

MINUTES OF MEETING MARCH 17, 2009

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 17th day of March 2009, the Commissioners' Court convened the Voting Session at 9:15 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Gillian Porter.

The Commissioners Court record notes that Precinct Two Commissioner Sarah Eckhardt was not present during this Voting Session.

The Commissioners Court recessed the Voting Session at 12:01 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:42 PM and adjourned at 1:42 PM.

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

The Commissioners Court retired to Executive Session at 1:42 PM.

The Commissioners Court reconvened the Voting Session at 4:24 PM.

The Commissioners Court adjourned the Voting Session at 4:30 PM.

CITIZENS COMMUNICATION

Members of the Court heard from: Gus Peña, Travis County Resident; Ronnie Gjemre, Travis County Resident; Maurice Priest, Travis County Resident; Linda Moore Smith, Director, Human Resources Management Department (HRMD); Dana Hess, Employment Specialist, HRMD; and Adele Noel, Air Quality Project Manager, Transportation and Natural Resources (TNR). (9:15 AM)

CONSENT ITEMS

Members of the Court heard from: Ronnie Gjemre, Travis County Resident; and Gus Peña, Travis County Resident.

Motion by Commissioner Gómez **and seconded by** Commissioner Huber to approve the following Consent Items: C1-C2 and Items 4, 5.A&B, 6, 7, 9, 11, 13, 14, 15, 16, 19, 21, 22, and 24. (9:31 AM)

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	yes

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

RESOLUTIONS AND PROCLAMATIONS

- 1. APPROVE PROCLAMATION RECOGNIZING MR. JIM NIXON FOR HIS MANY YEARS OF SERVICE TO THE MANCHACA VOLUNTEER FIRE AND RESCUE DEPARTMENT AND THE EMERGENCY SERVICES DISTRICT NO. 5 BOARD. (COMMISSIONER HUBER) (9:36 AM)

Members of the Court heard from: Mark Nixon, son of Jim Nixon, Natalie Nixon, daughter of Jim Nixon, Joe Leija, son-in-law of Jim Nixon, and Diane Nixon-Leija, daughter of Jim Nixon.

Motion by Commissioner Huber **and seconded by** Commissioner Gómez 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	absent
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

SPECIAL ITEMS

- 2. RECEIVE STATUS REPORT REGARDING THE GOVERNOR’S REQUEST FOR A PRESIDENTIAL DISASTER DECLARATION DUE TO DROUGHT CONDITIONS. (9:40 AM)

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

Discussion only. No formal action taken.

- 3. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:45 AM)

Members of the Court heard from: Pete Baldwin, Emergency Management Coordinator, Travis County Emergency Services; and Hershel Lee, Interim Fire Marshal.

Motion by Commissioner Huber **and seconded by** Commissioner Gómez that we lift the burn ban and put it back on next week, March 24, 2009 for re-evaluation.

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	yes

Item 3 to be reposted on March 24, 2009.

PLANNING AND BUDGET DEPT. ITEMS

- 4. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:31 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. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:31 AM)
 - A. NEW GRANT CONTRACT WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS FOR TRANSPORTATION AND NATURAL RESOURCES TO UTILIZE A SUSTAINABLE SYSTEM FOR COMPOSTING FOOD WASTES AT THE DEL VALLE FACILITY; AND
 - B. GRANT CONTRACT AMENDMENT WITH THE OFFICE OF THE GOVERNOR'S CRIMINAL JUSTICE DIVISION FOR THE JUVENILE PROBATION DEPARTMENT TO AMEND THE FISCAL YEAR 2008 RESIDENTIAL SUBSTANCE ABUSE TREATMENT GRANT TO DE-OBLIGATE \$240 OF UNSPENT FUNDS AND CLOSE THE GRANT.

Clerk's Note: Items 5.A&B 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

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 \$1,023,376.13 FOR THE PERIOD OF FEBRUARY 27 TO MARCH 5, 2009. (9:31 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. (9:31 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.

JUSTICE AND PUBLIC SAFETY ITEMS

- 8. CONSIDER AND TAKE APPROPRIATE ACTION ON THE GRANT ADJUSTMENT NOTICE FOR AN EXTENSION OF THE 2006 LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM GRANT PERFORMANCE PERIOD. (9:35 AM)

Members of the Court heard from: Ronnie Gjemre, Travis County Resident.

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	yes
Precinct 2, Commissioner Sarah Eckhardt	absent
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 9. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AUTHORIZE CRIMINAL JUSTICE PLANNING TO USE FISCAL YEAR 2009 GENERAL FUND AMOUNT OF \$1,046.02 TO PAY OUTSTANDING INVOICES FOR EXPENDITURES MADE BY THE GRANT FUNDED MENTAL HEALTH PUBLIC DEFENDER OFFICE IN FISCAL YEAR 2008. (9:31 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.

PURCHASING OFFICE ITEMS

- 10. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. PS070340DG, VANDERWEIL FACILITY ADVISORS, INC., FOR PROFESSIONAL CONSULTING SERVICES. (10:08 AM)

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

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 10.

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	yes

- 11. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. PS080260DG, STRUCTURES PE, LLP, FOR PROFESSIONAL STRUCTURAL ENGINEERING SERVICES. (9:31 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. APPROVE MODIFICATION NO. 10 TO CONTRACT NO. 07K00254RV, STEWART BUILDERS, LTD., FOR CONSTRUCTION OF NEW BUILDINGS FOR THE TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT EAST SERVICE CENTER. (10:08 AM)

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 12.

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	yes

13. APPROVE MODIFICATION NO. 5 TO CONTRACT NO. PS070046ML, RENEA HICKS, FOR LEGAL SERVICES. (9:31 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 ISSUANCE OF JOB ORDER NO. 40, MINOR CONSTRUCTION AND RENOVATION SERVICES, CONTRACT NO. 07K00307RV, ARCHITECTURAL HABITAT OF AUSTIN, INC. (9:31 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.

TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

15. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO ACCEPT THE DEDICATION OF STREET AND DRAINAGE FACILITIES FOR THE VILLAGES OF HIDDEN LAKE, PHASE 3B, PHASE 4C AND PHASE 5B, THREE SUBDIVISIONS IN PRECINCT TWO. (COMMISSIONER ECKHARDT)
(9:31 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 REQUEST TO APPROVE AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF PFLUGERVILLE FOR THE CONSTRUCTION OF GILLILAND CREEK TRAIL, PHASE III SUBDIVISION IN PRECINCT TWO. (COMMISSIONER ECKHARDT)
(9:31 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.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

- 17. CONSIDER AND TAKE APPROPRIATE ACTION ON THE REQUEST FOR TRAVIS COUNTY TO JOIN THE NACO PRESCRIPTION DISCOUNT CARD SERVICES AND/OR ANY OTHER PRESCRIPTION CARD SERVICE. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (10:12 AM) (1:42 PM) (4:25 PM)

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

Clerk's Note: Judge Biscoe announced that Item 17 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 deny the National Conference of Counties (NACO) request at this time; that we authorize the County Judge to send a letter or e-mail explaining the reasons why; that we pursue the other program that we discussed, and if the things work out as we think that we go with that one, if not, we got with NACO.

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	yes

18. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING RECOMMENDATIONS REGARDING THE APPOINTMENT OF TWO MANAGERS TO THE TRAVIS COUNTY HEALTHCARE DISTRICT BOARD: (10:25 AM)

- A. REDUCING THE 13 APPLICANTS TO A SHORT-LIST OF 6 OR LESS;
- B. SETTING A DATE TO CONDUCT INTERVIEWS; AND
- C. ADOPTING A PROCESS TO MAKE FINAL DECISIONS.

Clerk’s Note: Items 18.A-C are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Sherri Fleming, Executive Manager, TCHHS&VS; and John Hille, Assistant County Attorney.

Clerk’s Note: The Court discussed setting the date for the interviews.

Motion by Judge Biscoe and seconded by Commissioner Gómez that we schedule these interviews for next Thursday, March 26, 2009, beginning at 1:00 PM and intend to complete them by 5:00 PM.

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	yes

Clerk’s Note: The Court discussed a short-list of six applicants recommended.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the six recommended by Sherri Fleming, Executive Manager, TCHHS&VS.

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	yes

ITEM 18 CONTINUED

Clerk’s Note: The Court discussed the process from interview to appointment:

- The interviews will take place Thursday, March 26, 2009, which will be posted as a voting session, with the Court indicating to an intention to appoint board members, if ready;
- If no indication to appoint the board members is made during the March 26, 2009 voting session, the item will be reposted for Tuesday, March 31, 2009 with the announcement of the intention to appoint triggering the request for the financial disclosure documents from the two appointees; and,
- Final action would then be taken on April 7, 2009 to officially appoint the two board members.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the process.

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	yes

Clerk’s Note: The Court noted that questions would be welcomed from the City of Austin Council for the joint board member.

19. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO SUBMIT A NOTICE OF INTENT TO APPLY TO THE TEXAS EDUCATION AGENCY FOR A TEXAS 21ST CENTURY COMMUNITY LEARNING CENTERS GRANT.
(9:31 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 PROPOSED JOINT RESOLUTION OF THE AUSTIN INDEPENDENT SCHOOL DISTRICT, CITY OF AUSTIN AND COUNTY OF TRAVIS IN THE STATE OF TEXAS REGARDING FAMILIES, CHILDREN, NEIGHBORHOODS AND SCHOOLS. (JUDGE BISCOE) (9:49 AM)

Members of the Court heard from: Council Member Laura Morrison, City of Austin; Bert Lumbreras, Assistant City Manager, City of Austin; and Gus Peña, Travis County Resident.

Motion by Judge Biscoe **and seconded by** Commissioner Davis that we approve the Joint Resolution.

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	yes

OTHER ITEMS

21. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:31 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. APPOINT ADRIENNE ISOM TO SERVE ON THE TRAVIS COUNTY HISTORICAL COMMISSION AS A PRECINCT ONE APPOINTEE, TERM EFFECTIVE UNTIL JANUARY, 2011. (COMMISSIONER DAVIS) (9:31 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 REQUEST FROM DANIEL KALLICK TO WAIVE PENALTY AND INTEREST ON TAXES DUE. (JUDGE BISCOE) (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV’T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (10:01 AM) (1:42 PM) (4:25 PM)

Members of the Court heard from: Daniel Kallick, Travis County Resident.

Clerk’s Note: Judge Biscoe announced that Item 23 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 deny the request; that we authorize the County Judge to send a letter to Mr. Kallick explaining the reasons why; that we run that draft letter by Elliot Beck, Assistant County Attorney before sending it, so that we make sure we get the reasons why.

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	yes

- 24. APPOINT SANTO J. (BUDDY) RUIZ TO SERVE ON THE BOARD OF THE AUSTIN-TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER. (COMMISSIONER GÓMEZ) (9:31 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 Court noted that this appointment was to fill an un-expired slot, and will be effective immediately through September 30, 2009.

AT 11:00 A.M.

25. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING: (10:54 AM)

- A. LEGISLATION RELATING TO APPRAISAL CAPS AND REVENUE CAPS, INCLUDING HOUSE BILL 1576, AND SENATE BILLS 402 AND 700;
- B. HOUSE BILL 562 - RELATING TO CERTAIN EMPLOYMENT FUNCTIONS OF COUNTY GOVERNMENT;
- C. HOUSE BILL 337 - RELATING TO THE COSTS OF HOLDING CERTAIN JOINT ELECTIONS;
- D. LEGISLATION RELATING TO LOCAL OPTIONS FOR TRANSPORTATION FUNDING, INCLUDING HOUSE BILLS 9, 1674 AND 3448, AND SENATE BILLS 855 AND 942; AND
- E. **ADDED ITEM: HOUSE BILL 2524 - RELATING TO THE ACCURACY, SECURITY AND RELIABILITY OF CERTAIN ELECTRONIC VOTING SYSTEMS.**

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

Members of the Court heard from: Deece Eckstein, Intergovernmental Relations Officer; April Bacon, Assistant County Auditor; Dana DeBeauvoir, Travis County Clerk; Karen Rennick, Founder, VoteRescue; Abbe Waldman DeLozier, VoteRescue; Ronnie Gjemre, Travis County Resident; Joe Gieselman, Executive Manager, TNR; and Greg Knaupe, Legislative Consultant, Santos Alliance, Inc.

Clerk’s Note: The Court discussed a resolution concerning legislation relating to appraisal caps and revenue caps including HB 1576, SB 402 and SB 700.

Motion by Commissioner Huber **and seconded by** Commissioner Gómez to approve the resolution in Item 25.A.

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	yes

Clerk’s Note: By approving the resolution the Court note their opposition to HB 1576, SB 402, and SB 700.

ITEM 25 CONTINUED

Clerk’s Note: The Court discussed legislation relating to local option for transportation funding, including HB 9, 1674, and 3448, and SB 855 and 942.

Clerk’s Note: The Court discussed the following talking points:

- The transportation infrastructure of central Texas is not keeping pace with the growth of population and travel demand because there are insufficient funds.
- Travis County supports a diversity of local transportation funding options that generate substantial new revenue for mobility projects.
- The governance of central Texas funding options should be both efficient and accountable. Travis County firmly believes in taxation with representation. The new taxes and fees as well as the transportation projects supported by those taxes and fees should be determined by the County Commissioners Court acting in its proper constitutional role.
- The dates of the election, ballot language, bond fund covenants, and fund accounting/reporting should be consistent with the county’s standard principles and practices.
- The County should have maximum flexibility in the choice of funding options and projects presented to the voters. Projects should be consistent with the adopted transportation plan of the Metropolitan Planning Organization (MPO) and selected in consultation with the member organizations of the MPO as well as the public at large.
- All transportation providers/implementers (county, cities, transit authority, mobility authorities, etc.) should be eligible to contract with the County to develop approved projects.

Motion by Commissioner Huber **and seconded by** Commissioner Gómez to approve the talking points in Item 25.D.

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	yes

Clerk’s Note: The Court noted that Judge Biscoe will communicate the Court’s position before the Senate Transportation and Homeland Security Committee at its meeting on Wednesday, March 18, 2009 at 2:00 PM.

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.

- 26. CONSIDER AND TAKE APPROPRIATE ACTION ON THE REQUESTED SALE OF TWO EASEMENTS ON COUNTY-OWNED LAND AT THE TRAVIS COUNTY DEL VALLE CORRECTIONAL COMPLEX TO ALLOW FOR UTILITY SERVICE TO AN ADJOINING PROPERTY IN PRECINCT FOUR. (COMMISSIONER GÓMEZ) ¹AND² (1:42 PM) (4:26 PM)

Clerk's Note: Judge Biscoe announced that Item 26 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.072, Real Property.

Motion by Judge Biscoe and seconded by Commissioner Gómez that we authorize the preparation of easement documents; that we notify the other parties of the Texas Department of Transportation (TXDOT) project that may impact this area.

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	yes

- 27. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN THE MATTER OF TRAVIS COUNTY V. FLINT HILLS RESOURCES, L.P. AND KOCH PIPELINE CO., L.P. ¹ (1:42 PM) (4:26 PM)

Clerk's Note: Judge Biscoe announced that Item 27 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 27 to be reposted on March 24, 2009.

- 28. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE MEDIATION OF CLAIMS BY KAREN STEITLÉ, INCLUDING SETTLEMENT OFFER IN EEOC CHARGE NO. 31C-2008-01470. ^{1 AND 3} (1:42 PM) (4:26 PM)

Clerk’s Note: Judge Biscoe announced that Items 28 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.

Members of the Court heard from: Sherine Thomas, Assistant County Attorney.

Motion by Judge Biscoe and seconded by Commissioner Gómez to reject the settlement offer, and that we counter with something that is real close; that we agree to transfer Ms. Steitle’s slot and her compensation to a comparable position in Health and Human Services Department; and that we compromise the request for sick leave by offering 24 hours or 3 days, which is one-half of her request; that is the restoration of 24 hours sick leave, because it has already been taken.

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	yes

- 29. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING CONTRACT WITH THE STAR OF TEXAS FAIR AND RODEO, INCLUDING CERTAIN SIGNAGE PLACED IN THE LUEDECKE ARENA AT TRAVIS COUNTY EXPOSITION CENTER. ¹ (1:42 PM) (4:27 PM)

Clerk’s Note: Judge Biscoe announced that Item 29 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe and seconded by Commissioner Davis that we authorize the County Attorney to draft an appropriate draft letter to circulate to Court members for approval, and that once we have a final copy, that we sign it and send to the attorney for the Star of Texas Rodeo as well as the officers and members. If we can get names and addresses, that we try to get that in the mail by late tomorrow, March 18, 2009, if possible; if not, by Thursday morning, March 19, 2009. This is a “time is of the essence” action.

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	yes

ADDED ITEMS

- A1. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN SETTLEMENT OFFER ON ATTORNEY'S FEES; IN RELIABLE CONSULTANTS, INC., D/B/A DREAMERS V. RONNIE EARLE, ET AL NO. A-0-CA-086-LY. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (1:42 PM) (4:28 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 Judge Biscoe and seconded by Commissioner Gómez that we authorize the County Attorney to agree that \$60,000.00 is a reasonable amount in attorneys fees; that we authorize the appropriate filing of a motion to bifurcate to give the Court an opportunity to land on who owes that reasonable attorneys fee. So far we have taken a position that Travis County does not owe that, and it continues to be our position.

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	yes

- A2. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION ON REQUEST FOR ASSISTANCE WITH COMPLAINT REGARDING ACTIVITIES AT THE EAST RURAL COMMUNITY CENTER. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (1:42 PM) (4:29 PM)

Clerk's Note: Judge Biscoe announced that Item A2 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from: Sherine Thomas, Assistant County Attorney.

Motion by Judge Biscoe and seconded by Commissioner Gómez that the Court draft an appropriate letter asking the Board to take appropriate responsive action, and that we authorize County Commissioner Davis to sign that letter on behalf of the Court, involving the matter that has come to our attention.

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	yes

Clerk's Note: Commissioner Davis requested the addition of language to the letters as discussed in Executive Session, to modify those draft letters.

- A3. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE DEDICATION OF THE TRAVIS STATE JAIL (COMMUNITY JUSTICE CENTER) FAMILY VISITATION CENTER, INCLUDING: (10:44 AM)
 - A. INVITATION;
 - B. AGENDA AND CEREMONY; AND
 - C. PRESS RELEASE.

Clerk's Note: Items A3.A-C are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Roger Jefferies, Executive Manager, Justice and Public Safety (JPS); Kimberly Pierce, Planning Manager, Criminal Justice Planning (CJP); and Roger El Khoury, Director, Facilities Management.

