

MINUTES OF MEETING FEBRUARY 10, 2009

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 10th day of February 2009, the Commissioners' Court convened the Voting Session at 9:14 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 Robert Resnick.

The Commissioners Court recessed the Voting Session at 12:11 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 1:42 PM and adjourned at 1:42 PM.

The Commissioners Court, meeting as the Travis County Bee Cave Road District #1 (Galleria), convened at 1:42 PM and adjourned at 1:43 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:43 PM and adjourned at 1:51 PM.

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation, convened at 1:51 PM and adjourned at 1:53 PM.

The Commissioners Court reconvened the Voting Session at 1:53 PM.

The Commissioners Court retired to Executive Session at 2:43 PM.

The Commissioners Court reconvened the Voting Session at 4:58 PM.

The Commissioners Court adjourned the Voting Session at 5:05 PM.

CITIZENS COMMUNICATION

Members of the Court heard from: Bob Pope, Travis County Resident; Gus Peña, Travis County Resident; and Ronnie Gjemre, Travis County Resident. (9:14 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Huber to approve the following Consent Items: C1-C5 and Items 1, 6, 7.A-D, 10, 11, 12.A&B, 15, 16.A-E, 17, 21, 23, 25, 26, 27, 28, 30, and 35. (9:25 AM)

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

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2. APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF JANUARY 21, 2009.
- C3. APPROVE PROCLAMATION RECOGNIZING THE 9TH ANNUAL CENTRAL TEXAS AFRICAN-AMERICAN FAMILY SUPPORT CONFERENCE BEING HELD ON FEBRUARY 12 AND 13, 2009 AT THE OMNI HOTEL AT SOUTHPARK. (JUDGE BISCOE)
- C4. APPROVE REAPPOINTMENT OF WARREN HASSINGER AND JIM NIXON TO THE EMERGENCY SERVICES DISTRICT NO. 5 BOARD, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 31, 2010. (COMMISSIONER HUBER)
- C5. APPROVE REAPPOINTMENT OF JOHN JACKSON, TODD CRICKMER AND TRES CHILDRESS TO THE EMERGENCY SERVICES DISTRICT NO. 10 BOARD, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 31, 2010. (COMMISSIONER HUBER)

RESOLUTIONS AND PROCLAMATIONS

- 1. APPROVE PROCLAMATION RECOGNIZING THE NATIONAL PRIMITIVE BAPTIST CONVENTION. (JUDGE BISCOE) (9:25 AM)

Clerk's Note: Item 1 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

2. APPROVE PROCLAMATION RECOGNIZING FEBRUARY 14, 2009 AS "TAKE HEART AUSTIN DAY" IN TRAVIS COUNTY. (COMMISSIONER ECKHARDT) (9:29 AM)

Members of the Court heard from: Danny Hobby, Emergency Services Coordinator, Emergency Services; Louis Gonzales, Program Manager, Take Heart Austin; and Gus Peña, Travis County Resident.

Motion by Commissioner Eckhardt **and seconded by** Commissioner Gómez 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	yes

SPECIAL ITEMS

3. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:35 AM)

Members of the Court heard from: Pete Baldwin, Emergency Management Coordinator, Emergency Services.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to renew the burn ban.

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

4. CONSIDER AND TAKE APPROPRIATE ACTION TO RECOGNIZE TRAVIS COUNTY EMPLOYEES WHO PARTICIPATED IN THE TRAVIS 1000 AND VIRGIN HEALTHMILES WELLNESS PROGRAM CHALLENGES. (9:38 AM)

Members of the Court heard from: Dan Mansour, Risk and Benefits Manager, Human Resources Management Department (HRMD); Zetta Garnett, Benefits Assistant, HRMD; and Dr. Lynn Stewart, MD, Health and Wellness Clinic; Travis County Wellness Center.

Discussion only. No formal action taken.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

5. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING MATTERS RELATED TO THE TRAVIS COUNTY HEALTHCARE DISTRICT BOARD OF MANAGERS: (9:52 AM)
 - A. REVIEW OF APPLICATIONS TO FILL COUNTY-APPOINTED AND JOINT CITY/COUNTY VACANCIES;
 - B. PROPOSED QUESTIONS FOR INTERVIEWS WITH CANDIDATES; AND
 - C. TIMELINE AND OTHER RELATED ISSUES.

Clerk's Note: Items 5.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); Susan Spataro, Travis County Auditor; John Hille, Assistant County Attorney; and Jim Collins, Executive Assistant County Attorney.

Motion by Judge Biscoe and seconded by Commissioner Gómez that, concerning Item 5.C, we consider the timeline has come and gone, and consider the 13 applications that we have before us. This closes the door for those who did not apply before the deadline.

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 recommended that, regarding Item 5.A, the Court draft an Executive Manager to serve on the subcommittee with the County Judge and Sherri Fleming, Executive Manager, TCHHS&VS. The subcommittee should proceed to evaluate the 13 applicants and the materials they submitted; and, in two weeks, give a short list of 3-5 names to the Commissioners Court, but with a written evaluation of all 13 so that the entire Court can see how the subcommittee arrived at the shortlist, decide on how many applicants to interview, post the interviews, and conduct them.

Items 5.A and B discussion only.

Items 5.A and B to be reposted on February 24, 2009.

PLANNING AND BUDGET DEPT. ITEMS

6. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:25 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: Judge Biscoe requested information on what happened to the \$112,000.00 allocated for lease space that is not needed.

7. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
(9:25 AM)
- A. GRANT APPLICATION TO THE EMERGENCY FOOD AND SHELTER BOARD FOR HEALTH AND HUMAN SERVICES TO PROVIDE EMERGENCY UTILITY ASSISTANCE TO QUALIFIED TRAVIS COUNTY RESIDENTS;
 - B. GRANT CONTRACT WITH THE U.S. DEPARTMENT OF JUSTICE FOR THE SHERIFF'S OFFICE ON-GOING TECHNOLOGY IMPROVEMENTS AND/OR PERSONNEL PROTECTION EQUIPMENT UPGRADES THROUGH THE 2008 BYRNE JUSTICE ASSISTANCE GRANT;
 - C. GRANT CONTRACT WITH THE BUREAU OF JUSTICE ASSISTANCE FOR JUVENILE PROBATION TO EXTEND THE JUSTICE AND MENTAL HEALTH COLLABORATION PROGRAM COPE FROM ITS ORIGINAL END DATE OF FEBRUARY 28, 2009 TO SEPTEMBER 30, 2009; AND
 - D. GRANT CONTRACT WITH THE OFFICE OF THE GOVERNOR'S CRIMINAL JUSTICE DIVISION FOR THE JUVENILE ASSESSMENT CENTER IN JUVENILE PROBATION TO EXTEND THE EXISTING CONTRACT ONE MONTH TO MATCH THE STATE'S FISCAL YEAR.

Clerk's Note: Items 7.A-D approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

8. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST TO NEGOTIATE A TWO-YEAR EXTENSION TO THE CONTRACT FOR DEPOSITORY SERVICES BETWEEN TRAVIS COUNTY AND JPMORGAN CHASE BANK. (9:49 AM)

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve Item 8.

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

9. CONSIDER AND TAKE APPROPRIATE ACTION ON BROKER/DEALER APPLICANTS FOR CONDUCTING INVESTMENT BUSINESS WITH TRAVIS COUNTY. (9:49 AM)

Members of the Court heard from: Mary Mayes, Investment Manager, Cash/Investment Management.

Motion by Commissioner Eckhardt and seconded by Commissioner Gómez to approve Item 9.

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

ADMINISTRATIVE OPERATIONS ITEMS

10. 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 \$425,948.22 FOR THE PERIOD OF JANUARY 23 TO 29, 2009. (9:25 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 PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:25 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 THE FOLLOWING PROPERTY CLAIM RECOMMENDATIONS: (9:25 AM)

A. STAR FLIGHT DEPARTMENT - SETTLE; AND

B. TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT - SETTLE.

Clerk's Note: Items 12.A&B 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 REGARDING THE TRAVIS COUNTY SPACE STANDARDS. (11:29 AM)

Members of the Court heard from: Roger El Khoury, Director, Facilities Management; and Jim Barr, Senior Project Manager, Facilities Management.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez that we approve Item 13, and agree to look at private restrooms on a case-by-case basis.

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

JUSTICE AND PUBLIC SAFETY ITEMS

14. RECEIVE UPDATE ON VISITATION CENTER CONSTRUCTION PROJECT AT TRAVIS COUNTY COMMUNITY JUSTICE CENTER (STATE JAIL) AND TAKE APPROPRIATE ACTION. (11:22 AM)

Members of the Court heard from: Roger Jefferies, Executive Manager, Justice and Public Safety (JPS); Roger El Khoury, Director, Facilities Management; and Jim Barr, Senior Project Manager, Facilities Management.

Discussion only. No formal action taken.

Item 14 to be reposted at the appropriate time when ready for additional action.

PURCHASING OFFICE ITEMS

15. APPROVE MODIFICATION NO. 3, AN ASSIGNMENT OF CONTRACT NO. 06T00243DR FROM SPARKLING CARWASH, INC. TO SQUEEKY CLEAN CARWASH. (9:25 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 AWARDS FOR EROSION CONTROLS MATERIALS, IFB NO. B090078NB, TO THE FOLLOWING LOW BIDDERS: (9:25 AM)

- A. BAMERT SEED CO., FOR LINE ITEM 1-01;
- B. JUSTIN SEED, FOR LINE ITEMS 1-02, 1-04, 1-06;
- C. LESCO, INC. FOR LINE ITEM 1-05;
- D. AFS ENVIRONMENTAL, INC., FOR LINE ITEMS 1-07, 1-08; AND
- E. HANES GEO COMPONENTS, FOR LINE ITEMS 1-03, 2-01 TO 2-11.

Clerk's Note: Items 16.A-E 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. PS090008VR, JUVENILE PROBATION DEPARTMENT POT OF GOLD PROGRAM, TO PROVIDE CRIME VICTIMS SERVICES FOR THE CRIME VICTIMS FUND PROGRAM. (9:25 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.

Clerk's Note: The County Judge noted that the contract is for \$12,099.00.

18. APPROVE PROCUREMENT CARD POLICIES AND PROCEDURES FOR USE BY THE TRAVIS COUNTY PURCHASING OFFICE. (10:14 AM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; and Susan Spataro, Travis County Auditor.

Motion by Commissioner Eckhardt **and seconded by** Commissioner Gómez to approve Item 18.

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

TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

19. CONSIDER AND TAKE APPROPRIATE ACTION ON ALTERNATIVE SHORT FORM PLAT SUBDIVISION REVIEW FEES. (1:53 PM)

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

Motion by Commissioner Eckhardt **and seconded by** Judge Biscoe to accept the suggested fee schedule with the basic plat review increased by \$200.00.

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	yes

20. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(2:10 PM)

- A. REIMBURSEMENT RESOLUTION FOR FISCAL YEAR 2009 VEHICLE PURCHASES;
- B. MODIFY FLEET BY ADDING FIVE ELECTRIC VEHICLES AND REMOVING TWO PICK-UP TRUCKS;
- C. REQUEST TO PURCHASE ONE TRAILER MAINTAINED MESSAGE SIGN; AND
- D. USE OF THE LOCAL INITIATIVE PROJECT (FEDERAL GRANT FUNDING CONTRACT) TO PAY FOR 50% OF THE PROPANE POWERED LAWNMOWERS, ELECTRIC VEHICLES, HYBRID VEHICLES, SOLAR POWERED CHANGEABLE MESSAGE SIGN, PROPANE SCHOOL BUSES FOR MANOR INDEPENDENT SCHOOL DISTRICT, FLEX FUEL VEHICLES FOR THE CITY OF MANOR AND HYBRIDS FOR THE CITY OF AUSTIN.

Clerk's Note: Items 20.A-D are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Adele Noel, Air Quality Project Manager, TNR; Joe Gieselman, Executive Manager, TNR; Mike Joyce, Fleet Manager, TNR; Susan Spataro, Travis County Auditor; Jessica Rio, Assistant Budget Manager, Planning and Budget Office (PBO); John Hille, Assistant County Attorney; and Tom Weber, Environmental Quality Program Manager, TNR.

Motion by Judge Biscoe **and seconded by** Commissioner Davis that we approve the reimbursement resolution, but substitute the Allocated Reserve for the Unallocated Reserve as the funding source in Item 20.A.

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

ITEM 20 CONTINUED

Motion by Judge Biscoe and seconded by Commissioner Davis to approve Item 20.B.

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

Motion by Commissioner Eckhardt and seconded by Commissioner Gómez to approve Item 20.C.

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

Motion by Commissioner Gómez and seconded by Commissioner Eckhardt to approve Item 20.D.

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

21. CONSIDER AND TAKE APPROPRIATE ACTION ON TWO CASH SECURITY AGREEMENTS WITH TAYLOR MORRISON OF TEXAS, INC. FOR SIDEWALK FISCAL FOR RIVER DANCE, PHASE 4 AND PHASE 6A SUBDIVISIONS IN PRECINCT THREE. (9:25 AM)

Clerk's Note: Item 21 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

22. CONSIDER AND TAKE APPROPRIATE ACTION ON THE CENTRAL TEXAS REGION'S IMPLEMENTATION OF THE 2009 BIG PUSH INITIATIVES TO MAINTAIN ATTAINMENT OF THE 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARD. (11:37 AM)

Members of the Court heard from: Tom Weber, Environmental Quality Program Manager, TNR; Adele Noel, Air Quality Project Manager, TNR; and Ronnie Gjemre, Travis County Resident.

Discussion only. No formal action taken.

Item 22 to be reposted on February 17, 2009.

OTHER ITEMS

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

24. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING: (10:49 AM)

A. STATUS REPORT ON DRAFTING LEGISLATION TO ADDRESS TRAVIS COUNTY LEGISLATIVE PRIORITIES; AND

B. DRAFT LEGISLATIVE LANGUAGE FOR CERTAIN TRAVIS COUNTY PRIORITY ISSUES.

Clerk's Note: Items 24.A&B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Deece Eckstein, Intergovernmental Relations Officer; Joe Gieselman, Executive Manager, TNR; Dan Mansour, Risk and Benefits Manager, HRMD; and The Honorable Susan Steeg, Justice of the Peace, Precinct Three.

Clerk's Note: The Court discussed supporting legislation relating to the relocation of utilities on certain highways and county roads.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to support the legislation.

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

Clerk's Note: The Court discussed supporting legislation relating to the regulation of storm water management by certain counties.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to support the legislation.

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

ITEM 24 CONTINUED

Clerk's Note: The Court discussed supporting legislation relating to health benefits coverage provided to persons who retire early from employment by certain counties or municipalities.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to support the legislation, conditioned upon this being presented to the Employee Benefits Committee and other appropriate persons at Travis County, and to report back to the Court at the appropriate time.

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

Clerk's Note: The Court discussed supporting legislation relating to the payment of a special expense fee on a grant of deferred disposition in a justice or municipal court.

Motion by Commissioner Huber **and seconded by** Judge Biscoe to support the legislation.

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

Item 24.A was Discussion only.

25. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM THE TRAVIS COUNTY SHERIFF'S OFFICE TO DRIVE TWO COUNTY-OWNED VEHICLES TO A POLICE DRIVING INSTRUCTORS COURSE IN BURNS FLATS, OKLAHOMA. (9:25 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. CONFIRMATION OF DEPUTY CONSTABLES FOR PRECINCT FOUR, PER TEXAS LOCAL GOVERNMENT CODE, SECTION 86.011. (9:25 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 THE APPROVAL AND CONFIRMATION OF DEPUTY CONSTABLES FOR PRECINCT TWO, PER TEXAS LOCAL GOVERNMENT CODE, SECTION 86.011. (9:25 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 THE APPROVAL AND CONFIRMATION OF DEPUTY CONSTABLES FOR PRECINCT THREE, PER TEXAS LOCAL GOVERNMENT CODE, SECTION 86.011. (9:25 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 A LEASE AGREEMENT BY THE TRAVIS COUNTY HEALTHCARE DISTRICT FOR A NEW COMMUNITY HEALTH CENTER TO BE LOCATED AT IH-35 AND RUNDBERG LANE. (9:45 AM)

Members of the Court heard from: Trish Young, President and Chief Executive Officer, Travis County Healthcare District; and David Vliet, Chief Executive Officer, Community Healthcare System of Austin and Travis County.

Motion by Judge Biscoe **and seconded by** Commissioner Eckhardt to approve Item 29.

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

30. CONSIDER AND TAKE APPROPRIATE ACTION ON APPOINTMENT OF GENE WILLS AS FIRE COMMISSIONER TO THE EMERGENCY SERVICES DISTRICT NO. 4 BOARD TO REPLACE CAROLYN LEWIS EFFECTIVE IMMEDIATELY THROUGH DECEMBER 31, 2010. (COMMISSIONER DAVIS) (9:25 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 REQUEST FOR ADDITIONAL STAFFING NEEDS FOR FIELD RELEASE CITATIONS FOR JUSTICE OF THE PEACE PRECINCT FIVE. (10:20 AM)

Members of the Court heard from: The Honorable Herb Evans, Justice of the Peace Precinct 5; Greg Hamilton, Travis County Sheriff; Ronnie Gjemre, Travis County Resident; Darren Long, Major, Travis County Sheriff's Office (TCSO); Roger Jefferies, Executive Manager, JPS; and Diana Ramirez, Budget Analyst, PBO.

Discussion only. No formal action taken.

Item 31 to be reposted on February 24, 2009.

32. CONSIDER AND TAKE APPROPRIATE ACTION ON TRAVIS COUNTY'S APPOINTMENTS TO THE CITY OF AUSTIN-TRAVIS COUNTY SUSTAINABLE FOOD POLICY BOARD. (COMMISSIONER ECKHARDT) (11:17 AM)

Clerk's Note: The members of the Court listed their nominations for appointment to the City of Austin-Travis County Sustainable Food Policy Board:

Precinct 1 – Richard Pierce;

Precinct 2 – David Davenport;

Precinct 3 – Michelle Murphy-Smith;

Precinct 4 – Paula McDermott; and,

Judge Biscoe – Max Elliott and Katy Kramer-Petrie.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve submission of this list of appointees to the City of Austin.

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

A Clarification of the previous Motion was made by Judge Biscoe that the Court first approves the list, and then submits it to the City of Austin. The Court also expressed its thanks to all of the applicants.

33. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FORMATION OF THE COUNTY CLERK ELECTIONS STUDY GROUP FOR THE PURPOSE OF STUDYING AND MAKING RECOMMENDATIONS FOR FUTURE TRAVIS COUNTY VOTING SYSTEMS. (11:15 AM)

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

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the Travis County Clerk's plan.

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

34. 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 AND/OR MODIFICATION OF AFTER SCHOOL INTERLOCAL, AS APPROPRIATE. (9:14 AM)

Item 34 postponed until February 17, 2009.

35. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERNSHIP OPPORTUNITIES WITHIN TRAVIS COUNTY GOVERNMENT AND FUNDING OPTIONS FOR AUSTIN COMMUNITY COLLEGE STUDENTS DURING THE FALL 2009 AND SPRING 2010 SEMESTERS. (COMMISSIONER ECKHARDT) (9:25 AM)

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

36. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO JOIN THE TEXAS HIGH SPEED RAIL AND TRANSPORTATION CORPORATION PROJECT. (11:02 AM)

Members of the Court heard from: B. Travis Kelly, Public Policy Consultant, Dean International, Inc.; and Ronnie Gjemre, Travis County Resident.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez that we delay action today, and touch base with the City of Austin, the Austin-San Antonio Commuter Rail Corridor Group, and Capital Area Metropolitan Planning Organization (CAMPO), try to figure out where they are on this, and try to move forward as a region.

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 this process might take 3-4 months.

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.

37. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. DANIEL WILLIAM HENSON (PATRICK CROSBY RESALE DEED). ¹ (2:43 PM) (4:58 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.

Motion by Judge Biscoe **and seconded by** Commissioner Eckhardt that we authorize the County Judge to sign the proposed tax resale deed to Patrick Ryan Crosby, who has delivered to Travis County the sum of \$4,127.82 in cash.

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

38. RECEIVE LEGAL ADVICE FROM AND GIVE DIRECTION TO COUNTY ATTORNEY REGARDING OFFER TO SETTLE CLAIMS AGAINST VALDEZ REMODELING AND WEATHERIZATION, INC. AND NAUTILUS INSURANCE COMPANY (OPHELIA MILICIA CLAIM). ¹ (2:43 PM) (4:59 PM)

Clerk's Note: Judge Biscoe announced that Item 38 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 Gómez that we reject the offer to settle, and counter to settle for the amount of \$95,000.00.

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	yes

39. CONSIDER AND TAKE APPROPRIATE ACTION ON A CITY OF AUSTIN PROPOSAL TO SELL 2.359 ACRES OF LAND IN THE HISTORIC MOORE'S CROSSING DISTRICT FOR ADDITION TO THE ONION CREEK OPEN SPACE PROJECT. ^{1 AND 2} (2:43 PM) (5:00 PM)

Clerk's Note: Judge Biscoe announced that Item 39 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 Gómez **and seconded by** Commissioner Davis that we accept the offer for \$123,000.00, and the source is the 2005 Bond Program for this purpose, and to authorize Judge Biscoe to sign the contract.

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

40. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING POSSIBLE SALE OF COUNTY-OWNED LAND OFF FM 969 IN EAST AUSTIN. ^{1 AND 2}
(2:43 PM) (5:01 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 and Gov't. Code Ann. 551.072, Real Property.

Discussion only. No formal action taken.

Item 40 to be reposted on February 17, 2009.

41. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING OUTSTANDING OBLIGATION FROM KENNEDY RIDGE WATER SUPPLY CORPORATION FOR UTILITY RELOCATION AGREEMENT. ¹ (2:43 PM) (5:01 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.

Discussion only. No formal action taken.

Item 41 to be reposted on February 17, 2009.

42. A. RECEIVE LEGAL BRIEFING FROM COUNTY ATTORNEY ON ISSUES REGARDING CONFIDENTIAL CLIMATE ASSESSMENT AND IMPLEMENTATION OF HUMAN RESOURCES MANAGEMENT DEPARTMENT (HRMD) DEVELOPMENT PLAN FOR EXECUTIVE MANAGER OF ADMINISTRATIVE OPERATIONS AND DIRECTOR OF HRMD AND TAKE APPROPRIATE ACTION; AND
- B. DELIBERATE RESULTS OF CONFIDENTIAL CLIMATE ASSESSMENT AND IMPLEMENTATION OF HRMD DEVELOPMENT PLAN FOR EXECUTIVE MANAGER OF ADMINISTRATIVE OPERATIONS AND DIRECTOR OF HRMD AND TAKE APPROPRIATE ACTION. ^{1 AND 3}
(2:43 PM) (5:02 PM)

Clerk's Note: Judge Biscoe announced that Items 42.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.

Motion by Judge Biscoe and seconded by Commissioner Huber to appoint Commissioner Gómez and the County Judge to serve as a subcommittee of the Commissioners Court to work along with Ms. Hall and the mediator/coach who was selected, to implement Plan A that we approved at our last meeting.

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	yes

Motion by Judge Biscoe and seconded by Commissioner Gómez to authorize the Travis County Attorney to go ahead and finalize the draft Code of Conduct for submission to members of the Commissioners Court; and if any member has an issue or suggestion, to communicate that to the County Attorney's Office, but we can not communicate that to one another; and if it looks like there are significant changes that the Court should deliberate on, we will have it back on the Court's Agenda next week, February 17, 2009. Let's self-impose a deadline of 12:00 PM, Thursday, February 19, 2009, and if we have a document that, based on our responses, is satisfactory, then we will sign that document for distribution to employees and the Human Resources Management Department (HRMD), Thursday afternoon, February 29, 2009, or at the latest, Friday morning, February 20, 2009.

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

43. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING ISSUES RELATED TO NOVATION OF LICENSE AGREEMENT FOR OPERATION OF COMMUNITY CENTER. ^{1 AND 2} (2:45 PM)

Clerk's Note: Judge Biscoe announced that Item 43 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 43 not needed.

Item 43 to be reposted on February 17, 2009.

44. CONSIDER AND TAKE APPROPRIATE ACTION CONCERNING SETTLEMENT OFFER REGARDING PAYMENT FOR STAR FLIGHT SERVICES RENDERED TO CONCEPCION HUERTA AND SAMANTHA HUERTA. ¹ (2:43 PM) (5:01 PM)

Clerk's Note: Judge Biscoe announced that Item 44 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to accept the offer to settle for the amount of \$10,000.00, conditioned upon Commissioner Eckhardt's being satisfied, along with the County Attorney, that the documentation and other evidence ascertainable within the next few days corroborates the information we have been provided.

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

ADDED ITEM

- A1. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. PS080310ML, EMPLOYMENT PRACTICE SOLUTIONS, FOR ADDITIONAL HUMAN RESOURCES ANALYSIS SERVICES. (2:43 PM) (5:05 PM)

Clerk's Note: Judge Biscoe announced that Item A1 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item A1.

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	yes

ADJOURNMENT

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to adjourn the Voting Session. (5:05 PM)

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

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge