

## **MINUTES OF MEETING MAY 11, 2010**

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

On Tuesday, the 2<sup>nd</sup> day of May 2010, the Commissioners' Court convened the Voting Session at 9:14 AM in the Commissioners' Courtroom, 1<sup>st</sup> Floor of the Ned Granger Administration Building, 314 West 11<sup>th</sup> Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Gillian Porter.

The Commissioners Court record notes that Precinct Four Commissioner Margaret Gómez was not present during this Voting Session.

The Commissioners Court retired to Executive Session at 11:44 AM.

The Commissioners Court reconvened the Voting Session at 12:24 PM.

The Commissioners Court recessed the Voting Session at 12:25 PM.

The Commissioners Court, meeting as the Travis County Bee Cave Road District #1 (Galleria), convened at 1:39 PM and adjourned at 1:40 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:40 PM and adjourned at 1:43 PM.

The Commissioners Court reconvened the Voting Session at 1:43 PM.

The Commissioners Court retired to Executive Session at 4:36 PM.

The Commissioners Court reconvened the Voting Session at 5:40 PM.

The Commissioners Court adjourned the Voting Session at 5:44 PM.

### **CITIZENS COMMUNICATION**

**Members of the Court heard from:** Gus Peña, Travis County Resident; Kenneth Snyder, Northridge Acres Resident; Maurice Priest, Travis County Resident; Ronnie Gjemre, Travis County Resident; Nelson Linder, President, Austin National Association for the Advancement of Colored People (NAACP); Anne Bormann, Manager, Travis County 4H Capital Americorps Program, Agricultural Extension Service; Charlotte Benbenek-Price, Travis County 4H Capital Americorps Program, Agricultural Extension Service; and Allison Scharf, Real Estate Council of Austin (RECA). (9:16 AM)

**CONSENT ITEMS**

**Members of the Court heard from:** Bill Derryberry, Senior Budget Analyst, Planning and Budget Office (PBO); and Ronnie Gjemre, Travis County Resident.

**Motion by** Commissioner Davis **and seconded by** Commissioner Eckhardt to approve the following Consent Items: C1-C6 and Items 3, 4.A-C, 5, 6.A&B, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20. (9:40 AM)

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

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS.
- C3. APPROVE MINUTES FOR VOTING SESSION OF APRIL 20, 2010.
- C4. APPROVE SETTING A PUBLIC HEARING ON JUNE 1, 2010 TO RECEIVE COMMENTS ON A REVISED PLAT FOR RECORDING IN PRECINCT THREE: THE SECOND REVISED PLAT OF LOTS 2 AND 3, BLOCK A, REVISED PLAT, ROCKY POINT SUBDIVISION (2 TOTAL LOTS). (COMMISSIONER HUBER)
- C5. APPROVE SETTING A PUBLIC HEARING DATE FOR JUNE 15, 2010 TO RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOTS 3 AND 4, BLOCK A, NOACK HILL SUBDIVISION (2 TOTAL LOTS). (COMMISSIONER HUBER)
- C6. APPROVE RESOLUTION CONGRATULATING JACKIE GOODFELLOW FOR HER MANY YEARS OF DEDICATED SERVICE AND HER RETIREMENT AFTER 21 YEARS FROM TRAVIS COUNTY. (JUDGE BISCOE)

**RESOLUTIONS AND PROCLAMATIONS**

1. APPROVE PROCLAMATION HONORING ACTIVE MEMBERS OF THE MILITARY, MILITARY RESERVES, AND OUR MILITARY VETERANS ON THE OCCASION OF ARMED FORCES DAY ON MAY 15, 2010. (COMMISSIONER HUBER) (9:43 AM)

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

**Motion by** Commissioner Huber **and seconded by** Commissioner Davis to approve the Proclamation in Item 1.

**Motion carried:**

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

**SPECIAL ITEMS**

2. RECEIVE PRESENTATION OF CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY'S ANNUAL REPORT FOR FISCAL YEAR 2009. (9:46 AM)

**Members of the Court heard from:** Mike Heiligenstein, Executive Director, Central Texas Regional Mobility Authority (CTRMA); Maurice Priest, Travis County Resident; Bill Chapman, Chief Financial Officer, CTRMA; and Ronnie Gjemre, Travis County Resident.

**Motion by** Judge Biscoe **and seconded by** Commissioner Huber that we formally receive the report.

**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	absent

**PLANNING AND BUDGET DEPT. ITEMS**

3. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:40 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:  
(9:40 AM)

- A. ANNUAL APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE JUVENILE PROBATION DEPARTMENT TO CONTINUE THE NATIONAL SCHOOL LUNCH/BREAKFAST PROGRAM AND UNITED STATES DEPARTMENT OF AGRICULTURE SCHOOL COMMODITY PROGRAM;
- B. ANNUAL APPLICATION WITH THE TEXAS TASK FORCE ON INDIGENT DEFENSE TO CONTINUE THE MENTAL HEALTH PUBLIC DEFENDER'S OFFICE MANAGED BY CRIMINAL JUSTICE PLANNING. THE GRANT REQUIRES A CASH MATCH THAT IS FULLY BUDGETED FOR FISCAL YEAR 2011; AND
- C. REQUEST FOR HEALTH AND HUMAN SERVICES AND VETERANS SERVICE TO INTERNALLY FUND THE 2010-2011 DEPARTMENT OF ENERGY AND LOW-INCOME ENERGY ASSISTANCE PROGRAMS UNTIL A FULLY EXECUTED CONTRACT IS OBTAINED FROM GRANTOR.

**Clerk's Note:** Items 4.A-C 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 \$991,213.23 FOR THE PERIOD OF APRIL 23 TO 29, 2010.  
(9:40 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 THE FOLLOWING:  
(9:40 AM)

A. PROPOSED ROUTINE PERSONNEL AMENDMENTS; AND

B. NON-ROUTINE REQUEST FROM THE TRAVIS COUNTY SHERIFF'S OFFICE FOR A VARIANCE TO TRAVIS COUNTY CODE CHAPTER 10.03002, GENERAL OVERVIEW FOR DETERMINING PAY POLICY.

**Clerk's Note:** Items 6.A&B 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 TRAVIS COUNTY EMPLOYEE BENEFITS COMMITTEE RECOMMENDATIONS REGARDING FISCAL YEAR 2011 GROUP BENEFIT HEALTH PLAN CHANGES AND RATES, WHICH WOULD BECOME EFFECTIVE OCTOBER 1, 2010:  
(10:15 AM)
- A. ALL OPTION 1 BENEFIT CHANGES PROPOSED, INCLUDING MAKING NEXIUM INELIGIBLE ON THE PHARMACY PLAN;
  - B. RATE CHANGES AS PROPOSED FOR BOTH EMPLOYEES AND COUNTY;
  - C. PROPOSED INCREASE IN THE INDIVIDUAL STOPLOSS AMOUNT TO \$200,000 TO HELP MITIGATE THE STOPLOSS PREMIUM INCREASE FROM 19% TO 9.9%;
  - D. REMOVAL OF THE \$2,000,000 LIFETIME MAXIMUM AS REQUIRED BY THE HEALTHCARE REFORM ACT;
  - E. RELEASING INFORMATION AND HOLDING INFORMATIONAL SESSIONS ON PROPOSED FISCAL YEAR 2011 PLAN BENEFIT AND RATE CHANGES TO EMPLOYEES AND RETIREES;
  - F. CONDUCT OPEN ENROLLMENT FROM JULY 19<sup>TH</sup> THROUGH AUGUST 20<sup>TH</sup>;
  - G. DEFAULT COVERAGE OF CEPO EMPLOYEE ONLY AND BASIC LIFE ONLY IF EMPLOYEES DO NOT COMPLETE OPEN ENROLLMENT; AND
  - H. AUTHORIZE RISK AND BENEFIT MANAGER TO APPLY FOR THE NEW EARLY RETIREE 80% REINSURANCE SUBSIDY DESCRIBED IN THE HEALTHCARE REFORM ACT.

**Clerk's Note:** Items 7.A-H are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Dan Mansour, Risk and Benefits Manager, Human Resources Management Department (HRMD); Cindy Purinton, Benefit Administrator, HRMD; Matt Nolte, Strategic Account Manager, United Healthcare (UHC); Dr. Harinder Dhir M.D. MPH MBA, Medical Director, Wellness Clinic; Barbara Wilson, Assistant County Attorney; Travis Gatlin, Budget Analyst, PBO; Mary Etta Gerhardt, Travis County Employee; John Bauerlein, Actuary, Milliman USA; and Ronnie Gjemre, Travis County Resident.

## ITEM 7 CONTINUED

**Clerk's Note:** The Court discussed Option 1 benefit and rate changes including removing Nexium from the pharmacy plan as shown in the back-up.

**Motion by Judge Biscoe and seconded by Commissioner Davis** that we give tentative approval to the recommendations in Items 7.A&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	absent

**Clerk's Note:** The Court discussed holding departmental informational sessions on the proposed benefit and rate changes plus holding the annual employee public hearing.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to approve Item 7.E and the Public Hearing for employees on June 16, 2010 at 4:30 PM in the Commissioners' Courtroom.

<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	absent

**Clerk's Note:** The Court discussed an increase in the individual stoploss amount to \$200,000.00 to mitigate premium increases in Item 7.C.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to approve Item 7.C.

<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	absent

## ITEM 7 CONTINUED

**Clerk's Note:** The Court discussed removal of the \$2,000,000.00 lifetime maximum as required by the Healthcare Reform Act.

**Motion by** Commissioner Eckhardt **and seconded by** Judge Biscoe to approve Item 7.D.

<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	absent

**Clerk's Note:** The Court discussed holding open enrollment between July 19, 2010 and August 20, 2010 in Item 7.F.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve Item 7.F.

<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	absent

**Clerk's Note:** The Court discussed a default of CEPO employee only and basic life insurance coverage for all employees who do not complete open enrollment.

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

<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	absent



**ITEM 7 CONTINUED**

**Clerk's Note:** The Court discussed applying for an early retiree 80% reinsurance subsidy as described in the Healthcare Reform Act.

**Motion by** Commissioner Huber **and seconded by** Commissioner Eckhardt to approve Item 7.H.

<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	absent

**Clerk's Note:** The County Judge noted that by approving Item 7.H the Court authorizes the immediate filing of the application after receiving the appropriate information from the federal government, and also authorizing Dan Mansour, Risk and Benefits Manager, HRMD to sign on behalf of the Court.

8. DISCUSS AND TAKE APPROPRIATE ACTION ON TRAVIS COUNTY EMPLOYEE BENEFIT PLAN: (10:59 AM)
- A. REVISED DEFINITIONS OF DEPENDENTS;
  - B. DOCUMENTATION REQUIRED TO SUBSTANTIATE DEPENDENT COVERAGE;
  - C. USE OF VENDOR TO CONDUCT AUDIT TO DETERMINE DEPENDENT ELIGIBILITY; AND
  - D. DIRECT ALL DEPARTMENTS AND ENCOURAGE ALL ELECTED OFFICIALS TO INFORM HUMAN RESOURCES MANAGEMENT DEPARTMENT OF ALL EMPLOYEES WHO DO NOT HAVE COUNTY EMAIL ADDRESSES BEFORE AUGUST 15, 2010.

**Clerk's Note:** Items 8.A-D are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Dan Mansour, Risk and Benefits Manager, HRMD; Cindy Purinton, Benefit Administrator, HRMD; and Barbara Wilson, Assistant County Attorney.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve Item 8.D.

<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	absent

Items 8.A-C discussion only. No formal action taken.

Items 8.A-C to be reposted on May 25, 2010.

9. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING CURRENT STATUS OF FACTS IMPLEMENTATION IN THE JUSTICE OF THE PEACE COURTS AND AUTHORIZATION TO EVALUATE ALTERNATIVE SYSTEMS WITH ASSISTANCE FROM THE PURCHASING AGENT. (9:40 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 by approving Item 9 the Court authorizes the evaluation of alternate systems, which will be brought back to Court for appropriate action.

### JUSTICE AND PUBLIC SAFETY ITEMS

10. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT TO THE CENTRAL BOOKING INTERLOCAL THAT WILL PROVIDE PHLEBOTOMY SERVICES IN THE CENTRAL BOOKING FACILITY. (10:08 AM)

**Members of the Court heard from:** Darren Long, Major, Travis County Sheriff's Office (TCSO); Steven Baker, Commander, Highway Enforcement Command, DWI Unit, Austin Police Department (APD); and Ronnie Gjemre, Travis County Resident.

**Motion by** Judge Biscoe **and seconded by** Commissioner Huber to approve Item 10.

<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	absent

### PURCHASING OFFICE ITEMS

11. DECLARE CERTAIN VEHICLES AND EQUIPMENT AS SURPLUS PROPERTY AND SELL AT PUBLIC AUCTION PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (9:40 AM)

**Clerk's Note:** Item 11 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

12. APPROVE MODIFICATION NO. 15 TO CONTRACT NO. PS980170JJ, CLEAN AIR FORCE OF CENTRAL TEXAS, FOR IMPROVING AIR QUALITY SERVICES. (9:40 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.3) TO INTERLOCAL AGREEMENT NO. IL070240ML, FALLS COUNTY, FOR INMATE HOUSING SERVICES. (9:40 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 MODIFICATION NO. 3 TO CONTRACT NO. PS090229ML, WALSH ANDERSON, BROWN, GALLEGOS AND GREEN, P.C. FOR ADDITIONAL LITIGATION SERVICES. (9:40 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. RATIFY AND APPROVE INTERLOCAL AGREEMENT NO. IL100139DW WITH THE CITY OF AUSTIN TO SUPPORT THE KIDS EXCHANGE PROGRAM IN THE DOMESTIC RELATIONS OFFICE. (9:40 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.

**Clerk's Note:** The Court noted that the effective date of the contract would be March, 1, 2010 as the program needed to be implemented before the contract was ready.

## TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

16. 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 1347 AND 1348 OF THE AMENDED PLAT OF APACHE SHORES, SECTION 3 SUBDIVISION. (COMMISSIONER HUBER) (9:40 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. CONSIDER AND TAKE APPROPRIATE ACTION ON A CASH SECURITY AGREEMENT WITH STREETMAN HOMES FOR SIDEWALK FOR WEST CYPRESS HILLS SECTION 3A, LOT 15, BLOCK B SUBDIVISION. (COMMISSIONER HUBER) (9:40 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. NOTIFY COURT OF SATISFACTORY CONSTRUCTION OF A PORTION OF THE PRIVATE STREET NAMED HAMMETT'S CROSSING IN PRECINCT THREE. (COMMISSIONER HUBER) (9:40 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 LICENSE AGREEMENT WITH ROGUE VENTURES, LTD FOR A CROSS-COUNTRY RUN/RACE AT PACE BEND PARK. (COMMISSIONER HUBER) (9:40 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 REQUEST MADE BY THE CITY OF AUSTIN PARKS AND RECREATION DEPARTMENT REGARDING RESERVATION/USAGE FEES FOR THE WEEKDAY USE OF THE DEL VALLE SOFTBALL COMPLEX. (COMMISSIONER GÓMEZ) (9:40 AM)

**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.

**HEALTH AND HUMAN SERVICES DEPT. ITEMS**

21. RECEIVE UPDATE FROM HEALTH AND HUMAN SERVICES AND VETERANS SERVICE ON THE IMPACT OF THE ECONOMIC DOWNTURN ON EMERGENCY ASSISTANCE PROGRAMS. (11:32 AM)

**Clerk's Note:** The Court discussed fiscal options to meet the projected need of \$603,294.00 for Emergency Assistance Programs:

- Release the \$450,000.00 previously allocated for social services in the HHS/VS FY 2010 budget
- Transfer \$153,294.00 from the FY 2009 credit balance in the Public Health Interlocal line item.

**Members of the Court heard from:** Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); Andrea Colunga Bussey, Division Director, Family Support Services, TCHHS&VS; Jane Prince-Maclean, Case Management Coordinator, Family Support Services Division, TCHHS&VS; and Travis Gatlin, Budget Analyst, PBO.

**Motion by Judge Biscoe and seconded by Commissioner Eckhardt** to approve Item 2 by transfer of funding

<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	absent

22. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING ITEMS RELATED TO THE COMMUNITY ACTION NETWORK: (11:13 AM)

A. RECEIVE BRIEFING ON THE CAN DASHBOARD PROJECT; AND

B. REQUEST FOR PRINTING SUPPORT FOR THE CAN DASHBOARD DOCUMENT. (COMMISSIONER ECKHARDT)

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

**Members of the Court heard from:** Vanessa Sarria, Executive Director, Community Action Network (CAN); Mary Dodd, CAN; and Sherri Fleming, Executive Manager, TCHHS&VS.

**Motion by** Commissioner Eckhardt **and seconded by** Judge Biscoe to approve the printing request in Item 21.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	absent

Item 21.A was discussion only. No formal action taken.

**Clerk's Note:** The Court noted that funding for Item 21.B would come from the Health and Human Services Budget.

## OTHER ITEMS

### AT 1:30 P.M.

23. CONSIDER AND TAKE APPROPRIATE ACTION ON A RESOLUTION REQUESTING THAT THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) TRANSPORTATION POLICY BOARD REMOVE STATE HIGHWAY 45 SOUTHWEST BETWEEN LOOP 1 AND FM 1626 FROM:

A. THE PROPOSED 2035 TRANSPORTATION PLAN; AND

B. ALL PROPOSED FUNDING FROM THE CAMPO TRANSPORTATION IMPROVEMENT PROGRAM. (COMMISSIONER HUBER)

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

**Members of the Court heard from:** John Beal, Travis County Resident; Dan Crow, Travis County Resident; Pam Baggett, Travis County Resident; Maurice Priest, Travis County Resident; Dick Kallerman, Director, Save Our Springs (SOS); Vikki Goodwin, Member, Shady Hollow Homeowners Association (HOA); Lynn Walker, Vice President, Shady Hollow HOA; Carolyn Blackwood, Travis County Resident; Lisa Hoyt, Travis County Resident; Steven Beers, Travis County Resident; Ed Scruggs, Travis County Resident; Ed Whaley, Travis County Resident; Howard Falkenberg, President, Staats Falkenberg and Partners Inc; Bill Bunch, SOS; Kedron Touvelle, Travis County Resident; Bill Gammon, Travis County Resident; Gerald Daugherty, former County Commissioner Precinct 3; Beki Halpin, Travis County Resident; Mr. Perkins, Travis County Resident; Roger Baker, Secretary, SOS; Ira Yates, Travis County Resident; Richard McCain, Constable Precinct 3; Mark Weiler, Travis County Resident; Neil Carman, Travis County Resident; Jeremy Martin, Austin Chamber of Commerce; Stacy Suits, Chief Deputy, Constable Precinct 3; Karen Thompson, Travis County Resident; Steve Manilla, Director, Public Works, Transportation and Natural Resources (TNR); and Joe Gieselman, Executive Manager, TNR.

**Motion by** Commissioner Huber **and seconded by** Commissioner Davis that Travis County Commissioners Court withdraw its support of SH 45 SW and pursue removal of that road from the list of projects on the CAMPO Transportation Improvement Plan and the CAMPO 2035 Plan.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	no
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	absent



**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

Note 4 Gov't Code Ann 551.087, Economic Development Negotiations

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.

24. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE POTENTIAL PURCHASE OF REAL ESTATE IN CENTRAL AUSTIN. <sup>1</sup>  
(4:36 PM)

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

Item 24 postponed.

25. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE POTENTIAL PURCHASE OF REAL ESTATE FROM TRAVIS REALTY CORP. FOR PROPERTY LOCATED AT 700 LAVACA STREET. <sup>1 AND 2</sup> (4:36 PM)  
(5:40 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 and Gov't. Code Ann. 551.072, Real Property.

**Motion by** Judge Biscoe **and seconded by** Commissioner Huber that we authorize our broker, Keith Zimmermann, to explore and negotiate the options with the tenants regarding various issues.

<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	absent

**ITEM 25 CONTINUED**

**Clerk's Note:** The Court discussed a change to the amendment to the purchase contract that had been approved May 4, 2010.

**Motion by** Judge Biscoe **and seconded by** Commissioner Huber that we treat that change as a counter-offer and that we approve it.

<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

26. DISCUSS AND TAKE APPROPRIATE ACTION ON ECONOMIC DEVELOPMENT PROJECT IN PRECINCT ONE. <sup>4</sup> (4:36 PM) (5:41 PM)

**Clerk's Note:** Judge Biscoe announced that Item 26 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.087, Economic Development Negotiations.

Discussion only. No formal action taken.

Item 26 to be reposted on May 25, 2010.

27. RECEIVE BRIEFING FROM RETAINED OUTSIDE COUNSEL AND TAKE APPROPRIATE ACTION REGARDING CAUSE NO. A-09-CA-280-LY; J.ADAN BALLESTEROS VS. TRAVIS COUNTY, TEXAS AND BOB VANN; IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION, INCLUDING DESIGNATION OF REPRESENTATIVE(S) FOR TRIAL OR HEARING AND RESPONDING TO ANY OFFERS TO COMPROMISE CLAIM. <sup>1</sup> (11:44 AM) (5:41 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.

**Motion by Judge Biscoe and seconded by Commissioner Davis** that we reject the counter-offer, and to designate Commissioner Eckhardt to appear in court as a representative, if necessary, with Judge Biscoe as an alternate.

**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	absent

28. RECEIVE BRIEFING FROM COUNTY ATTORNEY, AUTHORIZE COUNTY ATTORNEY TO HIRE EXPERT(S), AND TAKE APPROPRIATE ACTION IN MARY ANN WARD, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF JAMES OLIVER WARD, JR. (DECEASED) V. TRAVIS COUNTY, TEXAS AND GREG HAMILTON, IN HIS OFFICIAL CAPACITY AS SHERIFF OF TRAVIS COUNTY, TEXAS. <sup>1</sup> (11:44 AM) (5:42 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.

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

**Motion by Judge Biscoe and seconded by Commissioner Huber** that we authorize the County Attorney's office to hire appropriate experts necessary to defend this matter.

**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	absent

## ITEM 28 CONTINUED

**Motion by Judge Biscoe and seconded by Commissioner Davis** to reject their offer to settle, but to counter with an Offer of Judgment in an amount of \$25,000.00.

<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	absent

## ADJOURNMENT

**Motion by** Commissioner Davis **and seconded by** Judge Biscoe to adjourn the Voting Session. (5:44 PM)

<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	absent

**MINUTES APPROVED BY THE COMMISSIONERS' COURT**

**Date of Approval**

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