

## **MINUTES OF MEETING OCTOBER 16, 2007**

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

On Tuesday, the 16<sup>th</sup> day of October 2007, the Commissioners' Court convened the Voting Session at 9:16 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.

Commissioners Court retired to Executive Session at 11:13 AM.

The Commissioners Court recessed the Voting Session at 12:16 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 1:42 PM and adjourned at 1:43 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:43 PM and adjourned at 1:48 PM.

The Commissioners Court reconvened the Voting Session at 1:49 PM.

The Commissioners Court retired to Executive Session at 2:38 PM.

The Commissioners Court reconvened the Voting Session at 4:41 PM.

The Commissioners Court adjourned the Voting Session at 4:50 PM.





**CONSENT ITEMS**

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C4, and Items 5, 6, 7.A&B, 8, 10, 11, 12, 13, 15, 16, 18, 19, 20.A&B, 24, 25, and 27. (9:37 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 Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2. AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.
- C3. APPROVE SETTING A PUBLIC HEARING ON NOVEMBER 6, 2007 TO RECEIVE COMMENTS ON A PLAT FOR RECORDING IN PRECINCT TWO: DESSAU BUSINESS PARK SECTION 1, RESUBDIVISION OF LOTS 13 AND 14, BLOCK B (4 TOTAL LOTS). (COMMISSIONER ECKHARDT)
- C4. APPROVE SETTING A PUBLIC HEARING ON NOVEMBER 20, 2007 TO RECEIVE COMMENTS ON A PLAT FOR RECORDING IN PRECINCT ONE: REVISED PLAT OF LOTS 7, 8 AND 9, BLOCK A, MAGNOLIA RANCH ESTATES (3 TOTAL LOTS). (COMMISSIONER DAVIS)
- C5. APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF OCTOBER 2, 2007. (9:41 AM)

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve Item C5.

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

### SPECIAL ITEMS

3. RECEIVE AWARD FROM FOUNDATION COMMUNITIES REGARDING 2007 COMMUNITY TAX CENTER PROGRAM. (9:41 AM)

**Members of the Court heard from:** Elizabeth Colvin, Director, Community Tax Centers.

Discussion only. No formal action taken.

4. ANNOUNCE KICKOFF OF TRAVIS COUNTY 2008 COMBINED CHARITIES CAMPAIGN. (9:50 AM)

Discussion only. No formal action taken.

### TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

5. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PLAT FOR RECORDING IN PRECINCT TWO: RESUBDIVISION OF PART OF LOTS 9 AND 11, BLOCK 5, PAMELA HEIGHTS SUBDIVISION (1 TOTAL LOT). (COMMISSIONER ECKHARDT) (9:37 AM)

**Clerk's Note:** Item 5 is the action item for the public hearing on Agenda Item 1.

**Clerk's Note:** Item 5 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

6. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST FOR A PROPOSED STREET NAME CHANGE FROM "JACKIE'S RANCH ROAD" TO "JACKIE'S RANCH BOULEVARD" IN LAKESIDE AT BLACKHAWK II, PHASE 1A, OFF SPEIDEL DRIVE, IN PRECINCT TWO. (COMMISSIONER ECKHARDT) (9:37 AM)

**Clerk's Note:** Item 6 is the action item for the public hearing on Agenda Item 2.

**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 REGARDING LAKE TRAVIS BLUFF CONDOMINIUMS: (9:37 AM)
  - A. REQUEST FOR EXEMPTION FROM PLATTING REQUIREMENTS; AND
  - B. CONDOMINIUM CONSTRUCTION AGREEMENT. (COMMISSIONER DAUGHERTY)

**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 REVISED PRELIMINARY PLAN IN PRECINCT FOUR: GARFIELD REVISED PRELIMINARY PLAN (2 TOTAL LOTS). (COMMISSIONER GÓMEZ) (9:37 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 CANDIDATE PROJECTS FOR FISCAL YEAR 2009-2010 SURFACE TRANSPORTATION PROGRAM (STP MM) TO BE SUBMITTED TO CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION. (10:45 AM)

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

Discussion only. No formal action taken.

Item 9 to be reposted on October 23, 2007.

10. CONSIDER AND TAKE APPROPRIATE ACTION ON A COUNTER OFFER FOR RIGHT OF WAY ACQUISITION FROM MRS. ADA ELLISON FOR PARCEL #25/25TE AS PART OF THE HOWARD LANE EAST (I) ROAD IMPROVEMENT PROJECT – CIP #3110-N09700000-05B01A. (COMMISSIONER DAVIS) (9:37 AM)

**Clerk's Note:** Item 10 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 TO SET A PUBLIC HEARING ON NOVEMBER 6, 2007 CONCERNING REVISIONS TO THE BALCONES CANYONLANDS PRESERVE LAND MANAGEMENT PLAN FOR 2007. (COMMISSIONER DAUGHERTY) (9:37 AM)

**Clerk's Note:** Item 10 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 County Judge requested that the notice for the Public Hearing to be held on November 6, 2007, contain a description of the proposed revisions, so that the public will be fully informed.

12. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: AMARRA DRIVE, PHASE 2, FINAL PLAT (30 TOTAL LOTS). (COMMISSIONER DAUGHERTY) (9:37 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.

### HEALTH AND HUMAN SERVICES DEPT. ITEMS

13. CONSIDER AND TAKE APPROPRIATE ACTION ON NOTICE OF TERM EXPIRATION AND REQUEST FOR REAPPOINTMENT OF DONALD PATRICK, M.D., J.D. TO THE TRAVIS COUNTY HEALTHCARE DISTRICT BOARD OF MANAGERS. (9:37 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.

**PLANNING AND BUDGET DEPT. ITEMS**

- 14. REVIEW AND TAKE APPROPRIATE ACTION ON PROPOSED MULTI-YEAR TRANSITION AND SUCCESSION PLANNING RELATED TO THE EXECUTIVE MANAGER, PLANNING AND BUDGET, INCLUDING: (10:07 AM)

**Clerk's Note:** Items 14.A-C are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Christian Smith, Executive Manager, Planning and Budget Office (PBO); and Barbara Wilson, Assistant County Attorney.

- 14. REVIEW AND TAKE APPROPRIATE ACTION ON PROPOSED MULTI-YEAR TRANSITION AND SUCCESSION PLANNING RELATED TO THE EXECUTIVE MANAGER, PLANNING AND BUDGET, INCLUDING: (10:07 AM)

- A. FY '08 SCHEDULE FOR CURRENT EXECUTIVE MANAGER;

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt to approve Item 14.A; and that Christian Smith, Executive Manager, PBO still works for the Commissioners Court so any time the Court sees fit to change that, we will.

**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



**ITEM 14 CONTINUED**

- 14. REVIEW AND TAKE APPROPRIATE ACTION ON PROPOSED MULTI-YEAR TRANSITION AND SUCCESSION PLANNING RELATED TO THE EXECUTIVE MANAGER, PLANNING AND BUDGET, INCLUDING: (10:07 AM)
  - B. RECRUITING STRATEGY AND TIMELINE FOR SELECTING NEW EXECUTIVE MANAGER; AND

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Davis to substitute March, 2008 for May, 2008.

**Clarification of the Motion was made by** Judge Biscoe that March, 2008 is our target for getting a new Executive Manager of the Planning and Budget Office on board.

**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

**Clerk’s Note:** The Court discussed possible members of a subcommittee to review the job description, the possibility of using an executive search firm, and scheduling in the search for a new Planning and Budget Executive Manager.

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez that we have a draft job description and a draft schedule by Tuesday, October 23, 2007; that Judge Biscoe, Commissioner Eckhardt, with Commissioner Daugherty as back-up, plus Christian Smith, Executive Manager, PBO, Leroy Nellis, Budget Manager, PBO and Jessica Rio, Budget Analyst, PBO as back-up, plus a representative from Human Resources and a representative from Purchasing, form a subcommittee; and that the start date for the new Executive Manager be set for March 1, 2008.

**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

**ITEM 14 CONTINUED**

14. REVIEW AND TAKE APPROPRIATE ACTION ON PROPOSED MULTI-YEAR TRANSITION AND SUCCESSION PLANNING RELATED TO THE EXECUTIVE MANAGER, PLANNING AND BUDGET, INCLUDING: (10:07 AM) (11:13 AM) (2:38 PM) (4:41 PM)

C. RECOMMENDATION OF ASSIGNMENT AS SPECIAL ASSISTANT TO THE COMMISSIONERS COURT. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.074, PERSONNEL MATTERS)

**Clerk's Note:** Judge Biscoe announced that Item 14.C would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 14.C to be reposted when ready.

**Clerk's Note:** The Court indicated their intention to use Christian Smith, Executive Manager, PBO, in a Special Assistant to the Commissioners Court capacity, after we have hired a new Executive Manger of Planning and Budget, and after that person has begun work and becomes accustomed to the Travis County budget process, and needs no further assistance from Christian Smith, Executive Manager, PBO.

15. CONSIDER AND TAKE APPROPRIATE ACTION ON GRANT CONTRACT WITH THE U.S. FISH AND WILDLIFE SERVICE THROUGH TEXAS PARKS AND WILDLIFE DEPARTMENT FOR THE TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT TO ACQUIRE LAND WITH ENDANGERED SPECIES HABITAT FOR THE BALCONES CANYONLANDS PRESERVE. (9:37 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 GRANT CONTRACT WITH TEXAS TASK FORCE ON INDIGENT DEFENSE TO CONTINUE MENTAL HEALTH PUBLIC DEFENDERS OFFICE GRANT IN CRIMINAL JUSTICE PLANNING DEPARTMENT. (9:37 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 BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (1:49 PM)

**Members of the Court heard from:** Jessica Rio, Budget Analyst, PBO; Diana Ramirez, Budget Analyst, PBO; and Roger El Khoury, Director, Facilities Management.

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

**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

**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 \$791,187.31 FOR THE PERIOD OF SEPTEMBER 28 TO OCTOBER 4, 2007. (9:37 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. (9:37 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:  
(9:37 AM)
  - A. WORKFORCE INVESTMENT SUMMARY OF THE FY '08 COMPENSATION AND BENEFITS AT TRAVIS COUNTY; AND
  - B. REQUEST TO PRINT AND DISTRIBUTE THE SUMMARY TO TRAVIS COUNTY EMPLOYEES WITH PAY CHECKS ON OCTOBER 31, 2007.

**Clerk's Note:** Items 20.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 21. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ELECTRICAL UTILITY EASEMENT FOR THE TRAVIS COUNTY CORRECTIONAL COMPLEX DESIGN BUILD PROJECT. (9:40 AM)

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 21.

**Motion carried:**

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

- 22. CONSIDER AND TAKE APPROPRIATE ACTION ON ISSUES REGARDING NATIONWIDE RETIREMENT SOLUTIONS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: (1:55 PM)
  - A. TIMELINE FOR CONSULTANT AND COMMITTEE REVIEW OF NATIONWIDE'S PERFORMANCE;
  - B. RECOMMENDATION FOR RENEWAL OF CONTRACT ENDING DECEMBER 11, 2007; AND
  - C. RELATED ISSUES FOR REVIEW BY THE OVERSIGHT COMMITTEE.

**Clerk's Note:** Items 22.A-C are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Alicia Perez, Executive Manager, Administrative Operations; Al DiCristifaro, President, The Retirement Store; Norman McRee, Financial Analyst, Lead, Human Resources Management Department (HRMD); Barbara Wilson, Assistant County Attorney; and Susan Spataro, Travis County Auditor.

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Gómez to approve the committee timeline in Item 22.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	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Discussion only on Items 22.B&C. No formal action taken.

**PURCHASING OFFICE ITEMS**

- 23. APPROVE INTERLOCAL AGREEMENT WITH THE COUNTY OF SAN DIEGO FOR THE PURCHASE OF PHARMACEUTICALS AND PHARMACEUTICAL SUPPLIES FROM AMERISOURCE BERGEN CORPORATION. (SHERIFF'S OFFICE) (9:52 AM)

**Members of the Court heard from:** Cyd Grimes, Travis County Purchasing Agent; and Barbara Wilson, Assistant County Attorney.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve Item 23.

**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

- 24. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. 06AE0239JW, HDR ENGINEERING, INC., FOR TRAVIS COUNTY DRAINAGE STUDY. (TRANSPORTATION AND NATURAL RESOURCES) (9:37 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 NO. PS080006VR, PROVIDENCE OF TEXAS, TO PROVIDE PSYCHIATRIC AND COUNSELING SERVICES FOR THE COLLABORATIVE OPPORTUNITIES FOR POSITIVE EXPERIENCE PROGRAM/MENTAL HEALTH YOUTH AND FAMILIES. (JUVENILE PROBATION) (9:37 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.







**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

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.

- 29. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING TRAVIS COUNTY CODE CHAPTER 10, ADMINISTRATIVE LEAVE WITH PAY POLICY.  
<sup>1</sup> (11:20 AM) (2:38 PM) (4:43 PM)

**Clerk's Note:** Judge Biscoe announced that Item 29 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 Commissioner Eckhardt and Judge Biscoe serve as a sub-committee of the Commissioners Court and meet with the County Attorney's office, Human Resources, and a representative from the Auditor's office to look at proposed changes to our current policy, and to come back to the Court with specific recommendations about changes that we should make.

**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

Item 29 to be reposted on October 30, 2007.



- 32. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING LEGAL ANALYSIS OF THE FOLLOWING: (2:38 PM) (4:44 PM)
  - A. DRAFT AGREEMENT WITH BFI WASTE SYSTEMS OF NORTH AMERICA, INC. AND GILES HOLDINGS, L.P.; AND
  - B. RESPONSE FROM EXECUTIVE DIRECTOR AT THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) TO PROPOSED AMENDMENT TO TCEQ MUNICIPAL SOLID WASTE (MSW) PERMIT NO. 1447 BFI SUNSET FARMS LANDFILL. <sup>1</sup>

**Clerk’s Note:** Judge Biscoe announced that Items 32.A&B 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.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that we substitute for the Whereas Clause #4, which involves the keyword “that being incompatible land use” and substitute the language that says “whereas Travis County believes that the continued operation of the landfill, or a solid waste transfer station, or recycling facility would no longer be a compatible use after November 1, 2015 with the neighborhood in which the property is utilized”; that we make that change in Whereas Clause #4 and otherwise approve the draft document for release to the public; and if this Motion passes that the public be advised that this document will be available first thing tomorrow morning, Wednesday October 17, 2007, around 9:30 AM, and that may be delivered by email or they may pick up hard copies from John Hille, Assistant County Attorney at the County Attorney’s Office or from any member of the Commissioners Court.

**Motion carried:**

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	no
Precinct 2, Commissioner Sarah Eckhardt	no
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**Clerk’s Note:** The Court thanked John Hille, Assistant County Attorney for all his hard work on this volatile and controversial item. There will be an opportunity for public comment on Items 32.A&B on October 23, 2007 and October 30, 2007, after which the document will be finalized by the November 4, 2007 deadline.

Items 32.A&B to be reposted on October 30, 2007.

- 33. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN ROBIN VAUGHAN V. JANE NOBLE, DANA DEBEAUVOIR, THE CITY OF WESTLAKE HILLS, MARK URDAHL AND JANE ROGERS. <sup>1</sup>  
(11:13 AM) (4:47 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.

No action required on Item 33.

- 34. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION ON THE FOLLOWING: (11:13 AM) (2:38 PM) (4:47 PM)
  - 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
  - B. SETTLEMENT AGREEMENT PROPOSED BY TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. <sup>1</sup>

**Clerk’s Note:** Judge Biscoe announced that Items 34.A&B 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 Daugherty that we authorize the County Attorney to prepare an appropriate Temporary Restraining Order and/or Temporary Injunction where, basically, we seek to enjoin the owners of the property, contractors, and every other responsible parties not to discharge any pollutants from the project into Travis County, and especially into Hamilton Pool and Lake Travis, and other bodies of water; that we have this matter on the Court’s Agenda next Tuesday, October 23, 2007 for appropriate action; that the appropriate parties be listed as Defendants; and for the public, our concerns here are the sediment and nutrients that are polluting the streams and water and in our view the potential for additional damage and pollution is so great that something must be done immediately.

**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

Items 34.A&B to be reposted on October 23, 2007 for action.

35. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING COLE AND POWELL LAW FIRM: (9:16 AM)

A. INVOICE FOR LEGAL SERVICES RENDERED; AND

B. STATUS OF CONTRACT. <sup>1</sup>

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

Items 35.A&B postponed until October 23, 2007.

36. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION CONCERNING THE EXTENSION OF ADMINISTRATIVE LEAVE WITH PAY FOR JUVENILE PROBATION EMPLOYEE, SLOT 243. <sup>1 AND 3</sup> (11:13 AM) (4:50 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. 551.074, Personnel Matters.

**Motion by** Judge Biscoe **and seconded by** Commissioner Daugherty that we approve an additional 10 days as requested.

<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 Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

37. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION ON PERSONNEL ISSUES IN PRECINCT THREE CONSTABLE'S OFFICE, SLOT 35. <sup>1 AND 3</sup> (9:16 AM)

**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. 551.074, Personnel Matters.

Item 37 postponed until October 23, 2007.





