

MINUTES OF MEETING OCTOBER 28, 2008

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 28th day of October 2008, the Commissioners' Court convened the Voting Session at 9:15 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputies Gillian Porter and Michelle Bryant.

The Commissioners Court recessed the Voting Session at 12:06 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 1:42 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 2:27 PM.

The Commissioners Court reconvened the Voting Session at 5:03 PM.

The Commissioners Court adjourned the Voting Session at 5:14 PM.

3. RECEIVE COMMENTS REGARDING PROPOSED AMENDMENT TO TRAVIS COUNTY CODE CHAPTER 72, EMERGENCY ASSISTANCE POLICIES AND PROCEDURES. (ACTION ITEM #8) (9:27 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to Agenda Item 8 for a summary of the action item.

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

Motion by Commissioner Daugherty **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 Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

CITIZENS COMMUNICATION

Members of the Court heard from: Gus Peña, Travis County Resident; Ronnie Gjemre, Travis County Resident; Bill Bunch, Save our Springs Alliance; Margarita Ash, President and CEO, Fine Arts Electronics and Executive Director, Rose Ash Empowerment Foundation. (9:34 AM)

RESOLUTIONS AND PROCLAMATIONS

- 5. APPROVE RESOLUTION PROCLAIMING NOVEMBER 2008 AS “PANCREATIC CANCER AWARENESS MONTH” IN TRAVIS COUNTY. (COMMISSIONER ECKHARDT) (9:59 AM)

Members of the Court heard from: Erika Priddy, Pancreatic Cancer Action Network (PanCAN); Greg Petrowsicz, Affiliate Coordinator, (PanCAN); and Wes Priddy, Lieutenant, TCSO.

Motion by Commissioner Eckhardt **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 Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 6. APPROVE PROCLAMATION DESIGNATING NOVEMBER 2008 AS “OFFICIAL HOME CARE AND HOSPICE MONTH” IN TRAVIS COUNTY. (JUDGE BISCOE) (10:15 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. APPROVE RESOLUTION RECOGNIZING LIZZIE M. BURLESON ON HER RETIREMENT FROM TRAVIS COUNTY, CONSTABLE PRECINCT FIVE OFFICE. (JUDGE BISCOE) (10:09 AM)

Members of the Court heard from: Lizzie M. Burleson, Team Leader, Constable Precinct 5 Office; and Bruce Elfant, Constable, Precinct 5.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve the Resolution in Item 7.

Motion carried:

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

HEALTH AND HUMAN SERVICES DEPT. ITEMS

8. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING PROPOSED AMENDMENT TO TRAVIS COUNTY CODE CHAPTER 72, EMERGENCY ASSISTANCE POLICIES AND PROCEDURES. (9:33 AM)

Clerk's Note: Item 8 is the action item for the public hearing on Agenda Item 3.

Item 8 postponed until November 4, 2008, unless a full discussion is necessary.

9. CONSIDER AND TAKE APPROPRIATE ACTION ON THE OPTIONS FOR INVESTMENT OF \$450,000 OF NEW SOCIAL SERVICES FUNDING AVAILABLE FOR FISCAL YEAR 2009. (11:42 AM)

Members of the Court heard from: Sherri Fleming, Executive Manager, TCHHS&VS.

Discussion only. No formal action taken.

PLANNING AND BUDGET DEPT. ITEMS

10. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (10:15 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. CONSIDER AND TAKE APPROPRIATE ACTION ON CONTRACT AMENDMENT FOR THE AMERICORPS GRANT PROGRAM IN THE HEALTH AND HUMAN SERVICES DEPARTMENT TO ADJUST AWARD BASED ON ACTUAL MEMBER STIPEND FUNDS EXPENDED. (10:15 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.

Clerk's Note: The County Judge noted that by approving Item 11 the Court is reducing the grant by \$1,900.00 due to savings generated.

18. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. PS070079RE, READING IS FUNDAMENTAL OF AUSTIN, INC., FOR READING PROGRAMS. (HEALTH AND HUMAN SERVICES AND VETERANS SERVICE) (10:15 AM)

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

19. APPROVE MODIFICATION NO. 5 TO INTERLOCAL NO. IL040167LC, CITY OF AUSTIN, FOR THE OPERATION AND MAINTENANCE OF THE REGIONAL RADIO SYSTEM. (EMERGENCY SERVICES) (10:15 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. APPROVE MODIFICATION NO. 6 TO INTERLOCAL NO. IL030285LC, CITY OF AUSTIN, FOR THE OPERATION AND MAINTENANCE OF THE COMBINED TRANSPORTATION, EMERGENCY AND COMMUNICATIONS CENTER. (EMERGENCY SERVICES) (10:15 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.

21. APPROVE ONE-MONTH EXTENSION (MODIFICATION NO. 4) TO CONTRACT NO. 05K00264RV, HARMONY CONSTRUCTION COMPANY, FOR PAINTING AND WALL REPAIR/MINOR CONSTRUCTION. (FACILITIES MANAGEMENT) (10:15 AM)

Clerk's Note: Item 21 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

22. APPROVE MODIFICATION NO. 1 FOR TERMINATION OF CONTRACT NO. PS040271ML, CHARLES SIEPERT, JR., FOR PROGRAMMING SOFTWARE AND SUPPORT SERVICES. (DISTRICT CLERK) (10:15 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 AWARD FOR EXCESS WORKERS COMPENSATION INSURANCE, RFP NO. P080263OJ, TO THE QUALIFIED RESPONDENT, FROST INSURANCE AGENCY. (HUMAN RESOURCES MANAGEMENT DEPARTMENT) (10:15 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. APPROVE MODIFICATION NO. 4 TO INTERLOCAL AGREEMENT NO. IL000104MQ, TEXAS AGRICULTURAL EXTENSION SERVICE, FOR DEMONSTRATION WORK. (HEALTH AND HUMAN SERVICES AND VETERANS SERVICE) (10:15 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.

25. APPROVE MODIFICATION NO. 4 TO CONTRACT NO. CM050179LC, AMT SOLUTIONS, INC. D/B/A E-MDS, INC. FOR PURCHASE/MAINTENANCE OF E-MDS SOFTWARE FOR THE HEALTH CLINIC. (HUMAN RESOURCES MANAGEMENT DEPARTMENT) (10:15 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. APPROVE MODIFICATION NO. 15 TO CONTRACT NO. MA960322, EASY ACCESS, INC., FOR TAX OFFICE COMPUTER SYSTEM. (INFORMATION AND TELECOMMUNICATIONS SYSTEMS/TAX OFFICE/COUNTY CLERK) (10:15 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.

TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

- 29. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A TWENTY-FIVE FOOT WIDE DRAINAGE EASEMENT LOCATED OVER AND ACROSS LOT 21 OF MAJESTIC HILLS RANCHETTES, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (10:15 AM)

Clerk’s Note: Item 29 is the action item for the public hearing on Agenda Item 1.

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.

- 30. CONSIDER AND TAKE APPROPRIATE ACTION ON A PROPOSED LEASE AGREEMENT FOR CONSTRUCTION OF A T-MOBILE TELECOMMUNICATIONS TOWER IN ALLEN PARK, LOCATED ALONG BALCONES DRIVE IN PRECINCT TWO. (COMMISSIONER ECKHARDT) (2:01 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Greg Chico, Right-of-Way Manager, TNR; and Charles Bergh, Division Director, Parks and Natural Resources, TNR.

Discussion only. No formal action taken.

Clerk’s Note: The Court directed Staff to have a public hearing under Chapter 26 of the Travis County Code and report the findings back to the Court.

- 31. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FUNDING AND THE EXTENSION OF CONTRACT NO. IL070209VR FOR REGIONAL PLANNING/STUDYING WITH ENVISION CENTRAL TEXAS. (10:47 AM)

Members of the Court heard from: Jim Walker, Chairman, Envision Central Texas; and Sally Campbell, Executive Director, Envision Central Texas.

Motion by Judge Biscoe **and seconded by** Commissioner Eckhardt that we continue our membership and our financial participation.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Gerald Daugherty	no
Precinct 4, Commissioner Margaret J. Gómez	yes

32. NOTIFY COURT OF SATISFACTORY CONSTRUCTION OF THE PRIVATE STREETS IN STEINER RANCH PHASE 1, SECTION 6C AND RIVER DANCE PHASE 2, TWO SUBDIVISIONS IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (10:15 AM)

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

33. CONSIDER AND TAKE APPROPRIATE ACTION ON A REVISED PRELIMINARY PLAN IN PRECINCT TWO: AVALON SUBDIVISION (1,470 TOTAL LOTS). (COMMISSIONER ECKHARDT) (10:15 AM)

Clerk's Note: Item 33 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

34. CONSIDER AND TAKE APPROPRIATE ACTION ON A FINAL PLAT FOR RECORDING IN PRECINCT THREE: SLAUGHTER CREEK ACRES, RESUBDIVISION OF LOT 1, BLOCK D (2 TOTAL LOTS). (COMMISSIONER DAUGHERTY) (10:15 AM)

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

35. CONSIDER AND TAKE APPROPRIATE ACTION ON THE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES FOR ROSS ROAD FROM HEINE FARM ROAD TO STONEY RIDGE PHASE B, SECTION ONE; THE STREETS AND DRAINAGE FOR STONEY RIDGE PHASE B, SECTION ONE SUBDIVISION; AND FOR ROSS ROAD FROM STONEY RIDGE PHASE B, SECTION ONE SUBDIVISION TO ITS INTERSECTION WITH THE OLD LOCATION OF ELROY ROAD, IN PRECINCT FOUR. (COMMISSIONER GÓMEZ) (10:15 AM)

Clerk's Note: Item 35 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

36. CONSIDER AND TAKE APPROPRIATE ACTION ON AN AMENDMENT TO THE ADVANCED FUNDING AGREEMENT FOR VOLUNTARY TRANSPORTATION IMPROVEMENT PROJECTS WITH THE STATE OF TEXAS AND TRAVIS COUNTY FOR PERMANENT TRAFFIC IMPROVEMENTS ON STATE HIGHWAY 71 AT FALCONHEAD WEST, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (10:15 AM)

Clerk's Note: Item 36 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

37. CONSIDER AND TAKE APPROPRIATE ACTION ON THE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES FOR RANCH AT DEER CREEK ROADWAY DEDICATION SECTION 1, RANCH AT DEER CREEK PHASE 1, SECTIONS 1 AND 2, RANCH AT DEER CREEK PHASE 2, SECTIONS 1 AND 2 AND A LICENSE AGREEMENT WITH THE DEER CREEK RANCH HOMEOWNERS ASSOCIATION, INC., IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (10:15 AM)

Clerk's Note: Item 37 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 A FIVE-MONTH EXTENSION OF AN EXISTING GRANT CONTRACT WITH TEXAS WATER DEVELOPMENT BOARD FOR A FLOOD PROTECTION PLANNING STUDY OF TRAVIS COUNTY. (9:15 AM)

Item 38 was pulled from the agenda.

OTHER ITEMS

39. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (10:15 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 THE DISTRICT ATTORNEY'S FISCAL YEAR 2008 ASSET FORFEITURE REPORT AS REQUIRED BY CHAPTER 59.06 OF THE CODE OF CRIMINAL PROCEDURE. (10:15 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. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT TO LOAN AGREEMENT WITH AMERICAN HONDA MOTOR COMPANY FOR TWO HONDA PERSONAL WATER CRAFT FOR LAW ENFORCEMENT PATROL FUNCTIONS ON LAKE TRAVIS. (10:15 AM)

Clerk's Note: Item 41 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 Travis County Sheriff is authorized to sign the amendment as requested.

- 42. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REQUEST FROM UNIVERSITY MEDICAL CENTER BRACKENRIDGE FOR RESOLUTION IN SUPPORT OF THE RAPID ANTICONVULSANT MEDICATION PRIOR TO ARRIVAL TRIAL (RAMPART), A COMPARISON OF TWO FDA APPROVED TREATMENTS FOR SEIZURES. (10:18 AM)

Clerk's Note: Item 42 is the action item for the public hearing on Agenda Item 2.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 42.

Motion carried:

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

- 43. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(9:15 AM)
 - A. A LICENSE AGREEMENT BETWEEN TRAVIS COUNTY AND JOHNSON COUNTY FOR THE USE OF I-JURY CODE DEVELOPED BY TRAVIS COUNTY;
 - B. AUTHORIZE THE TRAVIS COUNTY JUDGE TO EXECUTE THE SOFTWARE LICENSE AGREEMENT ON BEHALF OF TRAVIS COUNTY; AND
 - C. AUTHORIZE THE DIRECTOR OF INFORMATION AND TELECOMMUNICATIONS SYSTEMS OF TRAVIS COUNTY TO EXECUTE THE SAME SOFTWARE LICENSE AGREEMENT WITH OTHER COUNTIES ON BEHALF OF TRAVIS COUNTY WITHOUT FURTHER APPROVAL OF COMMISSIONERS COURT.

Items 43.A-C postponed.

- 44. **REVISED LANGUAGE:** CONSIDER AND TAKE APPROPRIATE ACTION ON AN ORDER TO APPOINT PRESIDING JUDGES AND ALTERNATE PRESIDING JUDGES OF ELECTION PRECINCTS FOR THE NOVEMBER 4, 2008 JOINT GENERAL AND SPECIAL ELECTIONS. (1:58 PM)

Members of the Court heard from: Dana DeBeauvoir, Travis County Clerk.

Motion by Commissioner Eckhardt **and seconded by** Commissioner Daugherty to approve Item 44.

Motion carried:

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

- 45. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(2:13 PM)
 - A. ADOPTION OF RESOLUTION ESTABLISHING A TRAVIS COUNTY GREEN INITIATIVE TO REVIEW COUNTY POLICIES AND PROCEDURES AND MAKE RECOMMENDATIONS TO THE COMMISSIONERS COURT FOR POLICY CHANGES TO PROMOTE SUSTAINABILITY AND INCREASED EFFICIENCY; AND
 - B. APPOINTMENT OF NINE MEMBERS TO A TRAVIS COUNTY GREEN COMMITTEE TO OVERSEE AND IMPLEMENT THE GOALS OF THE GREEN INITIATIVE.

Clerk's Note: Items 45.A&B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent.

Motion by Commissioner Eckhardt **and seconded by** Commissioner Gómez to approve Items 45.A&B.

Motion carried:

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

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.

- 46. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE POTENTIAL PURCHASE OF REAL ESTATE ALONG AIRPORT BOULEVARD. ^{1 AND 2} (2:27 PM)

Clerk's Note: Judge Biscoe announced that Item 46 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.

Item 46 postponed until November 4, 2008.

- 47. CONSIDER AND TAKE APPROPRIATE ACTION ON LICENSE WITH TEXAS ASSOCIATION OF COUNTIES TO LEASE 25 PARKING SPACES IN GARAGE LOCATED AT 1210 SAN ANTONIO STREET. ^{1 AND 2} (2:27 PM) (5:03 PM)

Clerk's Note: Judge Biscoe announced that Item 47 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 Eckhardt to follow Staff recommendations and approve leasing the parking spaces, 25 parking slots at \$70.00 per slot, per month.

Motion carried:

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

48. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING CONTRACT FOR THIRD PARTY ADMINISTRATION OF TRAVIS COUNTY SECTION 457 DEFERRED COMPENSATION PLAN WITH NATIONWIDE RETIREMENT SOLUTIONS. ¹ (2:27 PM) (5:03 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.

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

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty that we approve the draft letter to County Employees providing an update regarding deferred compensation; that we authorize Staff to get with the Nationwide Retirement Services and Great West Retirement Services representatives to, basically, facilitate the transition; and that we express our appreciation to the Nationwide representatives for working with us on this project. The letter will be mailed by bulk mail, as recommended by Staff, to employees who participate in the Deferred Compensation Program.

Motion carried:

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

49. 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 (2:27 PM) (5:04 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 Commissioner Daugherty **and seconded by** Judge Biscoe to ask that Commissioner Sarah Eckhardt be allowed to participate in this thing with me, Commissioner Gerald Daugherty, in the event that I can't make one of the meetings.

Motion carried:

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

- 50. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE STATUS OF INVESTIGATION OF CLAIMS BY KAREN STEITL (INCLUDING THE CLAIMS IN EEOC CHARGE NO. 31C-2008-01470) AND CHUCK KELLEY (INCLUDING THE CLAIMS IN EEOC CHARGE 31C-2008-01736C) AND CLIMATE ASSESSMENT REVIEW OF HUMAN RESOURCES MANAGEMENT DEPARTMENT. ¹ (2:27 PM) (5:05 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 and Gov’t. Code Ann. 551.074, Personnel Matters.

Discussion only. No formal action taken.

- 51. CONSIDER AND TAKE APPROPRIATE ACTION ON A COUNTER-OFFER FROM MS. CONSTANCE GILLEN FOR THE SALE OF PARCELS #4, 4EA, 4EB, 4EC AND 4ED AS NEEDED FOR RIGHT-OF-WAY IN THE 2001 BOND PROGRAM, MCKINNEY FALLS PARKWAY IMPROVEMENT PROJECT, IN PRECINCT FOUR. ^{1 AND 2} (2:27 PM) (5:05 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 and Gov’t. Code Ann. 551.072, Real Property.

Motion by Judge Biscoe and seconded by Commissioner Daugherty that we approve the Staff recommendation to settle this matter for the sum of \$219,694.00, with the owner of the property to take care of the fencing.

Motion carried:

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

- 52. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN POSSIBLE CLAIMS REGARDING LICENSE AGREEMENTS WITH THE TRAVIS COUNTY EXPOSITION CENTER. ¹ (2:27 PM) (5:07 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.

Members of the Court heard from: Tenley Aldredge, Assistant County Attorney.

No action required on Item 52.

53. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM PAUL HORNSBY FOR PERMISSION TO PREPARE APPRAISAL REPORT FOR PARKE PROPERTIES I, L.P., PARKE PROPERTIES II, L.P., AND GDF REALTY INVESTMENTS LTD. ^{1 AND 2} (2:27 PM) (5:06 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 and Gov't. Code Ann. 551.072, Real Property.

Motion by Commissioner Daugherty that the Court send a letter to Paul Hornsby letting him know that the Commissioners Court has no problem or issue with him doing the appraisals for the properties.

Clerk's Note: The Motion died for lack of a Second.

Discussion only. No formal action taken.

54. RECEIVE STATUS REPORT AND TAKE APPROPRIATE ACTION REGARDING ISSUES RELATED TO CONTRACT BETWEEN TRAVIS COUNTY AND AUSTIN TRAVIS COUNTY LIVESTOCK SHOW AND CLAIMS RESULTING FROM THE 2008 STAR OF TEXAS FAIR AND RODEO. ¹
(2:27 PM) (5:07 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.

Members of the Court heard from: Tenley Aldredge, Assistant County Attorney.

Motion by Judge Biscoe and seconded by Commissioner Daugherty to:

- 1) Acknowledge our willingness to accept \$100,000.00 in settlement of the 2008 claims by Travis County;
- 2) Indicate our willingness to enter into a contract with the Livestock Association, Star of Texas Fair and Rodeo for the year 2009, and either a contract or contract amendment, with the general terms being payment of \$200,000.00, the reimbursement of utilities, and payment of any damages caused by the Association. There are some operational specifics that we need to discuss, and if Staff could draft those for us to share with the Association within the next week or two, we can see if we can come to agreement on those; and after we, basically, reach the agreement on 2009, we indicate our willingness to go and start negotiating long term contract modifications, if appropriate, as soon as possible, and in our view that will probably need to be after November 11, 2008; and,
- 3) Enter into negotiations regarding five or six issues that we have identified as being problematic, so we hopefully can come to terms on them as soon as possible.

A Clarification of the previous Motion was made by Judge Biscoe for:

- 1) Acceptance of \$100,000.00 to resolve 2008 claims;
- 2) Try to come to agreement on 2009. We need an operational agreement of some sort; and,
- 3) Commitment to negotiate the five or six points of disagreement long term, and we would begin those negotiations as soon as possible.

Motion carried:

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

- 55. CONSIDER AND TAKE APPROPRIATE ACTION ON EXECUTIVE MANAGERS' RECOMMENDED FINALISTS FOR THE POSITION OF INTERGOVERNMENTAL RELATIONS COORDINATOR. ³ (2:27 PM) (5:11 PM)

Clerk's Note: Judge Biscoe announced that Item 55 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.074, Personnel Matters.

Discussion only. No formal action taken.

Clerk's Note: The Court thanked the Executive Managers for all their work on this issue.

- 56. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION CONCERNING WHETHER TO FILE SUIT TO RECOVER DAMAGES TO COUNTY-OWNED GUARDRAILS AGAINST THE FOLLOWING PERSONS: (2:27 PM) (5:12 PM)

- A. MARIA MALDONADO;
- B. CARL RICHARDSON;
- C. ROBERT ALBRIGHT;
- D. JOSHUA MACK;
- E. ARMANDO PROUTY;
- F. LEONARDO COSTILLA;
- G. ELIZABETH DURAN; AND
- H. WAYLON JENKINS. ¹

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

Motion by Judge Biscoe and seconded by Commissioner Eckhardt that we authorize the County Attorney's office to contact these individuals, to file suit if necessary to get the County reimbursed.

Motion carried:

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

ADDED ITEMS

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON THE RECOMMENDATIONS FROM THE COMMITTEE EXAMINING THE TRAVIS COUNTY SHERIFF'S OFFICE CORRECTIONS STAFFING INCLUDING COMMITTEE MEMBERSHIP, CHARGE AND CRITERIA FOR STAFFING ANALYSIS. (11:38 AM)

Members of the Court heard from: Darren Long, Major, TCSO; and Bill Derryberry, Senior Budget Analyst, Planning and Budget Office (PBO).

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to 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 Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- A2. CONSIDER AND TAKE APPROPRIATE ACTION ON AN ORDER TO APPOINT THE PRESIDING JUDGE, ALTERNATE PRESIDING JUDGE, MANAGER, ASSISTANT MANAGER AND TABULATION SUPERVISOR OF THE CENTRAL COUNTING STATION; THE PRESIDING JUDGES OF RECEIVING SUBSTATIONS; AND THE PRESIDING JUDGE, ALTERNATE PRESIDING JUDGE; AND MEMBERS OF THE EARLY VOTING BALLOT BOARD FOR THE NOVEMBER 4, 2008 JOINT GENERAL AND SPECIAL ELECTIONS. (1:59 PM)

Members of the Court heard from: Dana DeBeauvoir, Travis County Clerk.

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

Motion carried:

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

MINUTES OF MEETING – OCTOBER 28, 2008

NORTHWEST TRAVIS COUNTY ROAD DISTRICT NO. 3

On Tuesday, the 28th day of October 2008, the Commissioners’ Court, meeting as the Northwest Travis County Road District No. 3 (Golden Triangle) Board of Directors, convened the Voting Session at 1:42 PM in the Commissioners’ Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Gillian Porter.

The Commissioners Court record notes that Precinct Three Commissioner Gerald Daugherty was not present during this Voting Session.

The Road District Board of Directors adjourned the Voting Session of the Northwest Travis County Road District No. 3 (Golden Triangle) at 1:43 PM.

1. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST ROAD DISTRICT FUNDS. (1:42 PM)

Item 1 not needed.

2. APPROVE NORTHWEST TRAVIS COUNTY ROAD DISTRICT #3 MINUTES FOR VOTING SESSIONS OF AUGUST 12 AND OCTOBER 7, 2008. (1:42 PM)

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve 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 Gerald Daugherty	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

