# **P8MINUTES OF MEETING OCTOBER 30, 2007**

## TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 30<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.

The Commissioners Court recessed the Voting Session at 12:05 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle); convened at 1:41 PM and adjourned at 1:42 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation; convened at 1:42 PM and adjourned at 1:48 PM.

The Commissioners Court reconvened the Voting Session at 1:48 PM.

The Commissioners Court recessed the Voting Session at 2:51 PM.

The Commissioners Court reconvened the Voting Session at 2:52 PM.

The Commissioners Court retired to Executive Session at 3:11 PM.

The Commissioners Court reconvened the Voting Session at 5:16 PM.

The Commissioners Court adjourned the Voting Session at 5:30 PM.

# **PUBLIC HEARINGS**

1. RECEIVE COMMENTS REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A 15 FOOT DRAINAGE EASEMENT LOCATED ALONG THE NORTH SIDE OF LOT LINE OF LOT 18, BLOCK A, SHADOWGLEN PHASE 1, SECTION 2B, A SUBDIVISION IN PRECINCT ONE. (COMMISSIONER DAVIS) (ACTION ITEM #15) (9:16 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 15 for a summary of the action item.

**Motion by** Commissioner Davis **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 Davis **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 REQUEST TO AMEND CHAPTER 82 OF THE TRAVIS COUNTY CODE REGARDING PUBLIC NOTICE OF NON-RESIDENTIAL DEVELOPMENTS. (COMMISSIONER DAVIS) (ACTION ITEM #16) (9:18 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 16 for a summary of the action item.

**Motion by** Judge Biscoe **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; Anna Bowlin, Program Manager, Planning and Engineering, TNR; and Harry Savio, Executive Vice President, Home Builders Association of Greater Austin.

**Motion by** Commissioner Davis **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:** Gus Peña, Travis County Resident; Ms. Phillip A. Dick, Travis County Resident; Wes Benedict, Chair, Travis County Libertarian Party; and Mike Ford, Travis County Resident. (9:27 AM)

#### **CONSENT ITEMS**

**Motion by** Commissioner Gómez **and seconded by** Commissioner Daugherty to approve the following Consent Items: C1-C6 and Items 5, 6, 7, 8, 9, 10, 11, 12.A-K, 14, 15, 17, 18, 19, 20, 24.A&B, 25, 26, 27.A&B, 30, 31, 34, 35, and A2. (9:37 AM)

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

- 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 13, 2007 TO RECEIVE COMMENTS ON A PLAT FOR RECORDING IN PRECINCT TWO: RESUBDIVISION OF LOT 3, BLOCK B OF THE REPLAT OF BLOCKS A, B AND C, CENTRAL COMMERCE PARK (7 TOTAL LOTS). (COMMISSIONER ECKHARDT)
- C4. APPROVE SETTING A PUBLIC HEARING ON NOVEMBER 20, 2007 TO RECEIVE COMMENTS REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE TWO FIVE FOOT PUBLIC UTILITY EASEMENTS LOCATED ALONG EITHER SIDE OF THE COMMON LOT LINE OF LOTS 17 AND 18 OF APACHE SHORES, SECTION FIVE, BLOCK N, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)
- C5. APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF OCTOBER 16, 2007.
- C6. APPROVE SETTING A PUBLIC HEARING ON DECEMBER 4, 2007 TO RECEIVE COMMENTS REGARDING A PARTIAL VACATION/CANCELLATION OF LOT 1, BLOCK B, WATERFORD ON LAKE TRAVIS, SECTION 3-C, A PLAT FOR RECORDING IN PRECINCT THREE (3 TOTAL LOTS). (COMMISSIONER DAUGHERTY)

#### **SPECIAL ITEMS**

3. A. DECLARE TUESDAY, OCTOBER 30, 2007 AS TRAVIS COUNTY EMPLOYEE RECOGNITION DAY; AND (9:57 AM)

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 3.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

B. PRESENT CERTIFICATES OF RECOGNITION TO EMPLOYEES COMPLETING 20, 25, 30 AND 40 YEARS OF SERVICE. (9:57 AM)

**Members of the Court heard from:** Linda Moore Smith, Director, Human Resources Management Department (HRMD); Karen Steitle, Human Resources Specialist Senior, HRMD.

Discussion only. No formal action taken.

**Clerk's Note:** The Court handed out Certificates of Recognition and pins to employees completing 20, 25, 30, and 40 years of service.

4. RECEIVE PRESENTATION FROM THE TRAVIS COUNTY HISTORICAL COMMISSION. (9:40 AM)

**Members of the Court heard from:** Barry Hutcheson, Chair, Travis County Historical Commission; and Terri Myers, Consultant, Travis County Historical Commission.

Discussion only. No formal action taken.

# **JUSTICE & PUBLIC SAFETY ITEMS**

5. CONSIDER AND TAKE APPROPRIATE ACTION ON THE GRANT ADJUSTMENT NOTICE FROM THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT REGARDING THE 2005 LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM. (9:37 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.

# **PURCHASING OFFICE ITEMS**

6. APPROVE CONTRACT, CONTRACT MODIFICATION, AND MAKING OF CONTRACT FOR THE HEMAN MARION SWEATT COURTHOUSE HVAC REPLACEMENT PHASE 3, IFB NO. B070331DG, TO THE SOLE BIDDER, THERMAL MECHANICAL CONTRACTORS, INC. (FACILITIES MANAGEMENT) (9:37 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. REJECT ALL PROPOSALS RECEIVED FOR RFP NO. P070313LC, REFERRAL AND CASE MANAGEMENT SYSTEM FOR THE DRUG COURT, AND REBID. (CRIMINAL COURTS) (9:37 AM)

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

8. APPROVE MODIFICATION NO. 4 TO INTERLOCAL IL040167LC, CITY OF AUSTIN, FOR THE OPERATION AND MAINTENANCE OF THE REGIONAL RADIO SYSTEM. (EMERGENCY SERVICES) (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. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 5) TO CONTRACT NO. 05T00136OJ, FROST INSURANCE AGENCY, FOR EXCESS WORKERS' COMPENSATION INSURANCE. (HUMAN RESOURCES) (9:37 AM)

**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. APPROVE CONTRACT AWARD FOR DIGITAL AUDIO MIXER AND RELATED AUDIO EQUIPMENT, IFB NO. B070372VC, TO THE LOWEST OVERALL BIDDER, FORD AUDIO VIDEO. (RECORDS MANAGEMENT AND COMMUNICATION RESOURCES) (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. APPROVE MODIFICATION NO. 5 TO CONTRACT NO. MA950074, BLOOMBERG L.P. FOR BLOOMBERG FINANCIAL MARKETS AND COMMODITIES NEWS SERVICE. (PLANNING AND BUDGET OFFICE) (9:37 AM)

**Clerk's Note:** Item 11 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 12. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING MODIFICATION OF CONTRACTS AS FOLLOWS: (9:37 AM)
  - A. APPROVE MODIFICATION NO. 12, CONTRACT NO. PS960012JW, SOUTHWEST KEY PROGRAM, INC., FOR INTENSIVE SUPERVISION SERVICES:
  - B. APPROVE MODIFICATION NO. 13, CONTRACT NO. PS960016JW, YOUTH ADVOCATE PROGRAM, FOR ADVOCACY PROGRAM MENTORING SERVICES;
  - C. APPROVE MODIFICATION NO. 15, CONTRACT NO. PS970029JW, AUSTIN CHILD GUIDANCE CENTER, FOR MULTI-FAMILY COUNSELING SERVICES;
  - D. APPROVE MODIFICATION NO. 6, CONTRACT NO. PS000011JW, NICOLAS CARRASCO, PH.D., FOR JUVENILE SEX OFFENDER TREATMENT SERVICES;

## **ITEM 12 CONTINUED**

- E. APPROVE MODIFICATION NO. 7, CONTRACT NO. PS000299KW, SOUTHWEST KEY PROGRAM, INC., FOR EDUCATIONAL AND COUNSELING SERVICES:
- F. APPROVE MODIFICATION NO. 7, CONTRACT NO. PS010064JW, CHOOSING HOW I LIVE LIFE, FOR SUBSTANCE ABUSE SERVICES;
- G. APPROVE MODIFICATION NO. 6, CONTRACT NO. PS010144JW, PROVIDENCE SERVICE CORPORATION OF TEXAS, FOR IN-HOME FAMILY SERVICES;
- H. APPROVE MODIFICATION NO. 4, CONTRACT NO. PS010162JW, SARAH CORTEZ, FOR JUVENILE SEX OFFENDER TREATMENT SERVICES;
- I. APPROVE MODIFICATION NO. 3, CONTRACT NO. PS020064JW, SOUTHWEST KEY PROGRAM, FOR COMMUNITY COORDINATION SERVICES;
- J. APPROVE MODIFICATION NO. 4, CONTRACT NO. PS030218JW, DR. HOWARD RAMEY, D.D.S., FOR DENTAL SERVICES; AND
- K. APPROVE MODIFICATION NO. 3, CONTRACT NO. PS060022JW, AUSTIN CHILD GUIDANCE CENTER, FOR THERAPEUTIC SERVICES. (JUVENILE PROBATION)

**Clerk's Note:** Items 12.A-K approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

13. APPROVE MODIFICATION NO. 1 TO INTERLOCAL AGREEMENT NO. IL070037RE, AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER, FOR SYSTEM OF CARE SERVICES. (HHS & VS) (2:15 PM)

**Motion by** Commissioner Davis **and seconded by** Commissioner Daugherty to approve Item 13.

Motion carried: County Judge Samuel T. Biscoe abstain

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

14. APPROVE SOLE SOURCE EXEMPTION AND PURCHASE OF A "GREEN PRINT" GEOGRAPHICAL INFORMATION SYSTEM (GIS) MODEL FROM TRUST FOR PUBLIC LAND. (TRANSPORTATION AND NATURAL RESOURCES) (9:37 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.

#### TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

15. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A 15 FOOT DRAINAGE EASEMENT LOCATED ALONG THE NORTH SIDE OF LOT LINE OF LOT 18, BLOCK A, SHADOWGLEN PHASE 1, SECTION 2B, A SUBDIVISION IN PRECINCT ONE. (COMMISSIONER DAVIS) (9:37 AM)

Clerk's Note: Item 15 is the action item for the public hearing on Agenda Item 1.

**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 REQUEST TO AMEND CHAPTER 82 OF THE TRAVIS COUNTY CODE REGARDING PUBLIC NOTICE OF NON-RESIDENTIAL DEVELOPMENTS. (COMMISSIONER DAVIS) (2:21 PM)

Clerk's Note: Item 16 is the action item for the public hearing on Agenda Item 2.

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; and Chris Gilmore, Assistant County Attorney.

**Motion by** Judge Biscoe **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 Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Clerk's Note: The Court instructed Transportation and Natural Resources (TNR) to use the City of Austin's database of Homeowner and Neighborhood Associations for non-residential subdivision plats and site plans inside the Extra Territorial Jurisdiction (ETJ), and to work with the offices of the County Commissioners to develop a list of Homeowner and Neighborhood Associations for outside the ETJ. Notification requirements for any plat or plans received under Chapter 82 inside the ETJ are effective November 15, 2007; for those received outside the ETJ, the effective date is January 1, 2008.

17. CONSIDER AND TAKE APPROPRIATE ACTION ON THE APPROVAL OF ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES FOR THE MEADOWS OF BLACKHAWK PHASES 3, 4 AND 5, THREE SUBDIVISIONS IN PRECINCT TWO. (COMMISSIONER ECKHARDT) (9:37 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 THE REQUEST TO ACCEPT THE DEDICATION OF A PORTION OF MCNEIL DRIVE IN NORTHERN TRAVIS COUNTY AND THE APPROVAL OF THE DEED OF PORTIONS OF MCNEIL ROAD TO WILLIAMSON COUNTY. (COMMISSIONER ECKHARDT) (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 REQUEST TO APPROVE AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF AUSTIN FOR THE CONSTRUCTION OF THE EXTENSION OF DECKER LAKE ROAD FROM FM 973 TO STATE HIGHWAY 130, IN PRECINCT ONE. (COMMISSIONER DAVIS) (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 REQUEST TO APPROVE AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF AUSTIN FOR THE BRAKER LANE 2005 BOND PROJECT (US 290 AT HARRIS BRANCH PARKWAY TO STATE HIGHWAY 130 AT PARMER LANE), IN PRECINCT ONE. (COMMISSIONER DAVIS) (9:37 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.

21. CONSIDER AND TAKE APPROPRIATE ACTION ON A RESTRICTIVE COVENANT FOR MAINTENANCE OF THE PROPOSED FLOOD PLAIN MODIFICATIONS FOR THE PROPOSED INTERPORT DEVELOPMENT AND STATE HIGHWAY 130. (COMMISSIONER GÓMEZ) (2:41 PM)

**Members of the Court heard from:** Stacey Scheffel, Flood Plain Manager, TNR; and Joe Gieselman, Executive Manager, TNR.

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

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

#### **HEALTH AND HUMAN SERVICES DEPT. ITEMS**

22. CONSIDER AND TAKE APPROPRIATE ACTION ON POSTING OF THE POSITION OF PROJECT DIRECTOR FOR THE PARENTING IN RECOVERY PROJECT, A FIVE-YEAR, \$500,000 PER YEAR, FEDERAL GRANT AWARDED BY THE ADMINISTRATION FOR CHILDREN AND FAMILIES. (2:49 PM) (2:52 PM)

**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 Eckhardt to approve Item 22.

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 absent Precinct 4, Commissioner Margaret J. Gómez yes

## PLANNING AND BUDGET DEPT. ITEMS

- 23. REVIEW AND TAKE APPROPRIATE ACTION ON SEARCH FOR NEW EXECUTIVE MANAGER, PLANNING AND BUDGET, INCLUDING: (2:53 PM)
  - A. JOB DESCRIPTION;
  - B. RECRUITMENT FLYER;
  - C. CRITERIA AND QUESTIONS TO HELP SELECT EXECUTIVE SEARCH FIRM; AND
  - D. OTHER RECRUITING STRATEGY ISSUES.

**Clerk's Note:** Items 23.A-D 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 Cyd Grimes, Travis County Purchasing Agent.

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt to approve the job description and the recruitment flyer.

Motion carried: County Judge Samuel T. Biscoe yes
Precinct 1, Commissioner Ron Davis absent
Precinct 2, Commissioner Sarah Eckhardt yes

Precinct 2, Commissioner Saran Ecknardt yes
Precinct 3, Commissioner Gerald Daugherty yes

Precinct 4, Commissioner Margaret J. Gómez yes

## **ITEM 23 CONTINUED**

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Daugherty that we approve the Criteria and Questions to help select the executive search firm, and along with that, exempt it from competitive bids.

An Addition to the Previous Motion was made by Commissioner Eckhardt that the sentence "Travis County practice allows paying up to 10% above mid-point for the position" replace "Travis County's practice has been to pay up to 10% above mid-point for the position" be incorporated into the in the Criteria and Questions.

Acceptance of the Addition was made by Commissioner Daugherty.

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 23.C&D to be reposted on November 6, 2007.

- 24. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:37 AM)
  - A. APPROVE PERMISSION TO CONTINUE WITH THE OFFICE OF THE GOVERNOR CRIMINAL JUSTICE DIVISION FOR CRIMINAL COURTS TO IMPROVE DELIVERY OF SERVICES OR TO ENHANCE THE EXISTING DRUG COURT PROGRAM WITH ADDITIONAL SERVICES; AND
  - B. APPROVE PERMISSION TO CONTINUE WITH THE TEXAS TASK FORCE ON INDIGENT DEFENSE FOR THE CRIMINAL JUSTICE PLANNING DEPARTMENT TO CONTINUE THE MENTAL HEALTH PUBLIC DEFENDER GRANT FOR ONE MONTH UNTIL THE CONTRACT ISSUES CAN BE RESOLVED.

**Clerk's Note:** Items 24.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

25. ONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (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.

#### **ADMINISTRATIVE OPERATIONS ITEMS**

26. 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 \$760,768.12 FOR THE PERIOD OF OCTOBER 12 TO OCTOBER 18, 2007. (9:37 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 ON THE FOLLOWING: (9:37 AM)
  - A. ROUTINE PERSONNEL AMENDMENTS; AND
  - B. NON-ROUTINE PERSONNEL ACTION PROBATE COURT SALARY ADJUSTMENT TRAVIS COUNTY CODE SECTION 10.03002, GENERAL OVERVIEW FOR DETERMINING PAY POLICY.

**Clerk's Note:** Items 27.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

28. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE SCHEMATIC DESIGN FOR THE CRIMINAL JUSTICE CENTER AND GAULT REMODEL PROJECT. (2:16 PM)

**Members of the Court heard from:** Roger El Khoury, Director, Facilities Management; and Jim Barr, Senior Project Manager, Facilities Management.

**Motion by** Commissioner Daugherty **and seconded by** Judge Biscoe to approve Item 28.

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

29. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATION TO SETTLE LIABILITY CLAIM FROM KEMPER AUTO & HOME AND MATTHEW DOOLITTLE. (2:47 PM)

**Members of the Court heard from:** Donna Parker Stirman, Risk Management, Human Resources Management Department (HRMD).

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve the Staff recommendation to settle.

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 abstain

30. CONSIDER AND TAKE APPROPRIATE ACTION TO ACCEPT PROBATE JUDGE GUY HERMAN'S BOND IN COMPLIANCE WITH REVISED TEXAS GOVERNMENT CODE, SECTION 25.00231. (9:37 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.

#### **OTHER ITEMS**

31. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:37 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.

## THIS ITEM TO BE TAKEN UP AT 10:00 A.M.

- 32. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING: (10:07 AM) (5:25 PM)
  - A. DRAFT AGREEMENT WITH BFI WASTE SYSTEMS OF NORTH AMERICA, INC. AND GILES HOLDINGS, L.P.;

**Clerk's Note:** Items 32.A-C are associated with one another and were called for concurrent discussion.

Members of the Court heard from: John Hille, Assistant County Attorney; Brad Dougas, District Manager, Central Texas Division, Allied Waste/BFI; Paul Gosselink, Attorney representing BFI; Ray Schull, Engineer, BFI; John White, Environmental Quality Program Manager, TNR; Joyce Best, Northeast Action Group; Robin Schneider, Texas Campaign for the Environment; Jeanette Klotz, Travis County Resident; Mark McAfee, Owner, Barr Mansion; Melanie McAfee, Owner, Barr Mansion; and Evelyn Remmert, Travis County Resident.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to oppose the permit.

A Friendly Amendment to the previous Motion was offered by Commissioner Eckhardt to request from the Texas Commission on Environmental Quality (TCEQ) a contested case hearing.

Clerk's Note: The Friendly Amendment was not accepted.

A Clarification of the previous Motion was made by Judge Biscoe that the intention of the Motion is to oppose the draft Agreement.

Motion carried: County Judge Samuel T. Biscoe abstain

Precinct 1, Commissioner Ron Davis yes
Precinct 2, Commissioner Sarah Eckhardt yes
Precinct 3, Commissioner Gerald Daugherty no
Precinct 4, Commissioner Margaret J. Gómez yes

# **ITEM 32 CONTINUED**

Clerk's Note: Item 32.A was revisited at 5:25 PM.

**Members of the Court heard from:** John Hille, Assistant County Attorney; and David Escamilla, Travis County Attorney.

A Clarification of the previous Motion was made by Commissioner Gómez that it was a vote no on Item 32.A, opposing the draft agreement.

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

#### **ITEM 32 CONTINUED**

- 32. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING: (10:07 AM) (3:11 PM) (5:27 PM)
  - 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 32.A-C are associated with one another and were called for concurrent discussion.

**Clerk's Note:** Judge Biscoe announced that Items 32.B&C would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from: David Escamilla, Travis County Attorney.

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Davis that we request of TCEQ a contested hearing before the State Office of Administrative Hearings.

A Substitute Motion was made by Commissioner Gómez that Travis County Commissioners Court vote to be an interested party.

Clerk's Note: The Substitute Motion died for lack of a second.

**Clerk's Note:** The Court took a vote on the Standing Motion at this time.

Motion failed: County Judge Samuel T. Biscoe no

Precinct 1, Commissioner Ron Davis yes
Precinct 2, Commissioner Sarah Eckhardt yes
Precinct 3, Commissioner Gerald Daugherty no
Precinct 4, Commissioner Margaret J. Gómez abstain

33. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE AMENDMENT OF ECONOMIC DEVELOPMENT AGREEMENT BETWEEN TRAVIS COUNTY AND SIMON PROPERTY GROUP, INC., CURRENT OWNER OF THE DOMAIN. (1:48 PM)

**Members of the Court heard from:** Harvey Davis, Manager, Travis County Corporations; Mary Etta Gerhardt, Assistant County Attorney; and Wes Benedict, Chair, Travis County Libertarian Party.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve the proposed amendment.

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 no
Precinct 4, Commissioner Margaret J. Gómez yes

34. CONSIDER AND TAKE APPROPRIATE ACTION ON ELECTION SERVICES AGREEMENTS BETWEEN TRAVIS COUNTY AND DRIPPING SPRINGS INDEPENDENT SCHOOL DISTRICT, EAST TRAVIS GATEWAY LIBRARY DISTRICT, TRAVIS COUNTY EMERGENCY SERVICES DISTRICT NO. 11, LAKESIDE MUNICIPAL UTILITY DISTRICT NO. 6 AND LAZY NINE MUNICIPAL UTILITIES DISTRICT. (COUNTY CLERK) (9:37 AM)

**Clerk's Note:** Item 34 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

35. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING JOINT ELECTION AGREEMENTS FOR THE NOVEMBER 6, 2007 JOINT GENERAL AND SPECIAL ELECTIONS WITH TRAVIS COUNTY AND CITY OF CEDAR PARK, CITY OF LAKEWAY, CITY OF JONESTOWN, CITY OF MANOR, CITY OF SUNSET VALLEY, DRIPPING SPRINGS INDEPENDENT SCHOOL DISTRICT, EAST TRAVIS GATEWAY LIBRARY DISTRICT, LAKESIDE MUNICIPAL UTILITY DISTRICT NO. 6, LAKEWAY MUNICIPAL DISTRICT, LAZY NINE MUNICIPAL DISTRICT, LEANDER INDEPENDENT SCHOOL DISTRICT, PFLUGERVILLE INDEPENDENT SCHOOL DISTRICT, TRAVIS COUNTY EMERGENCY SERVICES DISTRICT NO. 5, TRAVIS COUNTY EMERGENCY SERVICES DISTRICT NO. 11. (COUNTY CLERK) (9:37 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.

# **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.

36. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING TRAVIS COUNTY CODE CHAPTER 10, ADMINISTRATIVE LEAVE WITH PAY POLICY. 1 (3:11 PM) (5:17 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.

No action required on Item 36.

37. A. RECEIVE BRIEFING ON SECURITY REVIEW AT THE 1213 SABINE STREET WORK LOCATION OF THE TRAVIS COUNTY MEDICAL EXAMINER'S OFFICE; <sup>4</sup> AND (3:11 PM) (5:17 PM)

**Clerk's Note:** Judge Biscoe announced that Item 37.A would be considered in Executive Session pursuant to Gov't. Code Ann. 551.076, Security.

Discussion only. No formal action taken.

Items 37.A to be reposted November 6, 2007.

## **ITEM 37 CONTINUED**

B. CONSIDER AND TAKE APPROPRIATE ACTION ON PARKING SPACE CONTRACTS FOR THE TRAVIS COUNTY MEDICAL EXAMINER'S OFFICE. 1 AND 2 (3:11 PM) (5:17 PM)

**Clerk's Note:** Judge Biscoe announced that Item 37.B 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.

Items 37.B to be reposted November 6, 2007.

38. RECEIVE BRIEFING FROM COUNTY ATTORNEY ON THE POTENTIAL IMPACT OF THE NEW PROPOSED REGULATIONS UNDER INTERNAL REVENUE CODE SECTION 125 CAFETERIA PLANS AND TAKE APPROPRIATE ACTION. 1 (3:11 PM) (5:17 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.

**Clerk's Note:** The Court delegated the County Judge as a sub-committee of the Court to review the comments about the regulations for Section 125 cafeteria plans proposed by the IRS that will be prepared by Barbara Wilson, Assistant County Attorney. When these are acceptable to the sub-committee, the comments will be submitted to the IRS.

**Members of the Court heard from:** David Escamilla, Travis County Attorney; and John Hille, Assistant County Attorney.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to delegate the County Judge to work with Barbara Wilson, Assistant County Attorney to approve the comments and submit them.

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

39. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING PROPOSED TAKEOVER AGREEMENT BETWEEN TRAVIS COUNTY AND INSURORS INDEMNITY COMPANY AS PERFORMANCE BOND SURETY ON CONTRACT BETWEEN TRAVIS COUNTY AND DSSI CORPORATION FOR CONTROL PANEL UPGRADE AT TRAVIS COUNTY CORRECTIONAL COMPLEX BUILDINGS 2 AND 3. (3:11 PM) (5:19 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.

**Motion by** Judge Biscoe **and seconded by** Commissioner Daugherty that we accept the offer, the agreement with Insurors Indemnity Company, to settle this matter including the \$12,400.00 of liquidated damages.

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

40. RECEIVE BRIEFING FROM COUNTY ATTORNEY, AUTHORIZE HIRING OF LOCAL COUNSEL IN KANSAS, AND TAKE APPROPRIATE ACTION REGARDING MICHAEL L. BUESGENS V. HOUSER, ET AL. <sup>1</sup> (3:11 PM) (5:20 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.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis that we authorize the hiring of local counsel in the State of Kansas at a rate not to exceed \$175.00 an hour, authorize the County Judge to sign the agreement, and hopefully we can partner with the City of Austin and retain the same counsel, since they have been sued in the same matter.

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

41. RECEIVE BRIEFING FROM COUNTY ATTORNEY, AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT OR COUNTER SETTLEMENT DEMAND AND/OR TAKE APPROPRIATE ACTION REGARDING JESSICA TRISTAN, EEOC CHARGE NO. 31C-2007-01225C. <sup>1</sup> (3:11 PM) (5:20 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 accept the settlement offer.

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

42. RECEIVE BRIEFING FROM COUNTY ATTORNEY, AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT OR COUNTER SETTLEMENT DEMAND AND/OR TAKE APPROPRIATE ACTION REGARDING JOHN JONES. 1 (3:11 PM) (5:21 PM)

**Clerk's Note:** Judge Biscoe announced that Item 42 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt that we reject the demand.

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

43. CONSIDER AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. CENTER HILL JOINT VENTURE (FRANK YI RESALE DEED). 1 (3:11 PM) (5:21 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.

Motion by Commissioner Daugherty to reject the offer.

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

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to accept the offer made by Frank Yi.

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

- 44. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION ON THE FOLLOWING: (3:11 PM) (5:24 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. 1

**Clerk's Note:** Judge Biscoe announced that Items 44.A&B would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Clerk's Note:** Items 44.A&B are associated with one another and were called for concurrent discussion.

Discussion only. No formal action taken.

45. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM PROJECT DIAMOND BACK FOR FINANCIAL INCENTIVES. 1 (3:11 PM) (5:24 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.

**Motion by** Judge Biscoe to indicate the Court's inclination to offer a tax abatement to Project Diamondback for the amount of 40%; that we indicate our intention to conduct an effectiveness feasibility analysis over the next month or so; and if we find that these abatements are not effective, then we withdraw the offer for this project.

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

#### ADDED ITEMS

A1. APPROVE LICENSE AGREEMENT WITH TENNIS BALLS, LLC TO AUTHORIZE THE USE OF HIPPIE HOLLOW PARK FOR THE PURPOSE OF FILMING "40 LOVE." (COMMISSIONER DAUGHERTY) (9:40 AM)

Item A1 was pulled from the Agenda.

A2. APPROVE PROCLAMATION DESIGNATING NOVEMBER 2007 AS "OFFICIAL HOME CARE AND HOSPICE MONTH" IN TRAVIS COUNTY. (JUDGE BISCOE) (9:37 AM)

**Clerk's Note:** Item A2 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

# **ADJOURNMENT**

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to adjourn the Voting Session. (5:30 PM)

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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

# MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval	
Samuel T	. Biscoe, Travis County Judge

# MINUTES OF MEETING – OCTOBER 30, 2007 NORTHWEST TRAVIS COUNTY ROAD DISTRICT NO. 3

On Tuesday, the 30<sup>th</sup> day of October 2007, the Commissioners' Court, meeting as the Northwest Travis County Road District No. 3 (Golden Triangle) Board of Directors, convened the Voting Session at 1:41 PM 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 Road District Board of Directors adjourned the Voting Session of the Northwest Travis County Road District No. 3 (Golden Triangle) at 1:42 PM.

1. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST ROAD DISTRICT FUNDS. (1:41 PM)

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

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

# **ADJOURNMENT**

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to adjourn the Voting Session of the Northwest Travis County Road District No. 3. (1:42 PM)

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

# MINUTES APPROVED BY THE ROAD DISTRICT BOARD

Date of Approval	
Samuel T.	<b>Biscoe, Travis County Judge</b>