

## **MINUTES OF MEETING OCTOBER 26, 2010**

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

On Tuesday, the 26<sup>th</sup> day of October 2010, the Commissioners' Court convened the Voting Session at 9:13 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 12:02 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation; and the Travis County Health Facilities Development Corporation, convened at 1:41 PM and adjourned at 2:02 PM.

The Commissioners Court reconvened the Voting Session at 2:02 PM.

The Commissioners Court retired to Executive Session at 2:28 PM.

The Commissioners Court reconvened the Voting Session at 5:34 PM.

The Commissioners Court adjourned the Voting Session at 5:41 PM.

**PUBLIC HEARINGS**

1. RECEIVE COMMENTS REGARDING VARIANCE REQUESTS BY SYNAGRO OF TEXAS – CDR, INC. FOR A PROPOSED SEWAGE SLUDGE BENEFICIAL USE LAND APPLICATION SITE IN PRECINCT FOUR: (9:14 AM)
  - A. A VARIANCE UNDER CHAPTER 62 OF THE TRAVIS COUNTY CODE FROM THE SETBACK DISTANCE REQUIREMENT TO INDIVIDUAL RESIDENCES; AND
  - B. A VARIANCE UNDER CHAPTER 64 OF THE TRAVIS COUNTY CODE FROM THE SETBACK DISTANCES FROM THE 100-YEAR FLOODPLAIN. (COMMISSIONER GÓMEZ) (ACTION ITEM #8)

**Clerk’s Note:** This Item is a public hearing to receive comments. Please refer to Agenda Items 8.A&B for a summary of the action item.

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

**Motion carried:**

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

**Members of the Court heard from:** Tom Weber, Environmental Quality Program Manager, Transportation and Natural Resources (TNR); Maria Reyes, Travis County Resident; Reynaldo Reyes, Travis County Resident; Morris Priest, Travis County Resident; Raquel Ayala, Travis County Resident; and Julie Joe, Assistant County Attorney.

**Motion by** Judge Biscoe **and seconded by** Commissioner Huber 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	absent

**CITIZENS COMMUNICATION**

**Members of the Court heard from:** Gus Peña, Travis County Resident; John K. Kim, Travis County Resident; Morris Priest, Travis County Resident; Karen Rennick, Founder, VoteRescue; Ronnie Gjemre, Travis County Resident; Gerald Daugherty, former Travis County Commissioner Precinct 3; Mark Littlefield, Shady Hollow Resident; Bill Aleshire, former Travis County Judge; Carol Vance, President, Shady Hollow Homeowners Association (HOA); Vikki Goodwin, Member, Shady Hollow HOA; Howard Falkenberg, Travis County Resident; Brad Hagen, Hays County Resident; and Ken Rigsby, Travis County Resident. (9:51 AM)

**CONSENT ITEMS**

**Members of the Court heard from:** Ronnie Gjemre, Travis County Resident; Roger El Khoury, Director, Facilities Management; and Mary Etta Gerhardt, Assistant County Attorney.

**Motion by** Commissioner Davis **and seconded by** Commissioner Eckhardt to approve the following Consent Items: C1-C3 and Items 2, 3, 4, 5, 7.A-C, 10, 11.A&B, 13, 15, 16.A&B, 17, 21, 22, 25, 26.A-G, 28, 29, and 32.A. (10:31 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 THE COMMISSIONERS COURT MINUTES FOR THE VOTING SESSION OF OCTOBER 12, 2010.

**PURCHASING OFFICE ITEMS**

2. APPROVE AUTHORIZATION TO COMMENCE NEGOTIATIONS WITH THE MOST HIGHLY QUALIFIED FIRM, CP&Y, RFQ NO. Q100168-JW, PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF WELLS BRANCH PARKWAY EXTENSION. (10:31 AM)

**Clerk's Note:** Item 2 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

3. APPROVE INTERLOCAL AGREEMENT WITH TEXAS WORKFORCE COMMISSION FOR INFORMATION RELEASE FOR CONSTABLE PRECINCT TWO. (10:31 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. APPROVE INTERLOCAL AGREEMENT WITH CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) FOR USE OF THE EMERGENCY NOTIFICATION SYSTEM FOR TRAVIS COUNTY EMERGENCY SERVICES. (10:31 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. APPROVE RENEWAL OF INTERLOCAL AGREEMENT NO. IL080069OJ, DALLAS COUNTY, FOR UTILIZATION OF THE EMPLOYEE ASSISTANCE PROGRAM. (10:31 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. APPROVE TERMINATION AND TRANSITION AGREEMENT, CONTRACT NO. CM080266SW, SIMPLICITY HEALTHCARE SYSTEMS, FOR AN ELECTRONIC MEDICAL RECORDS AND PHARMACY INFORMATION MANAGEMENT SYSTEM. (11:43 AM)

**Members of the Court heard from:** Robin Osborne, Lieutenant, Corrections, Travis County Sheriff's Office (TCSO); and Cyd Grimes, Travis County Purchasing Agent.

**Motion by** Commissioner Davis **and seconded by** Commissioner Eckhardt to approve Item 6.

**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

- 7. APPROVE CONTRACT AWARD FOR MINOR CONSTRUCTION AND RENOVATION SERVICES, IFB NO. B100266-RV, TO THE QUALIFIED LOW BIDDERS: (10:31 AM)

A. WAAG L.L.C. D/B/A M2;

B. ARCHITECTURAL HABITAT OF AUSTIN, INC.; AND

C. FORE CONSTRUCTION, INC.

**Clerk's Note:** Items 7.A-C 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**

- 8. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING VARIANCE REQUESTS BY SYNAGRO OF TEXAS – CDR, INC. FOR A PROPOSED SEWAGE SLUDGE BENEFICIAL USE LAND APPLICATION SITE IN PRECINCT FOUR: (2:28 PM) (5:34 PM)
  - A. A VARIANCE UNDER CHAPTER 62 OF THE TRAVIS COUNTY CODE FROM THE SETBACK DISTANCE REQUIREMENT TO INDIVIDUAL RESIDENCES; AND
  - B. A VARIANCE UNDER CHAPTER 64 OF THE TRAVIS COUNTY CODE FROM THE SETBACK DISTANCES FROM THE 100-YEAR FLOODPLAIN. (COMMISSIONER GÓMEZ)

**Clerk’s Note:** Item 8 is the action item for the public hearing on Agenda Item 1.

**Clerk’s Note:** Judge Biscoe announced that Item 8 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 deny the Synagro variance request based on the following findings:

- Synagro failed to meet the burden of proof that it is impractical or a hardship for them to locate at an alternative site that meets County siting requirements
- Synagro did not provide adequate assurances that they would mitigate all adverse impacts on residents and land adjacent to the site.

**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

- 9. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING IN PRECINCT ONE: (10:43 AM)
  - A. AMENDMENT NUMBER ONE TO PARTICIPATION AGREEMENT WITH CLUB DEAL 120 WHISPER VALLEY L.P. FOR THE COMPLETION OF A SECTION OF BRAKER LANE FROM FM 973 TO TAYLOR LANE; AND
  - B. AMENDMENT NUMBER ONE TO PARTICIPATION AGREEMENT WITH CLUB DEAL 116 INDIAN HILLS TX, L.P. FOR THE COMPLETION OF A SECTION OF DECKER LAKE ROAD FROM FM 973 TO SH 130 SOUTHBOUND FRONTAGE ROAD. (COMMISSIONER DAVIS)

**Clerk’s Note:** Items 9.A&B and 12.A&B are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Steve Manilla, Director, Public Works, TNR; Anna Bowlin, Program Manager, Planning and Engineering, TNR; John Williams, Board Member, Park Springs Neighborhood Association; Tom West President, Park Springs Neighborhood Association; Jerry L. Harris, Partner, Brown McCarroll, representing the Wolf family; Tom Nuckols, Assistant County Attorney; and Steve Metcalfe, Partner, Drenner & Golden Stuart Wolff LLP, representing Taurus of Texas Holdings at Whisper Valley.

**Motion by** Commissioner Davis **and seconded by** Commissioner Eckhardt to approve Items 12.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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**Clerk’s Note:** The County Judge noted that by approving Items 12.A&B the Court has approved the Preliminary Plan plus the Phasing Agreement that contains the language that Anna Bowlin, Program Manager, Planning and Engineering, TNR referenced and Jerry L. Harris, Partner, Brown McCarroll, representing the Wolf family, agreed with.





12. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING FOR WOLF TRACT SUBDIVISION IN PRECINCT ONE: (10:43 AM)
  - A. APPROVE A PRELIMINARY PLAN (734 LOTS ON 207.10 ACRES); AND
  - B. APPROVE PHASING AGREEMENT. (COMMISSIONER DAVIS)

**Clerk's Note:** Items 9.A&B and 12.A&B are associated with one another and were called for concurrent discussion. Please refer to Item 9.A&B for a summary of the action taken by the Court.

13. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REQUEST FROM HOLLAND RACING TO HOLD A BIKE RACE AT EAST METROPOLITAN PARK. (COMMISSIONER DAVIS) (10:31 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 ON REQUEST TO AMEND CHAPTER 92 OF THE TRAVIS COUNTY CODE TO ADD A PROVISION REGARDING THE USE OF PROCEEDS FROM THE SALE OF OPEN SPACE PARKLAND, PARKS AND PRESERVES. (COMMISSIONER ECKHARDT) (9:13 AM)

Item 14 postponed until November 9, 2010.

15. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST TO APPROVE A PARTICIPATION AGREEMENT WITH THE DEER CREEK RANCH PARKS AND LAKES ASSOCIATION FOR THE IMPROVEMENT OF 1,300 LINEAR FEET OF SANDY BEACH ROAD IN PRECINCT THREE. (COMMISSIONER HUBER) (10:31 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. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING IN PRECINCT TWO: (10:31 AM)
- A. AMENDMENT NO. 1 TO THE CONSTRUCTION AGREEMENT WITH SUN COMMUNITIES FOR THE COMPLETION OF A SECTION OF WELLS BRANCH PARKWAY; AND
  - B. THE USE OF CAPITAL METRO BUILD CENTRAL TEXAS FUNDS FOR THE COMPLETION OF A SECTION OF WELLS BRANCH PARKWAY. (COMMISSIONER ECKHARDT)

**Clerk's Note:** Items 16.A&B 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

17. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST TO APPROVE THE CERTIFICATE OF EXEMPTION FOR THE ENVIRONMENTAL ASSESSMENT EXPENSES FOR LAND ACQUISITION FUNDED THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT AVAILABLE FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (10:31 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.





20. CONSIDER AND TAKE APPROPRIATE ACTION ON ITEMS RELATED TO SUBSTANTIAL AMENDMENTS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROVIDED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT: (2:05 PM)

A. RECEIVE AN OVERVIEW OF RECOMMENDED SUBSTANTIAL AMENDMENTS TO FUND THE ACQUISITION OF FOUR LOTS FOR AFFORDABLE HOUSING DEVELOPMENT;

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

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

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

20. CONSIDER AND TAKE APPROPRIATE ACTION ON ITEMS RELATED TO SUBSTANTIAL AMENDMENTS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROVIDED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT: (2:09 PM)

B. APPROVE NOVEMBER 24 THROUGH DECEMBER 23, 2010 AS THE 30-DAY PUBLIC COMMENT PERIOD FOR THE PUBLIC TO REVIEW AND COMMENT ON THE DRAFT;

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

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





- 24. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE EXECUTIVE OFFICE BUILDING HVAC UPGRADE PROJECT, WHICH IS PARTIALLY FUNDED BY AN ARRA GRANT AND WHICH IS POTENTIALLY IMPACTED BY THE RECOMMENDED CENTRAL CAMPUS PLANNING SCENARIOS. (2:11 PM)

**Clerk’s Note:** The Court discussed shifting the ARRA grant funds for the EOB HVAC upgrade project to building improvements at 700 Lavaca.

**Members of the Court heard from:** Roger El Khoury, Director, Facilities Management; Rodney Rhoades, Executive Manager, Planning and Budget Office (PBO); Tenley Aldredge, Assistant County Attorney; and Susan Spataro, Travis County Auditor.

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Gómez that we move that money over to 700 Lavaca.

**Motion carried:**

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

**PLANNING AND BUDGET DEPT. ITEMS**

- 25. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (10:31 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.

**Clerk’s Note:** The Court noted that for Budget Amendment A1 the additional funding of \$335,000.00 for Hamilton Pool cleanup was not to be included in the approval of this Item. It will need to be submitted separately at a later date.



26. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:  
(10:31 AM)
- A. ANNUAL CONTRACT WITH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, TO CONTINUE THE DRIVING WHILE INTOXICATED (DWI) COURT PROGRAM IN THE COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT;
  - B. ANNUAL CONTRACT WITH THE SUPREME COURT OF TEXAS, PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES, TO CONTINUE THE OFFICE OF CHILD REPRESENTATION MANAGED BY CRIMINAL JUSTICE PLANNING;
  - C. ANNUAL CONTRACT WITH THE SUPREME COURT OF TEXAS, PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES, TO CONTINUE THE OFFICE OF PARENTAL REPRESENTATION MANAGED BY CRIMINAL JUSTICE PLANNING;
  - D. ANNUAL CONTRACT WITH THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR TRAVIS COUNTY TO CONTINUE TO PARTICIPATE IN THE PARENTING IN RECOVERY PROJECT WITH THE TRAVIS COUNTY HEALTH AND HUMAN SERVICES AND VETERANS SERVICES SERVING AS THE REGIONAL PARTNERSHIP PROJECT LEAD. THE CONTRACT IS FOR THE FOURTH YEAR OF THE POTENTIAL FIVE YEAR GRANT;
  - E. NEW CONTRACT WITH THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FOR JUVENILE PROBATION TO RECEIVE A FOUR YEAR GRANT TO ENHANCE THE DEPARTMENT'S EXISTING DRUG COURT;
  - F. NEW CONTRACT WITH THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, CENTER FOR SUBSTANCE ABUSE TREATMENT, FOR JUVENILE PROBATION TO RECEIVE YEAR ONE OF A POTENTIAL FOUR YEAR GRANT TO ENHANCE THE DEPARTMENT'S EXISTING DRUG COURT; AND

**ITEM 26 CONTINUED**

G. AMENDMENT NUMBER TWO TO THE INTERLOCAL AGREEMENT WITH THE CITY OF AUSTIN RELATED TO THE 2007 BYRNE JUSTICE ASSISTANCE (JAG) PROGRAM AWARD FOR LAW ENFORCEMENTS PROJECTS WITHIN THE TRAVIS COUNTY SHERIFF'S OFFICE THAT WILL EXTEND THE END DATE BY AN ADDITIONAL SIX MONTHS TO COMPLETE THE PROJECT.

**Clerk's Note:** Items 26.A-G approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

27. RECEIVE STATUS REPORT FROM LOCAL TAX POLICY WORKING GROUP. (11:51 AM)

**Members of the Court heard from:** Dusty Knight, Chief Operating Officer, Tax Assessor Collector's Office.

Discussion only. No formal action taken.

**OTHER ITEMS**

28. CONSIDER AND TAKE APPROPRIATE ACTION ON THE DISTRICT ATTORNEY'S FISCAL YEAR 2010 CHAPTER 59 ASSET FORFEITURE REPORT. (10:31 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. **REVISED:** CONSIDER AND TAKE APPROPRIATE ACTION ON APPOINTMENT OF **SARAH** DALE ANDERSON TO THE HOUSING AUTHORITY OF TRAVIS COUNTY, TERM EFFECTIVE IMMEDIATELY THROUGH AUGUST 2011. (COMMISSIONER ECKHARDT) (10:31 AM)

**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 INTERLOCAL WITH THE TEXAS CONFERENCE OF URBAN COUNTIES FOR TRAVIS COUNTY TO PARTICIPATE AS A PLANNING PARTICIPANT IN THE DESIGN AND DEVELOPMENT OF AN ADULT CASE MANAGEMENT SYSTEM. (12:00 PM)

**Members of the Court heard from:** Joe Harlow, Chief Technology Officer, Information and Telecommunications Systems.

**Motion by** Commissioner Huber **and seconded by** Judge Biscoe to approve Item 30.

**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. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING COUNTY PROPERTY AT 700 LAVACA STREET: (9:14 AM)
  - A. THE USE OF EXTERNAL OR INTERNAL PROJECT MANAGEMENT FOR THE PROJECT IN WHOLE OR PART;
  - B. SCOPE OF SERVICES FOR ARCHITECTURAL AND ENGINEERING SERVICES; AND
  - C. DIRECTIONS ON HOW TO PROCEED TOWARD ISSUANCE OF A REQUEST FOR QUALIFICATIONS, NO. Q100247RV, AND SELECTION PROCESS.

Items 31.A-C postponed until November 9, 2010.

- 32. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO ADD THE FOLLOWING TO THE TRAVIS COUNTY LEGISLATIVE AGENDA FOR THE 82<sup>ND</sup> TEXAS LEGISLATURE: (10:31 AM)
  - A. SUPPORT LEGISLATION AUTHORIZING APPROPRIATE USE OF PUBLIC-PRIVATE PARTNERSHIPS IN FUNDING FOR AND UTILIZATION OF PUBLICLY OWNED AND CONTROLLED FACILITIES.

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

## EXECUTIVE SESSION ITEMS

Note 1 Gov't Code Ann 551.071, Consultation with Attorney

Note 2 Gov't Code Ann 551.072, Real Property

Note 3 Gov't Code Ann 551.074, Personnel Matters

The Commissioners Court will consider the following items in Executive Session. The Commissioners Court may also consider any other matter posted on the agenda if there are issues that require consideration in Executive Session and the Commissioners Court announces that the item will be considered during Executive Session.

33. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM THE SALVATION ARMY TO POSITION BELL RINGERS AT COUNTY FACILITIES DURING THE 2010 CAMPAIGN. <sup>1</sup> (2:28 PM) (5:35 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 November 9, 2010.

34. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING NOTICE OF INTENT TO SUE FOR VIOLATIONS OF THE ENDANGERED SPECIES ACT IN THE BALCONES CANYONLANDS CONSERVATION PLAN (PERMIT NO. PRT-788841). <sup>1</sup> (2:28 PM) (5:36 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.

Item 34 to be reposted November 9, 2010.



37. CONSIDER AND TAKE APPROPRIATE ACTION CONCERNING THE OFFER TO SETTLE TRAVIS COUNTY'S CLAIMS AGAINST DANIEL VENCES AND OLGA HERNANDEZ FOR DAMAGES TO A GUARDRAIL. <sup>1</sup> (2:28 PM) (5:37 PM)

**Clerk's Note:** Judge Biscoe announced that Item 37 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 accept the offer to settle for a lump sum payment of \$1,100.00.

**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

38. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN GEORGE GIKAS V. TRAVIS COUNTY, LESTER MEIER RODEO COMPANY AND TEXAS STYLE PROFESSIONAL EVENT PLANNERS INC. <sup>1</sup> (2:28 PM) (5:38 PM)

**Clerk's Note:** Judge Biscoe announced that Item 38 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Members of the Court heard from:** Tony Nelson, Assistant County Attorney.

**Motion by Judge Biscoe and seconded by Commissioner Huber** that we agree to pay the amount of \$54,500.00 to settle the case. We understand that's to settle it in full, with payments made by Mr. Meier or that company, but the settlement is in full and this will be in exchange for a full release.

**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

**Clerk's Note:** The Court thanked all County Staff for their hard work during this case.

- 39. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING LEASE AGREEMENTS AT 700 LAVACA WITH BRUCE A. LIPSHY D/B/A LIPSHY & ESCAMILLA, LLP. <sup>1 AND 2</sup> (2:28 PM) (5:39 PM)

**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 and Gov’t. Code Ann. 551.072, Real Property.

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt that we approve the proposed sixth amendment to the lease.

**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

- 40. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE POTENTIAL PURCHASE OF REAL ESTATE IN CENTRAL AUSTIN. <sup>1 AND 2</sup> (2:28 PM) (5:39 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.

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt that we execute the proposed confidentiality agreement.

**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

41. CONSIDER AND TAKE APPROPRIATE ACTION ON APPEAL FROM JUNE 18, 2010 TRAVIS COUNTY GRIEVANCE PANEL DECISION IN SERGIO FLORES V. CONSTABLE RICHARD MCCAIN, PRECINCT THREE, PURSUANT TO TRAVIS COUNTY CODE SECTION 9.257(K). <sup>1 AND 3</sup> (2:28 PM) (5:39 PM)

**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 and Gov't. Code Ann. 551.074, Personnel Matters.

Discussion only. No formal action taken.

Item 41 to be reposted November 2, 2010.

42. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN THE MATTER OF TRAVIS COUNTY V. FLINT HILLS RESOURCES, L.P. AND KOCH PIPELINE CO., L.P. <sup>1</sup> (2:28 PM) (5:40 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.

Discussion only. No formal action taken.

43. CONSIDER AND TAKE APPROPRIATE ACTION ON ISSUES REGARDING THE LEASE AND SPACE FOR TRAVIS COUNTY DISTRICT ATTORNEY AT 700 LAVACA. <sup>1 AND 2</sup> (2:28 PM) (5:40 PM)

**Clerk's Note:** Judge Biscoe announced that Item 43 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.



