

## **MINUTES OF MEETING JANUARY 27, 2009**

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

On Tuesday, the 27<sup>th</sup> day of January 2009, the Commissioners' Court convened the Voting Session at 9:17 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 Four Commissioner Margaret Gómez was not present during this Voting Session.

The Commissioners Court recessed the Voting Session at 12:03 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 1:38 PM and adjourned at 1:39 PM.

The Commissioners Court reconvened the Voting Session at 1:39 PM.

The Commissioners Court retired to Executive Session at 1:44 PM.

The Commissioners Court reconvened the Voting Session at 4:08 PM.

The Commissioners Court adjourned the Voting Session at 4:15 PM.

### **CITIZENS COMMUNICATION**

**Members of the Court heard from:** Gus Peña, Travis County Resident; Maurice Priest, Travis County Resident; and Ronnie Gjemre, Travis County Resident.  
(9:18 AM)

**CONSENT ITEMS**

**Members of the Court heard from:** Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR); and Mary Etta Gerhardt, Assistant County Attorney.

**Motion by** Commissioner Davis **and seconded by** Judge Biscoe to approve the following Consent Items: C1-C4 and Items 3, 4.A, 6, 7, 8.A&B, 9, 10, 13, 14, 15, 16, 17, 19, 20, 22, 23, 26.A&B, 27, 28, 29, and A2. (9:28 AM)

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	absent

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2. APPROVE SETTING A PUBLIC HEARING FOR MARCH 3, 2009 TO RECEIVE COMMENTS REGARDING A PARTIAL VACATION IN PRECINCT ONE: HIDDEN LAKE ESTATES, SECTION 1 SUBDIVISION (95 TOTAL LOTS).
- C3. APPROVE SETTING A PUBLIC HEARING FOR MARCH 3, 2009 TO RECEIVE COMMENTS REGARDING A PARTIAL PLAT VACATION IN PRECINCT ONE: PARSONS MEADOWS SECTION ONE SUBDIVISION (57 TOTAL LOTS).
- C4. APPROVE SETTING A PUBLIC HEARING FOR MARCH 3, 2009 TO RECEIVE COMMENTS REGARDING A TOTAL PLAT VACATION IN PRECINCT ONE: PARSONS MEADOWS SECTION TWO SUBDIVISION (84 TOTAL LOTS).

**RESOLUTIONS AND PROCLAMATIONS**

1. APPROVE PROCLAMATION RECOGNIZING THE MONTH OF JANUARY, 2009 AS "MENTORING MONTH" IN TRAVIS COUNTY. (JUDGE BISCOE) (9:32 AM)

**Members of the Court heard from:** Leroy Nellis, Budget Manager, Planning and Budget Office (PBO); Katherin Brewer, Executive Director, Austin Partners in Education; and Sari Waxler, Executive Director, Seedling Foundation.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve the Proclamation in Item 1.

**Motion carried:**

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

2. APPROVE PROCLAMATION RECOGNIZING THE LADIES AUXILIARY TO THE VETERANS OF FOREIGN WARS ANNUAL MID-WINTER CONFERENCE. (JUDGE BISCOE) (9:40 AM)

**Members of the Court heard from:** Debbie Daniel, Department President, Ladies Auxiliary to the Veterans of Foreign Wars; Roberta Carnley, Department Secretary, Ladies Auxiliary to the Veterans of Foreign Wars; and Margie (last name unknown), Ladies Auxiliary to the Veterans of Foreign Wars.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve the Proclamation in Item 2.

**Motion carried:**

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

**ADMINISTRATIVE OPERATIONS ITEMS**

3. 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 \$479,061.40 FOR THE PERIOD OF JANUARY 9 TO 15, 2009. (9:28 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 ON THE FOLLOWING:  
(9:28 AM)

A. PROPOSED ROUTINE PERSONNEL AMENDMENTS; AND

**Clerk's Note:** Item 4.A 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 ON THE FOLLOWING:  
(9:44 AM)

B. REQUEST FROM CONSTABLE PRECINCT ONE FOR AN EXCEPTION TO TRAVIS COUNTY CODE CHAPTER 10.0295 (D)(4), PEACE OFFICER PAY SCALE.

**Members of the Court heard from:** Linda Moore Smith, Director, Human Resources Management Department (HRMD); Danny Thomas, Constable Precinct 1; and Randy Lott, Budget Analyst, PBO.

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

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	absent

5. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE TRAVIS COUNTY GREEN BUILDING RESOLUTION. (9:50 AM)

**Members of the Court heard from:** Roger El Khoury, Director, Facilities Management.

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt to approve Item 5.

**Motion carried:**

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

## JUSTICE AND PUBLIC SAFETY ITEMS

6. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATION FROM OVERSIGHT COMMITTEE ON SELECTION OF THE DIRECTOR OF THE TRAVIS COUNTY OFFICE OF PARENTAL REPRESENTATION. (9:28 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 RECOMMENDATION FROM OVERSIGHT COMMITTEE ON SELECTION OF THE DIRECTOR OF THE TRAVIS COUNTY OFFICE OF CHILD REPRESENTATION. (9:28 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.

## PURCHASING OFFICE ITEMS

8. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING ITEMS:  
(9:28 AM)

- A. ORDER EXEMPTING THE PURCHASE OF PROFESSIONAL CIVIL AND PERMITTING ENGINEERING SERVICES AT THE TRAVIS COUNTY JAIL FROM THE COMPETITIVE PROCUREMENT PROCESS PURSUANT TO SECTION 262.024 (A)(4) OF THE TEXAS LOCAL GOVERNMENT CODE; AND
- B. CONTRACT AWARD FOR PROFESSIONAL CIVIL AND PERMITTING ENGINEERING SERVICES FOR BUILDING 103 AND B12 PARKING LOT, CONTRACT NO. 09K00159DG, TO PATE ENGINEERS, INC.

**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. APPROVE ORDER EXEMPTING THE PURCHASE OF BLISTER CARDS AND BLISTERS FROM RX SYSTEMS, INC. FROM THE COMPETITIVE PROCUREMENT PROCESS PURSUANT TO SECTION 262.024 (A) (7) (D) OF THE COUNTY PURCHASING ACT. (9:28 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. APPROVE CONTRACT AWARD FOR CULVERT PIPE, IFB NO. B090064DR, TO THE LOW BIDDER, CONTECH CONSTRUCTION PRODUCTS, INC.  
(9:28 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 AWARD WITH DOUCET AND ASSOCIATES, INC., RFQ NO. Q080290LP, PROFESSIONAL ENGINEERING SERVICES FOR TRAVIS COUNTY NUCKOLS CROSSING ROADWAY SAFETY IMPROVEMENTS PROJECT. (9:54 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve Item 11.

**Motion carried:**

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

12. APPROVE MODIFICATION NO. 10 TO CONTRACT NO. 07T00004OJ, WASTE MANAGEMENT OF TEXAS, FOR REFUSE COLLECTION. (9:56 AM)

**Members of the Court heard from:** Bonnie Floyd, Assistant Purchasing Agent; Daniel Rumsey, Account Manager, Waste Management of Texas, Inc.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve Item 2.

**Motion carried:**

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	no
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	absent

13. APPROVE MODIFICATION NO. 6 TO CONTRACT NO. PS070232DG, MWM DESIGN GROUP, FOR ADDITIONAL PROFESSIONAL SURVEYING SERVICES AT DEL VALLE WELLNESS CLINIC. (9:28 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.

**TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS**

14. CONSIDER AND TAKE APPROPRIATE ACTION ON A FINAL PLAT FOR RECORDING IN PRECINCT THREE: SENNA HILLS SECTION 9 SUBDIVISION (22 TOTAL LOTS), AND A SUBDIVISION CONSTRUCTION AGREEMENT WITH TAYLOR MORRISON OF TEXAS, INC. (9:28 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. CONSIDER AND TAKE APPROPRIATE ACTION ON A PRELIMINARY PLAN IN PRECINCT FOUR: STONEY RIDGE, PHASE C SUBDIVISION (151 TOTAL LOTS). (9:28 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. CONSIDER AND TAKE APPROPRIATE ACTION ON THE ACCEPTANCE OF DEDICATION OF PUBLIC STREET AND ROAD-RELATED DRAINAGE FACILITIES IN RIVER DANCE, PHASE 3 SUBDIVISION, AND A LICENSE AGREEMENT WITH STEINER RANCH MASTER ASSOCIATION, INC. (9:28 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. CONSIDER AND TAKE APPROPRIATE ACTION ON A LICENSE AGREEMENT WITH THE AUSTIN RIDGE RIDERS MOUNTAIN BIKE CLUB FOR A BIKE RACE AT TRAVIS COUNTY MILTON REIMERS RANCH PARK. (9:28 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. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST BY MIKE MCMINN FOR ALTERNATIVE FILING FEES FOR A SHORT FORM SUBDIVISION PLAT. (COMMISSIONER ECKHARDT) (10:01 AM)

**Members of the Court heard from:** Mike McMinn, Travis County Resident; and Anna Bowlin, Program Manager, Planning and Engineering, TNR.

**Clerk's Note:** The Court requested Staff to conduct a review of the fee schedule for short form plats, consider if the introduction of a graduated fee schedule for plats above an average number of lots would be appropriate, and to bring it back to the Court on February 10, 2009.

Item 18 to be reposted on February 10, 2009.

19. CONSIDER AND TAKE APPROPRIATE ACTION ON ACCEPTANCE OF DEDICATION OF PUBLIC STREET AND ROAD-RELATED DRAINAGE FACILITIES WITHIN ROCKY POINT SUBDIVISION AND NOTIFY COURT OF SATISFACTORY CONSTRUCTION OF THE PRIVATE STREETS WITHIN ROCKY POINT, A SUBDIVISION IN PRECINCT THREE. (9:28 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 LICENSE AGREEMENT WITH TEAM HOTEL SAN JOSE, LLC FOR A BIKE RACE AT PACE BEND PARK. (9:28 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 REGARDING THE TRANSFER OF 826.546 ACRE VOLENTE MITIGATION TRACT FROM GRASON VOLENTE INVESTMENTS, LTD. TO TRAVIS COUNTY AND ACCEPTANCE OF OPERATION AND MAINTENANCE RESPONSIBILITY TO BE MANAGED AS PART OF THE BALCONES CANYONLANDS PRESERVE. (1:40 PM)

**Members of the Court heard from:** Kevin Connally, Environmental Specialist, TNR; and John Hille, Assistant County Attorney.

**Motion by** Commissioner Huber **and seconded by** Commissioner Eckhardt to approve Item 21.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	absent

22. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A TOTAL SUBDIVISION VACATION IN PRECINCT TWO: SCARBROUGH SUBDIVISION (9 TOTAL LOTS); AND A REPLAT OF LOTS 1-9, SCARBROUGH SUBDIVISION (11 LOTS). (COMMISSIONER ECKHARDT) (9:28 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.

## HEALTH AND HUMAN SERVICES DEPT. ITEMS

23. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST BY UNIVERSITY OF TEXAS DOCTORAL STUDENT TO POST INFORMATION AT THE TRAVIS COUNTY COMMUNITY CENTERS REGARDING COMPENSATED STUDY ON INTIMATE PARTNER ABUSE. (9:28 AM)

**Members of the Court heard from:** Mary Etta Gerhardt, Assistant County Attorney.

**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 announced that approval of Item 23 is subject to the County's ability to get a disclaimer, as noted by the County Attorney's Office.

24. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR ASSISTANCE FROM AUSTIN-TRAVIS COUNTY MENTAL HEALTH AND MENTAL RETARDATION CENTER FOR IN KIND SUPPORT FROM TRAVIS COUNTY IN THE FORM OF PRINTING 700 NEWSLETTERS FOR THE 9TH ANNUAL CENTRAL TEXAS AFRICAN-AMERICAN FAMILY SUPPORT CONFERENCE. (10:23 AM)

**Members of the Court heard from:** Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS).

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

**Motion carried:**

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

## PLANNING AND BUDGET DEPT. ITEMS

25. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:47 AM)

**Members of the Court heard from:** Danny Thomas, Constable Precinct 1; and Craig Howard, Chief Deputy, Constable Precinct 1 Office.

**Motion by** Judge Biscoe **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	absent

26. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:28 AM)
- A. INTERLOCAL AGREEMENT WITH THE CITY OF AUSTIN FOR GRANT FUNDS TO CONTINUE THE FAMILY VIOLENCE PROTECTION TEAM GRANT PROGRAM IN THE OFFICES OF THE DISTRICT ATTORNEY, COUNTY ATTORNEY, SHERIFF AND CONSTABLE PRECINCT 5; AND
  - B. CONTRACT AMENDMENT WITH THE OFFICE OF RURAL COMMUNITY AFFAIRS FOR TRANSPORTATION AND NATURAL RESOURCES TO EXTEND THE TERMINATION DATE TO FEBRUARY 28, 2009 TO PAY FOR WATER SYSTEM INSTALLATION AND INDIVIDUAL SERVICE CONNECTIONS IN THE TRAVIS COUNTY PORTION OF NORTHRIDGE ACRES.

**Clerk's Note:** Items 26.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

27. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:28 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. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF DECEMBER 2008. (9:28 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. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO DECOMMISSION BUILDING 310 AT TRAVIS COUNTY CORRECTIONAL COMPLEX SO IT CAN BE UTILIZED FOR ADDITIONAL SPACE FOR THE SHERIFF'S OFFICE TRAINING ACADEMY. (9:28 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. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL BETWEEN TRAVIS COUNTY, THE CITY OF AUSTIN AND THE AUSTIN INDEPENDENT SCHOOL DISTRICT FOR THE MEN AND BOYS HARVEST FOUNDATION TO ENHANCE THE EDUCATIONAL AND ECONOMIC OPPORTUNITIES OF TRAVIS COUNTY YOUTH. (1:40 PM)

Item 30 postponed until February 3, 2009.

31. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM SETON MEDICAL CENTER-AUSTIN REGARDING THE CHILDREN'S OPTIMAL HEALTH PARTNERSHIP. (11:01 AM) (11:13 AM)

**Members of the Court heard from:** Ashton Cumberbatch, Vice President, Advocacy and Community Relations, Seton Family of Hospitals; Diana Resnik, Senior Vice President, Community Health Services, Board Member, Optimal Health Board and Seton Healthcare; Jim Walker, Sustainability Indicators; David Escamilla, Travis County Attorney; Sherri Fleming, Executive Manager, TCHHS&VS; and Dr. Susan Millea, Ph.D., President, Human Service Technology Innovations.

**Motion by Judge Biscoe and seconded by Commissioner Eckhardt** to indicate Travis County's desire to join the partnership, and ask the County Attorney's Office to try to figure out a way to do so.

**Motion carried:**

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	present but not voting
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	absent

**Clerk's Note:** Commissioner Davis indicated that he would need another week to consider the Item.

**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.

32. RECEIVE LEGAL ADVICE AND TAKE APPROPRIATE ACTION RELATED TO TYPE OF CONTRACT USED WHEN HIRING VISITING JUDGES. <sup>1</sup> (1:44 PM) (4:08 PM) (4:11 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** Judge Biscoe **and seconded by** Commissioner Eckhardt that we direct Staff to request the SS8 form determination and report back to the Court as soon as that is received.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	absent

**Clerk's Note:** Item 32 was revisited at 4:11 PM

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt to reconsider Item 32.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	absent

## ITEM 32 CONTINUED

**Members of the Court heard from:** Barbara Wilson, Assistant County Attorney.

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Huber to submit the SS8 form, request that determination, and authorize the County Judge to sign the form after it has been completed.

**Motion carried:**

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

33. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING OUTSTANDING OBLIGATION FROM KENNEDY RIDGE WATER SUPPLY CORPORATION FOR UTILITY RELOCATION AGREEMENT. <sup>1</sup> (1:44 PM) (4:09 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.

Discussion only. No formal action taken.

Item 33 to be reposted on February 3, 2009.

34. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING OFFER TO SETTLE CLAIM AGAINST PEDRO DANIEL FOR DAMAGE TO A COUNTY-OWNED GUARDRAIL. <sup>1</sup> (1:44 PM) (4:09 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.

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt that we reject the counter offer and re-urge our offer.

**Motion carried:**

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

35. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING SETTLEMENT OFFER FROM GRIMES COUNTY CONCERNING PAYMENT OF COURT COSTS ASSOCIATED WITH MENTAL HEALTH SERVICES PROCEEDINGS CONDUCTED IN TRAVIS COUNTY. <sup>1</sup> (1:44 PM) (4:10 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.

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt that, after negotiating this matter, we change our offer to \$525.00.

**Motion carried:**

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

36. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE STATUS OF INVESTIGATION OF CLAIMS BY KAREN STEITL, INCLUDING THE CLAIMS IN EEOC CHARGE NO. 31C-2008-01470. <sup>1 AND 3</sup> (1:44 PM) (4:12 PM)

**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. 551.074, Personnel Matters.

**Clerk's Note:** Items 36 and 37 are associated with one another and were called for concurrent discussion.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis that in Item 36, we ask Precinct 3 Commissioner Karen Huber to represent Travis County in the Karen Steitle mediation before the Equal Employment Opportunity Commission (EEOC). In Item 37, to ask Commissioner Huber to represent the Travis County Commissioners Court in the claims filed by Chuck Kelley.

**Motion carried:**

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



37. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE STATUS OF INVESTIGATION OF CLAIMS BY CHUCK KELLEY, INCLUDING THE CLAIMS IN EEOC CHARGE NO. 31C-2008-01436 AND EEOC CHARGE NO. 450-2009-00943. <sup>1 AND 3</sup> (1:44 PM) (4:12 PM)

**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. 551.074, Personnel Matters.

**Clerk's Note:** Items 37 and 36 are associated with one another and were called for concurrent discussion. Please refer to Item 36 for a summary of the action taken by the Court.

38. A. RECEIVE LEGAL BRIEFING FROM COUNTY ATTORNEY ON ISSUES REGARDING CONFIDENTIAL CLIMATE ASSESSMENT RECEIVED FROM EMPLOYMENT PRACTICES SOLUTIONS AND TAKE APPROPRIATE ACTION; AND
- B. DELIBERATE RESULTS OF CONFIDENTIAL CLIMATE ASSESSMENT IN RELATION TO EXECUTIVE MANAGER OF ADMINISTRATIVE OPERATIONS; DIRECTOR OF HUMAN RESOURCES MANAGEMENT DEPARTMENT (HRMD); AND HRMD SLOT NUMBERS 23, 16 AND 9 AND TAKE APPROPRIATE ACTION. <sup>1 AND 3</sup> (1:44 PM) (4:13 PM)

**Clerk's Note:** Judge Biscoe announced that Items 38.A&B would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.074, Personnel Matters.

Discussion only. No formal action taken.

Items 38.A&B to be reposted on February 3, 2009.

39. 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> (1:39 PM)

Item 39 not needed.

40. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING COMMISSIONERS COURT'S RESPONSIBILITY FOR PROVIDING COLLABORATION, MANAGEMENT OR OVERSIGHT OF THE TRAVIS COUNTY HOUSING AUTHORITY. <sup>1</sup> (1:44 PM) (4:13 PM)

**Clerk's Note:** Judge Biscoe announced that Item 40 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 40 to be reposted when ready.

41. CONSIDER AND TAKE APPROPRIATE ACTION ON PURCHASE CONTRACT FOR APPROXIMATELY 3.5 ACRES OF LAND FROM THE TRAVIS COUNTY COMMUNITY SUPERVISION AND CORRECTIONS DIVISION TO SECURE SMART FACILITY ENHANCEMENTS. <sup>1 AND 2</sup> (1:44 PM) (4:13 PM)

**Clerk's Note:** Judge Biscoe announced that Item 41 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.

**Members of the Court heard from:** John Hille, Assistant County Attorney, Director of Transactions Division.

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt that we authorize the signing of the purchase contract, if it is returned to the County Attorney's office in substantially the same form that the County Attorney's office prepared and sent it over; and if there are significant changes, that the matter be placed back on the Court's agenda for appropriate 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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	absent

42. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING ISSUES RELATED TO NOVATION OF LICENSE AGREEMENT FOR OPERATION OF COMMUNITY CENTER. <sup>1 AND 2</sup> (1:44 PM) (4:14 PM)

**Clerk's Note:** Judge Biscoe announced that Item 42 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.

**Members of the Court heard from:** Barbara Wilson, Assistant County Attorney.

**Clerk's Note:** The Court directed Staff that they contact the licensee at the Precinct 3 Community Center, and that we receive a report back next week, February 3, 2009.

Item 42 to be reposted on February 3, 2009.

### ADDED ITEMS

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON COUNTY POSITION REGARDING LEGISLATIVE OPTIONS TO INCREASE TRANSPORTATION MOBILITY FUNDING. (10:25 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; Deece Eckstein, Intergovernmental Relations Officer; and Katie Ferrier, Real Estate Council of Austin (RECA).

Discussion only. No formal action taken.

- A2. CONSIDER AND TAKE APPROPRIATE ACTION TO ACCEPT CHECK FROM NORTHRIDGE WATER SUPPLY CORPORATION RECEIVER, PATRICK KING, TO BE USED FOR SERVICE CONNECTIONS IN NORTHRIDGE ACRES. (9:28 AM)

**Clerk's Note:** Item A2 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- A3. CONSIDER AND TAKE APPROPRIATE ACTION ON PROCESS FOR SELECTING TRAVIS COUNTY'S APPOINTMENTS TO CITY OF AUSTIN-TRAVIS COUNTY SUSTAINABLE FOOD POLICY BOARD. (COMMISSIONER ECKHARDT) (11:03 AM)

**Motion by** Commissioner Eckhardt **and seconded by** Judge Biscoe for each member of the Court to appoint one person, and for the County Judge to appoint two.

**An Addition to the previous Motion was made by** Commissioner Eckhardt to set a closing date for the application process of 5:00 PM, Friday, January 30, 2009.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	absent

**Clerk's Note:** The County judge noted that the Commissioners Court would approve the selections within the next two weeks.

Item A3 to be reposted on February 3, 2009 and February 10, 2009.

## ADJOURNMENT

**Motion by Commissioner Davis and seconded by Commissioner Eckhardt to adjourn the Voting Session. (4:15 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 Karen Huber	yes
	Precinct 4, Commissioner Margaret J. Gómez	absent

**MINUTES APPROVED BY THE COMMISSIONERS' COURT**

**Date of Approval**

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