

## **MINUTES OF MEETING JUNE 10, 2008**

### **TRAVIS COUNTY COMMISSIONERS' COURT**

On Tuesday, the 10<sup>th</sup> day of June 2008, the Commissioners' Court convened the Voting Session at 9:19 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 retired to Executive Session at 10:33 AM.

The Commissioners Court reconvened the Voting Session at 11:15 PM.

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

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:43 PM, and adjourned at 1:59 PM.

The Commissioners Court reconvened the Voting Session at 1:59 PM.

The Commissioners Court retired to Executive Session at 3:03 PM.

The Commissioners Court reconvened the Voting Session at 4:58 PM.

The Commissioners Court adjourned the Voting Session at 5:04 PM.

### PUBLIC HEARINGS

1. RECEIVE COMMENTS REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE FOUR FIVE-FOOT PUBLIC UTILITY EASEMENTS LOCATED ALONG EITHER SIDE OF THE COMMON LOT LINE OF LOTS 24 AND 25 AND LOTS 25 AND 26 OF TWIN LAKE HILLS, BLOCK PP, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (ACTION ITEM #12) (9:20 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 12 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:** Anna Bowlin, Program Manager, Planning and Engineering, 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

2. RECEIVE COMMENTS REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A 0.117 ACRE PORTION OF AN 8.69 ACRE DRAINAGE EASEMENT AS RECORDED IN VOLUME 12899, PAGE 65 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS - A SEPARATE INSTRUMENT DRAINAGE EASEMENT DEDICATED IN TRAVIS COUNTY, PRECINCT THREE. (COMMISSIONER DAUGHERTY) (ACTION ITEM #13) (9:21 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 13 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:** Anna Bowlin, Program Manager, Planning and Engineering, 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; Jim Vonwolske, Travis County Resident; Scott Hagel, Austin Metal Detecting Club (AMDC); and Jennifer Gale, Travis County Resident. (9:23 AM)

## CONSENT ITEMS

**Members of the Court heard from:** Shawn Malone, Research Analyst, Administrative Operations; and Melissa Miller, Travis County Resident.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Daugherty to approve the following Consent Items: C1-C3 and Items 4, 5, 7, 8, 9.A&B, 10, 11, 12, 13, 14, 15, 18, 19.A-D, 22, 24, 25, 26, 28, A3, and A5. (9:36 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 COMMISSIONERS COURT MINUTES FOR VOTING SESSION MAY 20 AND 27, 2008.
- C3. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO HOLD AN ADDITIONAL PUBLIC MEETING ON WEDNESDAY, JUNE 25, 2008 FOR THE PURPOSE OF INFORMING THE PUBLIC OF THE STATUS OF THE TRAVIS COUNTY DRAINAGE STUDY.

**SPECIAL ITEM**

- 3. CONSIDER AND TAKE APPROPRIATE ACTION ON AN ORDER PROHIBITING OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:40 AM)

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

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve Staff's recommendation, to put the order prohibiting outdoor burning in place.

**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 3 to be reposted June 17, 2008.

**Clerk's Note:** The County Judge noted that if anyone wishes to obtain a copy of the Order the should contact any member of the Commissioners Court, Brad Beauchamp, Travis County Fire Marshal, or Pete Baldwin, Emergency Management Coordinator, Travis County Emergency Services.

**ADMINISTRATIVE OPERATIONS ITEMS**

- 4. 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 \$775,361.12 FOR THE PERIOD OF MAY 23 TO MAY 29, 2008. (9:36 AM)

**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. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:36 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 LICENSE AGREEMENT WITH THE REPUBLIC OF TEXAS BIKER RALLY FOR ANNUAL EVENT AT THE EXPOSITION CENTER. (11:23 AM)

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

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Item 6, and authorize Mr. Michael Norton, Director, EXPO Center to sign the contract on behalf of 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 their gratitude for the addition of wireless Internet access by Mr. Jerry Brag, ROT, and congratulations on a good job by Mr. Michael Norton, Director, EXPO Center in negotiating this five-year contract

- 7. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING LICENSE ISSUES ASSOCIATED WITH PROPERTY AT 1310 FM 1626. (9:36 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.

**PURCHASING OFFICE ITEMS**

- 8. APPROVE CONTRACT AWARD FOR CASE FILE FOLDERS, IFB NO. B080195DR, TO THE LOW BIDDER, DER GRAPHICS, INC. (COUNTY ATTORNEY/COUNTY CLERK) (9:36 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.     A. RECEIVE AND CONSIDER BIDS FOR IFB NO. B080149JW, TRAVIS COUNTY SCHOOL LAND OIL AND GAS LEASE; AND
- B. AUTHORIZE STAFF TO EVALUATE RECEIVED BIDS. (TEXAS COOPERATIVE EXTENSION OFFICE) (9:36 AM)

**Clerk's Note:** Items 9.A&B 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:** The Court announced the names of the evaluation committee:

- 1) Jason Walker, Construction and AE Procurement Specialist, Purchasing;
- 2) Tamara Armstrong, Assistant County Attorney; and,
- 3) Skip Richter, Director, Travis County Cooperative Extension, Travis County Health and Human Services (TCHHS)

10.    APPROVE CONTRACT AWARD WITH HDR ENGINEERING, INC., RFQ NO. Q080082LP, PROFESSIONAL ENGINEERING SERVICES FOR TRAVIS COUNTY IMPERIAL VALLEY DRAINAGE IMPROVEMENTS. (TRANSPORTATION AND NATURAL RESOURCES) (9:36 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. SL030126LC, BEARINGPOINT, INC., FOR SERVICE LEVEL AGREEMENT WITH E-FILE ATTACHMENT. (COUNTYWIDE) (9:36 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.

**TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS**

12. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE FOUR FIVE-FOOT PUBLIC UTILITY EASEMENTS LOCATED ALONG EITHER SIDE OF THE COMMON LOT LINE OF LOTS 24 AND 25 AND LOTS 25 AND 26 OF TWIN LAKE HILLS, BLOCK PP, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:36 AM)

**Clerk's Note:** Item 12 is the action item for the public hearing on Agenda Item 1.

**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. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A 0.117 ACRE PORTION OF AN 8.69 ACRE DRAINAGE EASEMENT AS RECORDED IN VOLUME 12899, PAGE 65 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS - A SEPARATE INSTRUMENT DRAINAGE EASEMENT DEDICATED IN TRAVIS COUNTY, PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:36 AM)

**Clerk's Note:** Item 13 is the action item for the public hearing on Agenda Item 2.

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

14. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST TO GRANT AN EXEMPTION FROM PLATTING REQUIREMENTS FOR TORO CANYON CONDOMINIUM PROJECT AND A CONDOMINIUM CONSTRUCTION AGREEMENT WITH THE BROHN GROUP LTD. (9:36 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. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST FROM THE CITY OF AUSTIN/AUSTIN ENERGY FOR AN ELECTRIC UTILITY EASEMENT ACROSS COUNTY-OWNED PROPERTY FROM BLUE BLUFF ROAD TO PROVIDE ELECTRICAL UTILITY SERVICE TO THE EAST SERVICE CENTER, LOCATED IN PRECINCT ONE. (9:36 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. DISCUSS AND TAKE APPROPRIATE ACTION ON PROPOSED TESTIMONY TO THE TEXAS SENATE COMMITTEE ON INTERNATIONAL RELATIONS AND TRADE ON POLICIES RELATING TO DEVELOPMENT AND GROWTH IN RURAL AND UNINCORPORATED REGIONS OF THE STATE. (2:21 PM)

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

Discussion only. No formal action taken.

**Clerk's Note:** The Court appointed Commissioner Eckhardt to represent Travis County Commissioners Court at the Senate Hearings on June 18, 2008.

**HEALTH AND HUMAN SERVICES DEPT. ITEMS**

- 17. **REVISED LANGUAGE:** CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING ITEMS RELATED TO PLANNING FOR AND THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT: (2:00 PM)
  - A. REQUEST TO APPROVE \$500,000 IN PROGRAM YEAR 2008 FUNDING FOR INFRASTRUCTURE TO SUPPORT AFFORDABLE HOUSING DEVELOPMENT TO AUSTIN HABITAT FOR HUMANITY;
  - B. REQUEST TO APPROVE TARGETING PROGRAM YEAR 2008 HOME REHABILITATION PROJECT TO HOUSEHOLDS AT OR BELOW 50% OF MEDIAN FAMILY INCOME;
  - C. ADDING A PROVISION TO CHAPTER 84, TRAVIS COUNTY CODE, WHICH ALLOWS FOR FOLLOWING ALL REQUIRED STATE OR FEDERAL REQUIREMENTS IF STATE OF FEDERAL FUNDING IS USED FOR SUBSTANDARD ROAD PROJECTS; AND**
  - D. OTHER RELATED ISSUES.

**Clerk’s Note:** Items 17.A-D are associated with one another and were called for concurrent discussion.

**Clerk’s Note:** The Court heard from Staff details on 17.B;

- 1) The project would be managed by a non-profit agency on a referral basis;
- 2) Target income would assessed at or below 50% median family income,
- 3) Look at the weatherization and home repair programs waiting list; and,
- 4) \$5,000 cap per household for household repairs to something already existing.

**Members of the Court heard from:** Christy Moffett, Social Services Manager, Travis County Health and Human Services (TCHHS); Steve Manilla, Director, Public Works, TNR; and Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans’ Services (TCHHS&VS).

**Motion by Judge Biscoe and seconded by** Commissioner Davis to approve Item 17.B as discussed.

**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 17 CONTINUED**

Items 17.A&B discussion only. No formal action taken.

Item 17.A to be reposted June 17, 2008.

Item 17.B to be reposted when ready.

**PLANNING AND BUDGET DEPT. ITEMS**

18. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:36 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 REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:36 AM)
- A. GRANT APPLICATION TO THE TARGET CORPORATION FOR THE SHERIFF'S OFFICE TO ENHANCE THE ACTIVITIES OF THE TRAVIS COUNTY SHERIFF'S OFFICE COMMUNITY SERVICE AND OUTREACH UNIT'S SHATTERED DREAMS PROGRAM;
  - B. GRANT APPLICATION TO THE CAPITAL AREA COUNCIL OF GOVERNMENTS FOR THE TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT TO ESTABLISH A SUSTAINABLE SYSTEM FOR COMPOSTING FOOD WASTE AT THE TRAVIS COUNTY CORRECTIONAL COMPLEX LOCATED IN DEL VALLE;
  - C. GRANT CONTRACT WITH THE DEPARTMENT OF PUBLIC SAFETY, GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT FOR TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT TO ACQUIRE SIX FLOOD-PRONE PROPERTIES IN THOROUGHbred FARMS SUBDIVISION WITH FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY; AND
  - D. GRANT CONTRACT AMENDMENT WITH THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT 2006 LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM GRANT, EXTENDING THE ORIGINAL GRANT PERIOD.

**Clerk's Note:** Items 19.A-D 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 REGARDING THE PROCESS AND SCHEDULE FOR DEVELOPING THE ADVERTISEMENT FOR THE PUBLIC HEARING TO SET ELECTED OFFICIALS' SALARIES FOR FISCAL YEAR 2009 AND THE CALENDAR FOR ACTION FOR THE REMAINDER OF THE SALARY SETTING PROCESS. (11:36 AM) (3:03 PM) (4:58 PM)

**Clerk's Note:** Judge Biscoe announced that Item 20 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Members of the Court heard from:** Belinda Powell, Capital Planning Coordinator, Planning and Budget Office (PBO); and Barbara Wilson, Assistant County Attorney.

Discussion only. No formal action taken.

Item 20 to be reposted on June 17, 2008.

21. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE CREATION OF A TRAVIS COUNTY EFFICIENCY COMMITTEE TO REDUCE FUEL, ENERGY AND OTHER COUNTY OPERATING COSTS. (11:43 AM)

**Members of the Court heard from:** Rodney Rhoades, Executive Manager, PBO.

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Item 21 with Rodney Rhoades, Executive Manager, PBO chairing the Efficiency Committee.

**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 they would like to see suggestions from the Efficiency Committee in two to three weeks.

22. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR ADDITIONAL FUEL FUNDING FROM GENERAL FUND ALLOCATED RESERVES FOR THE STAR FLIGHT PROGRAM BUDGET. (9:36 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. DISCUSS AND TAKE APPROPRIATE ACTION ON REQUEST FOR A BUDGET TRANSFER OF \$925,024 FROM THE GENERAL FUND RESERVES TO TRANSPORTATION AND NATURAL RESOURCES, FLEET SERVICES FOR THE CENTRALIZED FUEL LINE ITEM, AND ON THE IMPLEMENTATION OF FUEL CONSERVATION MEASURES. (11:59 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; Rodney Rhoades, Executive Manager, PBO; and Jessica Rio, Assistant Budget Manager, PBO.

**Motion by Judge Biscoe and seconded by** Commissioner Gómez to approve \$450,000.00, realizing that we may have to take a similar move two months from today, if that amount was intended to get us through the end of the fiscal year. Sometime soon, maybe when you bring us that two week report, we have a list of specific departments who are the biggest fuel users, and the reason I don't think we ought to just deplete the Allocated Reserve is that we may have other emergency matters to address and if we know exactly who is using the fuel, say six to eight weeks from now, it may be that we may need to tap line items in their department budgets that are projected for surpluses, so that will give us that flexibility. So two birds with one stone really. One is that we leave more of this Unallocated Reserve for other emergencies that we don't know about at this time, and, two, is that with more information about what departments are using fuel, and how their budgets are looking closer to the end of the fiscal year, it may be that we want to tap some of their line items.

**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 by approving this Motion they are authorizing PBO to do an automatic transfer of the \$450,000.00 into a central line item.

### OTHER ITEMS

24. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:36 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 DR. MATTHEW SNAPP TO SERVE AS PRECINCT TWO APPOINTEE TO THE AUSTIN-TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION BOARD OF TRUSTEES EFFECTIVE IMMEDIATELY THROUGH JUNE 2010. (COMMISSIONER ECKHARDT) (9:36 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 REQUEST TO APPOINT MELISSA MILLER TO THE TRAVIS COUNTY CHILDREN'S PROTECTIVE SERVICES BOARD EFFECTIVE IMMEDIATELY THROUGH JUNE 2011. (COMMISSIONER DAVIS) (9:36 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 REGARDING PURCHASE CONTRACTS FOR THE TRAVIS COUNTY HEALTHCARE DISTRICT TO PURCHASE 7.4 ACRES OF REAL ESTATE AT 1210 BRAKER LANE FOR THE LOCATION OF A COMMUNITY HEALTH CENTER. (11:31 AM)

**Members of the Court heard from:** Gary Martin, Assistant County Attorney; and Larry Wallace, Associate Administrator, Travis County Healthcare District.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to approve Item 27.

**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

28. CONSIDER AND TAKE APPROPRIATE ACTION ON A RESOLUTION APPROVING THE ISSUANCE, SALE AND DELIVERY OF BONDS BY THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT NO. 6 AND OTHER MATTERS IN CONNECTION THEREWITH. (COMMISSIONER DAUGHERTY) (9:36 AM)

**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. DISCUSS AND TAKE APPROPRIATE ACTION REGARDING THE FOLLOWING: (2:47 PM)
  - A. CREATING AN INTERGOVERNMENTAL RELATIONS COORDINATOR POSITION FOR TRAVIS COUNTY; AND
  - B. INSTRUCTING THE PLANNING AND BUDGET OFFICE TO INCLUDE THIS POSITION IN THE FY2009 PRELIMINARY BUDGET. (COMMISSIONER ECKHARDT)

**Members of the Court heard from:** Rodney Rhoades, Executive Manager, PBO; and Cyd Grimes, Travis County Purchasing Agent.

Discussion only. No formal action taken.

Items 29.A&B to be reposted June 17, 2008.



**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.

- 30. 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. <sup>2</sup> (3:03 PM) (4:59 PM)

**Clerk's Note:** Judge Biscoe announced that Item 30 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** Commissioner Daugherty **and seconded by** Judge Biscoe to recommend that the County make two offers;

- 1) One on the whole, that being the 341-acre tract, the offer would be \$36.5 million;
  - 2) Or the whole minus roughly 50 acres for a price of \$28.6 million;
- and that that offer would be good for 30 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

31. 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. <sup>2</sup> (3:03 PM) (5:00 PM)

**Clerk's Note:** Judge Biscoe announced that Item 31 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.072, Real Property.

Discussion only. No formal action taken.

Item 31 to be reposted June 17, 2008.

32. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN SANDRA LUNA, INDIVIDUALLY, AND A/N/F KASANDRA LUNA V. CITY OF AUSTIN, TRAVIS COUNTY AND MICHAEL HARLEY, ALT. <sup>1</sup> (9:20 AM)

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

Item 32 postponed until June 17, 2008.

33. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING SETTLEMENT OFFER IN ANDRE TYRONE SOUTHALL V. MARGO FRASIER, ET. AL, NO. A-05-CA-342-SS. <sup>1</sup> (9:20 AM)

**Clerk's Note:** Judge Biscoe announced that Item 33 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Item 33 postponed until June 17, 2008.

34. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND OUTSIDE COUNSEL, RENA HICKS, ESQ. REGARDING DECISION IN NORTHWEST AUSTIN M.U.D. V. MICHAEL B. MUKASEY IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA. <sup>1</sup> (3:03 PM) (5:00 PM)

**Clerk's Note:** Judge Biscoe announced that Item 34 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

35. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. JOHN M. DEVEREAUX, JR. AND SHARON JENSEN (CNE REAL PROPERTY, LLC RESALE DEED). <sup>1</sup>  
(3:03 PM) (5:01 PM)

**Clerk's Note:** Judge Biscoe announced that Item 35 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 authorize the County Judge to sign the prepared resale deed to CNE Real Property LLC., which has paid us the sum of \$4,808.46 in cash, and this is lot number 3231 Bar K Ranches, plat 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

36. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. JACK H. AND MARY H. VAUGHN (CNE REAL PROPERTY, LLC RESALE DEED). <sup>1</sup> (3:03 PM) (5:01 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.

**Motion by Judge Biscoe and seconded by Commissioner Daugherty** that we authorize the County Judge to sign the proposed tax resale deed, a second one, to CNE Real Property LLC., which has paid Travis County the sum of \$4,570.29 in cash, this is lot number 3271 Bar K Ranches plat 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

37. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. THE HAMLETS CORPORATION (LINDAURA DASILVA RESALE DEED). <sup>1</sup> (3:03 PM) (5:02 PM)

**Clerk's Note:** Judge Biscoe announced that Item 37 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 authorize the County Judge to sign the proposed tax resale deed to Lindaura Dasilva, who has paid Travis County the sum of \$6,200.00 in cash.

**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

38. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE SECURITY COMMITTEE'S RECOMMENDATIONS FOR THE FISCAL YEAR 2009 BUDGET PROCESS. <sup>4</sup> (3:03 PM) (5:03 PM)

**Clerk's Note:** Judge Biscoe announced that Item 38 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.076, Security.

Discussion only. No formal action taken.

39. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION ON REQUEST FROM RESIDENTS OF HAZY HILLS RANCHETTES SUBDIVISIONS FOR ASSISTANCE REGARDING THE SPICEWOOD STONE COMMERCIAL DEVELOPMENT, BILLBOARD ADVERTISING ON STATE HIGHWAY 71, NOISE AND OTHER ALLEGED NUISANCES. <sup>1</sup> (9:48 AM) (10:33 AM) (11:15 AM) (11:29 AM)

**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.

**Members of the Court heard from:** Cybil Autry, Pedernales Canyon Ranch Subdivision Resident; Kathleen Bliss, Hazy Hills Ranchettes Subdivision Resident; Steven Watson, Hazy Hills Ranchettes Subdivision Resident; Gwenith Watson, Hazy Hills Ranchettes Subdivision Resident; Marilyn Boyer; Hazy Hills Ranchettes Subdivision Resident; Gene Lowenthal, President, Hamilton Pool Road Scenic Corridor Coalition; Kevin Morse, Assistant County Attorney; and Jason Atchley, Attorney.

**Motion by Judge Biscoe and seconded by Commissioner Daugherty** that we do the following, based on our discussion and legal advice;

- 1) We continue to pursue information regarding adoption of an appropriate fee schedule to put the County in a position to enforce deed restrictions as appropriate. That we, as soon as possible, draft appropriate language for the Court's consideration. That we research what other counties in Texas have done, I understand that number is very few, but hopefully a review of their work would enable us to expedite this requirement. As a footnote, typically, we would do a draft policy if we decide to continue, notice a public hearing, and receive public comments before taking final action.
- 2) That the second step we take is to determine any and all County required permits, and make sure that this development complained about, which is located in Travis County and not another county, that those required permits are obtained, and any appropriate County Policies and Procedures are complied with, and that;
- 3) Thirdly, we continue to investigate any nuisance, possibilities, or similar violations that would give the County some leverage.

**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

**ADDED ITEMS**

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON 24-HOUR FITNESS CORPORATE AGREEMENT WITH REVISED FEE FOR ADDITIONAL ENROLLEES IN THE SAME HOUSEHOLD.

Item A1 postponed until June 17, 2008.

- A2. RECEIVE LEGAL BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING THE CONTESTED CASE HEARING ON THE PENDING APPLICATION FOR THE PROPOSED SOLID WASTE AMENDMENT TO EXPAND WASTE MANAGEMENT OF TEXAS LANDFILL LOCATED ON GILES ROAD NEAR STATE HIGHWAY 290 EAST. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (3:03 PM) (5:03 PM)

**Clerk's Note:** Judge Biscoe announced that Item A2 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

- A3. APPROVE PROCLAMATION RECOGNIZING MARY J. HIGHTOWER TAYLOR AS SHE CELEBRATES HER 80<sup>TH</sup> BIRTHDAY. (JUDGE BISCOE) (9:36 AM)

**Clerk's Note:** Item A3 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- A4. RECEIVE LEGAL BRIEFING FROM COUNTY ATTORNEY ON WHETHER STATE LAW AUTHORIZING THE CREATION OF THE TRAVIS COUNTY HEALTHCARE DISTRICT, OR ANY OTHER LAW, PROHIBITS TRAVIS COUNTY FROM SPENDING PUBLIC FUNDS ON HEALTH OR MENTAL HEALTH ISSUES. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (3:03 PM) (5:04 PM)

**Clerk's Note:** Judge Biscoe announced that Item A4 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

- A5. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPOINT MR. KEN BECK TO THE BALCONES CANYONLANDS CONSERVATION PLAN (BCCP) CITIZENS ADVISORY COMMITTEE FOR A TWO YEAR TERM. (COMMISSIONER DAUGHERTY) (9:36 AM)

**Clerk's Note:** Item A5 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** Commissioner Daugherty **and seconded by** Commissioner Davis to adjourn the Voting Session. (5:04 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**

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**Date of Approval**

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