

MINUTES OF MEETING MARCH 4, 2008

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 4th day of March 2008, the Commissioners' Court convened the Voting Session at 9:16 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 10:57 AM.

The Commissioners Court reconvened the Voting Session at 12:39 PM.

The Commissioners Court recessed the Voting Session at 12:39 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 1:45 PM and adjourned at 1:46 PM.

The Commissioners Court reconvened the Voting Session at 1:46 PM.

The Commissioners Court retired to Executive Session at 1:49 PM.

The Commissioners Court reconvened the Voting Session at 2:11 PM.

The Commissioners Court adjourned the Voting Session at 2:27 PM.

CITIZENS COMMUNICATION

Members of the Court heard from: Gus Peña, Travis County Resident; and Jennifer Gayle, Travis County Resident. (9:18 AM)

5. APPROVE MODIFICATION NO. 1, AN ASSIGNMENT OF CONTRACT NO. PS970185LH FROM DR. WILLIAM J. DUBIN TO PSYCHOLOGICAL ARTS, PC, FOR PSYCHIATRIC/PSYCHOLOGICAL EVALUATION SERVICES. (JUVENILE PROBATION) (9:25 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 NO. PS080132LP FOR PROFESSIONAL ENGINEERING SERVICES TO RAYMOND CHAN AND ASSOCIATES FOR HUNTERS BEND SAFETY IMPROVEMENTS PROJECT. (TRANSPORTATION AND NATURAL RESOURCES) (COMMISSIONER DAVIS) (9:25 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. A. APPROVE TERMINATION OF CONTRACT NO. 07T00375RG WITH LONE STAR MORTUARY SERVICE, INC. FOR TRANSPORT OF CADAVERS; AND
B. APPROVE ORDER EXEMPTING TRANSPORT OF CADAVERS SERVICES FROM THE COMPETITIVE PROCUREMENT PROCESS PURSUANT TO SECTION 262.024 (A) (2) OF THE COUNTY PURCHASING ACT, AND AWARD CONTRACT TO CELESTIAL SERVICES INCORPORATED. (MEDICAL EXAMINERS OFFICE) (9:25 AM)

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

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

8. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: MOUGHANNI SUBDIVISION (3 TOTAL LOTS). (COMMISSIONER DAUGHERTY) (9:25 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.

PLANNING AND BUDGET DEPT. ITEMS

12. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:25 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. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
(9:25 AM)

- A. GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION TO PROVIDE FUNDING FOR THE SHERIFF'S OFFICE ADDITIONAL ENFORCEMENT EFFORTS TO TARGET SPEED RELATED AND DWI OFFENSES;
- B. GRANT APPLICATION TO COMMUTE SOLUTIONS FOR THE TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT TO PROMOTE THE RIVER CITIES RIDESHARE PROGRAM;
- C. GRANT APPLICATION TO COMMUTE SOLUTIONS FOR THE TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT TO PROVIDE CUSTOMIZED ACCESS TO A REGIONAL, CENTRALIZED-DATABASE WEBSITE TO ASSIST TRAVIS COUNTY EMPLOYEES IN THEIR EFFORTS IN RIDE SHARING AND/OR USE OF ALTERNATIVE TRANSPORTATION; AND

Clerk's Note: Items 13.A-C approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

14. REVIEW AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(10:09 AM)

- A. INTERLOCAL AGREEMENT WITH THE CITY OF AUSTIN TO PARTICIPATE IN THE TAX INCREMENT FINANCING (TIF) REINVESTMENT ZONE NUMBER 17 FOR THE DEVELOPMENT AND FUNDING OF THE WALLER CREEK TUNNEL PROJECT; AND
- B. APPOINTMENT OF ONE COUNTY REPRESENTATIVE AND ONE ALTERNATE TO THE BOARD OF DIRECTORS OF THE TIF REINVESTMENT ZONE NUMBER 17.

Clerk’s Note: Items 14.A&B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Christian Smith, Executive Manager, PBO; Mary Etta Gerhardt, Assistant County Attorney; Leslie Browder, Chief Financial Officer, City of Austin; Gary Jackson, Manager, Waller Creek Project, City of Austin; Kimberly Springer, City of Austin; and Gordon Bowman, Assistant City Attorney, City of Austin.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve the Interlocal Agreement in Item 14.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

Motion by Commissioner Davis **and seconded by** Commissioner Gómez that Christian Smith, Executive Manager, PBO be appointed representative and Leroy Nellis, Budget Manager, PBO be the alternate in Item 14.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

15. CONSIDER AND TAKE APPROPRIATE ACTION ON WHETHER TO APPOINT A PERSON TO SERVE ON THE TAX INCREMENT REINVESTMENT (TIF) BOARD OF ROBERT MUELLER DEVELOPMENT. (JUDGE BISCOE)
(9:40 AM)

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

Motion by Commissioner Davis to approve Christian Smith, Executive Manager, PBO serving as the member of the Tax Increment Reinvestment (TIF) board for the Robert Mueller Development, and Leroy Nellis, Budget Manager, PBO being his alternate.

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

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez that we do take action to appoint a person at some point in time.

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 15 to be reposted on March 11, 2008.

ADMINISTRATIVE OPERATIONS ITEMS

16. 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 \$885,604.96 FOR THE PERIOD OF FEBRUARY 15 TO FEBRUARY 21, 2008. (9:25 AM)

Clerk's Note: Item 16 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

17. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:25 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.

OTHER ITEMS

18. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:25 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 REGARDING AMENDMENT NUMBER TWO TO INTERLOCAL COOPERATION AGREEMENT BETWEEN TRAVIS COUNTY AND THE VILLAGE OF THE HILLS FOR LAW ENFORCEMENT SERVICES. (CONSTABLE PRECINCT TWO) (9:25 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. RECEIVE RACIAL PROFILING REPORTS FOR CALENDAR YEAR 2007 FROM TRAVIS COUNTY CONSTABLE PRECINCT TWO. (CONSTABLE PRECINCT TWO) (9:25 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.

- 23. CONSIDER AND TAKE APPROPRIATE ACTION ON THE ESTABLISHMENT OR SUNSETTING OF COMMITTEES ON WHICH COMMISSIONERS AND THE COUNTY JUDGE SERVE. (COMMISSIONER ECKHARDT) (9:48 AM)

Members of the Court heard from: Susan Spataro, Travis County Auditor; and Judy Pittsford, Project Manager, ITS.

Discussion only. No formal action taken.

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 551.0745, Personnel Matters Affecting County Advisory Body

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.

- 24. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A LEASE AGREEMENT BETWEEN TRAVIS COUNTY, TEXAS AND TEXAS RIOGRANDE LEGAL AID, INC. ^{1 AND 2} (10:57 AM) (1:47 PM)

Clerk's Note: Judge Biscoe announced that Item 24 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.072, Real Property.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the proposed lease.

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

25. CONSIDER AND TAKE APPROPRIATE ACTION ON PARTNERSHIP PROPOSAL FOR LEASE OR SALE OF REAL ESTATE FOR TRAVIS COUNTY DOWNTOWN REDEVELOPMENT. ^{1 AND 2} (10:57 AM) (1:48 PM)

Clerk's Note: Judge Biscoe announced that Item 25 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.

Item 25 to be reposted on March 11, 2008.

26. RECEIVE LEGAL BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING REQUEST TO ATTORNEY GENERAL #RQ-0664-GA FROM COMAL COUNTY, DENSITY OF DEVELOPMENT ISSUES. ¹ (10:57 AM) (1:48 PM)

Clerk's Note: Judge Biscoe announced that Item 26 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 to approve the request, and that the document, memo, or brief be brought to the Commissioners Court for review prior to sending it to the Attorney General.

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 STATUS OF LEASE WITH 301, LTD. FOR A PORTION OF THE LAND BENEATH THE GRANGER BUILDING PARKING GARAGE. ^{1 AND 2} (10:57 AM) (1:47 PM) (2:11 PM)

Clerk's Note: Judge Biscoe announced that Item 27 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.

Item 27 to be reposted on March 11, 2008.

28. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. MARION HILL (CHARITY RUTH BARTELL RESALE DEED). ¹ (9:25 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: 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 REGARDING ISSUES ASSOCIATED WITH LICENSE FOR USE OF PROPERTY AT 1310 FM 1626. ¹
^{AND 2} (10:57 AM) (1:49 PM)

Clerk's Note: Judge Biscoe announced that Item 29 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.072, Real Property.

Discussion only. No formal action taken.

Item 29 to be reposted on March 11, 2008.

30. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING MEETING WITH RESIDENTS ON PROPOSALS FOR THE PURCHASE OF COUNTY PROPERTY AT 9207 JOHNNY MORRIS ROAD, IN PRECINCT ONE.
^{1 AND 2} (10:57 AM) (1:49 PM)

Clerk's Note: Judge Biscoe announced that Item 30 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.

Item 30 to be reposted on March 18, 2008.

ADDED ITEMS

- A1. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING THE PENDING LITIGATION IN TRAVIS COUNTY, TEXAS AND STATE OF TEXAS VS. COLDWATER DEVELOPMENT LTD. AND RODMAN EXCAVATION, INC., ET. AL. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (9:17 AM)

Clerk's Note: Judge Biscoe announced that Item A1 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Item A1 postponed until March 11, 2008.

- A2. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM ENVISION CENTRAL TEXAS REGARDING PARTICIPATION IN 2008 COMMUNITY STEWARDSHIP AWARDS LUNCHEON. (9:33 AM)

Members of the Court heard from: Diane Miller, Assistant Director, Envision Central Texas.

Motion by Judge Biscoe **and seconded by** Commissioner Davis that we participate, that we have a table, that we be listed on the program as a sponsor; hopefully with the clear indication that we're not sponsoring the lunch, but are helping sponsor Envision Central Texas.

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

