

MINUTES OF MEETING DECEMBER 16, 2008

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 16th day of December 2008, the Commissioners' Court convened the Voting Session at 9:18 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 recessed the Voting Session at 11:57 AM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:39 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 2:05 PM.

The Commissioners Court reconvened the Voting Session at 3:45 PM.

The Commissioners Court adjourned the Voting Session at 4:16 PM.

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Daugherty to approve the following Consent Items: C1-C2 and Items 4, 5, 12, 13, 14, 16, 17, 18, 19, 20, 26, 27.A-E, and 28. (9:32 AM)

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

C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.

C2. APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF DECEMBER 2, 2008.

SPECIAL ITEMS

2. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:58 AM)

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

Motion by Judge Biscoe **and seconded by** Commissioner Gómez that we approve another order prohibiting outdoor burning in unincorporated areas of Travis County.

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

3. RECEIVE STATUS REPORT AND ISSUE FINAL REQUEST FOR CONTRIBUTIONS TO THE TRAVIS COUNTY 2009 COMBINED CHARITIES CAMPAIGN. (10:00 AM)

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

Discussion only. No formal action taken.

Clerk's Note: The Court heard that the 2008 Combined Charities Campaign has raised \$188,598.51 so far, and Travis County employees were thanked for their hard work during the Combined Charities Campaign

ADMINISTRATIVE OPERATIONS ITEMS

4. 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 \$461,401.29 FOR THE PERIOD OF NOVEMBER 28 TO DECEMBER 4, 2008. (9:32 AM)

Clerk's Note: Item 4 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

5. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:32 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 SEVERAL ITEMS FUNDED IN THE FISCAL YEAR 2009 BUDGET FOR THE EMPLOYEE WELLNESS AND HEALTH CLINIC INCLUDING: (3:45 PM)
 - A. JOB DESCRIPTION FOR MEDICAL DIRECTOR OF THE EMPLOYEE WELLNESS AND HEALTH CLINIC AT A PAY GRADE 98;
 - B. FUNDING RECRUITMENT FOR MEDICAL DIRECTOR POSITION IN AN AMOUNT NOT TO EXCEED \$15,000; AND
 - C. ARCHITECTURAL PLAN, SITE LOCATION AND SCHEMATIC DESIGN FOR NEW EMPLOYEE WELLNESS AND HEALTH CLINIC NEAR THE DEL VALLE SOUTH RURAL COMMUNITY CENTER.

Clerk’s Note: Items 6.A-C 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); Alicia Perez, Executive Manager, Administrative Operations; Josie Peña, RN, Health and Wellness Clinic Nurse; Dr. Lynn Stewart, MD, Health and Wellness Clinic; Roger El Khoury, Director, Facilities Management; and Gabriel Stock, Senior Architectural Associate, Facilities Management.

Motion by Judge Biscoe and seconded by Commissioner Davis to approve Item 6.A.

Motion carried:

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

Motion by Judge Biscoe and seconded by Commissioner Davis to approve Item 6.B.

Motion carried:

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

8. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING NEW LICENSE AGREEMENT BETWEEN TRAVIS COUNTY AND TTLA HOLDINGS, INC. FOR PARKING AT 301 WEST 13TH STREET. (11:45 AM)

Members of the Court heard from: Roger El Khoury, Director, Facilities Management; Tenley Aldredge, Assistant County Attorney; and Jose Palacios, Chief Assistant County Auditor, Travis County Auditor's Office.

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

Motion carried:

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

Clerk's Note: The Court noted that contract modifications for Item 8 will be brought back to Court in the near future to include Auditor requested contract provisions.

9. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PARKING LEASE BETWEEN TRAVIS COUNTY AND TEXAS OIL AND GAS ASSOCIATION FOR PARKING AT 1300 GUADALUPE. (11:49 AM)

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

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve Item 9.

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

Clerk's Note: The Court noted that contract modifications for Item 9 will be brought back to Court in the near future to include Auditor requested contract provisions.

10. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE TWO PARKING LEASES BETWEEN TRAVIS COUNTY AND CENTRAL PARKING SYSTEM OF TEXAS, INC. FOR PARKING AT THE 812 SAN ANTONIO PARKING GARAGE. (11:50 AM)

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

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

Clerk’s Note: The Court noted that contract modifications for Item 10 will be brought back to Court in the near future to include Auditor requested contract provisions.

JUSTICE AND PUBLIC SAFETY ITEMS

11. CONSIDER AND TAKE APPROPRIATE ACTION ON 2009-2010 TRAVIS COUNTY COMMUNITY PLAN FOR CRIMINAL JUSTICE. (10:24 AM)

Members of the Court heard from: Roger Jefferies, Executive Manager, Justice and Public Safety (JPS); and Michelle Casanova, Deputy Director, Community and Economic Development, Criminal Justice, Capital Area Council of Governments (CAPCOG).

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

PURCHASING OFFICE ITEMS

- 12. APPROVE MODIFICATION NO. 3, AN ASSIGNMENT OF CONTRACT NO. 06T00198DR FROM PICKENS AND PICKENS, INC. D/B/A AUSTIN QUALITY CARWASH TO JOLLYVILLE CAR WASH, INC. D/B/A ARBOR CAR WASH. (TRANSPORTATION AND NATURAL RESOURCES) (9:32 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 AUTHORIZATION TO COMMENCE NEGOTIATIONS WITH THE MOST HIGHLY QUALIFIED FIRM, IMS INFRASTRUCTURE MANAGEMENT SERVICES, RFQ NO. Q080251JW, PROFESSIONAL ENGINEERING SERVICES FOR PAVEMENT CONDITION SURVEY. (TRANSPORTATION AND NATURAL RESOURCES) (9:32 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. 2 TO CONTRACT NO. 07T00155OJ, THE RETIREMENT STORE, FOR CONSULTANT SERVICES FOR THE DEFERRED COMPENSATION 457(b) PLAN FOR TRAVIS COUNTY. (HUMAN RESOURCES MANAGEMENT DEPARTMENT) (9:32 AM)

Clerk’s Note: Item 14 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 15. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING: (10:38 AM)
 - A. MODIFICATION NO. 2 TO CONTRACT NO. IL060216JT, AUSTIN-TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER, FOR INTENSIVE OUTPATIENT TREATMENT FOR DUAL DIAGNOSIS CLIENTS SERVICES; AND

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

Motion carried:

County Judge Samuel T. Biscoe	abstain
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

ITEM 15 CONTINUED

15. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING: (10:39 AM)

B. MODIFICATION NO. 3 TO CONTRACT NO. IL020072EF, AUSTIN-TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER, FOR DUAL DIAGNOSIS DRUG COUNSELING SERVICES. (DISTRICT AND COUNTY CRIMINAL COURTS)

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

Motion carried: County Judge Samuel T. Biscoe	abstain
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

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 THREE-FOOT PUBLIC UTILITY EASEMENTS LOCATED ALONG THE COMMON LOT LINE OF LOTS 101 AND 102 OF EDGEWATER BEACH, SECTION 2 SUBDIVISION. (COMMISSIONER DAUGHERTY) (9:32 AM)

Clerk’s Note: Item 16 is the action item for the public hearing on Agenda Item 1.

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 FINAL PLAT FOR RECORDING IN PRECINCT THREE: CANYONS AT LAKE TRAVIS SUBDIVISION (70 TOTAL LOTS). (COMMISSIONER DAUGHERTY) (9:32 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 A REQUEST TO USE AN ALTERNATIVE FISCAL AGREEMENT FOR AVALON, PHASE 7A, A SUBDIVISION IN PRECINCT TWO. (COMMISSIONER ECKHARDT) (9:32 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 REGARDING THE MAINTENANCE OF SIGNS AND MARKINGS AT THREE AUTOMATED CAPITAL METRO RAILROAD CROSSINGS LOCATED ON COUNTY MAINTAINED ROADS. (9:32 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 THE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES FOR STEINER RANCH PARKSIDE AND AN AMENDMENT TO A LICENSE AGREEMENT FOR STEINER RANCH PHASE 1, SECTION 6B, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:32 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. CONSIDER AND TAKE APPROPRIATE ACTION ON GUIDELINES FOR USE OR DISPOSITION OF BALCONES CANYONLANDS PRESERVE BUILDINGS AND ALSO APPROVAL FOR IMMEDIATE REMOVAL OF HAZARDOUS BUILDINGS. (COMMISSIONER DAUGHERTY) (10:39 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; and Rose Farmer, Resource Management Specialist, TNR.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the recommendations in Item 21, as described in the submitted documentation.

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

- 22. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE TRANSFER OF 826.546 ACRE VOLENTE MITIGATION TRACT FROM GRASON VOLENTE INVESTMENTS, LTD. TO TRAVIS COUNTY AND ACCEPTANCE OF OPERATION AND MAINTENANCE RESPONSIBILITY TO BE MANAGED AS PART OF THE BALCONES CANYONLANDS PRESERVE. (10:52 AM)

Members of the Court heard from: Barbara Wilson, Assistant County Attorney; Rose Farmer, Resource Management Specialist; and John Hille, Assistant County Attorney.

Discussion only. No formal action taken.

Item 22 to be reposted on December 23, 2008.

- 23. CONSIDER AND TAKE APPROPRIATE ACTION ON FEDERAL ECONOMIC STIMULUS PACKAGE, INCLUDING LIST OF PROJECTS SUBMITTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION. (11:03 AM)

Clerk’s Note: Items 23 and 31 are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; and Deece Eckstein, Intergovernmental Relations Officer.

Discussion only. No formal action taken.

Items 23 and 31 to be reposted on December 30, 2008.

- 24. CONSIDER AND TAKE APPROPRIATE ACTION ON STAFF RECOMMENDATION TO DENY CLAIM FROM WILLIAM AND LUISA BARLOW REGARDING ALLEGED DAMAGES TO LOT 75, CARDINAL HILLS ESTATES, UNIT 15, MARAVILLA SUBDIVISION. (11:38 AM)

Motion by Judge Biscoe **and seconded by** Commissioner Davis that we follow Staff’s recommendation and deny the claim.

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

HEALTH AND HUMAN SERVICES DEPT. ITEMS

25. CONSIDER AND TAKE APPROPRIATE ACTION ON ITEMS RELATED TO THE PROGRAM YEAR 2008 GRANT AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS PROVIDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD): (11:39 AM)
- A. REQUEST TO EXECUTE THE PROGRAM YEAR 2008 GRANT AGREEMENT; AND
 - B. REQUEST TO AUTHORIZE THE COUNTY JUDGE TO SIGN THE AGREEMENT AS THE CERTIFIED OFFICIAL.

Clerk's Note: Items 25.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 Commissioner Gómez **and seconded by** Commissioner Davis to approve Items 25.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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

PLANNING AND BUDGET DEPT. ITEMS

26. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:32 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. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
(9:32 AM)
- A. GRANT APPLICATION WITH FEMA THROUGH THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT FOR THE 2009 EMERGENCY MANAGEMENT PERFORMANCE GRANT IN THE EMERGENCY SERVICES DEPARTMENT, WHICH WILL CONTINUE AN EXISTING PROGRAM;
 - B. GRANT APPLICATION WITH THE DEPARTMENT OF LABOR, EMPLOYMENT AND TRAINING ADMINISTRATION TO DEVELOP RE-ENTRY STRATEGIES FOR YOUTH SERVED BY THE JUVENILE PROBATION DEPARTMENT;
 - C. GRANT CONTRACT WITH THE TEXAS WATER DEVELOPMENT BOARD FOR TRANSPORTATION AND NATURAL RESOURCES TO EXTEND THE END DATE OF THE FLOOD PROTECTION PLANNING STUDY OF TRAVIS COUNTY;
 - D. PERMISSION TO CONTINUE THE FAMILY DRUG TREATMENT COURT GRANT FROM THE OFFICE OF THE GOVERNOR'S CRIMINAL JUSTICE DIVISION FOR THE CIVIL COURTS TO CONTINUE THE PROGRAM UNTIL A CONTRACT AGREEMENT IS FULLY EXECUTED; AND
 - E. REQUEST TO AUTHORIZE CRIMINAL COURTS TO CONTINUE THE DRUG COURT PROGRAM GRANT POSITION THROUGH THE END OF DECEMBER 2008 WHEN A CONTRACT CAN BE EXECUTED.

Clerk's Note: Items 27.A-E approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

OTHER ITEMS

28. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:32 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 REQUEST FOR EXEMPTIONS TO TRAVIS COUNTY INVESTMENT POLICY REQUIRING THAT OBLIGATIONS OF U.S. AGENCIES BE 75% OR LESS OF THE OPERATING AND POOLED BOND INVESTMENT PORTFOLIOS. (11:52 AM)

Members of the Court heard from: Mary Mayes, Investment Manager, Cash/Investment Management; and Harvey Davis, Manager, Travis County Corporations.

Motion by Judge Biscoe **and seconded by** Commissioner Eckhardt to approve Item 29.

Motion carried:

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

30. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL BETWEEN TRAVIS COUNTY, THE CITY OF AUSTIN AND THE AUSTIN INDEPENDENT SCHOOL DISTRICT TO ENHANCE THE EDUCATIONAL AND ECONOMIC OPPORTUNITIES OF AFRICAN-AMERICAN YOUTH. (9:18 AM)

Item 30 postponed until December 23, 2008.

31. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM THE NATIONAL ASSOCIATION OF COUNTIES (NACO) REGARDING COUNTY INFRASTRUCTURE SURVEY OF POTENTIAL PROJECTS FOR FEDERAL ECONOMIC STIMULUS. (11:03 AM)

Clerk's Note: Items 23 and 31 are associated with one another and were called for concurrent discussion. Please refer to Item 23 for a summary of the action taken by the Court.

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.

32. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN FIRST-CITIZENS BANK AND TRUST V. TRAVIS COUNTY AUDITOR. ¹ (2:05 PM) (4:11 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 Davis that we approve the counter-offer with Travis County paying the sum of \$19,000.00 to settle this claim, with the full settlement and release from the County Attorney's Office.

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

33. 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 (2:05 PM) (4:11 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.

Discussion only. No formal action taken.

Item 33 to be reposted on December 23, 2008.

- 34. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN RELIABLE CONSULTANTS, INC. D/B/A DREAMER'S AND LE ROUGE BOUTIQUE V. RONNIE EARLE, NO. A-04-CA-086-LY. ¹ (2:05 PM)
(4:12 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.

Discussion only. No formal action taken.

- 35. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING AN AGREEMENT BETWEEN HARTFORD CASUALTY INSURANCE COMPANY AND TRAVIS COUNTY, TEXAS CONCERNING THE FISCAL SURETY BOND DATED AUGUST 27, 2004 FOR CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS IN CARDINAL HILLS ESTATES UNIT 15 (ALSO KNOWN AS MARAVILLA SUBDIVISION). ¹ (2:05 PM)
(4:12 PM)

Clerk's Note: Judge Biscoe announced that Item 35 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez that we approve the proposed settlement agreement in 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 Gerald Daugherty	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

39. CONSIDER AND TAKE APPROPRIATE ACTION ON AGREEMENTS RELATED TO THE INTERLOCAL COOPERATION AGREEMENTS WITH THE CITY OF AUSTIN FOR PUBLIC HEALTH SERVICES, CENTRAL BOOKING AND EMERGENCY MEDICAL SERVICES: ¹ (2:05 PM) (4:14 PM)
- A. 2009 RENEWAL AND AMENDMENT OF THE INTERLOCAL WITH THE CITY OF AUSTIN FOR PUBLIC HEALTH SERVICES; AND
 - B. LETTER AGREEMENT WITH CITY OF AUSTIN REGARDING COMMITMENT TO DETERMINE ADMINISTRATIVE COSTS TO BE CHARGED UNDER THE ABOVE INTERLOCAL AGREEMENTS.

Clerk's Note: Judge Biscoe announced that Item 39 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe and seconded by Commissioner Gómez that in Item 39.A, we approve the proposed 2009 renewal and amendment of the interlocal with the City of Austin for public health services.

Motion carried:

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

Motion by Judge Biscoe and seconded by Commissioner Davis that in Item 39.B, we approve the proposed letter agreement with City of Austin; that we authorize the County Judge to sign it on behalf of the Commissioners Court.

Motion carried:

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

40. RECEIVE BRIEFING FROM COUNTY REGARDING STATUS OF THE LICENSE AGREEMENT WITH TEXAS DISPOSAL SYSTEMS LANDFILL, INC. (TDS) AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAUGHERTY)
¹ (2:05 PM) (4:14 PM)

Clerk’s Note: Judge Biscoe announced that Item 40 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney and Gov’t. Code Ann. 551.072, Real Property.

Discussion only. No formal action taken.

Item 40 to be reposted when ready in 2009.

41. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING REMEDIES TO CONSIDER FOR PRODUCTS RECEIVED FROM INTEGRIAN, INC. AND TAKE APPROPRIATE ACTION. ¹ (9:18 AM)

Clerk’s Note: Judge Biscoe announced that Item 41 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Item 41 postponed until December 23, 3008.

42. CONSIDER AND TAKE APPROPRIATE ACTION ON A PROPOSAL TO ACQUIRE OPEN SPACE PARKLAND ALONG ONION CREEK NEAR STATE HIGHWAY 71 EAST WITH 2005 AUTHORIZED BOND FUNDS, IN PRECINCT FOUR. ^{1 AND 2} (2:05 PM) (4:15 PM)

Clerk’s Note: Judge Biscoe announced that Item 42 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney and Gov’t. Code Ann. 551.072, Real Property.

Members of the Court heard from: Greg Chico, Right-of-Way Manager, TNR.

Motion by Judge Biscoe and seconded by Commissioner Gómez that we approve the agreement and authorize the County Judge to sign on behalf of the Commissioners Court; and the Court authorize the Executive Manager, TNR to sign any documents necessary for the closing of that transaction, if the County Judge is not available to sign those documents.

Motion carried:

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

ADDED ITEMS

- A1. RECEIVE RESULTS REGARDING VERIFICATION OF SIGNATURES ON PETITION FROM THE TRAVIS COUNTY SHERIFF'S OFFICERS' ASSOCIATION FOR AN ELECTION ON COLLECTIVE BARGAINING AND TAKE APPROPRIATE ACTION. (1:59 PM)

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

Motion by Judge Biscoe **and seconded by** Commissioner Gómez that as a Court we formally receive the original and working copies of the Petition and take no further action. The conclusion was that there are an insufficient number of verifiable signatures.

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. APPROVE RESOLUTION IN SUPPORT OF APPLICATION BY THE TRAVIS COUNTY HISTORICAL COMMISSION FOR A TEXAS HISTORICAL MARKER AT LIONS MUNICIPAL GOLF COURSE. (JUDGE BISCOE AND COMMISSIONER ECKHARDT) (9:34 AM)

Members of the Court heard from: Bob Ozer, Travis County Resident; Mary Arnold, Travis County Resident; and David Escamilla, Travis County Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Eckhardt that we approve the proposed Resolution, with the change being to end this resolution as the County does its other resolutions and proclamations. We do ours a little differently, and those who support the Resolution would all sign, rather than just having the County Judge sign.

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

