

MINUTES OF MEETING DECEMBER 14, 2010

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 14th day of December 2010, the Commissioners' Court convened the Voting Session at 9:14 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 retired to Executive Session at 10:42 AM.

The Commissioners Court reconvened the Voting Session at 12:28 PM.

The Commissioners Court recessed the Voting Session at 12:28 PM.

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

The Commissioners Court reconvened the Voting Session at 1:40 PM.

The Commissioners Court retired to Executive Session at 3:54 PM.

The Commissioners Court reconvened the Voting Session at 5:18 PM.

The Commissioners Court adjourned the Voting Session at 5:22 PM.

CONSENT ITEMS

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

Motion by Commissioner Davis **and seconded by** Commissioner Eckhardt to approve the following Consent Items: C1-C3 and Items 6, 8, 12, 13.A-C, 18, 19, 21, 22, 23, 24, 26, 30, 31, 32, 33, and A1. (9:31 AM)

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

- 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 NOVEMBER 30, 2010.

RESOLUTIONS AND PROCLAMATIONS

- 2. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR TRAVIS COUNTY TO SUPPORT A RESOLUTION SUPPORTING THE TEXAS BOTTLE BILL, A RECYCLING REFUND SYSTEM FOR BEVERAGE CONTAINERS. (9:34 AM)

Members of the Court heard from: Stacey Guidry, Program Assistant, Texas Campaign for the Environment; Ronnie Gjemre, Travis County Resident; and Deece Eckstein, Intergovernmental Relations Officer.

Motion by Commissioner Davis **and seconded by** Commissioner Eckhardt to approve the Resolution in 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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	absent

SPECIAL ITEMS

- 4. CONSIDER AND TAKE APPROPRIATE ACTION ON ORDER PROHIBITING OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:52 AM)

Members of the Court heard from: Hershel Lee, Travis County Fire Marshal.

Motion by Commissioner Huber **and seconded by** Commissioner Eckhardt to approve Item 4.

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

- 5. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF THE SALE OR USE OF RESTRICTED FIREWORKS IN THE UNINCORPORATED AREA OF TRAVIS COUNTY. (9:55 AM)

Members of the Court heard from: Hershel Lee, Travis County Fire Marshal; and Chester Davis, Owner, American Fireworks, and President, Texas Pyrotechnic Association.

Discussion only. No formal action taken.

Clerk's Note: The Court noted that members of the Texas Pyrotechnic Association have agreed not to sell missiles with fins and stick rockets in Travis and surrounding Counties for the 2010 holiday season.

TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

- 6. CONSIDER AND TAKE APPROPRIATE ACTION ON ALTERNATIVE FISCAL AGREEMENT FOR RACEWAY SINGLE FAMILY SUBDIVISION SECTION ONE FINAL PLAT (A SMALL LOT SUBDIVISION). (COMMISSIONER ECKHARDT) (9:31 AM)

Clerk’s Note: Item 6 is the action item for the public hearing on Agenda Item 1.

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. CONSIDER AND TAKE APPROPRIATE ACTION ON THE TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT’S ROAD AND BRIDGE FISCAL YEAR 2010 – 2011 WORKPLAN. (10:07 AM)

Members of the Court heard from: Don Ward, Manager, Road and Bridge Division, TNR.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve 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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	absent

- 8. CONSIDER AND TAKE APPROPRIATE ACTION ON A CASH SECURITY AGREEMENT WITH STREETMAN HOMES FOR SIDEWALK FISCAL FOR WEST CYPRESS HILLS SECTION 1 LOT 14 BLOCK 1 IN PRECINCT THREE. (COMMISSIONER HUBER) (9:31 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 THE FOLLOWING:
(1:50 PM)

A. A RESPONSE TO THE KIMLEY-HORN & ASSOCIATES TRAFFIC AND TRANSPORTATION ANALYSIS FOR THE FORMULA ONE UNITED STATES GRAND PRIX SITE NEAR ELROY ROAD IN PRECINCT FOUR; AND

B. APPLICANT'S REQUEST FOR A VARIANCE TO CHAPTER 64.121 (K)(2), TRAVIS COUNTY REGULATIONS FOR FLOOD PLAIN MANAGEMENT, TO ALTER A FLOOD PLAIN PRIOR TO RECEIVING A CONDITIONAL LETTER OF MAP REVISION FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE FORMULA ONE TRACK.

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; David Greear, Traffic Manager, TNR; Richard Suttle, Jr., Attorney, Armbrust and Brown representing Formula 1 Project; Stacey Scheffel, Flood Plain Manager, TNR; Tom Nuckols, Assistant County Attorney; and Anna Bowlin, Program Manager, Planning and Engineering, TNR.

Motion by Commissioner Gómez that we deny this variance, and that we get that Conditional Letter of Map Revision (CLOMR) before moving forward.

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

Motion by Commissioner Eckhardt **and seconded by** Commissioner Davis that we approve Item 9.B.

An Addition to the previous Motion was offered by Commissioner Eckhardt that we do need a hard date from this motion, if it appears that a CLOMR is not forthcoming within that hard date, but probably is coming, it's just going to be a little late, then it just comes back to the Commissioners Court for a decision, so I would insert into the motion a six-month time frame because that does appear to be the reasonable time frame for these sorts of things.

Acceptance of the Addition was made by Commissioner Davis.

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	no

Item 9.A was discussion only. No formal action taken.

10. CONSIDER AND TAKE APPROPRIATE ACTION ON COUNTY COMMENTS REGARDING THE CITY OF AUSTIN'S IMAGINE AUSTIN COMPREHENSIVE PLAN ALTERNATIVE GROWTH SCENARIOS AS THEY RELATE TO THE UNINCORPORATED AREA OF TRAVIS COUNTY AND THE CITY'S FIVE-MILE EXTRATERRITORIAL JURISDICTION. (COMMISSIONER ECKHARDT) (10:17 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Mark Lind, Travis County Appointee, City Of Austin Comprehensive Plan Citizens Advisory Committee; Jack Gullahorn, Travis County Appointee, City Of Austin Comprehensive Plan Citizens Advisory Committee; and Carol Torgimson, Travis County Appointee, City Of Austin Comprehensive Plan Citizens Advisory Committee.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve the December 10, 2010 draft before us after taking out the second whereas clause.

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

11. APPROVE SETTING A PUBLIC HEARING DATE OF JANUARY 25, 2011 TO CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING: (10:11 AM)

A. AMENDMENT TO CHAPTER 82 TO REQUIRE A LAND USE NOTIFICATION ON THE COVER SHEET OF PLATS; AND

B. AMENDMENT TO TITLE 30 TO ADD SECTION 30-2-87 TO REQUIRE A LAND USE NOTIFICATION ON THE COVER SHEET OF PLATS. (COMMISSIONER DAVIS)

Members of the Court heard from: Anna Bowlin, Program Manager, Planning and Engineering, TNR.

Motion by Commissioner Davis **and seconded by** Judge Biscoe to set the Public Hearing January 25, 2011.

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 directed Staff to send a letter to the Council Members at the City of Austin regarding Travis County concerns in this matter.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

12. CONSIDER AND TAKE APPROPRIATE ACTION ON CONTRACT WITH THE CITY OF AUSTIN, AUSTIN ENERGY FOR FISCAL YEAR 2011 TO CONTINUE THE CUSTOMER ASSISTANCE PLUS 1 PROGRAM THAT PROVIDES UTILITY ASSISTANCE FOR TRAVIS COUNTY LOW-INCOME HOUSEHOLDS THAT ARE CUSTOMERS OF AUSTIN ENERGY. (9:31 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.

PLANNING AND BUDGET DEPT. ITEMS

- 13. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:31 AM)
 - A. AMENDMENT TO THE CONTACT WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS TO INCREASE AWARD FOR THE FISCAL YEAR 2010 SOLID WASTE ENFORCEMENT GRANT IN ORDER TO PROVIDE ADDITIONAL RESOURCES TO SUPPORT ILLEGAL DUMPING ENFORCEMENT;
 - B. CONTRACT RELEASE AGREEMENT BETWEEN ONESTAR NATIONAL SERVICE COMMISSION AND TRAVIS COUNTY FOR THE AMERICORPS GRANT IN THE HEALTH AND HUMAN SERVICES DEPARTMENT FOR THE PERIOD AUGUST 2008 TO JULY 2009; AND
 - C. PERMISSION TO CONTINUE THE FAMILY VIOLENCE PROTECTION TEAM PROGRAM IN THE COUNTY ATTORNEY'S OFFICE UNTIL THE FORTHCOMING AGREEMENT IS FULLY EXECUTED.

Clerk's Note: Items 13.A-C 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 APPROVAL OF BROKER/DEALER APPLICANTS FOR CONDUCTING INVESTMENT BUSINESS WITH TRAVIS COUNTY. (10:38 AM)

Members of the Court heard from: Debbie Lauder milk, Investment Manager, Cash/Investment Management.

Motion by Judge Biscoe **and seconded by** Commissioner Eckhardt to approve Item 14.

Motion carried:

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

15. **REVISED LANGUAGE:** APPROVE REIMBURSEMENT **RESOLUTION(S)** FOR PURCHASE OF LAND, VEHICLES AND EQUIPMENT. (3:35 PM)

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

Motion by Commissioner Gómez **and seconded by** Judge Biscoe to approve Item 15, and direct PBO to include the amount of the purchase in the upcoming Certificates of Obligation (CO) sale.

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

16. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (3:36 PM)

Motion by Commissioner Eckhardt **and seconded by** Commissioner Davis to approve Item 16.

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

17. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT NO. 7 TO INTERLOCAL AGREEMENT WITH CENTRAL HEALTH REGARDING PAYMENT FOR CASH/INVESTMENT MANAGEMENT SERVICES. (10:40 AM)

Motion by Judge Biscoe **and seconded by** Commissioner Eckhardt to approve Item 17.

Motion carried:

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

ADMINISTRATIVE OPERATIONS ITEMS

18. 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 \$658,118.37 FOR THE PERIOD OF NOVEMBER 26 TO DECEMBER 2, 2010. (9:31 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 ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:31 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 FOLLOWING:
(10:41 AM)

- A. MODIFICATIONS TO TRAVIS COUNTY CODE, CHAPTER 31, RISK MANAGEMENT DIVISION (RISK RESOLUTION); AND
- B. SELF-INSURING JUDGES PROFESSIONAL LIABILITY INSURANCE UNDER TRAVIS COUNTY CODE, CHAPTER 31 RISK MANAGEMENT DIVISION SECTION 31.061 PROFESSIONAL LIABILITY COVERAGE FOR JUDICIAL SERVICE.

Clerk’s Note: The Court discussed the following changes to Chapter 31:

- Add Judges to the definition of employees. This will allow the Judges to become self insured for Judges Professional Liability coverage under the County’s self insured program, saving the County around \$46,000.00 per year in insurance premiums
- Increase the settlement authority of the Risk Manager to \$20,000.00
- Authorize the Risk Manager to settle fast track claims up to \$2,500.00
- Increase the hourly fee for outside legal counsel up to a maximum of \$500.00

Members of the Court heard from: Dan Mansour, Risk and Benefits Manager, Human Resources Management Department (HRMD); The Honorable John K. Dietz, Judge, 250th District Court; Donna Stirman, Risk Management, HRMD.

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

JUSTICE AND PUBLIC SAFETY ITEMS

21. CONSIDER AND TAKE APPROPRIATE ACTION ON STAR FLIGHT REQUEST TO ACCEPT A \$10,000 AWARD FOR WINNING THE FOURTH ANNUAL AMERICAN EUROCOPTER VISION ZERO AVIATION SAFETY AWARD AND AUTHORIZE DEDICATION TO FUTURE SAFETY INITIATIVES AS REQUIRED.
(9:31 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.

PURCHASING OFFICE ITEMS

22. APPROVE MODIFICATION NO. 12 TO CONTRACT NO. 02T00005OJ, UNITEDHEALTHCARE INSURANCE COMPANY, FOR EARLY RETIREE REINSURANCE PROGRAM DATA RELEASE AND SERVICES AGREEMENT TO THE ADMINISTRATIVE SERVICES AGREEMENT. (9:31 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. DECLARE LISTING OF CERTAIN EQUIPMENT AS SURPLUS AND SELL AT PUBLIC AUCTION PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (9:31 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. DECLARE 320 EXPIRED BODY ARMOR VESTS AS SALVAGE AND AUTHORIZE DISPOSAL THROUGH FIBER BROKERS INTERNATIONAL PURSUANT TO SECTION 263.152 OF THE TEXAS LOCAL GOVERNMENT CODE. (9:31 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 CONTRACT WITH CYRUS NETWORKS, LLC DBA CYRUSONE FOR LEASE SPACE FOR DATA CENTER. (9:14 AM)

Item 25 postponed until December 21, 2010.

OTHER ITEMS

26. CONSIDER AND TAKE APPROPRIATE ACTION ON ORDER AMENDING THE ANNUALLY DETERMINED CONTRIBUTION RATE PLAN SELECTIONS TO INCREASE BENEFITS OF RETIREES UNDER TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM. (9:31 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. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING TRAVIS COUNTY INTEGRATED JUSTICE SYSTEM (IJS) INCLUDING: (2:55 PM) (2:57 PM) (3:36 PM)

- A. BRIEFING ON FUTURE OF IJS AT TRAVIS COUNTY;
- B. RECOMMENDATION FROM JUSTICES OF THE PEACE REGARDING CONFERENCE OF URBAN COUNTIES' TECHSHARE RESOURCE SHARING PROGRAM; AND
- C. OTHER RELATED ISSUES.

Members of the Court heard from: Joe Harlow, Chief Technology Officer, Information and Telecommunications Systems (ITS); Janice Brown, Applications Support Division Director, ITS; Susan Steeg, Justice of the Peace Precinct Three; David Jungerman, Financial Auditor/Analyst II, Auditor's Office; Rod Brown, Information Technology Director, ITS, Raul Gonzalez, Justice of the Peace Precinct Four; Tenley Aldredge, Assistant County Attorney, and The Honorable John K. Dietz, Judge, 250th District Court.

28. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING: (9:14 AM)

A. UPDATE ON LEGISLATIVE ACTIVITIES; AND

B. ADDITIONS TO THE POLICY POSITIONS AND OTHER PROPOSALS SECTIONS OF THE TRAVIS COUNTY LEGISLATIVE AGENDA.

Items 28.A&B postponed until December 21, 2010.

29. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING RENEWAL OF CONTRACT WITH ENVISION CENTRAL TEXAS. (10:05 AM)

Members of the Court heard from: Sally Campbell, Executive Director, Envision Central Texas.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to direct appropriate County Staff to prepare an appropriate contract, including these deliverables; to have this on the Court's Agenda either December 21 or 28, 2010, and I would recommend that we just take the money from Allocated Reserve.

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

30. CONSIDER AND TAKE APPROPRIATE ACTION ON A RENEWAL BOND FOR VISITING JUSTICE OF THE PEACE, ELENA DIAZ. (9:31 AM)

Clerk's Note: Item 30 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

31. CONSIDER AND TAKE APPROPRIATE ACTION ON REAPPOINTMENT OF PAT COGNEGLIANO TO SERVE ON THE BOARD OF THE DISPUTE RESOLUTION CENTER. (COMMISSIONER GÓMEZ) (9:31 AM)

Clerk's Note: Item 31 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

32. CONSIDER AND TAKE APPROPRIATE ACTION ON APPOINTMENT OF LARRY BUGEN TO THE DISPUTE RESOLUTION CENTER BOARD OF DIRECTORS FOR A 3-YEAR TERM, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 31, 2013. (COMMISSIONER HUBER) (9:31 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 THE REAPPOINTMENT OF DEBORAH RISOVI TO THE TRAVIS COUNTY CHILDREN'S PROTECTIVE SERVICES BOARD FOR A 3-YEAR TERM, EFFECTIVE JANUARY 1, 2011 THROUGH DECEMBER 31, 2013. (COMMISSIONER HUBER) (9:31 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 THE FIRST AMENDED CONSERVATION EASEMENT AND FENCING AGREEMENT WITH 69 GRANDVIEW, L.P. IN NORTHWEST TRAVIS COUNTY IN CONNECTION WITH THE BALCONES CANYONLANDS CONSERVATION PLAN. (COMMISSIONER HUBER) (10:41 AM) (3:52 PM)

Members of the Court heard from: Rose Farmer, Resource Management Specialist, TNR.

Motion by Commissioner Huber **and seconded by** Commissioner Gómez to approve Item 34.

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

EXECUTIVE SESSION ITEMS

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

Note 2 Gov't Code Ann 551.072, Real Property

Note 3 Gov't Code Ann 551.074, Personnel Matters

Note 4 Gov't Code Ann 551.076, Security

Note 5 Gov't Code Ann 551.087, Economic Development Negotiations

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

35. **REVISED NOTATION:** CONSIDER AND TAKE APPROPRIATE ACTION TO COMPLETE THE HIRING PROCESS FOR STEVE MANILLA AS EXECUTIVE MANAGER, TRANSPORTATION AND NATURAL RESOURCES. ³ (10:42 AM) (5:18 PM)

Clerk's Note: Judge Biscoe announced that Item 35 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 County Judge noted that there will be an appropriate routine Item on the Agenda providing a modest pay increase for these additional responsibilities either December 21 or 28, 2010.

36. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION AND/OR CONSIDER SETTLEMENT OFFER IN SHAY MORROW V. TRACY C. HILL, CIVIL ACTION NO. A-10-CA-554-SS. ¹ (10:42 AM) (5:19 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.

Discussion only. No formal action taken.

37. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING PROPOSAL FOR DOWNTOWN OFFICE BUILDING BY D2000, A TURN KEY DEVELOPMENT COMPANY. ^{1 AND 2} (10:42 AM) (3:54 PM) (5:19 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 and Gov't. Code Ann. 551.072, Real Property.

Motion by Judge Biscoe and seconded by Commissioner Huber that we indicate to the developer the County's need for something in writing from the PTA indicating that at the time of any closing on the matter, the PTA would be able to convey title to the property to Travis County; and after we receive that, then we would give additional directions to Staff about how to proceed.

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. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE POTENTIAL PURCHASE OF REAL ESTATE IN CENTRAL AUSTIN. ^{1 AND 2}
 (10:42 AM) (2:56 PM) (3:31 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 and Gov’t. Code Ann. 551.072, Real Property.

Members of the Court heard from: Rodney Rhoades, Executive Manager, PBO; Keith Zimmermann, Broker, UGL Equis Corporation; Tenley Aldredge, Assistant County Attorney; John Hille, Assistant County Attorney; Susan Spataro, Travis County Auditor; and Leroy Nellis, Budget Manager, PBO.

Motion by Judge Biscoe and seconded by Commissioner Davis that upon full execution of the contract, verification of funds, and a full audit of the claim, the County Auditor is requested to issue a payment for all the contracted earnest money and the County Treasurer to release the payment to Heritage Title of Austin; the form of the payment shall be that which provides the most expeditious and secure payment under the terms of the agreement, and as determined by the Auditor. This would be \$1 M of earnest money to secure the Purchase and Sale Agreement. The Motion would also be to execute the Purchase and Sale Agreement, and authorize the County Judge to sign 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	yes
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Clerk’s Note: The Court discussed a document directing Heritage Title of Austin to invest the \$1 M escrow amount on behalf of Travis County during the feasibility period.

Motion by Judge Biscoe and seconded by Commissioner Davis that we authorize the County Judge to sign the document of behalf of the Commissioners Court.

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

- 39. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION ON APPEAL FROM TRAVIS COUNTY GRIEVANCE PANEL DECISION IN SERGIO FLORES V. PRECINCT THREE CONSTABLE RICHARD MCCAIN, PURSUANT TO TRAVIS COUNTY CODE SECTION 9.257(K). ^{1 AND 3} (10:42 AM) (5:20 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. 551.074, Personnel Matters.

Clerk’s Note: The County Judge noted that the grievant will interview with the Constable Five Office. The County Attorney’s Office will then advise the Court whether the status of the grievant’s employment has changed. The County Judge also noted that the current offer of the Commissioners Court remains the same.

- 40. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION ON REQUEST FOR FINANCIAL INCENTIVES FOR PROJECT HELIOS, A SOLAR ENERGY INITIATIVE IN NORTHEAST TRAVIS COUNTY. ⁵ (10:42 AM) (5:21 PM)

Clerk’s Note: Judge Biscoe announced that Item 40 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.087, Economic Development Negotiations.

Motion by Commissioner Davis **and seconded by** Judge Biscoe to approve Item 40, with the corrections that were discussed in Executive Session to the original contract. The County Judge is authorized to sign the contract 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	yes
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	absent

- 41. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING OPTIONS TO LIFT ORDERS REGULATING OUTDOOR BURNING AND ORDERS REGULATING FIREWORKS MORE EXPEDITIOUSLY. ¹ (10:42 AM) (3:54 PM) (5:22 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.

Motion by Judge Biscoe and seconded by Commissioner Eckhardt that we indicate to Deece Eckstein, Intergovernmental Relations Officer our support to the proposed legislation being filed by a friendly legislator or more, because I think that language would be helpful, along with adding this item to our legislative priority list.

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

ADDED ITEMS

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON APPROVING A GRANT ADJUSTMENT NOTICE TO RELEASE UNSPENT FISCAL YEAR 2008 STATE HOMELAND SECURITY GRANT FUNDS BACK TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS. (9:31 AM)

Clerk's Note: Item A1 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

MINUTES OF MEETING – DECEMBER 14, 2010

TRAVIS COUNTY BEE CAVE ROAD DISTRICT NO. 1

On Tuesday, the 14th day of December 2010, the Commissioners' Court, meeting as the Travis County Bee Cave Road District No. 1 (Galleria) Board of Directors, convened the Voting Session at 1:40 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 Two Commissioner Sarah Eckhardt was not present during this Voting Session.

The Road District Board of Directors adjourned the Voting Session of the Travis County Bee Cave Road District No. 1 (Galleria) at 1:40 PM.

1. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST ROAD DISTRICT FUNDS. (1:40 PM)

Motion by Commissioner Gómez **and seconded by** Commissioner Huber to approve Item 1.

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

