

MINUTES OF MEETING SEPTEMBER 29, 2009

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 29th day of September 2009, the Commissioners' Court convened the Voting Session at 9:17 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 10:56 AM.

The Commissioners Court reconvened the Voting Session at 12:21 PM.

The Commissioners Court recessed the Voting Session at 12:21 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 1:40 PM and adjourned at 1:47 PM.

The Commissioners Court, meeting as the Travis County Bee Cave Road District #1 (Galleria), convened at 1:47 PM and adjourned at 1:50 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:50 PM and adjourned at 1:57 PM.

The Commissioners Court, meeting as the Capital Health Facilities Development Corporation, convened at 1:57 PM and adjourned at 1:59 PM.

The Commissioners Court reconvened the Voting Session at 1:59 PM.

The Commissioners Court retired to Executive Session at 2:38 PM.

The Commissioners Court reconvened the Voting Session at 5:02 PM.

The Commissioners Court adjourned the Voting Session at 5:21 PM.

PUBLIC HEARING

1. RECEIVE COMMENTS ON FISCAL YEAR 2010 TAX RATE AND BUDGET.
(ACTION ITEMS #33 AND 34) (9:18 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to Agenda Items 33 and 34 for a summary of the action items.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis 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: Rodney Rhoades, Executive Manager, Planning and Budget Office (PBO); Leroy Nellis, Budget Manager, PBO; Chris Broussard, Business System Consultant, PBO; Gus Peña, Travis County Resident; Jimmy Castro, Travis County Resident; and Ronnie Gjemre, Travis County Resident. (9:18 AM)

Motion by Commissioner Gómez **and seconded by** Commissioner Davis 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: Gus Peña, Travis County Resident; Jimmy Castro, Travis County Resident; Charles Williams, Conservation Coordinator, Transportation and Natural Resources (TNR); Brian Block, Executive Director, Keep Austin Beautiful; Maurice Priest, Travis County Resident; and Ronnie Gjemre, Travis County Resident. (9:46 AM)

CONSENT ITEMS

Members of the Court heard from: Gus Peña, Travis County Resident; Ronnie Gjemre, Travis County Resident; and Mary Etta Gerhardt, Assistant County Attorney.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C2 and Items 6, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20.A&B, 22, 23, 24.A&B, 25, 26, 27, 28, 29, 37.A&B, 39, 40, 41.A&B, 42, 43, 44, 45, 46, and 47. (10:01 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 SEPTEMBER 15, 2009.

SPECIAL ITEMS

2. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:17 AM)

Item 2 not needed.

Item 2 to be reposted on October 6, 2009.

RESOLUTIONS AND PROCLAMATIONS

3. APPROVE PROCLAMATION RECOGNIZING THE 26TH ANNUAL NATIONAL NIGHT OUT EVENT ON OCTOBER 6, 2009. (JUDGE BISCOE) (10:05 AM)

Members of the Court heard from: James Kitchens, Deputy, Travis County Sheriff's Office (TCSO).

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the Proclamation in Item 3.

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. APPROVE PROCLAMATION DESIGNATING OCTOBER 3 THROUGH 15, 2009 AS "THE NINTH ANNUAL BI-NATIONAL HEALTH WEEK" THROUGHOUT TRAVIS COUNTY, TEXAS. (COMMISSIONER GÓMEZ) (10:09 AM)

Members of the Court heard from: Gloria Souhami, Program Director, Travis County Underage Drinking Prevention Program; Annie Crawford, Coordinator, Ventanilla de Salud; and Rosalba Ojeda, Consul General de Mexico.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the proclamation in Item 4.

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

5. APPROVE RESOLUTION RECOGNIZING JUDY PITTSFORD ON HER RETIREMENT FROM TRAVIS COUNTY. (JUDGE BISCOE) (10:15 AM)

Members of the Court heard from: Judy Pittsford, Information Technology Director, Information and Telecommunications Systems (ITS); Joe Harlow, Chief Technology Officer, ITS Systems; and Jimmy Castro, Travis County Resident.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the Resolution in Item 5.

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

JUSTICE AND PUBLIC SAFETY ITEMS

6. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING TRAVIS COUNTY MEDICAL EXAMINERS OFFICE ON AN INTERNSHIP AGREEMENT BETWEEN EVEREST INSTITUTE AND TRAVIS COUNTY. (10:01 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.

PURCHASING OFFICE ITEMS

7. APPROVE MODIFICATION NO. 7 TO INTERLOCAL AGREEMENT NO. IL060341RE WITH AUSTIN-TRAVIS COUNTY MENTAL HEALTH AND MENTAL RETARDATION FOR SUBSTANCE ABUSE SERVICES. (10:51 AM)

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 7.

Motion carried:

County Judge Samuel T. Biscoe	abstain
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: Judge Biscoe noted that he was abstaining from the vote on Item 7 because his spouse is employed by Austin/Travis County MHMR.

8. APPROVE MODIFICATION NO. 4 TO INTERLOCAL AGREEMENT NO. IL070037RE WITH AUSTIN-TRAVIS COUNTY MENTAL HEALTH AND MENTAL RETARDATION FOR SYSTEM OF CARE SERVICES. (10:52 AM)

Clerk's Note: The Court discussed a request from Staff to:

- Approve the substance of the agreement, which is the renewal, changes and the amendment for additional funds
- Authorize the County Judge to sign the contract once non-substantive changes have been made due to concerns from the Auditor's Office.

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

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve Item 8 with the changes.

Motion carried:

County Judge Samuel T. Biscoe	abstain
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: Judge Biscoe noted that he was abstaining from the vote on Item 8 because his spouse is employed by Austin/Travis County MHMR.

9. APPROVE MODIFICATION NO. 2 TO INTERLOCAL AGREEMENT NO. IL090060VR WITH AUSTIN-TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION FOR FAMILY PRESERVATION PROGRAM IN-HOME COUNSELING SERVICES TO JUVENILE OFFENDERS. (10:53 AM)

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve Item 9.

Motion carried:

County Judge Samuel T. Biscoe	abstain
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: Judge Biscoe noted that he was abstaining from the vote on Item 9 because his spouse is employed by Austin/Travis County MHMR.

10. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 4) TO CONTRACT NO. PS080113RE WITH ENCOMPASS MEDICAL MANAGEMENT FOR EVALUATION SERVICES. (10:01 AM)

Clerk's Note: Item 10 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

11. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. PS080222RE WITH FOUNDATION COMMUNITIES FOR PARENTING IN RECOVERY SERVICES. (10:01 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 TWELVE-MONTH EXTENSION (MODIFICATION NO. 5) TO INTERLOCAL AGREEMENT NO. IL060054RE WITH AUSTIN INDEPENDENT SCHOOL DISTRICT FOR ADULT BASIC EDUCATION SERVICES. (10:01 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. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 5) TO CONTRACT NO. PS070215RE WITH WORKSOURCE SOLUTIONS-CAPITAL AREA WORKFORCE BOARD FOR CHILD CARE MENTORING COLLABORATIVE. (10:01 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 TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. PS070371JW WITH ESPEY CONSULTANTS, INC. FOR CONSULTING SERVICES FOR HAMILTON POOL POLLUTION. (10:01 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. APPROVE MODIFICATION NO. 17 TO CONTRACT NO. PS960295JW WITH AUSTIN CHILD GUIDANCE CENTER FOR MENTAL HEALTH TREATMENT AND CONSULTATION SERVICES TO JUVENILE OFFENDERS. (10:01 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 TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. PS080215VR WITH SANTOS ALLIANCES FOR PROFESSIONAL LEGISLATIVE ADVOCACY SERVICES. (10:01 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. REVIEW AND APPROVE LIST OF AUTO RENEWAL INTERLOCAL AGREEMENTS AND CONTRACTS FOR VARIOUS SERVICES. (SEE ATTACHMENT "A" TO THIS AGENDA) (10:01 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 RENEWAL OF INTERLOCAL COOPERATION AGREEMENT NO. IL990109OJ, CITY OF AUSTIN/DOWNTOWN AUSTIN ALLIANCE, TO PROVIDE SERVICES AND IMPROVEMENTS FOR THE AUSTIN DOWNTOWN PUBLIC IMPROVEMENT DISTRICT. (COMMISSIONER GÓMEZ) (10:01 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 CONTRACT AWARD FOR IFB NO. B100001-DR, RESIDENTIAL ROOF REPAIR/REPLACEMENT SERVICES, TO THE LOW BIDDER, VALDEZ REMODELING AND WEATHERIZATION INC. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (10:56 AM) (2:38 PM) (5:02 PM)

Discussion only. No formal action taken.

Item 10 to be reposted on October 6, 2009.

20. A. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 07T00006OJ WITH ARTHUR J. GALLAGHER FOR AVIATION INSURANCE COVERAGE;
- B. REJECT TRIA COVERAGE (TERRORISM COVERAGE) AND AUTHORIZE THE COUNTY JUDGE TO SIGN THE TRIA DISCLOSURE FORM. (10:01 AM)

Clerk's Note: Items 20.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

21. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. PS090071VR WITH YOUTH ADVOCATE PROGRAM FOR MENTOR PROGRAM SERVICES. (10:30 AM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; and Gus Peña, Travis County Resident.

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

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

22. APPROVE CONTRACT NO. IL090291RE WITH DEL VALLE INDEPENDENT SCHOOL DISTRICT FOR CARE COORDINATOR SERVICES. (10:01 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. APPROVE CONTRACT NO. IL090351RE WITH THE UNIVERSITY OF TEXAS FOR HIV/AIDS AWARENESS AND PREVENTION SERVICES. (10:01 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 REGARDING INTERLOCAL AGREEMENT NO. IL080121ML WITH THE CITY OF AUSTIN FOR FORENSIC LAB SERVICES AS FOLLOWS: (10:01 AM)

A. RATIFICATION OF MODIFICATION NO. 1; AND

B. MODIFICATION NO. 2.

Clerk's Note: Items 24.A&B 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

25. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A LICENSE AGREEMENT WITH JOHN O. LIMON FOR PURPOSE OF HAVING EXCLUSIVE USE OF WEBBERVILLE PARK FOR THE ANNUAL LIMON REUNION. (COMMISSIONER DAVIS) (10:01 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 A FINAL PLAT FOR RECORDING IN PRECINCT FOUR: HOUSE OF PRAYER SUBDIVISION (1 TOTAL LOT). (COMMISSIONER GÓMEZ) (10:01 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 A CASH SECURITY AGREEMENT WITH HIGHLAND HOMES, AUSTIN FOR SIDEWALK FISCAL FOR COMMONS AT ROWE LANE IIA SUBDIVISION, LOT 28, BLOCK I. (COMMISSIONER ECKHARDT) (10:01 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 AN INTERLOCAL AGREEMENT WITH THE CITY OF LEANDER FOR ON-SITE WASTEWATER SERVICES. (COMMISSIONER HUBER) (10:01 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 LICENSE AGREEMENT WITH R AND B SPORTS, LLC FOR A TRIATHLON AT PACE BEND PARK. (COMMISSIONER HUBER) (10:01 AM)

Clerk's Note: Item 29 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

30. CONSIDER AND TAKE APPROPRIATE ACTION ON ITEMS RELATED TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROVIDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT: (10:34 AM)
- A. AUTHORIZE THE USE OF INTERNAL HEALTH AND HUMAN SERVICES AND VETERANS SERVICES RESOURCES FOR OPERATING EXPENSES UNTIL A FULLY EXECUTED PROGRAM YEAR 2009 GRANT AGREEMENT IS OBTAINED FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND
 - B. CERTIFICATE OF EXEMPTIONS FROM ENVIRONMENTAL ASSESSMENT FOR THE FOLLOWING PROGRAM YEAR 2009 PROJECTS: 1) FAMILY SUPPORT SERVICES SOCIAL WORK SERVICES EXPANSION; 2) YOUTH SERVICES FLEX FUND EXPANSION; AND 3) ADMINISTRATIVE EXPENSES.

Clerk's Note: Items 30.A&B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Christy Moffett, Social Services Manager, Travis County Health and Human Services (TCHHS).

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 30.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

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 30.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

31. CONSIDER AND TAKE APPROPRIATE ACTION ON CERTIFICATE OF EXEMPTION FROM ENVIRONMENTAL ASSESSMENT FOR THE PLAINVIEW ESTATES WATER CONNECTION PROJECT FOR COSTS RELATED TO DESIGN, ENVIRONMENTAL REVIEW, ELIGIBILITY DETERMINATIONS AND PROJECT MANAGEMENT PROVIDED BY THE COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (10:38 AM)

Members of the Court heard from: Christy Moffett, Social Services Manager, TCHHS.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 31, and authorize the County Judge to sign the certificate of exemption.

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

32. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL BETWEEN TRAVIS COUNTY AND THE CITY OF AUSTIN FOR THE PROVISION OF PUBLIC HEALTH SERVICES FOR FISCAL YEAR 2010. (10:40 AM)

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

Motion by Commissioner Huber **and seconded by** Commissioner Davis that we ask Sherri Fleming, Executive Manager, TCHHS&VS and her staff to continue their work with the appropriate City of Austin staff and the Sheriff's Department and the incorporated cities, the rest of them in Travis County, to look towards recommendations for improvement in animal control coordination, as it comes under the umbrella of this interlocal, and to have those recommendations back to the Court by May of 2010; such that we can take a look at those prior to the renewal of this interlocal in 2011 for the 2011 year.

Withdrawal of the Previous Motion was made by Commissioner Huber **and Seconded by** Commissioner Davis.

Motion by Commissioner Gómez **and seconded by** Commissioner Huber to approve the current interlocal agreement in Item 32.

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 expressed their intention to revisit the animal control part of this interlocal next week, October 6, 2009.

PLANNING AND BUDGET DEPT. ITEMS

33. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO ADOPT ORDER SETTING THE TRAVIS COUNTY TAX RATES FOR THE YEAR BEGINNING JANUARY 1, 2009:

A. TOTAL MAINTENANCE AND OPERATIONS TAX RATE;

B. TOTAL DEBT SERVICE TAX RATE; AND

C. TOTAL COUNTY AD VALOREM TAX RATE.

Clerk's Note: Items 33.A-C are the action items for the public hearing on Agenda Item 1.

Clerk's Note: Items 33.A-C are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Rodney Rhoades, Executive Manager, PBO.

Motion by Commissioner Gómez **and seconded by** Judge Biscoe that the property tax rate be increased by the adoption of a tax rate of 0.3517 for maintenance and operations, which is effectively a 4.3% increase in the tax rate for maintenance and operations.

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 that the property tax rate be increased by the adoption of a tax rate of 0.0698 for debt service.

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 33 CONTINUED

Motion by Commissioner Gómez **and seconded by** Judge Biscoe that the property tax rate be increased by the adoption of a tax rate of 0.4215, with a combined tax rate which is effectively a 2.98% increase in the combined tax rate.

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 this makes the FY '09 Tax Rate 0.4215 for each \$100.00 valuation.

34. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO ADOPT ORDER APPROVING THE TRAVIS COUNTY BUDGET FOR FISCAL YEAR 2010. (10:49 AM)

Clerk's Note: Item 34 is the action item for the public hearing on Agenda Item 1.

Members of the Court heard from: Leroy Nellis, Budget Manager, PBO.

Motion by Judge Biscoe and seconded by Commissioner Davis that we approve the proposed order setting budget for Travis County for fiscal year 2010.

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 thanked the Staff of PBO for all their hard work on the FY 2010 Budget.

35. CONSIDER AND TAKE APPROPRIATE ACTION ON ORDER DESIGNATING THE REGULAR MEETING DAYS OF THE COMMISSIONERS COURT OF TRAVIS COUNTY. (10:33 AM)

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

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 35.

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. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:17 AM)

Item 36 not needed.

37. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (10:01 AM)

- A. GRANT CONTRACT WITH THE SUPREME COURT OF TEXAS, PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES TO CONTINUE THE OFFICE OF CHILD REPRESENTATION THROUGH FISCAL YEAR 2010; AND
- B. GRANT CONTRACT WITH THE SUPREME COURT OF TEXAS, PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES TO CONTINUE THE OFFICE OF PARENTAL REPRESENTATION THROUGH FISCAL YEAR 2010.

Clerk's Note: Items 37.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

38. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST BY THE PULMONARY HYPERTENSION ASSOCIATION AND LIZA ROBERTS TO WAIVE OR REDUCE THE RENTAL FEES FOR THE EXPOSITION CENTER ARENA OR THE COUNTY OWNED BUILDING AT 5335 AIRPORT BOULEVARD ON NOVEMBER 7, 2009 FOR THE TRAVIS COUNTY PHUN (FUN) WALK FOR A CURE. (1:59 PM)

Clerk's Note: The Court heard a request for:

- Waiver of fees for rental of 5335 Airport Boulevard (Chair King) for November 7, 2009.
- Waiver of part or all of the utility costs, custodial fees, and table and chair rental.

Members of the Court heard from: Leroy Nellis, Budget Manager, PBO; and Liza Roberts, applicant.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve the request, to waive the rent, and to try to cover direct costs, utilities and as much of the custodial as possible; and to work with Roger El Khoury, Director, Facilities Management on the table and chair rental.

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

ADMINISTRATIVE OPERATIONS ITEMS

39. 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 \$800,560.49 FOR THE PERIOD OF SEPTEMBER 11 TO 17, 2009. (10:01 AM)

Clerk's Note: Item 39 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

40. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (10:01 AM)

Clerk's Note: Item 40 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

41. A. CONSIDER AND TAKE APPROPRIATE ACTION ON EMPLOYEE REFUNDS UNDER TUITION REIMBURSEMENT POLICY 10.021; AND
- B. AUTHORIZE THE COUNTY AUDITOR AND TREASURER TO REIMBURSE CERTAIN EMPLOYEES. (10:01 AM)

Clerk's Note: Items 41.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

42. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATION TO DESIGNATE DANA HESS, EMPLOYMENT SPECIALIST, HUMAN RESOURCES MANAGEMENT DEPARTMENT (HRMD) AS THE CIVIL RIGHTS/EEO LIAISON OFFICER TO MEET GRANT REQUIREMENTS. (10:01 AM)

Clerk's Note: Item 42 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

43. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATION TO SETTLE THE LIABILITY CLAIM WITH FARMERS INSURANCE AS SUBROGEE OF MARIA MENDEZ. (10:01 AM)

Clerk's Note: Item 43 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 by approving Item 43 the Court are settling the property claim for \$12,024.76.

OTHER ITEMS

44. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (10:01 AM)

Clerk's Note: Item 44 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

45. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AUTHORIZE THE TRAVIS COUNTY SHERIFF TO EXECUTE AN AGREEMENT FOR THE USE OF THE STATE AND LOCAL OVERTIME AND AUTHORIZED EXPENSE/STRATEGIC INITIATIVE PROGRAM BETWEEN THE TRAVIS COUNTY SHERIFF'S OFFICE AND THE U.S. DEPARTMENT OF JUSTICE RELATED TO THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES. (10:01 AM)

Clerk's Note: Item 45 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

46. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPOINT BRIE L. FRANCO TO SERVE ON THE BOARD OF TRAVIS COUNTY CHILDREN'S PROTECTIVE SERVICES. (COMMISSIONER GÓMEZ) (10:01 AM)

Clerk's Note: Item 46 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

47. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF AUGUST, 2009. (10:01 AM)

Clerk's Note: Item 47 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.

48. RECEIVE LEGAL BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING COUNTER SETTLEMENT OFFER IN CLAIM FILED BY KATHRYN WINKFEIN ¹ (10:56 AM) (2:38 PM) (5:02 PM)

Clerk's Note: Judge Biscoe announced that Item 48 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 counter their offer of \$135,000.00, and counter with \$40,000.00 as a firm \$40,000.00.

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

49. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. DORIS WILLIAMS (DAPHNE GILBERT RESALE DEED). ¹ (10:56 AM) (5:03 PM)

Clerk's Note: Judge Biscoe announced that Item 49 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 Judge to sign the prepared resale deed to Daphne Gilbert, who has paid Travis County the sum of \$15,545.31.

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

50. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. MICHAEL J. KNIZNER AND CHERYL L. KNIZNER (RHONI A. LAHN RESALE DEED). ¹ (10:56 AM) (5:03 PM)

Clerk's Note: Judge Biscoe announced that Item 50 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 that we authorize the County Judge to sign on behalf of the Commissioners Court the prepared tax resale deed to Rhoni A. Lahn, who has paid Travis County the sum of \$2,800.00.

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

51. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. UNKNOWN (IRA STRANGE, JR. RESALE DEED). ¹ (10:56 AM) (5:04 PM)

Clerk's Note: Judge Biscoe announced that Item 51 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 Judge to sign the proposed tax resale deed to Ira Strange, Jr., who has paid Travis County the sum of \$1,600.00.

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

52. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. RASHID MOHAMMED REGARDING EXECUTION OF A REDEMPTION QUITCLAIM DEED. ¹ (10:56 AM) (5:04 PM)

Clerk's Note: Judge Biscoe announced that Item 52 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 Judge to sign on behalf of the Court the redemption quitclaim deed that is due to Rashid Mohammed, who has satisfied all legal requirements.

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

53. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. WOODIE G. WILLIAMS (PATRICK RYAN CROSBY RESALE DEED). ¹ (10:56 AM) (5:05 PM)

Clerk's Note: Judge Biscoe announced that Item 53 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 Judge to sign the prepared tax resale deed to Patrick Ryan Crosby, who has paid Travis County the sum of \$4,500.00 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

54. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING CLAIMS BY ALICIA PEREZ. ¹ (10:56 AM) (2:38 PM) (5:05 PM)

Clerk's Note: Judge Biscoe announced that Item 54 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 54 to be reposted on October 6, 2009.

55. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING CLAIM BY LINDA MOORE SMITH. ¹ (10:56 AM) (2:38 PM) (5:05 PM)

Clerk's Note: Judge Biscoe announced that Item 55 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 55 to be reposted on October 6, 2009.

56. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING CLAIMS FROM TECOLOTE FARMS, INC. REGARDING WATER AVAILABILITY AND RELATED ISSUES. ¹ (9:17 AM)

Clerk's Note: Judge Biscoe announced that Item 56 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Item 56 pulled from the Agenda.

57. CONSIDER AND TAKE APPROPRIATE ACTION CONCERNING THE OFFER TO SETTLE TRAVIS COUNTY'S WORKERS COMPENSATION LIEN ON THE CLAIMS OF BENJAMIN MALDONADO; SUBROGATION. ¹ (10:56 AM) (5:06 PM)

Clerk's Note: Judge Biscoe announced that Item 57 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 to reject the counter offer and indicate the County's willingness to settle this matter for \$9,000.00.

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

58. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING THE PENDING LITIGATION IN TRAVIS COUNTY, TEXAS AND STATE OF TEXAS VS. COLDWATER DEVELOPMENT LTD. AND RODMAN EXCAVATION, INC., ET. AL. ¹ (10:56 AM) (5:07 PM)

Clerk's Note: Judge Biscoe announced that Item 58 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action required on Item 58.

Item 58 to be reposted on October 13, 2009.

59. CONSIDER AND TAKE APPROPRIATE ACTION IN RESPONSE TO REQUEST FOR INFORMATION REGARDING TXI PERMIT APPLICATION. ¹ (10:56 AM) (2:38 PM) (5:08 PM)

Clerk's Note: Judge Biscoe announced that Item 59 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 Judge to notify this constituent who asked a series of questions, that he will be provided responses by Thursday of this week, October 1, 2009 by 5:00 PM, by appropriate County Staff.

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

60. **REVISED LANGUAGE:** RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION ON REQUEST FOR A DEVELOPMENT PERMIT FOR THE BFI SUNSET FARMS LANDFILL SITE AT 10200 GILES LANE. ¹ (10:56 AM) (2:38 PM) (5:08 PM)

Clerk's Note: Judge Biscoe announced that Item 60 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from: Paul Gosselink, Attorney representing BFI; Lee Kuhn, General Manager, BFI Austin; and Ray Schull, Engineer, BFI.

Motion by Judge Biscoe and seconded by Commissioner Gómez that we approve the request for a development permit by BFI Sunset Farms.

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

ADDED ITEMS

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR AN EXCEPTION TO FISCAL YEAR 2009 BUDGET RULES REGARDING THE REIMBURSEMENT OF COUNTY BUSINESS RELATED PARKING. (10:55 AM) (10:56 AM) (2:38 PM) (5:20 AM)

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

Motion by Judge Biscoe **and seconded by** Commissioner Gómez that we approve Item A1.

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. RECEIVE BRIEFING, APPOINT COMMISSIONERS COURT REPRESENTATIVE FOR MEDIATION AND TAKE APPROPRIATE ACTION IN GEORGE GIKAS V. TRAVIS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF TEXAS; LESTER MEIER RODEO COMPANY; AND TEXAS STYLE PROFESSIONAL EVENT PLANNERS, INC. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY). (10:56 AM) (2:38 PM) (5:20 PM)

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

Motion by Judge Biscoe **and seconded by** Commissioner Gómez that we accept Dan Mansour's, Risk and Benefits Manager, Human Resources Management Department (HRMD) offer to represent Travis County at this mediation; and indicate that the County Judge will also represent Travis County at this mediation.

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

ADJOURNMENT

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to adjourn the Voting Session. (5:21 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