

## **MINUTES OF MEETING OCTOBER 13, 2009**

### **TRAVIS COUNTY COMMISSIONERS' COURT**

On Tuesday, the 13<sup>th</sup> day of October 2009, the Commissioners' Court convened the Voting Session at 9:16 AM in the Commissioners' Courtroom, 1<sup>st</sup> Floor of the Ned Granger Administration Building, 314 West 11<sup>th</sup> Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Michelle Bryant and Deputy Robert Resnick.

The Commissioners Court retired to Executive Session at 11:25 AM.

The Commissioners Court reconvened the Voting Session at 12:02 PM.

The Commissioners Court recessed the Voting Session at 12:02 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 1:39 PM and adjourned at 1:40 PM.

The Commissioners Court, meeting as the Travis County Bee Cave Road District #1 (Galleria), convened at 1:40 PM and adjourned at 1:41 PM.

The Commissioners Court reconvened the Voting Session at 1:41 PM.

The Commissioners Court retired to Executive Session at 2:08 PM.

The Commissioners Court reconvened the Voting Session at 3:49 PM.

The Commissioners Court adjourned the Voting Session at 4:06 PM.

## PUBLIC HEARINGS

1. 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 459 AND 460 OF APACHE SHORES, FIRST INSTALLMENT. (COMMISSIONER HUBER) (ACTION ITEM #14) (9:17 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 14 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:** Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR).

**Motion by** Commissioner Huber **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:** Gus Peña, Travis County Resident; and Ronnie Gjemre, Travis County Resident. (9:18 AM)

## CONSENT ITEMS

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C2 and Items 3, 4.A&B, 5, 6, 7, 8, 12, 14, 15, 17, 18, 19, 24, and A4. (9:27 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 29, 2009.

## RESOLUTIONS AND PROCLAMATIONS

- 2. APPROVE RESOLUTION RECOGNIZING ROBERT A. FURTADO FOR HIS DEVOTION AND LOYALTY TO THE TEACHINGS OF ENVIRONMENTAL SCIENCES AND THE NAMING OF A TRIBUTARY OF BULL CREEK AS "FURTADO CREEK." (COMMISSIONER ECKHARDT) (9:30 AM)

**Members of the Court heard from:** Jacob Daniel Apodaca, Lower Colorado River Authority (LCRA) and Colorado River Watch Network; Jack Goodman, Former Manager; Colorado River Watch Network; Jennifer Quereau, former student of Robert Furtado; and Joe Muck, former student of Robert Furtado.

**Motion by** Commissioner Eckhardt **and seconded by** Judge Biscoe to approve the Resolution in Item 2.

**Motion carried:**

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

### PLANNING AND BUDGET DEPT. ITEMS

3. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:27 AM)

**Clerk's Note:** Item 3 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

4. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:  
(9:27 AM)
  - A. GRANT CONTRACT TO OFFICE OF THE GOVERNOR, DIVISION OF EMERGENCY MANAGEMENT FOR THE EMERGENCY MANAGEMENT PERFORMANCE GRANT IN THE EMERGENCY SERVICES DEPARTMENT; AND
  - B. AMENDMENT TO THE COMPREHENSIVE ENERGY ASSISTANCE PROGRAM CONTRACT IN ORDER TO INCREASE THE GRANT AWARD FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE HEALTH AND HUMAN SERVICES DEPARTMENT TO PROVIDE HOUSEHOLD HEATING AND COOLING ENERGY ASSISTANCE TO AN ADDITIONAL 188 HOUSEHOLDS.

**Clerk's Note:** Items 4.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

5. 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 \$817,572.16 FOR THE PERIOD OF SEPTEMBER 25 TO OCTOBER 1, 2009. (9:27 AM)

**Clerk's Note:** Item 5 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

6. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9: 27 AM)

**Clerk's Note:** Item 6 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

7. CONSIDER AND TAKE APPROPRIATE ACTION ON A LICENSE AGREEMENT BETWEEN TRAVIS COUNTY AND STANDARD PARKING, INC. FOR PARKING SPACES AT 9<sup>TH</sup> STREET AND LAVACA [[AND RATIFICATION OF PRIOR LICENSE]]. (9: 27 AM)

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

8. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REQUEST TO SET OCTOBER 28, 2009 AT 2:00 P.M., AS THE TIME FOR THE GRAND OPENING CEREMONY OF THE TRAVIS COUNTY CORRECTIONAL COMPLEX BUILDING 12. (9: 27 AM)

**Clerk's Note:** Item 8 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

9. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATION TO DELEGATE THE CHIEF INFORMATION OFFICER OF INFORMATION AND TELECOMMUNICATIONS SYSTEMS THE AUTHORITY TO ACCEPT CISCO NETWORK EQUIPMENT DONATED BY INX, INC. FOR USE BY TRAVIS COUNTY. (9:17 AM)

Item 9 was postponed.

**JUSTICE AND PUBLIC SAFETY ITEMS**

10. CONSIDER AND TAKE APPROPRIATE ACTION ON A TEMPLATE INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY AND ALL OF THE EMERGENCY SERVICES DISTRICTS WHOLLY WITHIN TRAVIS COUNTY FOR EMERGENCY MEDICAL SERVICES. (9:36 AM)

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

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

**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

11. CONSIDER AND TAKE APPROPRIATE ACTION ON A TEMPLATE INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY AND ALL OF THE SMALL CITIES AND VILLAGES WHOLLY WITHIN TRAVIS COUNTY FOR EMERGENCY MEDICAL SERVICES. (9:51 AM)

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

**Motion by** Commissioner Huber **and seconded by** Commissioner Gómez to approve Item 11.

**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

12. CONSIDER AND TAKE APPROPRIATE ACTION ON AN INTERLOCAL CONTRACT WITH CAPITAL AREA COUNCIL OF GOVERNMENTS FOR USE OF REVENUE RETURNED UNDER COMMISSION ON STATE EMERGENCY COMMUNICATIONS RULE, UNDER SECTION 771 OF THE TEXAS HEALTH AND SAFETY CODE. (9: 27 AM)

**Clerk's Note:** Item 12 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

### PURCHASING OFFICE ITEMS

13. 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) (2:08 PM) (3:50 PM)

**Clerk's Note:** Judge Biscoe announced that Item 13 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez that we reject all bids and authorize Staff to rebid.

<b>Motion carried:</b> 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

## TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

14. 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 459 AND 460 OF APACHE SHORES, FIRST INSTALLMENT. (COMMISSIONER HUBER) (9: 27 AM)

**Clerk's Note:** Item 14 is the action item for the public hearing on Agenda Item 1.

**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 ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES FOR A PORTION OF ELROY ROAD AND ROSS ROAD, PORTIONS OF TWO ROAD IN PRECINCT FOUR. (COMMISSIONER GÓMEZ) (9: 27 AM)

**Clerk's Note:** Item 15 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

## OTHER ITEMS

### AT 1:30 P.M.

16. RECEIVE PRESENTATION FROM THE COUNCIL ON AT RISK YOUTH (CARY). (1:41 PM)

**Members of the Court heard from:** Adrian Moore, Executive Director, Council on At-Risk Youth (CARY); Shana Fox, Youth Advisor, Dobie Middle School; Sally Ingall, Youth Advisor, CARY; Wesley Vincik, Youth Advisor, Alternative Learning Center and Pierce Middle School; Keshawn Ross, CARY participant; Brandon Miranda, CARY participant; and Eduardo Salazar, CARY participant.

Discussion only. No formal action taken.



17. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9: 27 AM)

**Clerk's Note:** Item 17 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

18. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT NUMBER SEVEN TO THE MEMORANDUM OF UNDERSTANDING RELATING TO SECURITY FOR THE COMBINED TRANSPORTATION, EMERGENCY & COMMUNICATIONS CENTER, EXTENDING THE SCOPE OF WORK FOR THE TRAVIS COUNTY SHERIFF'S OFFICE THROUGH FISCAL YEAR 2010. (9: 27 AM)

**Clerk's Note:** Item 18 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

19. CONSIDER AND TAKE APPROPRIATE ACTION TO DIRECT TRAVIS COUNTY HEALTH AND HUMAN SERVICES AND VETERANS SERVICES STAFF, ALONG WITH APPROPRIATE STAFF WITH THE CITY OF AUSTIN HEALTH AND HUMAN SERVICES DEPARTMENT, TO WORK TOGETHER WITH PERSONNEL OF THE TRAVIS COUNTY SHERIFF'S DEPARTMENT AND THE INCORPORATED CITIES WITHIN TRAVIS COUNTY TO PROPOSE RECOMMENDATIONS TO IMPROVE ANIMAL CONTROL COORDINATION FOR CONSIDERATION AS PART OF THE FISCAL YEAR 2011 BUDGET PROCESS. (COMMISSIONER HUBER) (9: 27 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 AMENDMENT OF ECONOMIC DEVELOPMENT AGREEMENT BETWEEN TRAVIS COUNTY AND SIMON PROPERTY GROUP, INC. (DOMAIN). (JUDGE BISCOE) (10:48 AM)

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

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

**Motion carried:**

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

21. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REQUEST FROM THE CITY OF AUSTIN TO PARTICIPATE IN THE COMPREHENSIVE PLANNING PROCESS. (10:50 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; and Gus Peña, Travis County Resident.

Discussion only. No formal action taken.

Item 21 to be reposted on October 20, 2009.

22. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE COMPOSITION OF THE CAPITAL METROPOLITAN BOARD OF DIRECTORS: (10:01 AM)

A. RECENT LEGISLATION REGARDING SUCH COMPOSITION AND AUTHORIZATION FOR TRAVIS COUNTY TO MAKE AN APPOINTMENT; AND

B. STEPS TRAVIS COUNTY SHOULD TAKE TO COMPLY WITH NEW LAW, INCLUDING ADOPTION OF A NEW PROCESS FOR FILLING COUNTY VACANCY.

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

**Members of the Court heard from:** Deece Eckstein, Intergovernmental Relations Officer; Nancy McDonald, Take on Traffic; Ronnie Gjemre, Travis County Resident; and Gus Peña, Travis County Resident.

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Huber to pursue a non-Commissioners Court appointee to Capital Metro.

**Withdrawal of the previous Motion was made by** Commissioner Eckhardt.

Item 22 to be reposted on October 20, 2009.

23. RECEIVE UPDATE AND TAKE APPROPRIATE ACTION ON TRAVIS COUNTY PARTICIPATION IN THE CENSUS 2010 COMPLETE COUNT COMMITTEE WITH THE CITY OF AUSTIN, INCLUDING: (10:32 AM)

A. UPDATE ON PLANNING EFFORTS; AND

B. CONSIDERATION AND ADOPTION OF TRAVIS COUNTY NOMINEES TO THE 2010 CENSUS AUSTIN-TRAVIS COUNTY STEERING COMMITTEE AND THE 2010 CENSUS AUSTIN-TRAVIS COUNTY LEADERSHIP COUNCIL.

**Clerk's Note:** Items 23.A& are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Deece Eckstein, Intergovernmental Relations Officer; Ronnie Gjemre, Travis County Resident; and Gus Peña, Travis County Resident.

Discussion only. No formal action taken.

Item 23 to be reposted on October 20, 2009.

24. RECEIVE FISCAL YEAR 2010 FORFEITED PROPERTY ACCOUNT BUDGET FROM THE TRAVIS COUNTY DISTRICT ATTORNEY'S OFFICE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 59.06(D) OF THE TEXAS CODE OF CRIMINAL PROCEDURE. (9: 27 AM)

**Clerk's Note:** Item 24 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

**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.

25. 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. <sup>1</sup> (11:25 AM) (3:50 PM)

**Clerk's Note:** Judge Biscoe announced that Item 25 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 25 to be reposted on October 20, 2009.

**Clerk's Note:** Judge Biscoe noted that this Item will be reposted with additional wording, broken down into three or four parts that will allow the Court to take multiple actions, as appropriate.

26. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE POTENTIAL LEASE OF REAL ESTATE IN NORTH AUSTIN FOR THE TRAVIS COUNTY JUVENILE PROBATION DEPARTMENT. <sup>1 AND 2</sup> (11:25 AM) (2:08 PM) (3:51 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 Davis that we authorize Facilities Management staff to assist with the lease negotiation.

<b>Motion carried:</b> 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 LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING CLAIMS BY ALICIA PEREZ. <sup>1</sup> (2:08 PM) (3:51 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.

**Clerk's Note:** Items 27 and 28 are associated with one another and were called for concurrent discussion.

**Motion by** Judge Biscoe **and seconded by** Commissioner Huber that we authorize the County Judge and Commissioner Gómez to get with our lawyers and meet with legal counsel for both of these claimants to discuss this matter further, with an eye to having it back on the Court's Agenda on October 20, 2009 for appropriate action.

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

Items 27 and 28 to be reposted on October 20, 2009.

28. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING CLAIM BY LINDA MOORE SMITH. <sup>1</sup> (2:08 PM) (3:51 PM)

**Clerk's Note:** Judge Biscoe announced that Item 28 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Clerk's Note:** Items 27 and 28 are associated with one another and were called for concurrent discussion. Please refer to Item 27 for a summary of the action taken by the Court.

29. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING POTENTIAL LEASE BETWEEN THE HOUSING AUTHORITY OF TRAVIS COUNTY AND TRAVIS COUNTY FOR PROPERTY LOCATED NEAR HIGHLAND MALL. <sup>1</sup> AND <sup>2</sup> (11:25 AM) (2:08 PM) (3:52 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 and Gov't. Code Ann. 551.072, Real Property.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez that we authorize Facilities Management Staff to join with Health and Human Services (HHS) to negotiate a possible lease of this real estate.

<b>Motion carried:</b> 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

30. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE POTENTIAL PURCHASE OF REAL ESTATE IN CENTRAL AUSTIN AREA. <sup>1</sup> AND <sup>2</sup> (11:25 AM) (2:08 PM) (3:52 PM)

**Clerk's Note:** Judge Biscoe announced that Item 30 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.072, Real Property.

Discussion only. No formal action taken.

Item 30 to be reposted on October 20, 2009.

**Clerk's Note:** The Commissioners Court directed Staff to mull over this possibility and have it back on the Court's Agenda next week, October 20, 2009 for possible action.

31. CONSIDER AND TAKE APPROPRIATE ACTION CONCERNING THE SETTLEMENT OFFER REGARDING PAYMENT FOR STAR FLIGHT SERVICES RENDERED TO LANCE BIGHEART. <sup>1</sup> (11:25 AM) (3:53 PM)

**Clerk's Note:** Judge Biscoe announced that Item 31 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that we accept the offer of \$1,257.60 to settle this matter.

**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

32. RECEIVE LEGAL BRIEFING REGARDING GEORGE GIKAS V. TRAVIS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF TEXAS; LESTER MEIER RODEO COMPANY; AND TEXAS STYLE PROFESSIONAL EVENT PLANNERS, INC. AND TAKE APPROPRIATE ACTION. <sup>1</sup> (11:25 AM) (3:53 PM)

**Clerk's Note:** Judge Biscoe announced that Item 32 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that we authorize the County Attorney to file an appropriate cross claim in this matter to protect the interests of Travis County

**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

33. RECEIVE LEGAL BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING THE CONTESTED CASE HEARING ON THE PENDING APPLICATION FOR THE PROPOSED SOLID WASTE AMENDMENT TO EXPAND WASTE MANAGEMENT OF TEXAS LANDFILL LOCATED ON GILES ROAD NEAR STATE HIGHWAY 290 EAST. <sup>1</sup>  
(11:25 AM) (2:08 PM) (4:04 PM)

**Clerk's Note:** Judge Biscoe announced that Item 33 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.072, Real Property.

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez that we direct the Travis County Attorney's Staff to continue to pursue an effort, through the Administrative Law Judge efforts, and to report back to the Commissioners Court as soon as this particular issue is finalized. Travis County may position itself to take other actions after the last action by the Administrative Law Judge has taken place.

**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

34. CONSIDER AND TAKE APPROPRIATE ACTION CONCERNING THE OFFER TO SETTLE TRAVIS COUNTY'S WORKERS COMPENSATION LIEN ON THE CLAIMS OF BENJAMIN MALDONADO; SUBROGATION. <sup>1</sup> (11:25 AM)  
(3:54 PM)

**Clerk's Note:** Judge Biscoe announced that Item 34 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez that we accept the counter offer of \$6,000.00 to be paid to Travis County by the insurance carrier.

**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. CONSIDER AND TAKE APPROPRIATE ACTION ON ITEMS RELATED TO THE PROGRAM YEAR 2008 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROVIDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD): (9:54 AM)

- A. REQUEST DECEMBER 2 THROUGH 16, 2009 AS THE 15-DAY PUBLIC COMMENT PERIOD FOR THE PUBLIC TO REVIEW AND COMMENT ON THE DRAFT;

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Item A1.A.

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

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON ITEMS RELATED TO THE PROGRAM YEAR 2008 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROVIDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD): (9:55 AM)

- B. REQUEST TO SET A PUBLIC HEARING DATE ON DECEMBER 8, 2009 TO RECEIVE PUBLIC COMMENT; AND

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

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

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

**ITEM A1 CONTINUED**

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON ITEMS RELATED TO THE PROGRAM YEAR 2008 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROVIDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD): (9:55 AM)

- C. AUTHORIZE ADVERTISEMENT ANNOUNCING, IN NEWSPAPERS OF GENERAL CIRCULATION, THE PUBLIC HEARING DATE AND THE 15-DAY PUBLIC COMMENT PERIOD.

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

- A2. CONSIDER AND TAKE APPROPRIATE ACTION ON ITEMS RELATED TO SUBSTANTIAL AMENDMENTS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROVIDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT: (9:55 AM)

- A. RECEIVE OVERVIEW OF RECOMMENDED SUBSTANTIAL AMENDMENTS FOR FOUR CDBG PROJECTS;

**Members of the Court heard from:** Christy Moffett, Social Services Manager, TCHHS; and Sherri Fleming, Executive Manager, TCHHS&VS.

No action required on Item A2.A.

**ITEM A2 CONTINUED**

- A2. CONSIDER AND TAKE APPROPRIATE ACTION ON ITEMS RELATED TO SUBSTANTIAL AMENDMENTS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROVIDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT: (9:58 AM)

- B. REQUEST TO SET NOVEMBER 11 THROUGH DECEMBER 10, 2009 AS THE 30-DAY PUBLIC COMMENT PERIOD FOR THE PUBLIC TO REVIEW AND COMMENT ON THE DRAFT;

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

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

- A2. CONSIDER AND TAKE APPROPRIATE ACTION ON ITEMS RELATED TO SUBSTANTIAL AMENDMENTS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROVIDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT: (9:59 AM)

- C. REQUEST TO SET A PUBLIC HEARING DATE ON NOVEMBER 24, 2009 TO RECEIVE PUBLIC COMMENT; AND

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

**ITEM A2 CONTINUED**

- A2. CONSIDER AND TAKE APPROPRIATE ACTION ON ITEMS RELATED TO SUBSTANTIAL AMENDMENTS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROVIDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT: (9:59 AM)

D. AUTHORIZE ADVERTISEMENT ANNOUNCING, IN NEWSPAPERS OF GENERAL CIRCULATION, THE PUBLIC HEARING DATE AND THE 30-DAY PUBLIC COMMENT PERIOD.

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

**Motion by** Commissioner Gómez **and seconded by** Commissioner Huber to approve Item A2.D.

**Motion carried:**

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

- A3. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING APPLICATION FOR AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS THROUGH THE TEXAS STATE COMPTROLLER'S STATE ENERGY CONSERVATION OFFICE - COMPETITIVE GRANT TO USE FOR THE INSTALLATION OF DISTRIBUTABLE RENEWABLE ENERGY POWER GENERATION FACILITIES AT TRAVIS COUNTY OWNED FACILITIES LOCATED AT THE EXPOSITION CENTER AND AT THE SAN ANTONIO PARKING GARAGE. (3:54 PM)

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

Discussion only. No formal action taken.

Item A3 to be reposted on October 20, 2009.

- A4. RECEIVE NOTICE OF GOVERNOR RICK PERRY'S APPOINTMENT OF JEFFREY L. ROSE, AS JUDGE OF THE 353<sup>RD</sup> JUDICIAL DISTRICT COURT, TRAVIS COUNTY AND TAKE APPROPRIATE ACTION. (9: 27 AM)

**Clerk's Note:** Item A4 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

## ADJOURNMENT

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to adjourn the Voting Session. (4:06 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

## MINUTES APPROVED BY THE COMMISSIONERS' COURT

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**Date of Approval**

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**Samuel T. Biscoe, Travis County Judge**