

MINUTES OF MEETING SEPTEMBER 4, 2007

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 4th day of September, 2007, the Commissioners' Court convened the Voting Session at 9:17 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 Robert Resnick.

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

The Commissioners Court retired to Executive Session at 11:21 AM.

The Commissioners Court recessed the Voting Session at 11:55 AM.

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

The Commissioners Court retired to Executive Session at 1:54 PM.

The Commissioners Court reconvened the Voting Session at 3:29 PM.

The Commissioners Court adjourned the Voting Session at 3:53 PM.

2. RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOTS 10 THROUGH 14, PEDERNALES BEND SUBDIVISION (5 LOTS TOTAL). (COMMISSIONER DAUGHERTY) (ACTION ITEM #3) (9:20 AM)

Clerk’s Note: This Item is a public hearing to receive comments. Please refer to Agenda Item 3 for a summary of the action item.

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	yes
Precinct 3, Commissioner Gerald Daugherty	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

Members of the Court heard from: Carol Joseph, Assistant Director, TNR.

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

Motion carried:

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

CITIZENS COMMUNICATION

Members of the Court heard from: Alan Roddy, Travis County Resident; Zetta Garnett, Human Resources Management Department (HRMD); Josie Peña, RN, Employees’ Wellness and Health Clinic; and Stacey Scheffel, Flood Plain Manager, TNR. (9:22 AM)

4. CONSIDER AND TAKE APPROPRIATE ACTION ON A REVISED PRELIMINARY PLAN IN PRECINCT THREE: THE HOLLOW AT SLAUGHTER CREEK (220 TOTAL LOTS). (COMMISSIONER DAUGHERTY) (9:34 AM)

Members of the Court heard from: Anna Bowlin, Program Manager, Planning and Engineering, TNR; and Leslie McCollum, President, Texas Oaks South Neighborhood Association.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the revised Preliminary Plan in 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 Gerald Daugherty	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

5. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST TO APPROVE A PARTICIPATION AGREEMENT WITH THE DEER CREEK RANCH PROPERTY OWNERS ASSOCIATION FOR THE IMPROVEMENT AND ACCEPTANCE OF A PORTION OF PANORAMA DRIVE, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:43 AM)

Members of the Court heard from: Steve Manilla, Director, Public Works, TNR.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 5.

Motion carried:

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

6. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(9:28 AM)
 - A. A FINAL PLAT FOR RECORDING IN PRECINCT THREE: COLONIA SERENDIPITY (14 TOTAL LOTS); AND
 - B. APPROVE CONSTRUCTION AGREEMENT FOR COLONIA SERENDIPITY SUBDIVISION. (COMMISSIONER DAUGHERTY)

Clerk's Note: Items 6.A&B 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 FOLLOWING:
(9:28 AM)
 - A. A FINAL PLAT FOR RECORDING IN PRECINCT TWO: TRAVESIA, SECTION 1 (AKA RACEWAY CROSSING, SECTION 1), FINAL PLAT (4 TOTAL LOTS); AND
 - B. APPROVE A CONSTRUCTION AGREEMENT FOR TRAVESIA, SECTION 1, FINAL PLAT. (COMMISSIONER ECKHARDT)

Clerk's Note: Items 7.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

8. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT TWO: MCNEIL PARTNERS SUBDIVISION (1 TOTAL LOT). (COMMISSIONER ECKHARDT) (9:28 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 COMMENTS TO THE TEXAS DEPARTMENT OF TRANSPORTATION COMMISSION REGARDING THE CHANGES TO RULES TO ALLOW DEVELOPMENT OF DIGITAL/ELECTRONIC BILLBOARDS ON TEXAS HIGHWAYS. (COMMISSIONER ECKHARDT) (9:46 AM)

Members of the Court heard from: Carol Joseph, Assistant Director, TNR.

Discussion only. No formal action taken.

Item 9 to be reposted on September 11, 2007.

10. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL AGREEMENTS WITH THE LOWER COLORADO RIVER AUTHORITY (LCRA) CONCERNING COUNTY PARTICIPATION IN THE FOLLOWING U.S. ARMY CORPS OF ENGINEERS FLOOD DAMAGE REDUCTION STUDIES: (9:52 AM)

A. ONION CREEK; AND

B. WALNUT CREEK AND THE COLORADO RIVER NEAR GARFIELD.

Clerk's Note: Items 10.A&B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Stacey Scheffel, Flood Plain Manager, TNR.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve Items 10.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

11. CONSIDER AND TAKE APPROPRIATE ACTION ON COUNTY POLICY CONCERNING FLOODPLAIN BUYOUTS. (9:55 AM)

Members of the Court heard from: Stacey Scheffel, Flood Plain Manager, TNR; and Melinda Mallia, Environmental Project Manager, TNR.

Discussion only. No formal action taken.

Clerk's Note: The Court directed Staff to create a written policy regarding flood plain buy-outs, summarizing current policies and practices.

Item 11 to be reposted on September 18, 2007.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

- 12. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING RELATED CHANGES IN THE BYLAWS OF THE COMMUNITY ACTION NETWORK: (9:28 AM)
 - A. PROPOSED AMENDMENT TO THE RESOURCE COUNCIL BYLAWS, ARTICLE IX, SECTION 1 RELATING TO HOW CERTAIN CHANGES ARE MADE TO RESOURCE COUNCIL BYLAWS; AND
 - B. PROPOSED AMENDMENTS TO THE ADMINISTRATIVE TEAM BYLAWS, ARTICLE IX, SECTION 1 RELATING TO HOW CERTAIN CHANGES ARE MADE TO ADMINISTRATIVE TEAM BYLAWS.

Clerk’s Note: Items 12.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 13. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REQUEST TO AUTHORIZE HEALTH AND HUMAN SERVICES DEPARTMENT TO INVEST \$10,000 IN A TRAINING COURSE IN NON-PROFIT LEADERSHIP AND MANAGEMENT OFFERED BY THE CENTER FOR COMMUNITY BASED AND NONPROFIT ORGANIZATIONS AT AUSTIN COMMUNITY COLLEGE FROM FY '06 FUNDS ENCUMBERED FOR TRAINING. (9:32 AM)

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

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve Item 13.

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

- 14. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:28 AM)
 - A. APPROVE GRANT CONTRACT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO CONTINUE UNDERAGE DRINKING PREVENTION PROGRAM IN THE COUNTY ATTORNEY'S OFFICE IN FY '08;
 - B. APPROVE GRANT CONTRACT AMENDMENT WITH THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE THROUGH THE ONESTAR FOUNDATION FOR THE HEALTH AND HUMAN SERVICES DEPARTMENT TO REDUCE OVERALL AWARD BASED ON SAVINGS GENERATED BY MEMBER STIPEND MONEY; AND
 - C. APPROVE GRANT 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 2005 TO JULY 2006.

Clerk's Note: Items 14.A-C 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 ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:28 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.

ADMINISTRATIVE OPERATIONS ITEMS

- 16. PAYMENT TO UNITED HEALTH CARE FOR CLAIMS PAID FOR PARTICIPANTS IN THE TRAVIS COUNTY EMPLOYEE HEALTH CARE FUND FOR PAYMENT OF \$632,985.32 FOR THE PERIOD OF AUGUST 17 TO AUGUST 23, 2007. (9:28 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. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:28 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 REQUEST TO AWARD FUNDS FOR ONE TRAVIS COUNTY EMPLOYEE TO PARTICIPATE IN LEADERSHIP AUSTIN TRAINING IN ACCORDANCE WITH CHAPTER 16 OF THE TRAVIS COUNTY CODE. (9:28 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. A. DISCUSS EMPLOYEE HEALTH BENEFIT FUND QUARTERLY REPORT THROUGH JUNE 30, 2007 AND TAKE APPROPRIATE ACTION; AND
- B. DISCUSS AND TAKE APPROPRIATE ACTION TO AMEND CHAPTER 17, EMPLOYEE HEALTH BENEFIT RULE OF THE TRAVIS COUNTY CODE, TO CREATE AN EMPLOYEE HEALTH BENEFIT STABILIZATION RESERVE. (10:20 AM)

Clerk’s Note: Items 19.A&B 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; Cindy Purinton, Benefit Administrator, HRMD; Barbara Wilson, Assistant County Attorney; Norman McRee, Financial Analyst, Lead, HRMD; Travis Gatlin, Budget Analyst, Planning and Budget Office (PBO); and Susan Spataro, Travis County Auditor.

Motion by Judge Biscoe **and seconded by** Commissioner Eckhardt to approve Item 19.A.

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 by approving Item 19.A they are accepting the Employee Health Benefit Fund Quarterly Report.

Item 19.B to be reposted on September 11, 2007.

- 20. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING RECOMMENDATION TO SETTLE PROPERTY CLAIM FROM TRANSPORTATION AND NATURAL RESOURCES. (9:28 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.

PURCHASING OFFICE ITEMS

21. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. MA960430LC, BENTLEY SYSTEMS, INC., FOR LICENSES AND MAINTENANCE/SUPPORT SUBSCRIPTIONS. (INFORMATION AND TELECOMMUNICATION SYSTEMS) (9:28 AM)

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

22. APPROVE ORDER EXEMPTING THE PURCHASE OF CELL DOOR LOCKS FROM CORRECTIONS PRODUCTS COMPANY FROM THE COMPETITIVE PROCUREMENT PROCESS PURSUANT TO SECTION 262.024 (a) (7) (A) OF THE COUNTY PURCHASING ACT. (SHERIFF'S OFFICE) (9:18 AM)

Item 22 pulled from the Agenda.

23. APPROVE MODIFICATION NO. 1 FOR TERMINATION OF CONTRACT NO. PS060075JT, ENCORE HOUSE, LLC, FOR TRANSITIONAL HOUSING AND RELATED SERVICES. (CRIMINAL JUSTICE PLANNING) (9:28 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.

Clerk's Note: The Court noted that the Contract in Item 23 would be effective from December 30, 2007.

24. APPROVE MODIFICATION NO. 2 FOR TERMINATION OF CONTRACT NO. PS060144JT, ENCORE HOUSE, LLC, FOR TRANSITIONAL HOUSING AND RELATED SERVICES. (CRIMINAL JUSTICE PLANNING) (9:28 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.

Clerk's Note: The Court noted that the Contract in Item 24 would be effective from December 30, 2007.

25. APPROVE ORDER EXEMPTING THE PURCHASE OF PROFESSIONAL CONSULTING SERVICES FROM VANDERWEIL FACILITY ADVISORS, INC. FROM THE COMPETITIVE PROCUREMENT PROCESS PURSUANT TO SECTION 262.024 (A)(4) OF THE COUNTY PURCHASING ACT. (FACILITIES MANAGEMENT) (9:28 AM)

Clerk's Note: Item 25 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

26. APPROVE MODIFICATION NO. 10 TO CONTRACT NO. PS960012JW, SOUTHWEST KEY PROGRAM, FOR INTENSIVE SUPERVISION SERVICES OF JUVENILE OFFENDERS. (JUVENILE PROBATION) (9:28 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. APPROVE ORDER EXEMPTING THE PURCHASE OF CABLING REQUIREMENTS ASSOCIATED WITH, OR CONNECTING TO, THE GREATER AUSTIN AREA TELECOMMUNICATIONS NETWORK (GAATN) FROM THE COMPETITIVE PROCUREMENT PROCESS PURSUANT TO SECTION 262.024(a) (7)(A) OF THE COUNTY PURCHASING ACT. (INFORMATION AND TELECOMMUNICATION SYSTEMS) (9:28 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. DECLARE CERTAIN EQUIPMENT AS SURPLUS AND SELL AT PUBLIC AUCTION PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (9:28 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. APPROVE MODIFICATION NO. 8 TO INTERLOCAL AGREEMENT NO. IL020037RE, TEXAS DEPARTMENT OF AGING AND DISABILITY SERVICES, CASE MANAGEMENT SERVICES FOR LOW INCOME DEAF ADULTS. (HHS&VS) (9:28 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.

OTHER ITEMS

- 30. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:28 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. APPOINT JAMES “BOB” WARD TO THE TRAVIS COUNTY HISTORICAL COMMISSION, (COMMISSIONER GÓMEZ) (9:28 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. APPOINT JANE MANASTER TO THE TRAVIS COUNTY HISTORICAL COMMISSION. (COMMISSIONER GÓMEZ) (9:28 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. RECEIVE ENGAGEMENT LETTER FROM DELOITTE & TOUCHE, LLP REGARDING FY '07 COUNTY-WIDE ANNUAL FINANCIAL AUDIT AND TAKE APPROPRIATE ACTION. (COUNTY AUDITOR) (11:15 AM)

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 33.

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

- 34. POSITION TO PERFORM PUBLIC INFORMATION, INTERGOVERNMENTAL RELATIONS AND LEGISLATIVE DUTIES AT TRAVIS COUNTY. (1:43 PM)

Discussion only. No formal action taken.

Item 34 to be reposted when necessary.

35. CONSIDER AND TAKE APPROPRIATE ACTION ON A VEHICLE USE AGREEMENT INTERLOCAL BETWEEN TRAVIS COUNTY SHERIFF'S COMBINED AUTO THEFT PREVENTION AUTHORITY AND THE COUNTIES OF BASTROP, BURNET, COLORADO, COMAL, GUADALUPE, HAYS AND WHARTON FOR THE USE OF VEHICLES PURCHASED WITH AUTO THEFT PREVENTION AUTHORITY GRANT FUNDS AND FOR USE IN CONNECTION WITH THE SHERIFF'S COMBINED AUTO THEFT TASK FORCE (SCATTF) OPERATIONS. (SHERIFF'S OFFICE) (9:28 AM)

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

36. CONSIDER AND TAKE APPROPRIATE ACTION ON AGREEMENT REGARDING THE USE OF VEHICLES IN CONJUNCTION WITH OFF DUTY EMPLOYMENT OF COUNTY PEACE OFFICERS. (SHERIFF'S OFFICE) (11:16 AM)

Clerk's Note: Items 36 and 37 are associated with one another and were called for concurrent discussion.

Clerk's Note: The Judge noted that the Auditor has concerns regarding the use of the word "grant" in the form agreement and explained that the Commissioners Court is allowed to accept a gift, grant, donation, etc. under 81.032 of the Government Code.

Motion by Judge Biscoe and seconded by Commissioner Davis to approve the form agreement after making that change, have them executed by the Travis County Sheriff and the Constables, and that we move the Court to accept reimbursement under section 81.032 of the local Government Code.

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

37. CONSIDER AND TAKE APPROPRIATE ACTION ON AGREEMENT FOR REIMBURSEMENT OF CONSTABLE VEHICLES USED IN EXTRA DUTY ACTIVITIES. (CONSTABLE PRECINCT 3) (11:16 AM)

Clerk's Note: Items 36 and 37 are associated with one another and were called for concurrent discussion. Please refer to Item 36 for a summary of the action taken by the Court.

38. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REQUEST TO CONSIDER THE NOMINATION OF SPANSION LLC TO THE OFFICE OF THE GOVERNOR AS A TRIPLE JUMBO ENTERPRISE PROJECT AND ADOPTION OF AN ORDER TO PARTICIPATE IN THE TEXAS ENTERPRISE ZONE PROGRAM. (9:19 AM)

Item 38 postponed until further notice.

39. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING PROPOSED FY '08 RECORDS MANAGEMENT PLAN. (DISTRICT CLERK) (9:28 AM)

Clerk's Note: Item 39 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

40. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING DISTRICT CLERK'S BUDGET REQUEST FOR FACTS DATA. (DISTRICT CLERK) (9:17 AM)

Item 40 pulled from the Agenda.

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 551.087, 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.

41. CONSIDER AND TAKE APPROPRIATE ACTION ON THE POTENTIAL PURCHASE OF REAL ESTATE ALONG AIRPORT BOULEVARD. ^{1 AND 2}
(1:54 PM) (3:48 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. 551.072, Real Property.

Item 41 postponed until further notice.

42. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR FINANCIAL INCENTIVES FROM PROJECT DIAMONDBACK. ⁴ (1:54 PM) (3:29 PM)

Clerk’s Note: Judge Biscoe announced that Item 42 would be considered in Executive Session pursuant to Gov’t. Code Ann 551.087, Economic Development Negotiations.

Members of the Court heard from: Steve Darnell, Vice President, Finance, Project Diamondback; Jeremy Martin, Vice-President, Government Relations, Austin Chamber of Commerce; Daniel Kah, Vice President, Site Selection, AngelouEconomics; and Dave Porter, Senior Vice-President, Economic Development, Austin Chamber of Commerce.

Motion by Judge Biscoe and seconded by Commissioner Davis that we indicate the County’s favorable inclination to support this program, authorize the County Judge to work with legal and the County financial staff to put in place an appropriate draft contract for presentation and further negotiation to the Commissioners Court ASAP, which probably means 2-3 weeks.

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

43. RECEIVE BRIEFING FROM COUNTY ATTORNEY ON A CONSTRUCTION RELATED EROSION EVENT IN HAYS COUNTY, ASSOCIATED WATER QUALITY AND ENVIRONMENTAL IMPACTS ON HAMILTON POOL AND OTHER NATURAL RESOURCES IN TRAVIS COUNTY, AND TAKE APPROPRIATE ACTION. ¹ (11:21 AM) (1:54 PM) (3:48 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.

Discussion only. No formal action taken.

Item 43 to be reposted on September 18, 2007.

- 44. RECEIVE LEGAL BRIEFING ON COUNTY LAND USE AUTHORITY. ¹
(11:21 AM) (1:54 PM) (3:48 PM)

Clerk’s Note: Judge Biscoe announced that Item 44 would be considered in Executive Session pursuant to Gov’t. Code Ann 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 43 to be reposted on September 18, 2007.

- 45. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION CONCERNING THE EXTENSION OF ADMINISTRATIVE LEAVE WITH PAY FOR CONSTABLE PRECINCT FOUR OFFICE EMPLOYEE, SLOT 3. ^{1 AND 3}
(11:21 AM) (1:56 PM)

Clerk’s Note: Judge Biscoe announced that Item 45 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.

Item 45 postponed until further notice.

- 46. CONSIDER AND TAKE APPROPRIATE ACTION ON ISSUES REGARDING SALE OF COUNTY PROPERTY LOCATED AT 6701 BURNET ROAD, AUSTIN, TEXAS. ² (1:54 PM) (3:49 PM)

Clerk’s Note: Judge Biscoe announced that Item 46 would be considered in Executive Session pursuant to 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 Gómez that Planning and Budget Office (PBO) work with Facilities Management to transfer \$859.00, a budget transfer from a lease savings account, to a line item that will allow them to pay a contractor for services rendered at the Farmers Market, Budget adjustment number 6876.

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

Item 46 to be reposted on September 11, 2007.

ADDED ITEMS

- A1. RECEIVE STATUS UPDATE AND TAKE APPROPRIATE ACTION REGARDING LEASE FOR COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT DAY TREATMENT PROGRAM. (THIS ITEM MAY BE TAKEN INTO EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY, AND 551.072, REAL PROPERTY) (11:21 AM) (3:50 PM)

Clerk's Note: Judge Biscoe announced that Item A1 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.

- A2. RECEIVE STATUS UPDATE AND TAKE APPROPRIATE ACTION ON LEASE FOR COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT'S MENTAL HEALTH AND MENTAL RETARDATION PROGRAMS. (THIS ITEM MAY BE TAKEN INTO EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY, AND 551.072, REAL PROPERTY) (11:21 AM) (3:51 PM)

Clerk's Note: Judge Biscoe announced that Item A2 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 Gómez that we authorize that the County cover 56% of the lease costs there, which will be \$83,707.00, and also, Information & Telecommunications Systems (ITS) costs of, \$81,344.00. This will be on the budget worksheets tomorrow, 09/05/2007, but let's authorize Staff to go ahead and proceed with negotiations for this contract.

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

