

## **MINUTES OF MEETING OCTOBER 20, 2009**

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

On Tuesday, the 20<sup>th</sup> day of October 2009, the Commissioners' Court convened the Voting Session at 9:17 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 recessed the Voting Session at 11:50 AM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:39 PM and adjourned at 1:42 PM.

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

The Commissioners Court retired to Executive Session at 3:26 PM.

The Commissioners Court reconvened the Voting Session at 5:48 PM.

The Commissioners Court adjourned the Voting Session at 5:56 PM.

**PUBLIC HEARINGS**

- 1. RECEIVE PUBLIC COMMENTS REGARDING FEE PROPOSALS BY THE TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT, INCLUDING: (9:18 AM)
  - A. ASSESSMENT OF FEES FOR RECOVERY OF TRAVIS COUNTY STORM WATER MANAGEMENT PROGRAM AND DEVELOPMENT REVIEW COSTS; AND
  - B. INCREASES IN ON-SITE WASTEWATER FEES FOR FISCAL YEAR 2010.

**Clerk’s Note:** This Item is a public hearing to receive comments.

**Clerk’s Note:** Items 1.A&B are associated with one another and were called for concurrent discussion.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to open the public hearing.

**Motion carried:**

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

**Members of the Court heard from:** Anna Bowlin, Division Director, Engineering Services, Transportation and Natural Resources (TNR); Jon White, Natural Resources Program Manager, TNR; Tom Weber, Environmental Quality Program Manager, TNR; Stacey Scheffel, Flood Plain Manager, TNR; Hank Smith, outgoing Vice President, Governmental Relations, Home Builders Association of Greater Austin (HBA); Robert Kleeman, Incoming Vice President, Government Relations, HBA; Gus Peña, Travis County Resident; and Maurice Priest, Travis County Resident.

**Motion by** Judge Biscoe **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; Ronnie Gjemre, Travis County Resident; Maurice Priest, Travis County Resident; and Richard Macdonald, Travis County Resident. (9:50 AM)

**CONSENT ITEMS**

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Item: C1 and Items 7, 8, 9, 10.A&B, 13, 14.A&B, 15, 16, 17, 18, 19, 20, 21, 22, 26, and 27. (10:05 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	yes

C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.

**SPECIAL ITEMS**

2. RECEIVE PRESENTATION OF BEST PRACTICES AWARDS FROM THE TEXAS ASSOCIATION OF COUNTIES. (JUDGE BISCOE) (1:43 PM)  
(2:12 PM)

**Members of the Court heard from:** Larry Boccaccio, Texas Association of Counties (TAC); Bruce Elfant, Constable, Precinct 5; Amalia Rodriguez-Mendoza, Travis County District Clerk; Nelda Wells Spears, Travis County Tax Assessor Collector; and Joe Gieselman, Executive Manager, TNR.

Discussion only. No formal action taken.

**RESOLUTIONS AND PROCLAMATIONS**

- 3. APPROVE PROCLAMATION DECLARING OCTOBER 18 THROUGH 24, 2009 AS "NATIONAL SAVE FOR RETIREMENT WEEK" IN TRAVIS COUNTY. (JUDGE BISCOE) (10:07 AM)

**Members of the Court heard from:** Norman McRee, Financial Analyst, Lead, Human Resources Management Department (HRMD); and Barbara Wilson, Travis County Employee.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve the Resolution in Item 3.

**Motion carried:**

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

**JUSTICE AND PUBLIC SAFETY ITEMS**

- 4. RECEIVE BRIEFING FROM STAFF REGARDING THE CELL PHONE REGISTRATION PROGRAM FOR THE EMERGENCY NOTIFICATION SYSTEM. (10:19 AM)

**Members of the Court heard from:** Pete Baldwin, Emergency Management Coordinator, Travis County Emergency Services.

Discussion only. No formal action taken.

**PLANNING AND BUDGET DEPT. ITEMS**

- 5. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REIMBURSEMENT RESOLUTION TO PERMIT THE PURCHASE OF COUNTY VEHICLES AND HEAVY EQUIPMENT TO BE REIMBURSED BY FISCAL YEAR 2010 CERTIFICATES OF OBLIGATION. (5:56 PM)

**Members of the Court heard from:** Rodney Rhoades, Executive Manager, Planning and Budget Office (PBO).

Item 5 postponed until October 27, 2009.

- 6. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (5:56 PM)

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

**Motion by** Commissioner Davis **and seconded by** Commissioner Eckhardt to approve Transfer Item T1.

**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

Budget Amendment Item A1 in Item 6 postponed until October 27, 2009.

- 7. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A GRANT CONTRACT WITH TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES FOR HEALTH AND HUMAN SERVICES AND VETERANS SERVICES TO CONTINUE PROGRAM TO BE REIMBURSED FOR EXPENDITURES UNDER TITLE IV-E OF THE FEDERAL SOCIAL SECURITY ACT. (10:05 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.

**ADMINISTRATIVE OPERATIONS ITEMS**

8. 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 \$506,983.79 FOR THE PERIOD OF OCTOBER 2 TO 8, 2009. (10:05 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 PROPOSED ROUTINE PERSONNEL AMENDMENTS. (10:05 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.

10. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:  
(10:05 AM)
  - A. TRAVIS COUNTY DEL VALLE WELLNESS CLINIC DEDICATION PLAQUE;  
AND
  - B. REQUEST TO SET THE GRAND OPENING CEREMONY OF THE TRAVIS COUNTY WELLNESS CLINIC AT DEL VALLE, ON NOVEMBER 19, 2009 AT 9:30 A.M.

**Clerk's Note:** Items 10.A&B 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 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. (10:45 AM)

**Members of the Court heard from:** Roger El Khoury, Director, Facilities Management; Rodney Rhoades, Executive Manager, PBO; and Ronnie Gjemre, Travis County Resident.

Discussion only. No formal action taken.

12. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSAL REGARDING THE IMPLEMENTATION OF A HEALTHY WORKPLACE PROGRAM THROUGH FARMHOUSE DELIVERY. (10:25 AM)

**Members of the Court heard from:** Dan Mansour, Risk and Benefits Manager, HRMD; Elizabeth Winslow, Farmhouse Delivery; Zetta Garnett, Benefits Assistant, HRMD; Ronnie Gjemre, Travis County Resident; and John Hille, Assistant County Attorney.

Discussion only. No formal action taken.

Item 12 to be reposted October 27, 2009.

**Clerk's Note:** The Court directed HRMD Staff to:

- Survey Travis County Employees to see if there is any interest in this matter
- Meet with Legal and the vendor, Farmhouse Deliveries, to work this out, where not only is it legal, but also beneficial to County Employees.

## PURCHASING OFFICE ITEMS

13. APPROVE CONTRACT AWARD FOR PROFESSIONAL PSYCHOLOGICAL/CONSULTING SERVICES WITH SABRINA L. KINDELL D/B/A COUNSELING FOR LIFE FOR THE COLLABORATIVE OPPORTUNITIES FOR POSITIVE EXPERIENCE PROGRAM. (10:05 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. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING IFB NO. B090029-JW, GILLELAND CREEK TRAIL, PHASE III CONSTRUCTION PROJECT: (10:05 AM)

A. REJECT APPARENT LOW BID, BORETEX, LLC; AND

B. APPROVE NEXT LOWEST, RESPONSIVE AND RESPONSIBLE BID, AUSTIN ENGINEERING CO., INC.

**Clerk's Note:** Items 14.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

15. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. 08T00249NB, SMITH PROTECTIVE SERVICES, INC., FOR ON-SITE SECURITY GUARD SERVICES. (10:05 AM)

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

16. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 9) TO CONTRACT NO. 03T000580J, ALLIANCE WORK PARTNERS, FOR THE EMPLOYEE ASSISTANCE PROGRAM FOR TRAVIS COUNTY EMPLOYEES. (10:05 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. APPROVE ISSUANCE OF JOB ORDER NO. 60, MINOR CONSTRUCTION AND RENOVATION SERVICES, CONTRACT NO. 07K00307RV, ARCHITECTURAL HABITAT OF AUSTIN, INC. (10:05 AM)

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



18. APPROVE PRE-QUALIFIED LIST OF PROFESSIONAL MECHANICAL, ELECTRICAL, PLUMBING ENGINEERING; STRUCTURAL ENGINEERING; AND LANDSCAPE ARCHITECTURAL FIRMS FOR UTILIZATION ON SMALL PROJECTS IN TRAVIS COUNTY, RFQ NO. Q090290-JT. (10:05 AM)

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

19. APPROVE CONTRACT AWARD FOR CONSTRUCTION SERVICES FOR THE BLAKE MANOR AND BROWN CEMETERY ROAD IMPROVEMENTS, IFB NO. B090348-LP, TO THE LOW BIDDER, AUSTIN ENGINEERING COMPANY, INC. (10:05 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 CONTRACT AWARD FOR INSTALLATION OF REDUNDANT COOLING SYSTEM AT THE INFORMATION AND TELECOMMUNICATIONS SYSTEMS DATA CENTER, IFB NO. B100006-DG, TO THE LOW BIDDER, WATTINGER KEMNITZ, INC., D/B/A WK MECHANICAL. (10:05 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 CONTRACT WITH WORKSOURCE-GREATER AUSTIN AREA WORKFORCE DEVELOPMENT BOARD FOR FY 2010 CHILD CARE LOCAL MATCH TRANSFER AGREEMENT. (10:05 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.

**Clerk's Note:** The Court noted that this grant award was for \$692,000.00.



24. **REVISED LANGUAGE:** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AUTHORIZE THE PURCHASING OFFICE TO NEGOTIATE A MODIFICATION TO CONTRACT NO. PS070371JW WITH ESPEY CONSULTANTS, INC. FOR THE MULTI-PHASE CLEAN UP OF HAMILTON CREEK AND POOL, AND TO DETERMINE THE FUNDING SOURCE FOR PHASE ONE OF THE CLEAN UP. (11:49 AM)

**Members of the Court heard from:** John Hille, Assistant County Attorney; Marvin Brice, Construction Procurement Management, Purchasing; Rodney Rhoades, Executive Manager, PBO; and Diana Warner, First Assistant County Auditor.

**Motion by Judge Biscoe and seconded by** Commissioner Eckhardt that the source of funding be the Risk Management Fund, and that we will reimburse that fund once we have received the check that we have negotiated and agreed on. Also, to authorize Purchasing to negotiate with Espey Consulting Inc., to modify the contract to get Phase One work done.

**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

- 25. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING COMPREHENSIVE PLANS: (1:50 PM)
  - A. A PROCESS TO APPOINT FOUR MEMBERS TO THE CITY OF AUSTIN COMPREHENSIVE PLAN CITIZENS ADVISORY COMMITTEE, INCLUDING DESIRED PROFESSIONAL BACKGROUND; AND
  - B. SCOPE, PROCESS AND SCHEDULE FOR THE DEVELOPMENT OF A COMPREHENSIVE PLAN FOR THE UNINCORPORATED AREA OF TRAVIS COUNTY.

**Clerk's Note:** Items 25.A&B are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez that each member of the Court, excluding the County Judge, nominate 2 residents, one representative and one alternate, from the Extra Territorial Jurisdiction (ETJ) in the following five areas: Land Use; Transportation; Storm Water Management and Water Quality; Natural Resources and Environmental Quality, Parks and Open Spaces; and Health and Human Services to serve on the City of Austin's Comprehensive Plan Citizens Advisory Committee.

<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

**Clerk's Note:** The Court expressed their intention to appoint members to the City of Austin's Comprehensive Plan Citizens Advisory Committee on October 27, 2009.

Item 25.B discussion only. No formal action taken.

Item 25.B to be reposted October 27, 2009.

26. CONSIDER AND TAKE APPROPRIATE ACTION TO APPOINT COUNTY REPRESENTATION TO THE BOARD OF DIRECTORS OF THE PARKE OWNERS ASSOCIATION FOR LAND WITHIN THE BALCONES CANYONLANDS PRESERVE. (10:05 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.

**Clerk's Note:** The Court noted that the Travis County appointee is Jennifer Brown, Environmental Specialist, TNR.

### OTHER ITEMS

27. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (10:05 AM)

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

28. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE COMPOSITION OF THE CAPITAL METROPOLITAN TRANSIT AUTHORITY BOARD OF DIRECTORS: (11:14 AM) (1:44 PM)

A. PROCESS TO COMPLY WITH NEW LAW, INCLUDING ADOPTION OF A PROCESS FOR FILLING COUNTY VACANCY; AND

B. DETERMINATION OF DESIRED PROFESSIONAL BACKGROUND TO COMPLEMENT OTHER MEMBERS OF THE BOARD, INCLUDING A CALL FOR APPLICATIONS.

**Clerk’s Note:** Items 28.A&B are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Deece Eckstein, Intergovernmental Relations Officer; Joe Gieselman, Executive Manager, TNR; and Ronnie Gjemre, Travis County Resident.

**Motion by Judge Biscoe and seconded by Commissioner Davis** that we select a resident, and indicate that no member of Commissioners Court would represent the County.

<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	abstain

**Clerk’s Note:** The Court discussed the proposed process and timetable for the Capital Metro Board of Trustees Appointment. The County Judge recommended changing the interview date of candidates to Tuesday, December 15, 2009.

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

<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 28 CONTINUED**

**Clerk’s Note:** The Court discussed Staff recommendation to amend the application packet to reflect the changes made in the previous Motions.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the recommendation.

<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

- 29. RECEIVE UPDATE AND TAKE APPROPRIATE ACTION ON TRAVIS COUNTY PARTICIPATION IN THE CENSUS 2010 COMPLETE COUNT COMMITTEE WITH THE CITY OF AUSTIN, INCLUDING 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. (11:10 AM)

**Clerk’s Note:** The Court discussed a proposed set of appointments to the Leadership Council and the Steering Committee.

**Members of the Court heard from:** Deece Eckstein, Intergovernmental Relations Officer.

**Motion by** Commissioner Davis **and seconded by** Commissioner Eckhardt to approve the list of names.

**A Friendly Amendment to the previous Motion was offered by** Judge Biscoe to add the three Co-Chairs.

**Acceptance of the Friendly Amendment was made by** Commissioner Davis **and** Commissioner Eckhardt.

<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



## 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.

30. CONSIDER AND TAKE APPROPRIATE ACTION ON A COUNTER-OFFER SETTLEMENT PROPOSAL FROM TEXAS DISPOSAL SYSTEMS LANDFILL, INC. DATED SEPTEMBER 21, 2009, FOR POTENTIAL AMENDMENT TO AN EXISTING LICENSE AGREEMENT RELATED TO USE OF COUNTY-OWNED PROPERTY LOCATED ON R.M. 620 NEAR STATE HIGHWAY 71 WEST IN PRECINCT THREE. (COMMISSIONER HUBER) <sup>1 AND 2</sup> (3:26 PM) (5:48 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.

**Motion by** Commissioner Huber **and seconded by** Commissioner Eckhardt that we direct Legal to counter with Option 3.

**Motion carried:**

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

31. 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. <sup>1</sup> (3:26 PM) (5:48 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.

Discussion only. No formal action taken.

32. 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> (3:26 PM) (5:49 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.

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

Discussion only. No formal action taken.

33. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING CLAIMS BY ALICIA PEREZ. <sup>1</sup> (3:26 PM) (5:49 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.

34. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING CLAIM BY LINDA MOORE SMITH. <sup>1</sup> (3:26 PM) (5:49 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. CONSIDER AND TAKE APPROPRIATE ACTION ON ACQUISITION OF APPROXIMATELY 260.4 ACRES OF LAND OWNED BY NEW LIFE INTERNATIONAL IN CONNECTION WITH THE BALCONES CANYONLANDS CONSERVATION PLAN. (COMMISSIONER HUBER) <sup>1 AND 2</sup> (3:26 PM) (5:50 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 and Gov’t. Code Ann. 551.072, Real Property.

**Clerk’s Note:** The Court discussed a document prepared by the County Attorney’s office that includes a counter-offer, plus a set of terms that provide for an action to be taken by December 31, 2009 and an initial deposit paid by the County with an eye to closing on this property on June 30, 2010.

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez that we approve the document, and authorize the County Judge to sign that document if the seller agrees.

<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

- 36. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE POTENTIAL PURCHASE OF REAL ESTATE ON AIRPORT BOULEVARD. <sup>1</sup> AND <sup>2</sup> (3:26 PM) (5:51 PM)

**Clerk’s Note:** Judge Biscoe announced that Item 36 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 renew our offer to purchase this property for the sum of \$750,000.00, but we add a lease-back option for 18 months at the sum of \$1,000.00 per month.

**A Friendly Amendment to the previous Motion was offered by Commissioner Eckhardt** assuming a close by the end of the year, December, 2009.

**Acceptance of the Friendly Amendment was made by Judge Biscoe.**

**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

**ADDED ITEMS**

- A1. RECEIVE LEGAL BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN HEATHER JOHNSON V. TRAVIS COUNTY AND SUSAN SPATARO IN HER INDIVIDUAL AND OFFICIAL CAPACITIES. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV’T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (3:26 PM) (5:51 PM)

Discussion only. No formal action taken.

Item A1 to be reposted when appropriate.

- A2. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST FROM THE SHERIFF'S MEMORIAL AND BENEVOLENT SOCIETY OF TRAVIS COUNTY TO WAIVE ALL FEES IN CONNECTION WITH PROPOSED USE OF THE TRAVIS COUNTY EXPOSITION CENTER ARENA FOR THE GOLDEN GLOVES AMATEUR BOXING TOURNAMENT ON FEBRUARY 10 THROUGH 12, 2010. (COMMISSIONER DAVIS) (2:33 PM)

**Members of the Court heard from:** Art Cardenas, Captain, Travis County Sheriff's Office (TCSO); Tenley Aldredge, Assistant County Attorney; Roger El Khoury, Director, Facilities Management; Michael Norton, Director, Travis County Exposition Center; and Roger Wade, President, Sheriff's Memorial Benevolent Society (SMBS).

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to approve this particular item, and also if possible for the Sheriff and also Facilities Management to get together on the necessary working relationships to clean up the facility, and all of the other things that we have discussed here; and we would like to see those fees basically reduced and done away with except for the utilities.

**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. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING ENVIRONMENTAL COMPLIANCE ISSUES AT THE U.S. 290 EAST TRAVIS COUNTY LANDFILL SITE (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY MUNICIPAL SOLID WASTE PERMIT NO. 684). (3:26 PM) (5:52 PM)

**Clerk's Note:** Judge Biscoe announced that Item A3 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action required on Item A3.

Item A3 will be reposted at the appropriate time.

A4. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE TRAVIS COUNTY VEHICLE USE POLICY, INCLUDING: (2:53 PM) (3:26 PM) (5:52 PM)

- A. EQUIPMENT ON CONSTABLES VEHICLES;
- B. MODIFICATION OF VEHICLE REPLACEMENT SCHEDULE;
- C. ASSIGNMENT AND USE OF NEW AND AUXILIARY VEHICLES; AND
- D. COMPOSITION OF VEHICLE USE COMMITTEE.

**Clerk’s Note:** Items A4.A-D are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Rodney Rhoades, Executive Manager, PBO; Mike Joyce, Fleet Manager, TNR; Stacy Suits, Chief Deputy, Constable Precinct 3; Adan Ballesteros, Constable Precinct 2; Danny Thomas, Constable Precinct 1; Richard McCain, Constable Precinct 3; and Cyd Grimes, Travis County Purchasing Agent.

**Clerk’s Note:** Judge Biscoe announced that Items A4.A-D would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

**Clerk’s Note:** The Court discussed the following recommendations:

- Approving the Vehicle Use Committee and charge on Tuesday, October 27, 2009
- Reducing the composition of the Committee to 6 or 7, representing the various categories of users
- A deadline of Friday, October 23, 2009 for suggestions regarding committee members.

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

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve the recommendations.

<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 A4 CONTINUED**

**Motion by Judge Biscoe and seconded by** Commissioner Gómez that we draft an appropriate Charge for distribution by Friday, October 23, 2009 at 5:00 PM, and if any member of the Commissioners Court has ideas, or any user of vehicles at Travis County, if they will get those to the County Judge's Office.

<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

Items A4.A-C discussion only. No formal action taken.

Items A4.A-D to be reposted November 3, 2004.

**ADJOURNMENT**

**Motion by** Commissioner Davis **and seconded by** Commissioner Huber to adjourn the Voting Session. (5:56 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	yes

**MINUTES APPROVED BY THE COMMISSIONERS' COURT**

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**Date of Approval**

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