

MINUTES OF MEETING MARCH 11, 2008

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 11th day of March 2008, the Commissioners' Court convened the Voting Session at 9:14 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 record notes that Precinct Two Commissioner Sarah Eckhardt was not present during this Voting Session.

The Commissioners Court retired to Executive Session at 10:37 AM.

The Commissioners Court reconvened the Voting Session at 11:19 AM.

The Commissioners Court retired to Executive Session at 11:29 AM.

The Commissioners Court reconvened the Voting Session at 12:13 PM.

The Commissioners Court adjourned the Voting Session at 12:15 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle); convened at 12:15 PM and adjourned at 12:15 PM.

PURCHASING OFFICE ITEMS

5. REJECT ALL BIDS RECEIVED FOR IFB NO. B080137DR, EROSION CONTROL SERVICES. (TRANSPORTATION AND NATURAL RESOURCES) (9:28 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 PRECINCT TWO OFFICE BUILDING MODIFIED ENTRY AND SECOND FLOOR EXPANSION, IFB NO. B080128RV, TO THE LOW BIDDER, THE BARR COMPANY. (FACILITIES MANAGEMENT) (9:28 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.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

7. CONSIDER AND TAKE APPROPRIATE ACTION 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 51 AND 52 OF HIGHLAND CREEK LAKE, SECTION ONE, BLOCK G, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:28 AM)

Clerk's Note: Item 7 is the action item for the public hearing on Agenda Item 1.

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 REGARDING AN ORDER TO TEMPORARILY CLOSE OASIS BLUFF DRIVE TO THROUGH TRAFFIC FROM COMANCHE TRAIL TO BULLICK HOLLOW ROAD IN PRECINCT THREE FOR THE "COLD FUSION SIZZLER" SLALOM SKATEBOARD RACES TO BE HELD ON MARCH 29 AND 30, 2008, FROM 10:00 A.M. TO 6:00 P.M. (COMMISSIONER DAUGHERTY) (9:28 AM)

Clerk's Note: Item 8 is the action item for the public hearing on Agenda Item 2.

Clerk's Note: Item 8 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

9. CONSIDER AND TAKE APPROPRIATE ACTION ON THE APPROVAL OF ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES FOR ELM CREEK SECTION 2, SECTION 3 AND SECTION 4, THREE SUBDIVISIONS IN PRECINCT ONE. (COMMISSIONER DAVIS) (9:28 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.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

10. CONSIDER AND TAKE APPROPRIATE ACTION ON THE DESIGNATION OF BIRCH DUKE KIMBROUGH, M.D., AS AN ALTERNATE HEALTH AUTHORITY FOR AUSTIN/TRAVIS COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT EFFECTIVE APRIL 7, 2008. (9:28 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.

PLANNING AND BUDGET DEPT. ITEMS

11. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:28 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. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:28 AM)

- A. GRANT APPLICATION TO THE GOVERNOR’S OFFICE CRIMINAL JUSTICE DIVISION FOR THE JUVENILE PROBATION DEPARTMENT TO PROVIDE RESOURCES TO WORK WITH JUVENILES AND THEIR FAMILIES TO PREVENT THEIR FURTHER INVOLVEMENT WITHIN THE JUSTICE SYSTEM; AND
- B. GRANT APPLICATION TO THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION FOR THE JUVENILE PROBATION DEPARTMENT TO ENHANCE THE DEPARTMENT’S EXISTING DRUG COURT.

Clerk’s Note: Items 12.A&B 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 APPOINTMENT TO THE TAX INCREMENT REINVESTMENT (TIF) BOARD OF ROBERT MUELLER DEVELOPMENT. (9:35 AM)

Motion by Judge Biscoe **and seconded by** Commissioner Gómez that we appoint the newly selected Executive Manager of the Planning and Budget Office (PBO), and Leroy Nellis, Budget Manager, PBO as the alternate.

Motion carried:

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

14. DISCUSS DOWNTOWN REDEVELOPMENT INITIATIVE AND RELATED ISSUES INCLUDING THE FOLLOWING: (9:36 AM)
 - A. SITE OPTIONS FOR NEW CIVIL COURTS BUILDING;
 - B. NEEDS ASSESSEMENTS, INCLUDING:
 1. NEEDS ANALYSIS TO ESTABLISH SPACE NEEDS FOR CIVIL AND CRIMINAL COURTS;
 2. FAMILY LAW CENTER NEEDS AND INITIATIVE; AND
 3. GENERAL GOVERNMENT DEPARTMENTS' SPACE NEEDS AND WHICH DEPARTMENTS REMAIN DOWNTOWN
 - C. UTILIZATION OF COUNTY PROPERTIES, INCLUDING:
 1. FUTURE UTILIZATION OF HEMAN MARION SWEATT HISTORICAL COURTHOUSE, INCLUDING EXPANSION, TECHNOLOGY AND UTILITY INFRASTRUCTURE;
 2. FUTURE UTILIZATION OF RUSK BUILDING; AND
 3. FUTURE UTILIZATION OF COUNTY OWNED PROPERTY ON AIRPORT BOULEVARD;
 - D. REVISIT SCOPE OF SERVICES FOR BROADDUS CONTRACT AND ESTABLISH SCHEDULE FOR PRESENTATION OF COMPLETED PHASE I REPORT;
 - E. FUTURE OF COUNTY SPACE COMMITTEE; AND
 - F. COORDINATION OF CERTAIN COUNTY STAFF AND CONSULTANTS.

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

Members of the Court heard from: Belinda Powell, Capital Planning Coordinator, PBO; Leslie Stricklan, Project Manager, Facilities Management; Cyd Grimes, Travis County Purchasing Agent; Alicia Perez, Executive Manager, Administrative Operations; Susan Spataro, Travis County Auditor; The Honorable John K. Dietz, Judge, 250th District Court; and Christian Smith, Executive Manager, PBO.

Discussion only. No formal action taken.

Items 14.A-F to be reposted on March 18, 2008.

ADMINISTRATIVE OPERATIONS ITEMS

15. 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 \$589,869.91 FOR THE PERIOD OF FEBRUARY 22 TO FEBRUARY 28, 2008. (9:28 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 PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:28 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 REQUEST FROM G&M CATERING FOR EXTENSION OF CURRENT FOOD AND BEVERAGE CONTRACT AT THE TRAVIS COUNTY EXPOSITION CENTER. (10:37 AM) (11:19 AM)

Clerk's Note: Judge Biscoe announced that Item 17 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 17 to be reposted on March 18, 2008.

OTHER ITEMS

18. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:28 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 RESOLUTION APPROVING A TAX EXEMPT BOND FINANCING BY TRINITY HIGHER

EDUCATIONAL FACILITIES CORPORATION TO FINANCE A HUSTON-TILLOTSON UNIVERSITY PROJECT. (9:28 AM)

Clerk's Note: Item 19 is the action item for the public hearing on Agenda Item 3.

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. APPOINT NORA SANCHEZ AS FIRE COMMISSIONER TO THE BOARD OF EMERGENCY SERVICES DISTRICT NO. 12 TO SERVE A TWO YEAR TERM EFFECTIVE IMMEDIATELY UNTIL DECEMBER 31, 2009. (COMMISSIONER DAVIS) (9:28 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. RECEIVE STATE REQUIRED RACIAL PROFILING REPORT FOR CALENDAR YEAR 2007 FROM THE TRAVIS COUNTY SHERIFF'S OFFICE. (SHERIFF'S OFFICE) (9:28 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 THE FIRST AMENDMENT TO A LEASE AGREEMENT BETWEEN THE TRAVIS COUNTY HEALTHCARE DISTRICT AND LX-NORTHBLUFF CENTER L.P. TO ADDRESS THE CONSTRUCTION OF TENANT IMPROVEMENTS FOR NORTHBLUFF PLAZA SHOPPING CENTER AT EAST WILLIAM CANNON BLVD. AND IH-35. (9:28 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.

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.

- 23. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING TRAVIS COUNTY APPOINTMENTS TO THE AUSTIN-TRAVIS COUNTY EMS ADVISORY BOARD: (10:37 AM) (11:29 AM) (12:13 PM)

- A. A LOCAL PHYSICIAN; AND
- B. A CONSUMER. ⁴

Clerk's Note: Judge Biscoe announced that Items 23.A&B would be considered in Executive Session pursuant to Gov't. Code Ann. 551.0745, Personnel Matters Affecting County Advisory Body.

Motion by Judge Biscoe and seconded by Commissioner Daugherty that we appoint Dr. Stephen E. Wilson as a local physician, and Hector R. Gonzales, Mayor, City of Webberville as the consumer.

Motion carried:

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

- 24. CONSIDER AND TAKE APPROPRIATE ACTION ON PURCHASE OF LAND FROM THE COMANCHE TRAIL CONSERVATION FUND AND JOSEPH F. LUCAS IN CONNECTION WITH THE BALCONES CANYONLANDS CONSERVATION PLAN. ² (10:37 AM) (11:29 AM) (12:13 PM)

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

Discussion only. No formal action taken.

- 27. 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. ¹ (9:14 AM)

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.

Item 27 postponed until March 18, 2008.

- 28. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED OPTION AGREEMENT TO PURCHASE OPEN SPACE PARKLAND IN SOUTHWEST TRAVIS COUNTY. ² (10:37 AM) (11:29 AM) (12:14 PM)

Clerk's Note: Judge Biscoe announced that Item 28 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.072, Real Property.

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez that we instruct Staff to move forward with an appraisal of the said tract, with the understanding that Travis County will split the appraisal cost of that, and then we will move forward from that point forward.

Motion carried:

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

ADDED ITEM

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON A MUNICIPAL SOLID WASTE MANAGEMENT PERMIT AMENDMENT, TEXAS COMMISSION ON ENVIRONMENTAL QUALITY PROPOSED PERMIT NO. MSW 249D, BY WASTE MANAGEMENT OF TEXAS, INC. FOR EXPANSION OF OPERATIONS. (10:37 AM) (11:19 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.

Clerk's Note: The Court discussed sending a letter, prepared by Staff, to the Texas Commission on Environmental Quality (TCEQ) stating the opposition of Travis County to the permit amendment requested by Waste Management Incorporated (WMI), and a request for a contested hearing during the public comment period.

Members of the Court heard from: Jon White, Environmental Quality Program Manager, TNR; and Steve Jacobs, Waste Management Incorporated (WMI).

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve that particular document that is to be sent to TCEQ with those basic components in it; the 2006 opposition of Travis County, the position on the WMI expansion, the public meeting, and also the contested case hearing.

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

MINUTES OF MEETING – MARCH 11, 2008

NORTHWEST TRAVIS COUNTY ROAD DISTRICT NO. 3

On Tuesday, the 11th day of March 2008, the Commissioners' Court, meeting as the Northwest Travis County Road District No. 3 (Golden Triangle) Board of Directors, convened the Voting Session at 12:15 PM 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 record notes that Precinct Two Commissioner Sarah Eckhardt was not present during this Voting Session.

The Road District Board of Directors adjourned the Voting Session of the Northwest Travis County Road District No. 3 (Golden Triangle) at 12:15 PM.

- 1. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST ROAD DISTRICT FUNDS. (12:15 PM)

Item 1 not needed.

- 2. APPROVE N.W.T.C.R.D.#3 MINUTES FOR VOTING SESSION OF FEBRUARY 12, 2008. (12:15 PM)

Motion by Commissioner Gómez **and seconded by** Commissioner Daugherty to approve Item 2.

Motion carried:

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

