

## **MINUTES OF MEETING OCTOBER 23, 2007**

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

On Tuesday, the 23<sup>rd</sup> day of October 2007, the Commissioners' Court convened the Voting Session at 9:14 AM in the Commissioners' Courtroom, 1<sup>st</sup> Floor of the Ned Granger Administration Building, 314 West 11<sup>th</sup> Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Gillian Porter.

The Commissioners Court recessed the Voting Session at 11:53 AM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:43 PM and adjourned at 1:45 PM.

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation, convened at 1:45 PM and adjourned at 1:46 PM.

The Commissioners Court, meeting as the Capital Industrial Development Corporation, convened at 1:46 PM and adjourned at 1:47 PM.

The Commissioners Court reconvened the Voting Session at 1:47 PM.

The Commissioners Court retired to Executive Session at 2:24 PM.

The Commissioners Court reconvened the Voting Session at 4:49 PM.

The Commissioners Court adjourned the Voting Session at 4:54 PM.

**PUBLIC HEARINGS**

- 1. RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOT 13, PART OF LOT 13B AS LOT 13C, RED WAGON RANCHETTES, SECTION 2 SUBDIVISION (1 TOTAL LOT). (COMMISSIONER DAUGHERTY) (ACTION ITEM #9) (9:14 AM)

**Clerk’s Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 9 for a summary of the action item.

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez 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             yes  
                     Precinct 4, Commissioner Margaret J. Gómez           yes

**Members of the Court heard from:** Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR).

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

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

2. RECEIVE COMMENTS REGARDING A PLAT VACATION IN PRECINCT TWO: REVISED PLAT OF LOT 1, BLOCK A, NORTH PARK, SECTION TWO SUBDIVISION (1 TOTAL LOT). (COMMISSIONER ECKHARDT) (ACTION ITEM #10) (9:15 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 10 for a summary of the action item.

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez 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                         yes  
Precinct 4, Commissioner Margaret J. Gómez                         yes

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

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

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

- 3. RECEIVE COMMENTS REGARDING THE FOLLOWING: (9:26 AM)
  - A. DRAFT AGREEMENT WITH BFI WASTE SYSTEMS OF NORTH AMERICA, INC. AND GILES HOLDINGS, L.P.;
  - 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; AND
  - C. OTHER RELATED ISSUES. (ACTION ITEM #27)

**Clerk’s Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 27 for a summary of the action item.

**Clerk’s Note:** The Court without objection opened the public hearing.

**Members of the Court heard from:** Pamela Luddug, Travis County Resident; Stacey Guidry, Travis County Resident; Robert Andrews, Harris Branch Resident; Susana Almanza, Co-Director, People Organized in the Defense of Earth and her Resources (PODER); Scottie Ivory, Chestnut Neighborhood Association; Elizabeth Treviño, Travis County Resident; Reverend Marion Childress-Usher, Travis County Resident; Joyce McCart, Travis County Resident; Glyn Rogers, The Accountability Project; Kelly Breazeale, Travis County Resident; Robin Schneider, Texas Campaign for the Environment; Melanie McAfee, Owner, Barr Mansion; Mark McAfee, Owner, Barr Mansion; Janet Gilles, Travis County Resident; Joyce Best, Northeast Action Group; James Daniel, Travis County Resident; Evelyn Remmert, Travis County Resident; Ann McAfee, Travis County Resident; Steve Mobley, Giles Holdings LP; Brad Douglas, Allied Waste/BFI; and Fabian Martinez, Travis County Resident.

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

**Motion carried:**

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

**CITIZENS COMMUNICATION**

**Members of the Court heard from:** Mary Lehman, Travis County Resident; and Gus Peña, Travis County Resident. (9:19 AM)

**CONSENT ITEMS**

**Motion by** Commissioner Gómez **and seconded by** Commissioner Daugherty to approve the following Consent Items: C1-C4 and Items 5, 6, 8, 9, 10, 12, 13, 14, 15, 16, 19, 21, 22, 23, 24, 28, and 29. (9:24 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 COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF OCTOBER 9, 2007.
- C4. APPROVE PROCLAMATION DECLARING OCTOBER 15 THROUGH 19, 2007 AS "ACCOUNTS PAYABLE WEEK" IN TRAVIS COUNTY.

**INTRODUCTIONS**

- 4. INTRODUCTION OF SKIP RICHTER, THE NEW COUNTY EXTENSION DIRECTOR. (9:17 AM)

**Members of the Court heard from:** Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); Skip Richter, Director, Travis County Cooperative Extension, Travis County Health and Human Services (TCHHS).

Discussion only. No formal action taken.

**PURCHASING OFFICE ITEMS**

- 5. APPROVE CONTRACT AWARD FOR BRODIE LANE SIDEWALK IMPROVEMENTS, IFB NO. B070357JW, TO THE LOW BIDDER, CEDA TEX SERVICES, INC. (TRANSPORTATION AND NATURAL RESOURCES) (9:24 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 CONTRACT AWARD FOR CONSTRUCTION SERVICES FOR THE EAST SERVICE CENTER - CURB AND GUTTER PROJECT, IFB NO. B070193LP, TO THE LOW BIDDER, AARON CONCRETE CONTRACTORS, LP. (TRANSPORTATION AND NATURAL RESOURCES) (9:24 AM)

**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. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. PS070094DG, LOOMIS AUSTIN, FOR ADDITIONAL PROFESSIONAL SURVEYING SERVICES AND A TWELVE-MONTH EXTENSION FOR THE ALEX DUNLAP SURVEY NO. 805. (TRANSPORTATION AND NATURAL RESOURCES) (11:23 AM)

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Item 7.

**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

- 8. DECLARE CERTAIN VEHICLES AND EQUIPMENT AS SURPLUS PROPERTY AND SELL AT PUBLIC AUCTION PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (9:24 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.

**TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS**

- 9. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOT 13, PART OF LOT 13B AS LOT 13C, RED WAGON RANCHETTES, SECTION 2 SUBDIVISION (1 TOTAL LOT). (COMMISSIONER DAUGHERTY) (9:24 AM)

**Clerk's Note:** Item 9 is the action item for the public hearing on Agenda Item 1.

**Clerk's Note:** Item 9 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 10. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PLAT VACATION IN PRECINCT TWO: REVISED PLAT OF LOT 1, BLOCK A, NORTH PARK, SECTION TWO SUBDIVISION (1 TOTAL LOT). (COMMISSIONER ECKHARDT) (9:24 AM)

**Clerk's Note:** Item 10 is the action item for the public hearing on Agenda Item 2.

**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 ON A REQUEST TO APPROVE THE TUSCANY WAY EXTENSION INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF AUSTIN FOR THE COMPLETION OF THE TUSCANY WAY ROADWAY IMPROVEMENT PROJECT, IN PRECINCT ONE. (COMMISSIONER DAVIS) (11:24 AM)

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

**Motion by** Commissioner Davis **and seconded by** Judge Biscoe to approve Item 11.

**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

12. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST TO SIGN AN ACKNOWLEDGEMENT OF AN ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN WILDHORSE ADDITION, LTD. AND SCC EASTBOURNE MANOR LIMITED PARTNERSHIP FOR THE 2005 BOND FUNDED PARMER LANE ROADWAY PROJECT, A PUBLIC/PRIVATE PARTNERSHIP IN PRECINCT ONE. (COMMISSIONER DAVIS) (9:24 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.

13. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF AUSTIN FOR IMPROVEMENTS TO A SECTION OF BARTON CREEK BOULEVARD AND TRAVIS COOK ROAD, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:24 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 A REQUEST TO APPROVE AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF AUSTIN FOR THE DESIGN AND CONSTRUCTION OF PORTIONS OF HEATHERWILDE BOULEVARD AND WELLS BRANCH PARKWAY, IN PRECINCTS ONE AND TWO. (COMMISSIONER DAVIS AND COMMISSIONER ECKHARDT) (9:24 AM)

**Clerk's Note:** Item 14 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 REQUEST FOR A VARIANCE TO CHAPTER 30-3-191 OF THE TRAVIS COUNTY CODE THAT REQUIRES THE INSTALLATION OF SIDEWALKS IN THE RIO VISTA RANCH, SECTION THREE SUBDIVISION, IN PRECINCT FOUR. (COMMISSIONER GÓMEZ) (9:24 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 A PLAT FOR RECORDING IN PRECINCT THREE: PALEFACE COUNTRY SUBDIVISION FINAL PLAT (5 TOTAL LOTS). (COMMISSIONER DAUGHERTY) (9:24 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 CANDIDATE PROJECTS FOR FISCAL YEAR 2009-2010 SURFACE TRANSPORTATION PROGRAM - METROPOLITAN MOBILITY TO BE SUBMITTED TO CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION. (11:27 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; and Steve Manilla, Director, Public Works, TNR.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve the list in 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

**PLANNING AND BUDGET DEPT. ITEMS**

18. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:  
(9:14 AM)
  - A. APPROVE GRANT CONTRACT WITH THE OFFICE OF THE GOVERNOR'S CRIMINAL JUSTICE DIVISION FOR THE JUVENILE PROBATION DEPARTMENT'S JUVENILE ASSESSMENT CENTER TO CONTINUE PROVIDING JUVENILES WITH A COMPREHENSIVE ADOLESCENT SEVERITY INVENTORY;
  - B. APPROVE GRANT CONTRACT WITH THE OFFICE OF THE GOVERNOR'S CRIMINAL JUSTICE DIVISION FOR THE JUVENILE PROBATION DEPARTMENT TO ENHANCE THE EXISTING DRUG COURT PROGRAM; AND
  - C. APPROVE GRANT CONTRACT WITH THE OFFICE OF THE GOVERNOR TO CONTINUE THE FAMILY VIOLENCE ACCELERATED PROSECUTION PROGRAM IN THE COUNTY ATTORNEY'S OFFICE.

Items 18.A-C were pulled from the Agenda.

19. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:24 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:  
(11:38 AM)

- A. REQUEST TO APPROVE A DISCLOSURE STATEMENT FOR MEMBERS OF THE INVESTMENT ADVISORY COMMITTEE; AND
- B. REQUEST TO PARTICIPATE IN THE TEXSTAR LOCAL GOVERNMENT INVESTMENT POOL.

**Clerk’s Note:** Items 20.A&B associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Mary Mayes, Investment Manager, Cash/Investment Management; and Barbara Wilson, Assistant County Attorney.

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

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

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Eckhardt to approve Item 20.B.

**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

### ADMINISTRATIVE OPERATIONS ITEMS

21. 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 \$480,108.23 FOR THE PERIOD OF OCTOBER 5 TO OCTOBER 11, 2007. (9:24 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. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:24 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. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED UTILITY EASEMENT FOR THE WINDERMERE UTILITY COMPANY, INC., AT THE NORTH RURAL COMMUNITY CENTER PROPERTY. (9:24 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.

### OTHER ITEMS

24. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:24 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. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR COUNTY TO ASSIST THE COMMUNITY TAX CENTERS WITH FILING FOR EARNED INCOME TAX CREDITS BY ELIGIBLE TRAVIS COUNTY RESIDENTS.  
(11:48 AM)

**Members of the Court heard from:** Sherri Fleming, Executive Manager, TCHHS&VS.

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Item 25.

**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

26. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM LEAGUE OF WOMEN VOTERS REGARDING TAX INCENTIVES. (JUDGE BISCOE AND COMMISSIONER ECKHARDT) (2:17 PM)

**Clerk’s Note:** The Court discussed Travis County having a public accounting on a yearly basis of these costs and allow for public comment during the budget process regarding:

- 1) Tax incentives given for development;
- 2) Revenue in taxes received from the developed land;
- 3) Revenue in taxes received from the previously undeveloped land;
- 4) Number of jobs created and filled; and,
- 5) Cost of infrastructure, roads etc.

**Members of the Court heard from:** Mary Etta Gerhardt, Assistant County Attorney.

**Motion by** Judge Biscoe **and seconded by** Commissioner Daugherty to approve Item 26.

**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

27. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:  
(11:21 AM) (2:24 PM) (4:49 PM)
- A. DRAFT AGREEMENT WITH BFI WASTE SYSTEMS OF NORTH AMERICA, INC. AND GILES HOLDINGS, L.P.;
  - 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; AND
  - C. OTHER RELATED ISSUES.

**Clerk's Note:** Items 27.A-C are the action items for the public hearing on Agenda Item 3.

**Clerk's Note:** Items 27.A-C are associated with one another and were called for concurrent discussion.

**Clerk's Note:** Judge Biscoe announced that Items 27.A-C would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Items 27.A-C to be reposted on October 30, 2007.

28. CONSIDER AND TAKE APPROPRIATE ACTION ON ACCEPTANCE OF A DONATION OF \$10,000 FROM THE DOWNTOWN AUSTIN ALLIANCE FOR THE DISTRICT ATTORNEY'S OFFICE. (DISTRICT ATTORNEY) (9:24 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. CONSIDER AND TAKE APPROPRIATE ACTION ON ACCEPTANCE OF DONATION OF \$5,000 FROM THE PERRY FOUNDATION TO BE USED TOWARD THE TRAVIS COUNTY SHERIFF'S OFFICE FIRING RANGE. (SHERIFF'S OFFICE) (9:24 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 MEMORANDUM OF AGREEMENT BETWEEN TRAVIS COUNTY SHERIFF'S OFFICE AND GUIDE DOGS, INC. TO PROVIDE TRAINING FOR PUPPIES WHO MAY BECOME GUIDE DOGS FOR THE VISUALLY IMPAIRED. (SHERIFF'S OFFICE) (1:58 PM)

**Members of the Court heard from:** Major David Balagia, Corrections Division; Travis County Sheriff's Office (TCSO); Larry Gelvin, Puppy Raiser Program Supervisor; Captain Peggy Hill, TCSO; and Captain Art Cardenas, TCSO.

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez 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 Gerald Daugherty yes  
 Precinct 4, Commissioner Margaret J. Gómez yes

- 31. CONSIDER AND TAKE APPROPRIATE ACTION ON SETTING A DATE OF NOVEMBER 6, 2007 FOR A PUBLIC HEARING RELATED TO THE \$3,150,000 OGLESBY EDUCATION FACILITIES CORPORATION TAX-EXEMPT NOTE FOR THE BENEFIT OF CHAPARRAL STAR ACADEMY, INC. D/B/A STAR CHARTER SCHOOL. (1:47 PM) the Travis County Corporations.

**Members of the Court heard from:** Cliff Blount, Attorney for

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Item 31.

**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 noted that the Public Hearing set for November 6, 2007 will be held at 9:00 AM.

32. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPOINT PETER EINHORN TO THE DEFERRED COMPENSATION COMMITTEE. (COMMISSIONER ECKHARDT) (1:50 PM)

**Members of the Court heard from:** Alicia Perez, Executive Manager, Administrative Operations.

**Clerk's Note:** The County Judge recommended that Peter Einhorn, Travis County Commissioner Precinct Three Office be apprised of the meeting dates of the Deferred Compensation Committee and can attend any meetings he wishes, but not as part of the Committee.

### 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.

33. CONSIDER AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. CENTER HILL JOINT VENTURE (FRANK YI RESALE DEED). <sup>1</sup> (2:24 PM) (4:50 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.

Item 33 was not discussed,

Item 33 to be reposted on October 30, 2007.



34. CONSIDER AND TAKE APPROPRIATE ACTION ON AN OFFER TO SELL 5.204 ACRES OF UNDEVELOPED REMAINDER LAND FROM STATE HIGHWAY 130, FOR ACQUISITION OF TRAVIS COUNTY'S ONION CREEK OPEN SPACE PARKLAND, AS PART OF THE 2005 BOND PROGRAM (PROPOSITION 2; PROJECT #3140 – WPE01 – 2000 – 05B02A), LOCATED IN PRECINCT FOUR. (COMMISSIONER GÓMEZ). <sup>1 AND 2</sup> (2:24 PM) (4:50 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 and Gov't. Code Ann. 551.072, Real Property.

**Motion by Judge Biscoe and seconded by Commissioner Eckhardt** that we accept the offer, and that we direct Transportation and Natural Resources to complete the sale.

**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

35. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. GAIL ALLEN (CORPUS CHRISTI BIG WOODS DRIVING RANGE, INC. RESALE DEED). <sup>1</sup> (2:24 PM) (4:50 PM)

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

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that we authorize the County Judge to sign the prepared tax resale deed to Corpus Christi Big Woods Driving Range Inc., which has paid Travis County the sum of \$3,100.00 in cash.

**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

36. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. HIGHLAND MALL BLVD., LTD. (JIN SONG WU RESALE DEED). <sup>1</sup> (2:24 PM) (4:51 PM)

**Clerk's Note:** Judge Biscoe announced that Item 36 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that we authorize the County Judge to execute the tax resale deed to Jin Song Wu, who has paid Travis County the sum of \$4,655.74.

**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

37. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. IOLA L. GREER (JAMILEH NOSHARI RESALE DEED). <sup>1</sup> (2:24 PM) (4:52 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 Gómez** that we authorize the County Judge to sign the prepared tax resale deed to Jamileh Noshari, who has paid Travis County the sum of \$10,800.00 in cash.

**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

38. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION ON THE FOLLOWING: (2:24 PM) (4:52 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 38.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 Davis** that we approve the prepared Resolution which authorizes the County Attorney to proceed with appropriate legal action, and that we alter the submitted document to read “Hamilton Pool/Creek” in every instance where “Hamilton Pool” occurs in this three page document.

**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

39. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING COLE AND POWELL LAW FIRM: (2:24 PM) (4:53 PM)

- A. INVOICE FOR LEGAL SERVICES RENDERED; AND
- B. STATUS OF CONTRACT. <sup>1</sup>

**Clerk’s Note:** Judge Biscoe announced that Items 39.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 Davis** that we approve the invoice in the amount of \$10,339.72.

**Motion carried:**

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

- 40. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM PROJECT DIAMOND BACK FOR FINANCIAL INCENTIVES. <sup>1</sup> (2:24 PM) (4:54 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.

Discussion only. No formal action taken.

Item 40 to be reposted on October 30, 2007.

### ADDED ITEMS

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REQUESTS REGARDING THE TRAVIS COUNTY 2007 COMBINED CHARITIES CAMPAIGN: (1:53 PM)

- A. AN UPDATE REGARDING THE STATUS OF THE 2007 CAMPAIGN;

Item A1.C discussion only. No formal action taken.

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REQUESTS REGARDING THE TRAVIS COUNTY 2007 COMBINED CHARITIES CAMPAIGN: (1:55 PM)

- B. AUTHORIZATION TO PRINT MATERIALS FOR OUR 2007 CAMPAIGN;  
AND

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt to approve Item A1.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	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

A1. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REQUESTS REGARDING THE TRAVIS COUNTY 2007 COMBINED CHARITIES CAMPAIGN: (1:56 PM)

C. AUTHORIZATION FOR THE CAMPAIGN COMMITTEE TO SEND EMAILS ABOUT THE 2007 CAMPAIGN DIRECTLY TO COUNTY EMPLOYEES.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Item A1.C.

<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

A2. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR LETTER TO VARIOUS TRAVIS COUNTY MANAGERS REGARDING INTERIM WORK ON LEGISLATIVE ISSUES IN PREPARATION FOR 2009 LEGISLATIVE SESSION. (2:10 PM)

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt to approve the draft. We will wordsmith it, and if we make significant changes, then we will put it back on to ratify those, otherwise we will get it out.

<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

**Clerk's Note:** The Court noted that the letter would be sent to all Elected Officials, Travis County Managers, and Donald Lee, Executive Director, Conference of Urban Counties. The deadline for feedback would be November 2, 2007 for a work session date of November 8, 2007 at 1:30 PM.

**ADJOURNMENT**

**Motion by** Commissioner Davis **and seconded by** Judge Biscoe to adjourn the Voting Session. (4:54 PM)

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

**MINUTES APPROVED BY THE COMMISSIONERS' COURT**

\_\_\_\_\_ **Date of Approval**

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