

MINUTES OF MEETING APRIL 1, 2008

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 1st day of April 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 recessed the Voting Session at 11:50 AM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:39 PM and adjourned at 1:40 PM.

The Commissioners Court, meeting as the Capital Industrial Development Corporation, convened at 1:40 PM and adjourned at 1:47 PM.

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

The Commissioners Court retired to Executive Session at 1:47 PM.

The Commissioners Court reconvened the Voting Session at 3:40 PM.

The Commissioners Court adjourned the Voting Session at 3:46 PM.

CITIZENS COMMUNICATION

Members of the Court heard from: Gus Peña, Travis County Resident; Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); Ora Houston, Community Member, Austin Disproportionality Advisory Committee; Chris Van Deusen, Communications Coordinator, Texas Department of Family Protective and Regulatory Services; and Jennifer Gayle, Travis County Resident. (9:17 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Daugherty to approve the following Consent Items: C1-C4 and Items 6, 7.A-C, 8, 10, 11, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, and 25. (9:31 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. APPROVE SETTING A PUBLIC HEARING ON APRIL 22, 2008 TO RECEIVE COMMENTS REGARDING THE FOLLOWING REQUESTS TO AUTHORIZE THE FILING OF INSTRUMENTS TO:
 - A. REJECT THE DEDICATION AND QUITCLAIM DEED FOR A PORTION OF RIGHT OF WAY KNOWN AS PRESA ABAJO WITHIN THE WERKENTHIN SECTION ONE SUBDIVISION; AND
 - B. VACATE TWO TEN FOOT PUBLIC UTILITY EASEMENTS, ONE BEING ON LOT 3, BLOCK A WITHIN THE WERKENTHIN SECTION ONE SUBDIVISION WITH THE OTHER BEING ON LOT 1 WITHIN THE AMENDED PLAT OF LOTS 1 AND 2, BLOCK C OF WERKENTHIN, SECTION ONE. (COMMISSIONER DAUGHERTY)

CONSENT ITEMS CONTINUED

- C3. APPROVE SETTING A PUBLIC HEARING ON MAY 6, 2008 TO RECEIVE COMMENTS REGARDING THE FOLLOWING:
- A. REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A 25 FOOT WIDE DRAINAGE EASEMENT CENTERED ALONG THE COMMON LOT LINE OF LOTS 1 AND 2 OF THE RESUBDIVISION OF LOTS 260, 261, 262, 263, 264, 265, 266 AND 267 OF TRAVIS SETTLEMENT, SECTION FOUR; AND
 - B. A PLAT FOR RECORDING IN PRECINCT THREE: THE VILLAS ON BLACKSMITH COVE, THE REVISED PLAT OF LOTS 1 AND 2 OF THE RESUBDIVISION OF LOTS 260, 261, 262, 263, 264, 265, 266 AND 267, TRAVIS SETTLEMENT, SECTION FOUR (5 TOTAL LOTS). (COMMISSIONER DAUGHERTY)
- C4. APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF MARCH 18, 2008.

SPECIAL ITEM

2. CONSIDER AND TAKE APPROPRIATE ACTION ON AN ORDER PROHIBITING OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:33 AM)

Members of the Court heard from: Pete Baldwin, Emergency Management Coordinator, Travis County Emergency Services; and Brad Beauchamp, Travis County Fire Marshal.

No action necessary on Item 2.

Clerk's Note: By taking no action a burn ban will not be imposed.

Item 2 to be reposted on April 8, 2008.

RESOLUTIONS & PROCLAMATIONS

- 3. APPROVE PROCLAMATION DECLARING THE MONTH OF APRIL 2008 AS "LIGHT OF HOPE - NATIONAL CHILD ABUSE AWARENESS MONTH" IN TRAVIS COUNTY. (JUDGE BISCOE) (9:50 AM)

Members of the Court heard from: Deputy Taylor, Travis County Sheriff's Office (TCSO).

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

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

- 4. APPROVE PROCLAMATION RECOGNIZING MARCH 29 THROUGH APRIL 5, 2008 AS "WILDFIRE AWARENESS WEEK" IN TRAVIS COUNTY. (9:39 AM)

Members of the Court heard from: Brad Beauchamp, Travis County Fire Marshal; Gary Warren, President, Capillary Fire Chiefs Association; Jan Fulkerson, Urban Wildland Interface Specialist, Texas Forest Service; and Don Smith, Chief, Travis County Fire Control, ESD # 4.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the Proclamation in Item 4.

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

5. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM RETIRED SENIOR VOLUNTEER PROGRAM FOR LICENSE TO USE THE PALM SQUARE PARKING LOT ON SATURDAY AND SUNDAY, APRIL 19 AND 20, 2008, FOR A VOLUNTEER TECHNOLOGY RECYCLING EVENT IN PARTNERSHIP WITH SPANSION, GOODWILL, AUSTIN FREENET AND ROUND 2 TECHNOLOGIES. (9:16 AM)

Item 5 postponed until April 8, 2008.

PLANNING AND BUDGET DEPT. ITEMS

6. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:31 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. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
(9:31 AM)
 - A. GRANT APPLICATION TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR THE TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT TO ENHANCE THE EXISTING CAPITAL IMPROVEMENT PROJECT FOR DEVELOPMENT OF MILTON REIMERS RANCH PARK;
 - B. GRANT APPLICATION TO THE OFFICE OF ATTORNEY GENERAL FOR THE ACCESS AND VISITATION GRANT FOR JUVENILE PROBATION TO PROMOTE COMPLIANCE WITH COURT ORDERS REGARDING CHILD ACCESS AND VISITATION; AND
 - C. GRANT APPLICATION AMENDMENT TO THE FEMA/GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT FOR THE 2008 EMERGENCY MANAGEMENT PERFORMANCE GRANT TO MODIFY THE ORIGINAL TO ALLOW TRAVIS COUNTY EMERGENCY SERVICES TO CHECK APPROPRIATE U.S. DEPARTMENT OF HOMELAND SECURITY ASSURANCES AND CERTIFICATION NECESSARY FOR APPROVAL.

Clerk's Note: Items 7.A-C 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 AMENDMENTS TO THE ECONOMIC DEVELOPMENT AGREEMENTS WITH HEWLETT-PACKARD COMPANY FOR DEVELOPMENTS AT THE TANDEM AND ED BLUESTEIN SITES. (9:31 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.

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.

JUSTICE AND PUBLIC SAFETY ITEMS

12. CONSIDER AND TAKE APPROPRIATE ACTION TO INCLUDE AN EMERGENCY MEDICAL SERVICE GROUND STRATEGIC ANALYSIS ALONG WITH THE STAR FLIGHT BUSINESS PLANNING PROCESS. (9:55 AM)

Members of the Court heard from: Danny Hobby, Executive Manager, Travis County Emergency Services.

Discussion only. No formal action taken.

13. CONSIDER AND TAKE APPROPRIATE ACTION ON TRAVIS COUNTY VISITATION CENTER. (9:55 AM)

Item 13 pulled from the Agenda.

PURCHASING OFFICE ITEMS

14. APPROVE CONTRACT AWARD FOR HVAC EQUIPMENT ADDITIONS FOR EMERGENCY CHILLER AT CRIMINAL JUSTICE CENTER, IFB NO. B080148JT, TO THE LOW RESPONSIVE BIDDER, THERMAL MECHANICAL CONTRACTORS, INC. (FACILITIES MANAGEMENT) (9:31 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 ISSUANCE OF JOB ORDER NO. 13, MINOR CONSTRUCTION AND RENOVATION SERVICES, CONTRACT NO. 07K00307RV, ARCHITECTURAL HABITAT OF AUSTIN, INC. (FACILITIES MANAGEMENT) (9:31 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.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

16. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST TO TEMPORARILY CLOSE SHADOW OAK LANE IN PRECINCT THREE FOR CONSTRUCTION OF A WATER VALVE VAULT AND A PRESSURE REDUCING VALVE BEGINNING APRIL 9, 2008 AND CONTINUING THROUGH APRIL 18, 2008 OR UNTIL CONSTRUCTION IS COMPLETED. (COMMISSIONER DAUGHERTY) (9:31 AM)

Clerk's Note: Item 16 is the action item for the public hearing on Agenda Item 1.

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 REGARDING DONATION OF VISTAS OF LAKEWAY, LOT 2, AND TRAVIS OAK TRAILS EAST, LOTS 9 AND 10, FROM TOLL DALLAS TX, LLC TO SATISFY HABITAT MITIGATION NEEDS IN ACCORDANCE WITH BALCONES CANYONLANDS CONSERVATION PLAN LAND IN LIEU OF FEES PROVISIONS. (COMMISSIONER DAUGHERTY) (9:31 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 REGARDING REJECTING THE DEDICATION OF LAKESHORE PARK AND COVE PARK IN THE LAKESHORE RANCH SUBDIVISION NO. 1. (COMMISSIONER DAUGHERTY) (9:31 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 LICENSE AGREEMENT WITH THE AUSTIN RIDGE RIDERS FOR A BIKE RACE AT TRAVIS COUNTY MILTON REIMERS RANCH PARK. (COMMISSIONER DAUGHERTY) (9:31 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 PRESENTATION REGARDING BEE CREEK EROSION EVENT FROM TRAVIS COUNTY RESIDENTS AND TAKE APPROPRIATE ACTION. (10:41 AM)

Members of the Court heard from: Christy Muse, Hill Country Alliance; Bill Cahill, Travis County Resident; Jon White, Environmental Quality Program Manager, TNR; Rick Wheeler, President, Engineer, Malone Wheeler Engineering; and Bill Gunn, Developer, Sweetwater Ranch.

Motion by Judge Biscoe and seconded by Commissioner Daugherty that we ask Staff to get with the Lower Colorado River Authority (LCRA) and Texas Commission on Environmental Quality (TCEQ) inspectors try to figure out what, if anything, we can do that we are not doing now, then get with the residents and the developer, and report back to the Court in 3 weeks, April 22, 2008. The Court may as well see in writing a brief description of protections already in place.

Motion carried:

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

OTHER ITEMS

- 21. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:31 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 APPOINTMENT OF KELLER BRADFIELD TO FILL THE UNEXPIRED TERM OF GARY CADENHEAD AS A PRECINCT THREE APPOINTEE TO THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT BOARD NO. 6, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 2008. (COMMISSIONER DAUGHERTY) (9:31 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.

- 28. CONSIDER AND TAKE APPROPRIATE ACTION ON PURCHASE CONTRACT WITH PARKE PROPERTIES I AND II, L.P. AND GDF REALTY INVESTMENTS LTD. FOR THE ACQUISITION OF LAND IN CONNECTION WITH THE BALCONES CANYONLANDS CONSERVATION PLAN. ² (1:47 PM) (3:40 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.

Members of the Court heard from: John Hille, Assistant County Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty that we authorize Staff obtain a review of the two existing appraisals from Kim Frome as soon as possible and if possible to pay for that from a source other than Travis County funds.

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 OFFER(S) TO PURCHASE PROPERTY AT 9207/9301 JOHNNY MORRIS ROAD, LOCATED IN PRECINCT ONE. ^{1 AND 2} (1:47 PM) (3:41 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 April 8, 2008.

- 30. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING OFFER RECEIVED FROM MR. PETER BARLIN TO PURCHASE APPROXIMATELY 132 ACRES OF LAND OFF FM 969 IN EAST AUSTIN. ^{1 AND 2} (1:47 PM) (3:42 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.

Members of the Court heard from: Roger El Khoury, Director, Facilities Management.

Motion by Judge Biscoe and seconded by Commissioner Gómez to authorize Roger El Khoury, Director, Facilities Management to hire an appraiser and to get the Travis County owned land surveyed and authorize Staff to work with the consultants to cover strategies discussed. Funds are to be transferred as a routine transfer from the Facilities lease budget to the appropriate line item to cover the costs.

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 A1 CONTINUED

Motion by Judge Biscoe **and seconded by** Commissioner Davis that we send a nice letter of appreciation to the other candidates that we interviewed – they were all highly qualified. Unfortunately, we only had one position to offer. And, draft an appropriate letter maybe circulate that to all the members of the Court, and let you all tweak it as you see fit and try to get something out in the next few days.

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 Gómez to adjourn the Voting Session. (3:46 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