HOW I LIVE LIFE, FOR SUBSTANCE ABUSE TREATMENT AND COUNSELING SERVICES. (JUVENILE PROBATION & DISTRICT AND COUNTY CRIMINAL COURTS) (9:43 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. APPROVE CONTRACT AWARD FOR GUARDRAIL AND BRIDGERAIL INSTALLATION, REMOVAL AND REPLACEMENT, IFB NO. B090046LD, TO THE LOW BIDDER H AND H FENCE. (TRANSPORTATION AND NATURAL RESOURCES) (9:43 AM)

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



17. APPROVE CONTRACT NO. PS090048ML FOR INMATE MEDICAL SERVICES WITH ROBERT SIMPKINS, MD. (SHERIFF'S OFFICE) (9:43 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.

## TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

18. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: AMENDED PLAT OF LOTS 1-3 AND LOT 2A, BLOCK A, MARSHALL'S POINT SUBDIVISION. (COMMISSIONER DAUGHERTY) (9:43 AM)

**Clerk's Note:** Item 18 is the action item for the public hearing on Agenda Item 1.

**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 REGARDING DONATION OF A CONSERVATION EASEMENT OVER THE EIGHT ACRE "WOODY HOLLOW PRESERVE" AS PART OF THE BALCONES CANYONLANDS PRESERVE. (9:43 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 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 BEE CREEK HILL, SECTION ONE, SPECIFICALLY A PORTION OF QUEEN BEE LANE. (COMMISSIONER DAUGHERTY) (9:43 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.

**HEALTH AND HUMAN SERVICES DEPT. ITEMS**

21. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING TRAVIS COUNTY HEALTHCARE DISTRICT BOARD MEMBERSHIP FOR THE FOLLOWING THREE MEMBERS: (2:00 PM)
- A. CARL S. RICHIE JR. (JOINT CITY OF AUSTIN/TRAVIS COUNTY APPOINTEE);
  - B. DR. EDUARDO JOSE SANCHEZ; AND
  - C. FRANK RODRIGUEZ.

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

**Members of the Court heard from:** Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); Stacy Wilson, Assistant County Attorney; Frank Rodriguez, Board Member, Travis County Healthcare District; and John Hille, Assistant County Attorney.

**Clerk's Note:** The Court discussed the reappointment of Mr. Frank Rodriguez to the Healthcare District Board.

**Motion by** Commissioner Gómez **and seconded by** Judge Biscoe to approve his appointment.

<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 Gerald Daugherty	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

**ITEM 21 CONTINUED**

**Clerk's Note:** The Court discussed the process of appointing new members to the two vacancies on the Travis County Healthcare District Board:

- 1) Call for Nominations;
- 2) Applications to be sent to the Health and Human Services Department;
- 3) A Committee will shortlist the applicants;
- 4) Talk with the City of Austin regarding the joint appointment; and,
- 5) The Commissioners Court will further shortlist for interviews and selection.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that we approve Sherri Fleming, Executive Manager, TCHHS&VS, another Executive Manager, and the County Judge who will, basically, get the posting done and we'll have applications submitted to HHS; and the committee of those three will shortlist, provide applicants to the Court in a list. I guess our goal would be to shortlist first down to 10 or 12, then get with the Court to shortlist down to 5 or 6 and interview those; and communicate with the City of Austin about this process, try to get them on board, and if there is a slightly different one for the joint appointment, bring that back to the Court for consideration.

<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 Gerald Daugherty	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

**PLANNING AND BUDGET DEPT. ITEMS**

22. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:43 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. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:  
(9:43 AM)

- A. GRANT CONTRACT WITH THE CITY OF AUSTIN, AUSTIN ENERGY FOR HEALTH AND HUMAN SERVICES TO CONTINUE THE CUSTOMER ASSISTANCE PROGRAM PLUS 1, WEATHERIZATION PROGRAM THAT PROVIDES UTILITY ASSISTANCE FOR TRAVIS COUNTY LOW-INCOME HOUSEHOLDS THAT ARE CUSTOMERS OF AUSTIN ENERGY; AND
- B. GRANT CONTRACT WITH ATMOS ENERGY FOR KEEPING THE WARMTH PROGRAM THROUGH HEALTH AND HUMAN SERVICES TO PROVIDE CONSERVATION KITS AND OTHER ENERGY EFFICIENCY SUPPLIES AND INSTALLATIONS TO LOW-INCOME HOUSEHOLDS THAT ARE CUSTOMERS OF ATMOS ENERGY.

**Clerk's Note:** Items 23.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

### OTHER ITEMS

24. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:43 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. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED MEMBERSHIP OF THE EVALUATION COMMITTEE FOR THE CENTRAL CAMPUS MASTER PLAN STUDY. (9:47 AM)

**Clerk's Note:** The Court discussed the proposed members of the evaluation committee:

- 1) Belinda Powell, Capital Planning Coordinator, Planning and Budget Office (PBO);
- 2) Roger El Khoury, Director, Facilities Management;
- 3) Leslie Stricklan, Project Manager, Facilities Management;
- 4) Joe Harlow, Chief Technology Officer, ITS; and
- 5) Christian Smith, Special Assistant to the Commissioners Court.

Cyd Grimes, Travis County Purchasing Agent, will work with the Committee.

**Members of the Court heard from:** Christian Smith, Special Assistant to the Commissioners Court.

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez 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 Gerald Daugherty	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

26. CONSIDER AND TAKE APPROPRIATE ACTION ON AUTHORIZATION TO CHANGE THE ANNUALLY DETERMINED CONTRIBUTION RATE PLAN SELECTIONS TO INCREASE BENEFITS OF RETIREES AND MAINTAIN COUNTY CONTRIBUTIONS UNDER TEXAS DISTRICT AND COUNTY RETIREMENT SYSTEM. (9:43 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 REQUEST FROM THE TRAVIS COUNTY YOUTH SHOW TO MAKE EXCEPTION TO SECTION 14, FOOD AND BEVERAGE CATERING OF THE TRAVIS COUNTY EXPOSITION CENTER LICENSE AGREEMENT. (10:10 AM)

**Members of the Court heard from:** Jim Sylvester, Chief Deputy, TCSO; and Roger El Khoury, Director, Facilities Management.

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez 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 Gerald Daugherty	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

28. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL BETWEEN TRAVIS COUNTY, THE CITY OF AUSTIN AND THE AUSTIN INDEPENDENT SCHOOL DISTRICT TO ENHANCE THE EDUCATIONAL AND ECONOMIC OPPORTUNITIES OF AFRICAN-AMERICAN YOUTH. (9:18 AM)

Item 28 postponed until December 9, 2008.

29. RATIFY APPROVAL OF THE FISCAL YEAR 2008 ASSET FORFEITURE REPORT AS REQUIRED BY CHAPTER 59.06 OF THE CODE OF CRIMINAL PROCEDURE AND THE EQUITABLE SHARING AGREEMENT AND CERTIFICATION FOR FEDERAL FORFEITURE PROCEEDS FOR THE TRAVIS COUNTY SHERIFF'S OFFICE, WHICH WAS DELIVERED TO THE COUNTY JUDGE ON NOVEMBER 26, 2008. (9:43 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. AUTHORIZE THE PURCHASING AGENT OF TRAVIS COUNTY TO EXECUTE LICENSE AGREEMENTS FOR THE USE OF I-JURY CODE DEVELOPED BY TRAVIS COUNTY WITH OTHER COUNTIES ON BEHALF OF TRAVIS COUNTY WITHOUT FURTHER APPROVAL OF COMMISSIONERS COURT. (9:43 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. CONSIDER AND TAKE APPROPRIATE ACTION ON RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES TO TEXPOOL FOR THE TRAVIS COUNTY TAX ASSESSOR COLLECTOR'S OFFICE. (9:43 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.

### 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 551.076, Security

The Commissioners Court will consider the following items in Executive Session. The Commissioners Court may also consider any other matter posted on the agenda if there are issues that require consideration in Executive Session and the Commissioners Court announces that the item will be considered during Executive Session.

32. 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> (10:17 AM) (10:18 AM)

**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.

Item 32 postponed until December 9, 2008.

33. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING THE CONTESTED CASE HEARING ON THE PENDING APPLICATION FOR THE PROPOSED SOLID WASTE AMENDMENT TO EXPAND WASTE MANAGEMENT OF TEXAS LANDFILL LOCATED ON GILES ROAD NEAR STATE HIGHWAY 290 EAST. <sup>1</sup> (10:17 AM) (11:42 AM)

**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.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis that we authorize an additional \$20,000.00 to cover costs for discovery, and that amount be taken from Allocated Reserve.

<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 Gerald Daugherty	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

34. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE IMPOSITION OF ADMINISTRATIVE COSTS IN CERTAIN AUSTIN-TRAVIS COUNTY INTERLOCAL AGREEMENTS. <sup>1</sup> (10:17 AM)

**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.

Discussion only. No formal action taken.

Item 34 to be reposted on December 9, 2008.



35. 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. <sup>1 AND 3</sup> (10:17 AM) (11:43 AM)

**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. 551.076, Security.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez that we approve the agreement that we have been given by Legal Counsel.

<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 Gerald Daugherty	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

36. CONSIDER AND TAKE APPROPRIATE ACTION ON A PROPOSAL TO ACQUIRE OPEN SPACE PARKLAND ALONG ONION CREEK NEAR STATE HIGHWAY 71 EAST WITH 2005 AUTHORIZED BOND FUNDS, IN PRECINCT FOUR. <sup>1 AND 2</sup> (10:17 AM) (11:43 AM)

**Clerk's Note:** Judge Biscoe announced that Item 36 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 36 was not discussed.

Item 36 to be reposted on December 9, 2008.

37. 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. <sup>1 AND 2</sup> (10:17 AM) (11:43 AM)

**Clerk's Note:** Judge Biscoe announced that Item 37 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** Commissioner Davis **and seconded by** Judge Biscoe that we authorize the Travis County Attorney's Office to begin the process of litigation against Koch Pipeline Company, L.P., on the Travis County property on Johnny Morris Road.

<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 Gerald Daugherty	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

## ADJOURNMENT

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to adjourn the Voting Session. (2:21 PM)

<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 Gerald Daugherty	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

## MINUTES APPROVED BY THE COMMISSIONERS' COURT

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**Date of Approval**

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**Samuel T. Biscoe, Travis County Judge**