

MINUTES OF MEETING AUGUST 12, 2008

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 12th day of August 2008, 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 11:12 AM.

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

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

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 1:41 PM and adjourned at 1:42 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:42 PM and adjourned at 1:55 PM.

The Commissioners Court reconvened the Voting Session at 1:55 PM.

The Commissioners Court retired to Executive Session at 2:46 PM.

The Commissioners Court reconvened the Voting Session at 4:54 PM.

The Commissioners Court adjourned the Voting Session at 5:01 PM.

CITIZENS COMMUNICATION

Members of the Court heard from: Gus Peña, Travis County Resident; Alan Roddy, Travis County Resident; and Jennifer Gale, Travis County Resident.
(9:15 AM)

CONSENT ITEMS

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

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C2 and Items 2, 3, 4, 5, 6.A&B, 8, 9.A-F, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, and 27. (9:27 AM) (2:32 PM)

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

C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.

C2. APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF JULY 29, 2008.

Clerk's Note: The Court revisited the Consent Items at 2:32 PM.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to reconsider the Consent 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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

Motion by Commissioner Eckhardt **and seconded by** Judge Biscoe to correct the vote on the Consent Items within the Minutes of July 29, 2008 to indicate Commissioner Eckhardt's absence from the Voting Session.

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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

CONSENT ITEMS CONTINUED

Motion by Commissioner Eckhardt **and seconded by** Commissioner Davis to reconsider the Consent Items so that Commissioner Eckhardt may be shown voting in favor of them with the exclusion of C2.

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

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the previously mentioned Consent Items with the exclusion of C2.

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 ITEMS

1. CONSIDER AND TAKE APPROPRIATE ACTION ON AN ORDER PROHIBITING OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:26 AM)

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

Clerk's Note: The Court noted that by taking no action the prohibition against outdoor burning stays in place.

Item 1 to be reposted on August 19, 2008.

TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

2. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENTS TO TITLE 30, TRAVIS COUNTY CODE, JOINT TRAVIS COUNTY/CITY OF AUSTIN SUBDIVISION CODE FOR EXTRATERRITORIAL JURISDICTION REGARDING THE CRITICAL WATER QUALITY ZONE (BUFFER) ON THE COLORADO RIVER AND PUBLIC NOTIFICATION REQUIREMENTS. (9:27 AM)

Clerk's Note: Item 2 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

3. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST FOR A VARIANCE TO TITLE 30, LDC, SECTION 30-3-191, SIDEWALK INSTALLATION IN SUBDIVISIONS FOR VINCENT SUBDIVISION, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:27 AM)

Clerk's Note: Item 3 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

4. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST FOR A VARIANCE TO SECTION 30-3-191, SIDEWALK INSTALLATION IN SUBDIVISIONS, FOR BALLI SUBDIVISION, IN PRECINCT ONE. (9:27 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 A REQUEST TO APPROVE AMENDMENT NO. 1 TO TEXAS DEPARTMENT OF TRANSPORTATION ADVANCE FUNDING AGREEMENT FOR GILLELAND CREEK TRAIL, PHASE III, IN PRECINCT TWO. (COMMISSIONER ECKHARDT) (9:27 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:
(9:27 AM)
 - A. A PLAT FOR RECORDING IN PRECINCT TWO: GREENRIDGE PHASE 5 (93 TOTAL LOTS); AND
 - B. A SUBDIVISION CONSTRUCTION AGREEMENT WITH PARMER RIDGE LTD. (COMMISSIONER ECKHARDT)

Clerk's Note: Items 6.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 7. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR FOX HILL PRELIMINARY PLAN (476 TOTAL LOTS), IN PRECINCT FOUR.
(COMMISSIONER GÓMEZ) (10:14 AM)

Members of the Court heard from: Anna Bowlin, Program Manager, Planning and Engineering, Transportation and Natural Resources (TNR).

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve this preliminary plan of Fox Hill.

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

- 8. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:27 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. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
(9:27 AM)
- A. GRANT APPLICATION TO THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR HEALTH AND HUMAN SERVICES RSVP PROGRAM TO SUPPORT A PORTION OF STAFF'S SALARY AND PROGRAM OPERATIONS;
 - B. GRANT CONTRACT WITH THE TEXAS TASK FORCE ON INDIGENT DEFENSE TO CONTINUE MENTAL HEALTH PUBLIC DEFENDERS OFFICE GRANT IN FISCAL YEAR 2009;
 - C. GRANT CONTRACT WITH NATIONAL INSTITUTE OF CORRECTIONS FOR OFFENDER WORKFORCE DEVELOPMENT SPECIALIST TRAINING PROGRAM IN CRIMINAL JUSTICE PLANNING;
 - D. GRANT CONTRACT WITH TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES FOR HEALTH AND HUMAN SERVICES TO BE REIMBURSED FOR EXPENDITURES UNDER TITLE IV-E OF THE FEDERAL SOCIAL SECURITY ACT;
 - E. GRANT CONTRACT WITH THE OFFICE OF ATTORNEY GENERAL FOR JUVENILE PROBATION TO PROMOTE COMPLIANCE WITH TRAVIS COUNTY COURT ORDERS REGARDING CHILD ACCESS AND VISITATION; AND
 - F. GRANT CONTRACT WITH THE OFFICE OF THE GOVERNOR'S CRIMINAL JUSTICE DIVISION FOR CIVIL COURTS TO CREATE AND IMPLEMENT A FAMILY DRUG TREATMENT COURT PROGRAM FOR CHILD WELFARE INVOLVED PARENTS WITH SUBSTANCE ABUSE ISSUES.

Clerk's Note: Items 9.A-F approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 10. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO INCREASE THE HOURLY CONTRIBUTION BY THE TRAVIS COUNTY SHERIFF AND CONSTABLES FOR USE OF COUNTY OWNED VEHICLES WHILE PERFORMING OFF-DUTY WORK. (10:23 AM) (11:12 AM) (4:55 PM)

Clerk's Note: Judge Biscoe announced that Item 10 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from: Rodney Rhoades, Executive Manager, Planning and Budget Office (PBO); Jim Connolly, Assistant County Attorney; and Stacy Suits, Chief Deputy, Constable Precinct 3.

Motion by Commissioner Davis **and seconded by** Commissioner Daugherty that we go with the recommendation that was made by PBO of \$20.00, as opposed to the \$15.00.

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	absent

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 \$412,792.13 FOR THE PERIOD OF JULY 25 TO JULY 31, 2008. (9:27 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. (9:27 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. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDED FISCAL YEAR 2009 COMPENSATION ITEMS FOR NON-TRAVIS COUNTY SHERIFF'S OFFICE PEACE OFFICER PAY SCALE: (10:36 AM)
 - A. WHETHER TO ESTABLISH INTERNAL EQUITY RELATIONSHIP BETWEEN TCSO AND NON-TCSO PEACE OFFICERS JOB CLASSIFICATIONS; AND
 - B. ADD PAY FOR PARK RANGERS WHO POSSESS ACTIVE EMERGENCY MEDICAL TECHNICIAN - BASIC CERTIFICATION.

Clerk's Note: Items 13.A&B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Linda Moore Smith, Director, Human Resources Management Department (HRMD); Todd Osborne, Consultant, Evergreen Solutions; Joe Gieselman, Executive Manager, TNR; Travis Gatlin, Budget Analyst, PBO; and Dan Chapman, Chief Park Ranger, TNR.

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Item 13.A.

A Friendly Amendment to the previous Motion was offered by Commissioner Eckhardt to set a trigger for revisiting the calibration for Constable Lieutenant on Peace Officer Pay Scale (POPS); that the Evergreen recommendation was that the creation of the Constable Lieutenant position wasn't appropriate at this time, but it might be right for revisiting once the command scope increased to 30 sworn officers.

Acceptance of the Friendly Amendment was made by Commissioner Daugherty.

A Clarification of the Friendly Amendment was made by Judge Biscoe was to approve the recommended relationships, the pay grade differentials; and to revisit that issue when we get to that threshold of 30 sworn officers.

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

17. APPROVE CONTRACT AWARD FOR TRANSPORTATION AND NATURAL RESOURCES EASTSIDE SERVICE CENTER NEW POTABLE WATER LINE, FIRE LINE AND FIRE PUMP ASSEMBLY, IFB NO. B080245RV, TO THE LOW BIDDER, SEGURA CONSTRUCTION, LLC. (FACILITIES MANAGEMENT) (9:27 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. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. PS050117JJ, GRANT DEVELOPMENT SERVICES, NORTH RIDGE ACRES WATER LINE IMPROVEMENTS PROJECT. (TRANSPORTATION AND NATURAL RESOURCES) (9:27 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 CONTRACT AWARD FOR AN INTERACTIVE VOICE RESPONSE SYSTEM FOR TRAVIS COUNTY, RFP NO. P080107LC, TO THE HIGHEST RANKED PROPOSER, MITEL TECHNOLOGIES, INC. (COUNTY CLERK, ELECTIONS) (9:27 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. REJECT ALL BIDS RECEIVED FOR IFB NO. B080224SW, TELECOMMUNICATIONS CABLING SERVICES, AND REBID. (INFORMATION AND TELECOMMUNICATIONS SYSTEMS) (9:27 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.

OTHER ITEMS

21. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:27 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.

- 24. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM THE CAPITAL AREA TRANSPORTATION COALITION REGARDING THE HERO (ROADSIDE ASSISTANCE) PROGRAM. (9:29 AM)

Members of the Court heard from: Howard Faulkenburg, Chairman, Capital Area Transportation Coalition (CATA); Bruce Byron, Director, CATA; Jodie Carson, Texas Transportation Institute; and Jeremy Martin, Greater Austin Chamber of Commerce.

Discussion only. No formal action taken.

- 25. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING: (1:56 PM)
 - A. REQUEST FROM THE TRAVIS COUNTY SHERIFF'S OFFICE TO ESTABLISH A WORKING RELATIONSHIP WITH THE COLORADO STATE PATROL FAMILY FOUNDATION IN ORDER TO OFFER THE "ALIVE @ 25" DEFENSIVE DRIVING COURSE TO THE TRAVIS COUNTY COMMUNITY;
 - B. SOLICITATION OF GRANTS AND PRIVATE FUNDING FOR FINANCIAL SUPPORT OF THE "ALIVE @ 25" PROGRAM; AND
 - C. REQUEST TO OFFER THE PROGRAM TO TRAVIS COUNTY RESIDENTS AS AN EQUAL PARTNER IN THE MULTI-AGENCY TRAVIS COUNTY ALIVE TEAM. (SHERIFF'S OFFICE)

Clerk's Note: Items 25.A-C are associated with one another and were called for concurrent discussion.

Members of the Court heard from: John Brady, Risk and Safety Consultant, HRMD; Gloria Souhami, Program Director, Travis County Underage Drinking Prevention Program; Michael Canales, Sergeant, Travis County Sheriff's Office (TCSO); and Barbara Wilson, Assistant County Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve Items 25.A-C.

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

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

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. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION ON REQUEST TO HIRE OUTSIDE COUNSEL FOR OFFICER C. HOTARD REGARDING MONTEZ V. TRAVIS COUNTY, ET AL. ¹ (11:12 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.

Item 28 postponed until August 19, 2008.

29. RECEIVE LEGAL BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING REQUEST TO ATTORNEY GENERAL NO. RQ-0664-GA FROM COMAL COUNTY, DENSITY OF DEVELOPMENT ISSUES. ¹ (11:12 AM) (4:56 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.

No action required on Item 29.

Item 29 will be reposted when ready.

30. RECEIVE LEGAL BRIEFING REGARDING BUDGET AND COMPENSATION FUNDING FOR DEPARTMENTS HEADED BY CERTAIN APPOINTED OFFICIALS. ¹ (11:12 AM) (2:46 PM) (4:56 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.

Motion by Judge Biscoe and seconded by Commissioner Eckhardt that we authorize the County Judge to have a follow up discussion with the County Auditor, and if necessary with the District Judges regarding some concerns that we have.

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	absent

31. DISCUSS AND TAKE APPROPRIATE ACTION ON AVAILABLE LEASE SPACE IN CENTRAL DOWNTOWN AREA. ² (11:12 AM) (2:46 PM) (4:56 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.

Motion by Judge Biscoe and seconded by Commissioner Daugherty that we authorize the County Judge and/or Commissioner Daugherty to have a follow-up conversation with the property owner about the rate, the amount of space available, and other relevant issues that we discussed; and to also to express our deep appreciation for the property owners' willingness to work with us.

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	absent

32. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. JACK E. STULTS, JR. AND TOMMYE STULTS (RAUL GONZALEZ RESALE DEED). ¹ (11:12 AM) (4:57 PM)

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.

Motion by Judge Biscoe and seconded by Commissioner Daugherty that we authorize the County Judge to sign the prepared tax resale deed to Raul Gonzalez, who has paid Travis County the sum of \$10,000.00 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	absent

33. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. FEDERAL DEPOSIT INSURANCE CORPORATION (ERIK GONZALEZ RESALE DEED). ¹ (11:12 AM) (4:57 PM)

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.

Motion by Judge Biscoe and seconded by Commissioner Daugherty that we authorize the County Judge to sign the prepared tax resale deed to Erik Gonzalez, who has paid Travis County the sum of \$3,130.41 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	absent

34. CONSIDER AND TAKE APPROPRIATE ACTION ON AN OFFER TO SELL A .0160 ACRE EASEMENT FROM A&J LEASING, LLC TO TRAVIS COUNTY, NEEDED FOR CONSTRUCTION OF THE GATTIS SCHOOL ROADWAY IMPROVEMENT PROJECT AS PART OF THE 2005 BOND PROGRAM, IN PRECINCT TWO. (COMMISSIONER ECKHARDT) ² (11:12 AM) (2:46 PM) (4:58 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 and Gov't. Code Ann. 551.072, Real Property.

Motion by Judge Biscoe and seconded by Commissioner Davis that we accept the offer to sell this tract of land to Travis County for the sum of \$5,000.00.

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	absent

35. CONSIDER AND TAKE APPROPRIATE ACTION ON AN OFFER TO SELL A .275 ACRE DRAINAGE EASEMENT AND A TEMPORARY CONSTRUCTION AREA EASEMENT FROM THOMAS CARDWELL AND CYNTHIA WEBER TO TRAVIS COUNTY, NEEDED FOR CONSTRUCTION OF THE HOWARD LANE EAST ROADWAY IMPROVEMENT PROJECT AS PART OF THE 2005 BOND PROGRAM, IN PRECINCT ONE. ² (11:12 AM) (2:46 AM) (4:58 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 and Gov't. Code Ann. 551.072, Real Property.

Motion by Commissioner Davis and seconded by Commissioner Daugherty that we pay the sum of \$25,000.00 for 0.275 acres, for the purpose of a drainage easement and also a temporary construction easement, to Thomas Cardwell and Cynthia Webber, and this is for the Howard Lane I Road Project.

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	absent

- 36. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION ON PROCEEDINGS BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS REGARDING THE REQUESTED EXPANSION OF THE BROWNING FERRIS INTERNATIONAL (BFI) LANDFILL LOCATED ON GILES ROAD NEAR STATE HIGHWAY 290 EAST (TEXAS COMMISSIONER ON ENVIRONMENTAL QUALITY (TCEQ PROPOSED MUNICIPAL SOLID WASTE PERMIT AMENDMENT NO. 1447A). ¹ (11:12 AM) (2:46 PM) (4:59 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 Davis that we authorize the sum of \$10,000.00 in the Transportation and Natural Resources (TNR) budget from Allocated Reserve in order to cover expenses to proceed with this matter.

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	absent

Clerk's Note: The County Judge noted that the amounts transferred in Items 36 and 37 are intended to cover the remainder of FY '08, and that sometime in the FY '09 budget process we need take a look at it, and early next year we will need to do a similar transfer to cover expenses in FY '09.

- 37. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION ON PROCEEDINGS BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) AND THE STATE OFFICE OF ADMINISTRATIVE HEARINGS REGARDING THE REQUESTED EXPANSION OF THE WASTE MANAGEMENT OF TEXAS, INC. LANDFILL LOCATED ON GILES ROAD NEAR STATE HIGHWAY 290 EAST (TCEQ PROPOSED MUNICIPAL SOLID WASTE PERMIT AMENDMENT NO. 249D). ¹ (11:12 AM) (2:46 PM) (5:00 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 Davis that we authorize the sum of \$15,000.00 to be taken from Allocated Reserve and placed in the TNR budget, to be used to cover expenses in this matter including consultants necessary.

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	absent

Clerk’s Note: The County Judge noted that the amounts transferred in Items 36 and 37 are intended to cover the remainder of FY '08, and that sometime in the FY '09 budget process we need take a look at it, and early next year we will need to do a similar transfer to cover expenses in FY '09.

- 38. 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 (11:12 AM) (2:46 PM) (5:01 PM)

Clerk’s Note: Judge Biscoe announced that Item 38 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 38 to be reposted on August 19, 2008.

MINUTES OF MEETING – AUGUST 12, 2008

NORTHWEST TRAVIS COUNTY ROAD DISTRICT NO. 3

On Tuesday, the 12th day of August 2008, the Commissioners' Court, meeting as the Northwest Travis County Road District No. 3 (Golden Triangle) Board of Directors, convened the Voting Session at 1:41 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 Road District Board of Directors adjourned the Voting Session of the Northwest Travis County Road District No. 3 (Golden Triangle) at 1:42 PM.

1. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST ROAD DISTRICT FUNDS. (1:41 PM)

Item 1 not needed.

2. APPROVE NORTHWEST TRAVIS COUNTY ROAD DISTRICT #3 MINUTES FOR VOTING SESSIONS OF MAY 20, MAY 27, JULY 8, JULY 15 AND JULY 29, 2008. (1:41 PM)

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the minutes for May 20, May 27, and July 15, 2008 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

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the minutes for July 8 and July 29, 2008 in Item 2.

Motion carried:

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

