

MINUTES OF MEETING SEPTEMBER 8, 2009

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 8th day of September 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 retired to Executive Session at 11:32 AM.

The Commissioners Court reconvened the Voting Session at 12:09 PM.

The Commissioners Court recessed the Voting Session at 12:09 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 1:37 PM and adjourned at 1:38 PM.

The Commissioners Court, meeting as the Travis County Bee Cave Road District #1 (Galleria), convened at 1:38 PM and adjourned at 1:38 PM.

The Commissioners Court reconvened the Voting Session at 1:38 PM.

The Commissioners Court retired to Executive Session at 1:38 PM.

The Commissioners Court reconvened the Voting Session at 2:27 PM.

The Commissioners Court retired to Executive Session at 3:18 PM.

The Commissioners Court reconvened the Voting Session at 5:27 PM.

The Commissioners Court adjourned the Voting Session at 5:33 PM.

PUBLIC HEARINGS

1. RECEIVE COMMENTS REGARDING A REQUEST TO TEMPORARILY CLOSE BRIDGE 113 OVER WALNUT CREEK ON OLD MANOR ROAD IN PRECINCT ONE FOR CONSTRUCTION OF ROADWAY APPROACHES TO THE PROPOSED NEW BRIDGE BEGINNING ON OR ABOUT FEBRUARY 1, 2010 AND CONTINUING THROUGH APRIL 30, 2010 OR UNTIL CONSTRUCTION IS COMPLETED. (COMMISSIONER DAVIS) (ACTION ITEM SEPTEMBER 15, 2009) (9:16 AM)

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

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

Motion carried:

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

Members of the Court heard from: Steve Manilla, Director, Public Works, Transportation and Natural Resources (TNR).

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

Motion carried:

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

2. RECEIVE COMMENTS REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE TWO FIVE-FOOT PUBLIC UTILITY EASEMENTS LOCATED ALONG THE COMMON LOT LINE OF LOTS 1 AND 2, CARDINAL HILLS ESTATES, UNIT 15, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER HUBER) (ACTION ITEM #20) (9:19 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to Agenda Item 20 for a summary of the action item.

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

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

Members of the Court heard from: Anna Bowlin, Division Director, Engineering Services, TNR.

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

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

3. RECEIVE COMMENTS REGARDING A PROPOSED STREET NAME ASSIGNMENT FOR A PRIVATE EASEMENT TO BE KNOWN AS "HOUND DOG TRAIL" OFF FM 969, EAST OF STATE HIGHWAY 130 IN PRECINCT ONE. (COMMISSIONER DAVIS) (ACTION ITEM #21) (9:21 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to Agenda Item 21 for a summary of the action item.

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

Motion carried:

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

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

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

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

CITIZENS COMMUNICATION

Members of the Court heard from: Ronnie Gjemre, Travis County Resident; Gus Peña, Travis County Resident; Dr. Elizabeth Jones, Travis County Resident; Maurice Priest, Travis County Resident; and Adele Noel, Air Quality Project Manager, TNR. (9:23 AM)

CONSENT ITEMS

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

Motion by Commissioner Gómez **and seconded by** Commissioner Eckhardt to approve the following Consent Items: C1-C4 and Items 6, 8, 9, 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 23, 25, 26, 27, 28.A&B, 31, 32.A-E, and 34. (9:37 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 SETTING OF A PUBLIC HEARING DATE ON SEPTEMBER 22, 2009 TO RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOTS 4 AND 5, BLOCK 1, THE RANCH PUD, SECTIONS 4-11 SUBDIVISION (1 TOTAL LOT). (COMMISSIONER HUBER)
- C3. APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF AUGUST 18, 2009.
- C4. REAPPOINT DR. MATTHEW SNAPP TO SERVE AS PRECINCT TWO APPOINTEE TO THE AUSTIN-TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION BOARD OF TRUSTEES, EFFECTIVE IMMEDIATELY THROUGH SEPTEMBER 2011. (COMMISSIONER ECKHARDT)

SPECIAL ITEMS

4. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:42 AM)

Members of the Court heard from: Hershel Lee, Fire Marshal.

Clerk's Note: The County Judge announced that by taking no action the prohibition against outdoor burning stays in place.

Discussion only. No formal action taken.

Item 4 to be reposted on September 15, 2009.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

5. RECEIVE UPDATE ON PANDEMIC FLU AND H1N1 FROM AUSTIN-TRAVIS COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT. (11:05 AM)

Members of the Court heard from: David Lurie, Director, Austin-Travis County Health and Human Services (A-TCHHS); Dr. Phil Huang, Medical Director, A-TCHHS; Ronnie Gjemre, Travis County Resident; and Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS).

Discussion only. No formal action taken.

6. CONSIDER AND TAKE APPROPRIATE ACTION ON REVISION OF RENEWAL OF HOST AGENCY AGREEMENT WITH AARP FOUNDATION FOR SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM. (9:37 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 REQUEST TO PROVIDE PRINTING SUPPORT FOR THE NATIONAL FORUM OF BLACK PUBLIC ADMINISTRATORS OUTLOOK 2009 CONFERENCE IN AUSTIN, TRAVIS COUNTY, ON OCTOBER 8 THROUGH 10, 2009. (9:41 AM)

Clerk's Note: The Court discussed the need for a Memorandum of Understanding (MOU) setting out the agreement. The MOU is required because Travis County is receiving something in return for providing support for the conference.

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

Motion by Commissioner Davis **and seconded by** Commissioner Gómez that the County Judge be authorized to sign the Memorandum of Understanding assuming that the MOU is ready and prepared.

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

PLANNING AND BUDGET DEPT. ITEMS

8. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:37 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.

9. REVIEW AND TAKE APPROPRIATE ACTION REGARDING A GRANT CONTRACT WITH THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR TRAVIS COUNTY TO CONTINUE TO PARTICIPATE IN THE THIRD YEAR OF THE POTENTIAL FIVE-YEAR PARENTING IN RECOVERY PROJECT WITH TRAVIS COUNTY HEALTH AND HUMAN SERVICES AND VETERANS SERVICES SERVING AS THE REGIONAL PARTNERSHIP PROJECT LEAD. (9:37 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.

Clerk's Note: The County Judge noted that the \$500,000.00 for continuation of the project has been approved, and that the Court is just waiting for receipt of the funds.

ADMINISTRATIVE OPERATIONS ITEMS

10. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPOINT TODD OSBURN, COMPENSATION MANAGER, HUMAN RESOURCES MANAGEMENT DEPARTMENT, TO THE COMPENSATION COMMITTEE WITH VOTING PRIVILEGES. (9:37 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. 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 \$480,650.42 FOR THE PERIOD OF AUGUST 21 TO 27, 2009. (9:37 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 PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:37 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 THE FOLLOWING:
(10:25 AM)

- A. TAX OFFICE RENOVATION PROJECT AND SCHEMATIC DESIGN AT 5501 AIRPORT BOULEVARD; AND
- B. REALLOCATION OF FUNDS FROM SAVINGS ON OTHER FACILITIES MANAGEMENT DEPARTMENT PROJECTS TO FUND THIS PROJECT.

Clerk's Note: Items 13.A&B are associated with one another and were called for concurrent discussion.

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

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve Items 13.A&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

14. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AWARD FUNDS FOR ONE TRAVIS COUNTY EMPLOYEE TO PARTICIPATE IN THE LEADERSHIP AUSTIN PROGRAM IN ACCORDANCE WITH CHAPTER 16 OF THE TRAVIS COUNTY CODE. (9:37 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 345 JOB DESCRIPTIONS IN 10 JOB FAMILIES THAT WERE AFFECTED BY THE CLASSIFICATION AND COMPENSATION 3-YEAR STRATEGIC PLAN JOB ANALYSIS PROJECTS, IN ACCORDANCE WITH TRAVIS COUNTY CODE SECTION 10.080, JOB DESCRIPTIONS. (10:08 AM)

Members of the Court heard from: Todd Osburn, Compensation Manager, Human Resources Management Department (HRMD); Luane Schull, Human Resources Manager, HRMD; and Carlotta Valdez Leavy, Senior HR Analyst, HRMD.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 15.

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

PURCHASING OFFICE ITEMS

16. APPROVE ASSIGNMENT OF CONTRACT (MODIFICATION NO. 2) TO CONTRACT NO. MA020279LC, FROM EVARE, LLC TO EMPHASYS COMPUTER SOLUTIONS, INC., D/B/A EMPHASYS TREASURY MANAGEMENT SOFTWARE. (9:37 AM)

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

17. APPROVE INTERLOCAL AGREEMENT NO. IL090351RE, TEXAS AGRILIFE EXTENSION, FOR WILDLIFE SERVICES. (9:37 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. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. 07K00307RV, JOB ORDER NO. 49, ARCHITECTURAL HABITAT OF AUSTIN, INC., FOR MINOR CONSTRUCTION AND RENOVATION SERVICES. (9:37 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. APPROVE MODIFICATION NO. 13 TO CONTRACT NO. PS980170JJ, CLEAN AIR FORCE OF CENTRAL TEXAS, FOR IMPROVING AIR QUALITY SERVICES. (9:37 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.

TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

20. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE TWO FIVE-FOOT PUBLIC UTILITY EASEMENTS LOCATED ALONG THE COMMON LOT LINE OF LOTS 1 AND 2, CARDINAL HILLS ESTATES, UNIT 15, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER HUBER) (9:37 AM)

Clerk's Note: Item 20 is the action item for the public hearing on Agenda Item 2.

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 A PROPOSED STREET NAME ASSIGNMENT FOR A PRIVATE EASEMENT TO BE KNOWN AS "HOUND DOG TRAIL" OFF FM 969, EAST OF STATE HIGHWAY 130 IN PRECINCT ONE. (COMMISSIONER DAVIS) (9:37 AM)

Clerk's Note: Item 21 is the action item for the public hearing on Agenda Item 3.

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 FEE INCREASE PROPOSALS BY THE TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT, INCLUDING: (9:45 AM) (2:33 PM)
- A. ASSESSMENT OF FEES FOR RECOVERY OF TRAVIS COUNTY STORM WATER MANAGEMENT PROGRAM AND DEVELOPMENT REVIEW COSTS;
 - B. INCREASES IN ON-SITE WASTEWATER FEES FOR FISCAL YEAR 2010; AND
 - C. PROPOSED PARK FEES AND REFUND POLICY.

Clerk's Note: Items 22.A&B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Tom Weber, Environmental Quality Program Manager, TNR; Jon White, Natural Resources Program Manager, TNR; and Charles Bergh, Division Director, Parks and Natural Resources, TNR.

Discussion only. No formal action taken.

Clerk's Note: The Court revisited Items 22.A-C at 2:33 PM.

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Tom Weber, Environmental Quality Program Manager, TNR; Jon White, Natural Resources Program Manager, TNR; Anna Bowlin, Division Director, Engineering Services, TNR; Stacey Scheffel, Flood Plain Manager, TNR; Charles Bergh, Division Director, Parks and Natural Resources, TNR; Kurt Nielsen, Parks Operations Manager, East Side, TNR; and Robert Armistead, Parks Division Manager, TNR.

Motion by Judge Biscoe **and seconded by** Commissioner Davis that we put together a two-page, simple-English summary of impact, lay the options out there, and post a public hearing. I would give two or three weeks opportunity.

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 22 CONTINUED

Clerk's Note: The Court discussed proposed increases in on-site wastewater fees for Fiscal Year 2010 and setting a Public Hearing regarding those fees.

Motion by Commissioner Gómez **and seconded by** Commissioner Huber to approve these fees in Item 22.B for a Public Hearing.

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

Clerk's Note: The Court discussed changes to fees and refunds for Travis County Parks, plus a recommendation that a separate public hearing be held on Item 22.C.

Motion by Judge Biscoe **and seconded by** Commissioner Eckhardt to approve a public hearing regarding the proposed park fees and refund policy in Item 22.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

Clerk's Note: The Court noted that the proposed fees in Items 22.A-C, if approved, would be effective January 1, 2010.

23. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PROPOSED FIRST AMENDMENT TO HOWARD LANE II TRAFALGAR I, L.P. PROPERTY ROAD CONSTRUCTION AGREEMENT, FOR THE HOWARD LANE II ROAD PROJECT LOCATED IN PRECINCT ONE. (COMMISSIONER DAVIS)
(9:23 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 THE FOLLOWING REQUESTS: (11:29 AM) (11:32 AM) (3:17 PM)
- A. CALL DOWN FUNDS FOR CERTAIN STREETS BOUNDING THE FOLLOWING SUBDIVISIONS IN AREAS NOW ANNEXED BY THE CITY OF PFLUGERVILLE: SPRINGBROOK COMMERCIAL LOT 1, SPRINGBROOK COMMERCIAL LOT 2 AND SPRINGBROOK GLEN; AND
 - B. INTERLOCAL AGREEMENT WITH THE CITY OF PFLUGERVILLE FOR THE TRANSFER OF BOUNDARY STREET FISCAL FOR ROADS ANNEXED BY THE CITY OF PFLUGERVILLE. (COMMISSIONER ECKHARDT)

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

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

Clerk's Note: Judge Biscoe announced that Items 24.A&B would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Commissioner Eckhardt **and seconded by** Commissioner Gómez that we do move forward with calling down the funds in Item 24.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 24.B was discussion only. No formal action taken.

Item 24.B to be reposted on September 15, 2009.

OTHER ITEMS

25. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:37 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. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO SET A PUBLIC HEARING ON SEPTEMBER 15, 2009 TO RECEIVE COMMENTS REGARDING THE ANNUAL WRITTEN PLANS FOR THE 028 RECORDS MANAGEMENT PRESERVATION FUND AND 057 COUNTY CLERK'S RECORDS ARCHIVAL FUND AND PUBLISH THE APPROPRIATE NOTICE AS REQUIRED BY 118.025 OF THE LOCAL GOVERNMENT CODE. (9:37 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 RENEWAL BOND FOR VISITING JUSTICE OF THE PEACE, ROBERT DALE JONES. (9:37 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 AUDIT REPORTS FROM THE FOLLOWING: (9:37 AM)

A. EMERGENCY SERVICES DISTRICTS NOS. 10, 13 AND 14 FOR FISCAL YEAR 2007; AND

B. EMERGENCY SERVICES DISTRICTS NOS. 1, 3, 4, 5, 6, 10, 11, 13 AND 14 FOR FISCAL YEAR 2008.

Clerk's Note: Items 28.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

29. RECEIVE AND DISCUSS AS NECESSARY THE FOURTH REVENUE ESTIMATE FOR THE FISCAL YEAR 2010 BUDGET PROCESS. (10:18 AM)

Members of the Court heard from: Blain Keith, Chief Assistant County Auditor, Travis County Auditor's Office.

Discussion only. No formal action taken.

30. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATIONS FROM THE TRAVIS COUNTY ECONOMIC DEVELOPMENT SUBCOMMITTEE REGARDING A TAX ABATEMENT POLICY. (COMMISSIONER ECKHARDT) (10:32 AM)

Members of the Court heard from: Jeremy Martin, Senior Vice President, Governmental Relations, Austin Chamber of Commerce; Dave Porter, Senior Vice President, Economic Development, Austin Chamber of Commerce; and Mary Etta Gerhardt, Assistant County Attorney.

Discussion only. No formal action taken.

Item 30 to be reposted on September 15, 2009.

31. CONSIDER AND TAKE APPROPRIATE ACTION ON SIXTH AMENDMENT TO INTERLOCAL AGREEMENT FOR SERVICES WITH THE TRAVIS COUNTY HEALTHCARE DISTRICT. (9:37 AM)

Clerk's Note: Item 31 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

32. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL AGREEMENTS FOR EMERGENCY LAW ENFORCEMENT DISPATCH SERVICES BETWEEN TRAVIS COUNTY AND THE FOLLOWING MUNICIPALITIES FOR FISCAL YEAR 2010: (9:37 AM)

- A. CITY OF MANOR;
- B. CITY OF ROLLINGWOOD;
- C. CITY OF SUNSET VALLEY;
- D. CITY OF JONESTOWN; AND
- E. CITY OF MUSTANG RIDGE.

Clerk's Note: Items 32.A-E approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

33. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERGOVERNMENTAL ACTIVITIES REGARDING FUNDING UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA), INCLUDING: (10:08 AM)
- A. BRIEFING ON ACTIVITIES OF THE INTERGOVERNMENTAL STEERING COMMITTEE AND WORKGROUPS TO DATE, AND
 - B. RESOLUTION ENCOURAGING TRAVIS COUNTY PARTICIPATION IN COLLABORATIVE EFFORTS TO IDENTIFY AND SECURE ARRA FUNDING.

Items 33.A&B postponed until September 15, 2009.

34. CONSIDER AND TAKE APPROPRIATE ACTION ON APPOINTMENT OF PHILIP W. BARNES TO THE HOUSING AUTHORITY OF TRAVIS COUNTY BOARD OF COMMISSIONERS. (COMMISSIONER HUBER) (9:37 AM)

Clerk's Note: Item 34 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

EXECUTIVE SESSION ITEMS

Note 1 Gov't Code Ann 551.071, Consultation with Attorney

Note 2 Gov't Code Ann 551.072, Real Property

Note 3 Gov't Code Ann 551.074, 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.

35. CONSIDER AND TAKE APPROPRIATE ACTION CONCERNING THE SETTLEMENT OFFER REGARDING CHARGES FOR STAR FLIGHT SERVICES RENDERED TO GERALD POULIOTTE. ¹ (11:32 AM) (5:29 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 we accept the settlement 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	yes

36. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION ON THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION'S (CAMPO) PROPOSED CHANGES TO BYLAWS. ¹ (3:18 PM) (5:29 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.

Discussion only. No formal action taken.

Item 36 to be reposted September 15, 2009.

37. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR AMENDMENT TO SUBLEASE OF EXPOSITION CENTER WITH CERTAIN TERMS AND CONDITIONS FROM STAR OF TEXAS RODEO AND RELATED ISSUES AND AGREEMENTS. ^{1 AND 2} (1:38 PM) (2:27 PM) (3:18 PM) (5:29 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. 551.072, Real Property.

Members of the Court heard from: Bucky Lamb, General Manager, Star of Texas Fair and Rodeo; Tenley Aldredge, Assistant County Attorney; and Bryan Teich, President, Star of Texas Fair and Rodeo.

Motion by Commissioner Huber **and seconded by** Commissioner Davis that we accept these general contract amendment terms for our contract with the Star of Texas Fair and Rodeo:

- Term of the contract would be for three years; that would be an interim arrangement
- Rent would be \$150,000.00 per year, which includes concession considerations
- Capital improvements of \$30,000.00 in-kind services
- Six additional Use Days broken up, not one single block, to accommodate other licensees
- Financials: The Star of Texas Fair and Rodeo to provide copies of audited financials, beginning with the 2009 event, provided on an annual basis
- Signage: The Star of Texas Fair and Rodeo has all signage rights and revenues for Use Days. However, the parties agree to meet in good faith to negotiate mutually beneficial long-term signage arrangements
- Repairs: The Star of Texas Fair and Rodeo to pay actual cost of repairs during the fair and rodeo using the services of a third party inspector
- Utilities: Star of Texas Fair and Rodeo to reimburse the County for actual cost of utilities
- Direct Legal to pursue in writing these up into legal contract form.

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 BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT OR COUNTER SETTLEMENT OFFER AND/OR TAKE APPROPRIATE ACTION IN CLAIM FILED BY KATHRYN WINKFEIN. ¹ (3:18 PM) (5:31 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 take no action today, Tuesday, September 8, 2009, and that we have it back on the Court's Agenda next Tuesday, September 15, 2009 for appropriate action.

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 38 to be reposted on September 15, 2009.

39. 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. ¹ (11:34 AM)

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.

Item 39 postponed until September 15, 2009.

40. CONSIDER AND TAKE APPROPRIATE ACTION TO AUTHORIZE A BROKER TO PROCEED IN FINDING A DATA CENTER FOR SHORT TERM LEASE OF 3 TO 5 YEARS. ² (3:18 PM) (5:32 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.

Motion by Judge Biscoe and seconded by Commissioner Davis that we enter into an agreement with UGL Equis to do this work for us.

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

41. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION ON ISSUES RELATED TO MANCHACA COMMUNITY CENTER LOCATED AT 1310 FM 1626. (COMMISSIONER HUBER) ¹ (11:32 AM) (3:18 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.

Motion by Commissioner Huber and seconded by Commissioner Gómez that the Licensee be authorized to provide \$300,000.00 in property insurance coverage, as sufficient for the purposes of complying with Section 5.8 of the License Agreement.

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

42. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING CLAIMS OF FORMER EXECUTIVE MANAGER OF ADMINISTRATIVE OPERATIONS AND DIRECTOR OF THE HUMAN RESOURCES MANAGEMENT DEPARTMENT. ¹ AND ³ (3:18 PM) (5:32 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.

No action required on Item 42.

ADDED ITEMS

- A1. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING CONTRACT AWARD FOR FLEXIBLE SPENDING ACCOUNTS, RFP NO. P090207-OJ, TO THE QUALIFIED RESPONDENT, FBMC PREMIER BENEFITS SOLUTIONS. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (11:32 AM) (3:11 PM) (5:28 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.

Clerk's Note: The Court discussed employee use of the Flexible Spending Account (FSA) debit card:

- That the employee would need to sign an agreement on receipt of the FSA debit card that if a charge to the debit card proved to be ineligible the employee is responsible for reimbursing the County, if the employee does not reimburse the amount, then the County is authorized to withhold that amount through payroll deductions
- If there is a repeated violation of the policy, then that may result in the employee being ineligible to use the debit card.

Members of the Court heard from: Charles Vaughan, Chief Assistant County Auditor, Travis County Auditor's Office; Cindy Purinton, Benefit Administrator, HRMD; Lolly Jones, Purchasing Agent, Purchasing; and Barbara Wilson, Assistant County Attorney.

Motion by Judge Biscoe and seconded by Commissioner Davis that the other thing that should be added to the agreement is that the repeated violation of that policy may result in the employee being declared ineligible to use the debit card.

A Restatement of the previous Motion was made by Judge Biscoe that the Motion is to approve the contract with that understanding.

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 A1 CONTINUED

Clerk's Note: Item A1 was revisited at 5:28 PM.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez that we call Item A1 back up for further consideration.

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 the request to approve the claim for the escrow funds per agreement and release funds no later than September 14th, 2009 in order for the FSA debit cards to be ready for eligible employees by October 1, 2009.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve the request.

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

- A2. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REQUEST FROM THE TRAVIS COUNTY HEALTHCARE DISTRICT FOR SUPPORT IN THE DISTRICT'S PARTICIPATION IN INTERGOVERNMENTAL TRANSFER FOR DRAWING DOWN FEDERAL FUNDS IN THE UPPER PAYMENT LIMIT PROGRAM. (11:22 AM) (11:32 AM) (3:15 AM)

Members of the Court heard from: John Stevens, Acting Chief Financial Officer (CFO), Travis County Healthcare District; Carolyn Konecny, CFO, Travis County Healthcare District; John Hille, Assistant County Attorney; Sean O'Neal, Senior Financial Analyst, Travis County Auditor's Office; Mary Mayes, Investment Manager, Cash/Investment Management; and Dolores Ortega-Carter, Travis County Treasurer.

Motion by Commissioner Eckhardt **and seconded by** Judge Biscoe to approve Item A2.

Withdrawal of the Previous Motion was made by Commissioner Eckhardt **and** Judge Biscoe.

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.

Clerk's Note: The Court was informed that an Interlocal Agreement with the Healthcare District on a similar loan was still valid, and that the agreement allowed the opportunity for further loans in the future.

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

Motion by Judge Biscoe **and seconded by** Commissioner Eckhardt that we approve the request from the Travis County Healthcare District to borrow \$12M from Travis County with the understanding that this would help them access greater Federal funds for this community; and with the understanding that they would pay us back as soon as possible, within a week to ten days. The Court has done this before and it happened harmlessly.

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

Clerk's Note: The Court noted that this action will enable the Travis County Healthcare District to access an additional \$52M from Federal funds.

Clerk's Note: Commissioner Davis noted that he was abstaining on Item A2 because his wife is employed by Seton Medical Center.

ADJOURNMENT

Motion by Commissioner Davis and seconded by Commissioner Gómez to adjourn the Voting Session. (5:33 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