

MINUTES OF MEETING NOVEMBER 27, 2007

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 27th day of November 2007, the Commissioners' Court convened the Voting Session at 9:15 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Gillian Porter.

The Commissioners Court retired to Executive Session at 9:55 AM.

The Commissioners Court reconvened the Voting Session at 11:16 AM.

The Commissioners Court recessed the Voting Session at 12:09 PM.

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

The Commissioners Court, meeting as the Travis County Housing Finance Corporation; convened at 1:41 PM and adjourned at 1:43 PM.

The Commissioners Court reconvened the Voting Session at 1:44 PM.

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

PUBLIC HEARINGS

1. RECEIVE COMMENTS REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE TWO SECTIONS OF BUMBLE BEE DRIVE WITHIN THE BEE CREEK HILL, SECTION ONE SUBDIVISION, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (ACTION ITEM #4) (9:16 AM)

Clerk’s Note: This Item is a public hearing to receive comments. Please refer to Agenda Item 4 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

CITIZENS COMMUNICATION

Members of the Court heard from: Gus Peña, Travis County Resident. (9:17 AM)

CONSENT ITEMS

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

Motion by Commissioner Gómez **and seconded by** Commissioner Daugherty to approve the following Consent Items: C1-C7 and Items 4, 5, 6.A-C, 7, 10, 11, 12, 14, 15, 16, 17.A-G, 17.I-K, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27. (9:29 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 COMMISSIONERS COURT MINUTES FOR VOTING SESSIONS OF OCTOBER 30, NOVEMBER 6 AND NOVEMBER 13, 2007.
- C4. APPROVE COMMISSIONERS COURT MINUTES FOR EXECUTIVE SESSION ANNOUNCEMENT OF NOVEMBER 15, 2007.
- C5. APPROVE COMMISSIONERS COURT MINUTES FOR SPECIAL VOTING SESSION OF NOVEMBER 15, 2007.
- C6. APPROVE SETTING OF A PUBLIC HEARING ON DECEMBER 18, 2007 TO RECEIVE COMMENTS REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE 10 FEET OF A 25 FOOT WIDE DRAINAGE EASEMENT LOCATED ALONG THE EAST LOT LINE OF LOT 5, BLOCK H OF LONG CANYON II-A, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)
- C7. APPROVE SETTING OF A PUBLIC HEARING ON JANUARY 8, 2008 TO RECEIVE COMMENTS ON A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOT 35 AND PART OF LOT 36 PEDERNALES BEND SUBDIVISION (5 TOTAL LOTS). (COMMISSIONER DAUGHERTY)

RESOLUTIONS & PROCLAMATIONS

- 2. APPROVE PROCLAMATION CONGRATULATING ART CORY, CHIEF APPRAISER FOR THE TRAVIS CENTRAL APPRAISAL DISTRICT, ON HIS RETIREMENT. (9:21 AM)

Members of the Court heard from: Art Cory, Chief Appraiser, Travis Central Appraisal District; and Patrick Brown, Deputy Chief Appraiser, Travis Central Appraisal District.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the Proclamation in Item 2.

Motion carried:

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

SPECIAL ITEM

- 3. CONSIDER AND TAKE APPROPRIATE ACTION ON ORDER PROHIBITING OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:15 AM)

Item 3 was pulled from the Agenda.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

4. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE TWO SECTIONS OF BUMBLE BEE DRIVE WITHIN THE BEE CREEK HILL, SECTION ONE SUBDIVISION, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:29 AM)

Clerk's Note: Item 4 is the action item for the public hearing on Agenda Item 1.

Clerk's Note: Item 4 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

5. NOTIFY COURT OF SATISFACTORY CONSTRUCTION OF THE PRIVATE STREETS IN STEINER RANCH PHASE 1 SECTION 7B, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:29 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. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(9:29 AM)
 - A. A TOTAL VACATION OF THE LARRY W. HILL SUBDIVISION, AS RECORDED IN BOOK 80, PAGE 23 OF THE TRAVIS COUNTY REAL PROPERTY RECORDS;
 - B. A FINAL PLAT FOR RECORDING IN PRECINCT THREE: ASHBROOK, (SMALL LOT SUBDIVISION) (179 TOTAL LOTS); AND
 - C. A SUBDIVISION CONSTRUCTION AGREEMENT FOR ASHBROOK, FINAL PLAT. (COMMISSIONER DAUGHERTY)

Clerk's Note: Items 6.A-C 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

- 7. CONSIDER AND TAKE APPROPRIATE ACTION TO APPROVE HOUSE BILL 1196 CERTIFICATION FOR 2008 PROGRAM YEAR OF THE COMPREHENSIVE ENERGY ASSISTANCE PROGRAM GRANT FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS. (9:29 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. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM FOUNDATION COMMUNITIES FOR SPACE AT TRAVIS COUNTY'S WEST RURAL COMMUNITY CENTER FOR THE OPERATION OF TAX PREPARATION ASSISTANCE PROGRAM DURING THE 2008 TAX SEASON TO PROVIDE FREE INCOME TAX FILING ASSISTANCE TO ELIGIBLE RESIDENTS. (COMMISSIONER DAUGHERTY) (9:33 AM)

Clerk's Note: The Court discussed the addition of the address for Foundation Committees to section 5.3 of the License Agreement.

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

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Item 8.

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

- 9. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR'S EMERGENCY MANAGEMENT DIVISION FOR THE EMERGENCY SERVICES DEPARTMENT TO ENHANCE AND EXPAND ON LOCAL AND REGIONAL ENTITIES ABILITY TO RESPOND, PREPARE AND PREVENT ACTS OF TERRORISM AND TO ENHANCE OTHER HOMELAND SECURITY. (9:34 AM)

Members of the Court heard from: Pete Baldwin, Emergency Management Coordinator, Travis County Emergency Services.

Motion by Commissioner Eckhardt **and seconded by** Commissioner Gómez to approve Item 9.

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

- 10. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:29 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.

ADMINISTRATIVE OPERATIONS ITEMS

- 11. 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 \$553,015.69 FOR THE PERIOD OF NOVEMBER 9 TO NOVEMBER 15, 2007. (9:29 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 ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:29 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.

JUSTICE & PUBLIC SAFETY ITEMS

13. CONSIDER AND TAKE APPROPRIATE ACTION ON ENGAGEMENT AGREEMENT BETWEEN TRAVIS COUNTY AND HOLLAND & KNIGHT L.L.P. REGARDING THE NEGOTIATION OF THE FREQUENCY REBANDING AGREEMENT WITH SPRINT AND THE PREPARATION OF LICENSE APPLICATIONS. (9:55 AM) (1:44 PM)

Clerk’s Note: Judge Biscoe announced that Item 13 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 to approve Item 13, and that is that we retain Holland & Knight LLP., along with the City of Austin, to represent Travis County.

- 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 there was a separate waiver document regarding any concerns over conflict of interest that the County Judge needs to sign.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the waiver, and authorize the County Judge sign on behalf of the Court.

- 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

PURCHASING OFFICE ITEMS

14. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 7) TO CONTRACT NO. 03T00058OJ, ALLIANCE WORK PARTNERS, FOR THE EMPLOYEE ASSISTANCE PROGRAM FOR TRAVIS COUNTY EMPLOYEES. (HUMAN RESOURCES MANAGEMENT DEPARTMENT) (9:29 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. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. 07K00135LP, JOURNEYMAN CONSTRUCTION, FOR EAST METRO PARK - PHASE II. (TRANSPORTATION AND NATURAL RESOURCES) (9:29 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. APPROVE MODIFICATION NO. 5 TO CONTRACT NO. 05AE0176JJ, LOCKWOOD, ANDREWS AND NEWNAM, INC., FOR EASTSIDE SERVICE CENTER PROJECT. (FACILITIES MANAGEMENT) (9:29 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. APPROVE MODIFICATION NO. 1 TO THE FOLLOWING CRIME VICTIMS FUND CONTRACTS FOR CRIME VICTIMS SERVICES: (9:29 AM)
 - A. CONTRACT NO. PS070095JT, CENTER FOR CHILD PROTECTION;
 - B. CONTRACT NO. PS070096JT, COURT APPOINTED SPECIAL ADVOCATES;
 - C. CONTRACT NO. PS070097JT, AUSTIN ACADEMY;
 - D. CONTRACT NO. PS070098JT, COMMUNITIES IN SCHOOLS - CENTRAL TEXAS, INC.;
 - E. CONTRACT NO. PS070099JT, FOR THE LOVE OF CHRISTI;
 - F. CONTRACT NO. PS070100JT, JUVENILE PROBATION;
 - G. CONTRACT NO. PS070101JT, YOUTH AND FAMILY ALLIANCE, INC., DBA LIFEWORKS;

Clerk's Note: Items 17.A-G approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 17. APPROVE MODIFICATION NO. 1 TO THE FOLLOWING CRIME VICTIMS FUND CONTRACTS FOR CRIME VICTIMS SERVICES: (9:32 AM)
 - H. CONTRACT NO. PS070102JT, AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION;

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 17.H.

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

Clerk's Note: The Court noted that the County Judge abstained as his spouse is employed by Austin/Travis County Mental Health Mental Retardation (A/TCMHMR).

ITEM 17 CONTINUED

17. APPROVE MODIFICATION NO. 1 TO THE FOLLOWING CRIME VICTIMS FUND CONTRACTS FOR CRIME VICTIMS SERVICES: (9:29 AM)

I. CONTRACT NO. PS070103JT, SAFEPLACE;

J. CONTRACT NO. PS070104JT, TEXAS RIO GRANDE LEGAL AID; AND

K. CONTRACT NO. PS070105JT, VOLUNTEER LEGAL SERVICES.
(COUNSELING AND EDUCATION SERVICES)

Clerk's Note: Items 17.I-K approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

18. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. 06AE0187LP, LAND DESIGN PARTNERS, FOR SOUTHWEST METRO PARK - DESIGN SERVICES. (TRANSPORTATION AND NATURAL RESOURCES) (9:29 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. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 07T00133OJ, NATIONWIDE RETIREMENT SOLUTIONS, FOR THE ADMINISTRATION OF THE 457 DEFERRED COMPENSATION PLAN FOR TRAVIS COUNTY EMPLOYEES. (HUMAN RESOURCES MANAGEMENT DEPARTMENT) (9:29 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. APPROVE CONTRACT AWARD FOR VINCENT PLACE SIDEWALK IMPROVEMENTS, IFB NO. B070383JW, TO THE LOW BIDDER, SMITH CONTRACTING CO., INC. (TRANSPORTATION AND NATURAL RESOURCES) (9:29 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. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. 06AE0304JW, HALFF ASSOCIATES, INC., PROFESSIONAL ENGINEERING SERVICES FOR COUNTYWIDE SIDEWALK AND HIKE AND BIKE TRAILS IMPROVEMENTS. (TRANSPORTATION AND NATURAL RESOURCES) (9:29 AM)

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

22. APPROVE CONTRACT AWARD FOR SCANNER MAINTENANCE, IFB NO. B080022VC, TO THE LOW BIDDER, AUSTIN TYPEWRITER AND COMPUTER. (INFORMATION AND TELECOMMUNICATION SYSTEMS, COUNTY CLERK) (9:29 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. APPROVE MODIFICATION NO. 1 TO CONTRACT CM070372VC, FORD AUDIO VIDEO, FOR DIGITAL AUDIO MIXER AND RELATED AUDIO EQUIPMENT. (RECORDS MANAGEMENT AND COMMUNICATION RESOURCES) (9:29 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. (9:29 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 TO APPOINT THE NEGOTIATION TEAM AND ALTERNATES FOR THE PROPOSED 2009 WINDERMERE/WINDERMERE TERRACE/PICADILLY RIDGE/WATSON PARK/HILLSIDE SPRINGS SUBDIVISIONS MUNICIPAL ANNEXATION PLAN BY THE CITY OF PFLUGERVILLE. (COMMISSIONER ECKHARDT) (9:29 AM)

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

26. CONSIDER AND TAKE APPROPRIATE ACTION ON AN INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY AND THE CITY OF AUSTIN FOR REIMBURSEMENT OF OVERTIME EXPENDITURES BY THE SHERIFF'S OFFICE DURING THE COURSE OF PARTICIPATION IN THE HUMAN TRAFFICKING LAW ENFORCEMENT TASK FORCE. (SHERIFF'S OFFICE) (9:29 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 RENEWAL CONTRACT WITH THE OFFICE OF ATTORNEY GENERAL AND THE TRAVIS COUNTY DOMESTIC RELATIONS OFFICE FOR COMMUNITY SUPERVISION EFFECTIVE DECEMBER 1, 2007 THROUGH AUGUST 31, 2009. (JUVENILE PROBATION) (9:29 AM)

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

28. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING AMENDMENT TO CHAPTER 62, TRAVIS COUNTY CODE, THE SITING OF A SOLID WASTE FACILITY (COMMISSIONER DAVIS). (9:55 AM) (11:17 AM)

Clerk's Note: Judge Biscoe announced that Item 28 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Clerk's Note: The Court heard the proposed amended language for Chapter 62 new section 62.002(e).

Members of the Court heard from: Christopher Gilmore, Assistant County Attorney; John Hille, Assistant County Attorney; David Gunlock, Travis County Resident; John Williams, President, Park Springs Neighborhood Association; Germaine Swenson, Vice-President, Park Springs Neighborhood Association; Mark McAfee, Owner, Barr Mansion; Harrison Rhodes, Travis County Resident; Sharon Bramblett, Travis County Resident; Hector Gonzales, Mayor, City of Webberville; and Joann Gunlock, Travis County Resident.

Motion by Judge Biscoe and seconded by Commissioner Davis that we accept the official language read into the record by the County Attorney, which is the amendment to 62.002(e), that would be the amended language; and also that we post this for 30 days for public comment. There may be modifications that need to take place within the 30-day period, and it is required by law for us to post it for 30 days.

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

Motion by Commissioner Eckhardt and seconded by Commissioner Davis that we utilize our authority under Chapters 363 and 364 of the Health and Safety Code, to develop criteria for establishing the suitability of siting of landfills and direct Staff to explore the possibility of striking section 62.002(b)(1) as a way to get to that point; and also amending the criteria currently included in chapter 62 as appropriate to consider such things as springs, wells and bluffs as indicated by the residents.

A Clarification of the previous Motion was made by Judge Biscoe that this Motion was giving directions to Staff to prepare a draft amendment for the Court's consideration.

A Restatement of the Motion was made by Commissioner Eckhardt to utilize Chapters 363 and 364 of the Health and Safety Code to develop criteria for establishing suitability in the siting of landfills, and my request to Staff is to decide whether the best way to get there is striking 62.002(b)(1) or some other vehicle. The Motion is to use the Statutory Authority that we have from the state to get us there.

ITEM 28 CONTINUED

A Substitute Motion was made by Judge Biscoe **and seconded by** Commissioner Daugherty that we direct Staff to prepare a draft amendment that incorporates the recommendations contained in the Original Motion offered by Commissioner Eckhardt; that we have this on the Court's Agenda for discussion and action two weeks from today, December 11, 2007; and that as soon as possible after today, November 27, 2007, but before the two-week expiration, we share that language not only with the Commissioners Court, but with residents who are interested in seeing it.

Withdrawal of the Original Motion was made by Commissioner Eckhardt.

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 28 to be reposted on December 11, 2007.

- 29. CONSIDER AND TAKE APPROPRIATE ACTION ON AN ORDER CORRECTING A CLERICAL ERROR IN AN ORDER OF THE COMMISSIONERS COURT CREATING AND ESTABLISHING THE TRAVIS COUNTY BEE CAVE ROAD DISTRICT NO. 1 (GALLERIA). (9:40 AM)

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Item 29.

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

Clerk's Note: The Court noted that Commissioner Eckhardt abstained, as she was not a member of the Commissioners Court at the time of the creation of the Travis County Bee Cave Road District No. 1 (Galleria).

30. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO SUBMIT COMMENTS TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ON PROPOSED RULES TO IMPLEMENT HOUSE BILL 2714, THE TEXAS ELECTRONICS TAKE BACK LAW. (9:40 AM)

Members of the Court heard from: Jon White, Environmental Quality Program Manager, TNR; and Cyd Grimes, Travis County Purchasing Agent.

Motion by Judge Biscoe **and seconded by** Commissioner Eckhardt that we indicate our intention to submit formal comments, and ask Staff to prepare those for our review and action next Tuesday, December 4th, 2007.

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 30 to be reposted on December 4, 2007.

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.

- 31. CONSIDER AND TAKE APPROPRIATE ACTION FOR THE POTENTIAL PURCHASE OF REAL ESTATE ALONG AIRPORT BOULEVARD. ^{1 AND 2}
(9:55 AM) (1:45 PM)

Clerk's Note: Judge Biscoe announced that Item 31 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.

Clerk's Note: The Court reviewed a draft agreement of purchase and sale in Executive Session.

Members of the Court heard from: Tenley Aldredge, Assistant County Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Davis that we authorize Staff and the consultant, or broker, to share this with the seller.

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

- 32. CONSIDER AND TAKE APPROPRIATE ACTION ON PERFORMANCE PAY FOR EXECUTIVE MANAGERS. ³ (9:55 AM) (1:45 PM)

Clerk’s Note: Judge Biscoe announced that Item 32 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.074, Personnel Matters.

Motion by Judge Biscoe and seconded by Commissioner Gómez that we approve 2% performance pay for Alicia Perez, Executive Manager, Administrative Operations, Danny Hobby, Executive Manager, Travis County Emergency Services, Sherri Fleming, Executive Manager, TCHHS&VS, and Joe Gieselman, Executive Manager, TNR.

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

Motion by Judge Biscoe and seconded by Commissioner Gómez that we award Christian Smith, Executive Manager, Planning and Budget Office (PBO) his 2% to be placed in the Planning and Budget Office line item 15-01 for reallocation to other staff in PBO at Mr. Smith's discretion; and that is to be processed as an automatic as long as he does not exceed the amount that 2% represents.

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 Davis **and seconded by** Commissioner Daugherty to adjourn the Voting Session. (1:47 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 COMMISSIONERS' COURT

_____ **Date of Approval**

_____ **Samuel T. Biscoe, Travis County Judge**