

## **MINUTES OF MEETING FEBRUARY 24, 2009**

## **AND RECONVENED FEBRUARY 25, 2009**

## **TRAVIS COUNTY COMMISSIONERS' COURT**

On Tuesday, the 24<sup>th</sup> day of February 2009, the Commissioners' Court convened the Voting Session at 9:13 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 recessed the Voting Session at 10:45 AM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 10:45 AM and adjourned at 10:45 AM.

The Commissioners Court, meeting as the Travis County Bee Cave Road District #1 (Galleria), convened at 10:45 AM and adjourned at 10:46 AM.

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation, convened at 10:46 AM and adjourned at 10:46 AM.

The Commissioners Court, meeting as the Travis County Development Authority, convened at 10:46 AM and adjourned at 10:47 AM.

The Commissioners Court, meeting as the Capital Health Facilities Development Corporation, convened at 10:47 AM and adjourned at 10:48 AM.

The Commissioners Court, meeting as the Capital Industrial Development Corporation, convened at 10:48 AM and adjourned at 10:48 AM.

The Commissioners Court, meeting as and the Travis County Cultural Education Facilities Finance Corporation, convened at 10:48 AM and adjourned at 10:49 AM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 10:49 AM and adjourned at 11:05 AM.

The Commissioners Court reconvened the Voting Session at 11:06 AM.

The Commissioners Court recessed the Voting Session at 11:47 AM.

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

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

The Commissioners Court reconvened the Voting Session at 3:52 PM.

The Commissioners Court recessed the Voting Session at 4:00 PM until Wednesday, February 25, 2008 at 9:00 AM.

The Commissioners Court reconvened the Voting Session at 9:05 AM, Wednesday, February 25, 2008.

The Commissioners Court adjourned the Voting Session at 9:05 AM, Wednesday, February 25, 2008.

**Clerk's Note:** The Court held a moment of silence in remembrance of retired Chief Deputy Dan Richards.

## PUBLIC HEARINGS

1. RECEIVE COMMENTS REGARDING A PARTIAL VACATION OF LOTS 31-35 IN THE HAMMETT'S CROSSING SUBDIVISION, AS RECORDED IN VOLUME 83, PAGE 93-D AND 94-A OF THE OFFICIAL PUBLIC RECORDS. (ACTION ITEM #9) (9:13 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 9 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 Karen Huber	yes
	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 Commissioner Gómez and seconded by Commissioner Davis** 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 Karen Huber	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

## CITIZENS COMMUNICATION

**Members of the Court heard from:** Gus Peña, Travis County Resident; Gwendolyn Wunneraburger, Travis County Resident; and Bob Pope, Travis County Resident.  
(9:17 AM)

## CONSENT ITEMS

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

**Motion by** Commissioner Gómez **and seconded by** Commissioner Huber to approve the following Consent Items: C1-C3 and Items 2, 3, 4, 6, 7, 8, 9, 12, 13, 15, 16.A-E, 17, 18, 21, 22, 23, 24, A1, and A2. (9:27 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	yes

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2. APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF JANUARY 27, 2009.
- C3. APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF FEBRUARY 3, 2009.

## PURCHASING OFFICE ITEMS

- 2. APPROVE CONTRACT AWARD FOR PORTABLE TOILETS RENTAL AND SERVICING, IFB NO. B090088DR, TO THE LOW BIDDER, HOWSE BROTHERS SANITATION SERVICES D/B/A UNITED SITE SERVICES. (9:27 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. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 9) TO CONTRACT NO. 01T0069OJ, FORTE INC., FOR MEDICAL AUDIT SERVICES. (9:27 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. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 9) TO CONTRACT NO. 01T0068OJ, SEDGWICK CLAIM MANAGEMENT SERVICES, INC., FOR THE THIRD PARTY ADMINISTRATION FOR COUNTY'S SELF-FUNDED PROGRAMS FOR WORKERS COMPENSATION AND AUTO LIABILITY. (9:27 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.

5. APPROVE CONTRACT WITH URBAN DESIGN GROUP FOR PLANNING PHASE CONSULTING SERVICES FOR THE TRAVIS COUNTY NORTH CAMPUS. (9:13 AM)

Item 5 postponed until March 3, 2009.

6. APPROVE CONTRACT AWARD TO CONTRACT NO. Q050122LPM, INDEPENDENCE TITLE COMPANY, FOR PROFESSIONAL TITLE SERVICES FOR TRAVIS COUNTY. (9:27 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. APPROVE CONTRACT NO. PS090132RE WITH WRIGHT HOUSE WELLNESS CENTER FOR HIV SERVICES. (9:27 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. APPROVE CONTRACT NO. PS090131RE WITH AIDS SERVICES OF AUSTIN FOR HIV SERVICES. (9:27 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.

**TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS**

9. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PARTIAL VACATION OF LOTS 31-35 IN THE HAMMET'S CROSSING SUBDIVISION, AS RECORDED IN VOLUME 83, PAGE 93-D AND 94-A OF THE OFFICIAL PUBLIC RECORDS. (9:27 AM)

**Clerk's Note:** Item 9 is the action item for the public hearing on Agenda Item 1.

**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. CONSIDER AND TAKE APPROPRIATE ACTION ON ADDITIONAL INITIATIVES BY TRAVIS COUNTY AND OTHER GOVERNMENTAL ENTITIES AND TRAVIS COUNTY RESIDENTS TO REDUCE GROUND LEVEL OZONE IN SUPPORT OF THE 2009 BIG PUSH INITIATIVE. (11:25 AM)

**Members of the Court heard from:** Jon White, Natural Resources Program Manager, TNR; Tom Weber, Environmental Quality Program Manager, TNR; and Adele Noel, Air Quality Project Manager, TNR.

Discussion only. No formal action taken.

Item 10 to be reposted on March 3, 2009.

11. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM THE ENVISION CENTRAL TEXAS WORK GROUP FOR COMMENTS ON PROCESS AND RECOMMENDATIONS REGARDING COUNTY GROWTH MANAGEMENT AUTHORITY. (11:38 AM)

**Members of the Court heard from:** Steve Manilla, Director, Public Works, TNR; and Anna Bowlin, Program Manager, Planning and Engineering, TNR.

Discussion only. No formal action taken.

Item 11 to be reposted on March 3, 2009.

12. CONSIDER AND TAKE APPROPRIATE ACTION ON THE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES IN STEINER RANCH SUBDIVISION, PHASE 1, SECTION 7A, AND A LICENSE AGREEMENT WITH THE STEINER RANCH MASTER ASSOCIATION, INC. (9:27 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 A PRELIMINARY PLAN IN PRECINCT THREE: MCCORMICK RANCH PRELIMINARY PLAN (115 TOTAL LOTS). (9:27 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.

### **HEALTH AND HUMAN SERVICES DEPT. ITEMS**

14. RECEIVE UPDATE FROM TRAVIS COUNTY HEALTH AND HUMAN SERVICES AND VETERANS SERVICES ON DEVELOPMENT PROCESS FOR FISCAL YEAR 2009 SOCIAL SERVICES RFS (REQUEST FOR SERVICES) AND TAKE APPROPRIATE ACTION. (9:30 AM)

**Members of the Court heard from:** Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); Joyce McDonald, Executive Director and Co-Founder, Frameworks Community Development Corporation (CDC); and Rory O'Malley, Director of Housing Development, Frameworks CDC.

Discussion only. No formal action taken.

Item 14 to be reposted on March 3, 2009.

**PLANNING AND BUDGET DEPT. ITEMS**

15. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:27 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: (9:27 AM)
- A. GRANT APPLICATION WITH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION STATE 421 FUND TO IMPLEMENT A PARENTING SKILLS PROGRAM IN THE JUVENILE PROBATION DEPARTMENT;
  - B. GRANT APPLICATION WITH OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR THE JUVENILE ASSESSMENT CENTER GRANT IN THE JUVENILE PROBATION DEPARTMENT TO PROVIDE JUVENILES WITH A COMPREHENSIVE ADOLESCENT SEVERITY INVENTORY;
  - C. GRANT APPLICATION WITH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR THE SAFE AND DRUG FREE SCHOOLS GRANT PROGRAM FOR JUVENILE PROBATION DEPARTMENT TO PURCHASE COGNITIVE BEHAVIOR THERAPY CURRICULUM;
  - D. GRANT CONTRACT WITH THE TEXAS ASSOCIATION OF COMMUNITY ACTION AGENCIES, INC. FOR HEALTH AND HUMAN SERVICES AND VETERANS SERVICES TO PROVIDE WEATHERIZATION MEASURES AND BASIC ENERGY EDUCATION TO QUALIFIED CUSTOMERS LIVING WITHIN TRAVIS COUNTY; AND
  - E. GRANT CONTRACT WITH THE AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY FOR THE SHERIFF'S OFFICE TO REDUCE AUTO THEFT RATES IN THE TASK FORCE AREA.

**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.



**ADMINISTRATIVE OPERATIONS ITEMS**

17. REVIEW AND APPROVE THE IMMEDIATE RELEASE OF REIMBURSEMENT PAYMENT TO UNITED HEALTH CARE FOR CLAIMS PAID FOR PARTICIPANTS IN THE TRAVIS COUNTY EMPLOYEE HEALTH CARE FUND FOR PAYMENT OF \$411,769.22 FOR THE PERIOD OF FEBRUARY 6 TO 12, 2009. (9:27 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 PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:27 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. RECEIVE PRESENTATION FROM STAR OF TEXAS FAIR AND RODEO ON ITS HISTORY AND ON UPCOMING EVENTS. (COMMISSIONER DAVIS)  
(10:14 AM)

**Members of the Court heard from:** Gilbert Turrieta, President, Star of Texas Rodeo; Jay Evans, Past-President, Star of Texas Rodeo; and Bucky Lamb, General Manager, Star of Texas Rodeo.

Discussion only. No formal action taken.

**JUSTICE AND PUBLIC SAFETY ITEMS**

20. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL AGREEMENT DESCRIBING COLLABORATIVE RELATIONSHIP BETWEEN TRAVIS COUNTY AND BASTROP-TRAVIS EMERGENCY SERVICES DISTRICT NO. 1. (10:42 AM)

**Members of the Court heard from:** Danny Hobby, Executive Manager, Travis County Emergency Services.

**Motion by** Commissioner Davis **and seconded by** Commissioner Eckhardt to approve Item 20.

**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 A LETTER TO THE STATE DIVISION OF EMERGENCY MANAGEMENT REQUESTING AN EXTENSION OF TIME FOR COMPLETING THE 2006 LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM GRANT. (9:27 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.

**OTHER ITEMS**

22. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:27 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 APPOINTMENT OF BARKER KEITH II TO EMERGENCY SERVICES DISTRICT NO. 6 BOARD. (COMMISSIONER HUBER) (9:27 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 AMENDMENT OF INTERLOCAL AGREEMENT WITH AUSTIN INDEPENDENT SCHOOL DISTRICT FOR OUT-OF-SCHOOL PROGRAM SERVICES. (9:27 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.

**Clerk's Note:** The County Judge noted that the County would be sending the money directly to the Austin Independent School District.

**AT 11:00 A.M.**

25. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING: (11:06 AM)

- A. UPDATE ON LEGISLATION RELATING TO JUVENILE JUSTICE ISSUES IN THE 81<sup>ST</sup> TEXAS LEGISLATURE;
- B. TRAVIS COUNTY'S POSITION AND STRATEGY REGARDING LEGISLATION RELATING TO EMINENT DOMAIN AND CONDEMNATION; AND
- C. HOUSE BILL 78, HOUSE BILL 117 AND SENATE BILL 253 - RELATING TO THE AMOUNT OF A COUNTY EXPENDITURE FOR WHICH COMPETITIVE BIDDING IS REQUIRED.

**Clerk's Note:** Items 25.A-C are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Deece Eckstein, Intergovernmental Relations Officer; Kevin Morse, Assistant County Attorney; Gary Martin, Assistant County Attorney; John Hille, Assistant County Attorney; and Cyd Grimes, Travis County Purchasing Agent.

**Clerk's Note:** The Court discussed supporting legislation relating to the amount of a county expenditure for which competitive bidding is required.

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

<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	yes

**Clerk's Note:** The County Judge noted that by approving Item 25.C the Court supports increasing the amount of a county expenditure for which competitive bidding is required from \$25,000.00 to \$50,000.00.

Item 25.A postponed until March 3, 2009.

Item 25.B was discussion only. No formal action taken.

Item 25.B to be reposted on March 3, 2009.

26. CONSIDER AND TAKE APPROPRIATE ACTION ON THE ASSIGNMENT OF A LEASE AGREEMENT WITH THE AUSTIN GERIATRIC CENTER, INC. FOR THE RBJ DENTAL FACILITY FROM THE CITY OF AUSTIN TO THE TRAVIS COUNTY HEALTHCARE DISTRICT. (10:35 AM)

**Members of the Court heard from:** Trish Young, President and Chief Executive Officer, Travis County Healthcare District.

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Huber to approve Item 26.

**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

27. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING TRANSFERS OF REAL PROPERTY TO THE TRAVIS COUNTY HEALTHCARE DISTRICT FROM THE CITY OF AUSTIN: (10:37 AM)

A. DAVID POWELL COMMUNITY HEALTH CENTER;

B. MONTOPOLIS COMMUNITY HEALTH CENTER (BUILDING ONLY); AND

C. FOUR TRACTS OF LAND GIFTED FOR THE BENEFIT OF BRACKENRIDGE BY NELSON PUETT, JR. (PUETT TRACTS).

**Clerk's Note:** Items 27.A-C are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Trish Young, President and Chief Executive Officer, Travis County Healthcare District.

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt to approve Items 27.A-C.

**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

28. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING LEASE AGREEMENTS BY THE TRAVIS COUNTY HEALTHCARE DISTRICT FOR THE COMMUNITY HEALTH CENTERS CURRENTLY OWNED BY THE CITY OF AUSTIN: (10:39 AM)
- A. A K BLACK COMMUNITY HEALTH CENTER;
  - B. ROSEWOOD-ZARAGOSA COMMUNITY HEALTH CENTER;
  - C. SOUTH AUSTIN COMMUNITY HEALTH CENTER;
  - D. MONTOPOLIS COMMUNITY HEALTH CENTER - LONG TERM GROUND LEASE;
  - E. EAST AUSTIN COMMUNITY HEALTH CENTER;
  - F. AUSTIN RESOURCE CENTER FOR THE HOMELESS; AND
  - G. RBJ BUILDING, COMMUNITY HEALTH CENTER ADMINISTRATIVE OFFICES, 5<sup>TH</sup> FLOOR.

**Clerk's Note:** Items 28.A-G are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Trish Young, President and Chief Executive Officer, Travis County Healthcare District; Tenley Aldredge, Assistant County Attorney; and Sarah F. Churchill, Assistant County Attorney.

**Motion by** Commissioner Huber **and seconded by** Judge Biscoe to approve Item 28.A-G.

<b>Motion carried:</b> 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

## 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.

29. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING POSSIBLE SALE OF COUNTY-OWNED LAND OFF FM 969 IN EAST AUSTIN. <sup>1 AND 2</sup>  
(9:13 AM)

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

Item 29 postponed until March 3, 2009.

30. CONSIDER AND TAKE APPROPRIATE ACTION ON STAR OF TEXAS FAIR AND RODEO CONTRACT AMENDMENTS INCLUDING THE 2009 OPERATING AGREEMENT, 1989 SUB-LEASE AGREEMENT AND 1995 CONCESSION CONTRACT. <sup>1 AND 2</sup> (1:43 PM) (3:52 PM)  
(9:05 AM, Wednesday, February 25, 2009)

**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.

**Motion by Judge Biscoe and seconded by** Commissioner Davis that we approve Amendment 1 to the concession contracts and Amendment Number 2 to the Sublease Agreement; and that we, basically, indicate our intention to recess this one Item at the close of today's meeting, February 24, 2009, until tomorrow, February 25, 2009, to give the Star of Texas Rodeo representatives an opportunity to look at the proposed amendments, and if everything is in agreement we'll let them stay as they are, if there are recommended changes we will have an opportunity to discuss them tomorrow morning, and let's say at 9:00 AM, but we will take the Motion to recess later.

<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	yes

**Clerk's Note:** The Court revisited Item 30 at 9:05 AM, Wednesday, February 25, 2009, and discussed the minor changes the Star of Texas Rodeo representatives requested after the previous Motion on Tuesday, February 24, 2009.

**Motion by Judge Biscoe and seconded by** Commissioner Gómez to approve this document and that we authorize the County Judge to sign on behalf of the Commissioners Court.

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



31. 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). <sup>1</sup> (1:43 PM) (3:53 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.

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt that we accept the counter to the counter-offer in the amount of \$75,000.00 payable to the County; and that we exercise appropriate releases and settlement documents; that we authorize the County Judge to sign those on behalf of the Court if they are routine.

<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	yes

32. RECEIVE LEGAL BRIEFING FROM COUNTY ATTORNEY AND OUTSIDE COUNSEL, RENEA HICKS, ESQ. AND TAKE APPROPRIATE ACTION REGARDING THE MATTER OF NORTHWEST AUSTIN M.U.D. V. HOLDER IN THE SUPREME COURT OF THE UNITED STATES. <sup>1</sup> (1:43 PM) (3:54 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 Davis that we authorize an additional \$25,000.00, which includes \$2,500.00 in expenses; that the source of funding be the Allocated Reserve, and that is to cover legal services.

<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	yes

Item 32 to be reposted March 3, 2009.

33. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION ON STATUTORY REQUIREMENTS UNDER LOCAL GOVERNMENT CODE 157.022 REGARDING TREATMENT OF OVERTIME FOR CERTAIN PEACE OFFICERS. <sup>1</sup> (1:43 PM) (3:55 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.

Discussion only. No formal action taken.

Item 33 to be reposted March 3, 2009.

34. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING NEW LEASES BETWEEN TRAVIS COUNTY AND THE TRAVIS COUNTY HEALTHCARE DISTRICT FOR COUNTY OWNED CLINICS. <sup>1 AND 2</sup> (1:43 PM) (3:55 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.

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

Discussion only. No formal action taken.

Item 34 to be reposted on March 3, 2009.

### ADDED ITEMS

- A1. REAPPOINT PAULA BARR TO SERVE AS A PRECINCT THREE REPRESENTATIVE ON THE BOARD OF EMERGENCY SERVICES DISTRICT NO. 6, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 31, 2010. (COMMISSIONER HUBER) (9:27 AM)

**Clerk's Note:** Item A1 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- A2. REAPPOINT NORA JACKSON, MAY SCHMIDT AND ROSEMARY MORROW TO SERVE AS PRECINCT TWO REPRESENTATIVES ON THE TRAVIS COUNTY HISTORICAL COMMISSION, EFFECTIVE IMMEDIATELY THROUGH JANUARY 31, 2011. (COMMISSIONER ECKHARDT) (9:27 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 FIFTH AMENDMENT TO INTERLOCAL AGREEMENT FOR SERVICES WITH THE TRAVIS COUNTY HEALTHCARE DISTRICT. (9:30 AM)

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Item A3.

**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	yes

## ADJOURNMENT

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to adjourn the Voting Session. (9:06 AM, Wednesday, February 25, 2009)

**Motion carried:**

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