

MINUTES OF MEETING – MARCH 6, 2007

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 6th day of March 2007, the Commissioners' Court convened the Voting Session at 9:12 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 12:17 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle); convened at 1:52 PM and adjourned at 1:52 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation; convened at 1:52 PM and adjourned at 2:04 PM.

The Commissioners Court reconvened the Voting Session at 2:04 PM.

The Commissioners Court retired to Executive Session at 2:32 PM.

The Commissioners Court reconvened the Voting Session at 4:30 PM.

The Commissioners Court adjourned the Voting Session at 4:35 PM.

SPECIAL ITEMS

- 4. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY AND RELATED MATTERS. (9:33 AM)

Clerk’s Note: The Court heard from Staff recommending a prohibition of outdoor burning due to the conditions.

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

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the recommendation, that is, basically, to put in place a prohibition against outdoor burning.

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 this is a ban on open burning, not all outdoor burning, and the signed order will be available on the Travis County website.

PLANNING AND BUDGET DEPT. ITEMS

- 5. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:38 AM)
 - A. GRANT APPLICATION TO THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION TO ENHANCE JUVENILE PROBATION’S EXISTING DRUG COURT; AND

Members of the Court heard from: Travis Gatlin, Budget Analyst, Planning and Budget Office (PBO).

Clerk’s Note: Items 5.A&B are associated with one another. Please refer to Item 5.B for a summary of the action taken by the Court.

ADMINISTRATIVE OPERATIONS ITEMS

7. 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 \$522,466.82 FOR THE PERIOD OF FEBRUARY 16 TO FEBRUARY 22, 2007. (9:29 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.

8. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(9:29 AM)
 - A. PROPOSED ROUTINE PERSONNEL AMENDMENTS; AND
 - B. NON-ROUTINE PERSONNEL ACTIONS – PRETRIAL SERVICES – AD HOC CAREER LADDER AND SHIFT DIFFERENTIAL – HUMAN RESOURCES SUPPORTS REQUESTS.

Clerk's Note: Items 8.A&B 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 FOLLOWING:
(10:22 AM) (2:32 PM) (4:30 PM)
- A. CHANGE THE EMPLOYMENT STATUS OF CERTAIN TEMPORARY EMPLOYEES TO PROJECT WORKERS. THESE EMPLOYEES HAVE EXCEEDED SIX CONSECUTIVE MONTHS OF EMPLOYMENT WITH TRAVIS COUNTY AND WILL BE REQUIRED TO PARTICIPATE IN THE TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM (TCDRS) RETIREMENT PLAN EFFECTIVE APRIL 1, 2007;
 - B. CHANGE THE EMPLOYMENT STATUS OF CERTAIN TEMPORARY WORKERS TO THE APPROPRIATE STATUS NOT TO EXCEED SIX MONTHS, IN ACCORDANCE WITH TRAVIS COUNTY CODE SECTION 10.076(a)(16); AND
 - C. AUTHORIZE THE REVISION OF ALL PERSONNEL POLICIES, PROCEDURES AND GUIDELINES AFFECTED BY HOUSE BILL 633 REVISIONS. (THIS ITEM MAY BE CONSIDERED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY)

Clerk's Note: Items 9.A-C are associated with one another and were called for concurrent discussion.

Clerk's Note: Judge Biscoe announced that Items 9.A-C would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from: Linda Moore Smith, Director, Human Resources Management Department (HRMD); Charles Vaughan, Chief Assistant County Auditor, Travis County Auditor's Office; Travis Gatlin, Budget Analyst, PBO; Barbara Wilson, Assistant County Attorney; Carol Joseph, Assistant Director, TNR; and Caryl Colburn, Director, Travis County Counseling and Education Services (TCCES).

Discussion only. No formal action taken.

Items 9.A-C to be reposted on March 13, 2007.

10. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATION FOR CONTRACT AWARD FOR DESIGN BUILD SERVICES FOR ADDITIONS AND ALTERATIONS TO THE TRAVIS COUNTY CORRECTIONAL COMPLEX (TCCC), RFP NO. P060273-MB, TO FAULKNERUSA. (10:09 AM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; Roger El Khoury, Director, Facilities Management; and Jose Palacios, Chief Assistant County Auditor, Travis County Auditor's Office.

Motion by Commissioner Daugherty **and seconded by** Judge Biscoe to approve Item 10.

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

Clerk's Note: Precinct Three Commissioner Gerald Daugherty thanked Staff for all their hard work on this project.

PURCHASING OFFICE ITEMS

11. APPROVE INTERLOCAL AGREEMENT WITH TRAVIS COUNTY HEALTHCARE DISTRICT FOR PURCHASING SERVICES. (PURCHASING OFFICE) (2:31 PM)

Item 11 postponed until March 13, 2007.

12. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. IL060216JT, AUSTIN/TRAVIS COUNTY MENTAL HEALTH AND MENTAL RETARDATION, FOR INTENSIVE OUTPATIENT TREATMENT SERVICES FOR DUAL DIAGNOSIS CLIENTS IN THE DRUG DIVERSION/SHORT PROGRAM. (CRIMINAL COURTS) (9:29 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. APPROVE CONTRACT AWARD FOR PORTABLE OFFICE UNITS, IFB NO. B060126-LD, TO THE SOLE BIDDER, MOBILE MINI, INC. (COUNTY CLERK) (9:29 AM)

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. REJECT ALL BIDS RECEIVED FOR IFB NO. B070122-RV, CONSTRUCTION OF NEW FLEET SERVICE, ADMINISTRATIVE AND CREW SERVICE BUILDINGS FOR THE TRANSPORTATION AND NATURAL RESOURCES EASTSIDE SERVICE CENTER-PHASE 2 AND REBID. (FACILITIES MANAGEMENT) (9:29 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 MODIFICATION NO. 1 TO CONTRACT NO. PS070002RV, CARTER AND BURGESS, INC., TO PROVIDE MECHANICAL, ELECTRICAL AND PLUMBING (MEP) ENGINEERING SERVICES FOR THE TRANSPORTATION AND NATURAL RESOURCES EASTSIDE SERVICE CENTER-PHASE 3. (FACILITIES MANAGEMENT) (9:29 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. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION ON THE LOW-INCOME VEHICLE REPAIR AND REPLACEMENT PROGRAM UNDER THE TEXAS EMISSIONS REDUCTION PROGRAM AND AUTHORIZE THE PRINTING OF FLYERS FOR OUTREACH. (9:59 AM)

Members of the Court heard from: Adele Noel, Air Quality Project Manager, TNR; and Sherri Fleming, Executive Manager, TCHHS&VS.

Motion by Commissioner Gómez **and seconded by** Judge Biscoe to approve Item 16.

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. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING: (9:29 AM)
 - A. REQUEST TO GRANT EXEMPTION FROM PLATTING REQUIREMENTS FOR TRAVIS VILLAS CONDOMINIUM PROJECT, EIGHT SINGLE-FAMILY UNITS IN TWO FOUR-UNIT STRUCTURES (2.68 ACRES LOCATED AT 20020 ROD AND GUN CLUB ROAD, SPICEWOOD; WATER TO BE PROVIDED BY ON-SITE WATER WELL, SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE SERVICE FACILITIES SYSTEMS PERMITTED BY LCRA); AND
 - B. APPROVE CONSTRUCTION AGREEMENT FOR TRAVIS VILLAS CONDOMINIUM PROJECT. (COMMISSIONER DAUGHERTY)

Clerk’s Note: Items 17.A&B 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 ON THE USE OF AN ALTERNATIVE FISCAL AGREEMENT FOR FOREST CREEK SECTION 39, A PRIVATE STREET SUBDIVISION IN PRECINCT TWO. (COMMISSIONER ECKHARDT) (9:29 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 PUBLIC NOTICE AND SET PUBLIC HEARING DATED APRIL 10, 2007 TO RECEIVE PUBLIC INPUT PURSUANT TO CHAPTER 26, PARKS AND WILDLIFE CODE, FOR USING THE BLUE BLUFF TRACT (AKA TURKEY FARM) FOR NON-PARK USE. (COMMISSIONER DAVIS) (9:29 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. CONSIDER AND TAKE APPROPRIATE ACTION ON A PRELIMINARY PLAN IN PRECINCT THREE: MORNINGSIDE SUBDIVISION (SMALL LOT) PRELIMINARY PLAN (118 LOTS – 116 SINGLE FAMILY, 1 GREENBELT, 1 WATER QUALITY – 22.95 ACRES – MANCHACA ROAD AT BECCA ROAD – NO FISCAL IS REQUIRED WITH THIS PRELIMINARY PLAN – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN 2 MILE ETJ). (COMMISSIONER DAUGHERTY) (9:29 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. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(9:29 AM)
 - A. A PLAT FOR RECORDING IN PRECINCT THREE: FINAL PLAT, RIVER DANCE 6-A AT STEINER RANCH (167 LOTS – 85.68 ACRES – BELLA MAR TRAIL AT PALISADES PARKWAY – WASTEWATER SERVICE TO BE PROVIDED BY TRAVIS COUNTY W.C.I.D. NO. 17 – CITY OF AUSTIN ETJ); AND
 - B. APPROVE A SUBDIVISION CONSTRUCTION AGREEMENT FOR THE RIVER DANCE 6-A AT STEINER RANCH. (COMMISSIONER DAUGHERTY)

Clerk’s Note: Items 21.A&B 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 A REQUEST TO APPROVE A PARTICIPATION AGREEMENT BETWEEN TRAVIS COUNTY AND A PRIVATE DEVELOPER FOR IMPROVEMENTS TO ELROY ROAD, IN PRECINCT FOUR. (COMMISSIONER GÓMEZ) (2:05 PM)

Members of the Court heard from: Steve Manilla, Director, Public Works, TNR.

Motion by Commissioner Gómez **and seconded by** Judge Biscoe to approve Item 22.

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

- 23. APPROVE LICENSE AGREEMENT WITH ESTATES OF BRENTWOOD HOMEOWNERS ASSOCIATION, INC. FOR A 36 INCH OAK TREE AND FENCES OR WALLS IN THE RIGHT OF WAY OF ANDERSON MILL ROAD, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (2:14 PM)

Members of the Court heard from: Steve Manilla, Director, Public Works, TNR.

Discussion only. No formal action taken.

Item 23 to be reposted when ready.

- 24. CONSIDER AND TAKE APPROPRIATE ACTION ON PROCESS FOR APPOINTMENT OF ELECTED OFFICIAL AND ALTERNATE(S) FROM A SMALL CITY WITHIN TRAVIS COUNTY TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) BOARD, IN ACCORDANCE WITH SECTION 1, ORGANIZATION, PARAGRAPH 3 OF THE JOINT POWERS AGREEMENT. (2:17 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR.

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to approve Item 24. That is, to send a letter, receive applications, and post for follow up action by the Commissioners Court.

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

Clerk’s Note: The Court noted that a letter will be prepared and sent to the Mayor of each small city within Travis County, informing them of the need for a representative for the CAMPO board. Any Mayor who is interested should reply by March 23, 2007 to Joe Gieselman, Executive Manager, TNR. The Court will then make a decision.

OTHER ITEMS

- 25. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:29 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.

AT 11:00 A.M.

26. CONSIDER AND TAKE APPROPRIATE ACTION ON CERTAIN LEGISLATIVE ISSUES AND PROPOSED BILLS BEFORE THE 80TH TEXAS LEGISLATURE, INCLUDING THE FOLLOWING: (10:58 AM) (11:05 AM)

A. HOUSE BILL 1517: RELATING TO THE REPORTING OF EXPENDITURES FOR LEGISLATIVE COMMUNICATION BY LOCAL GOVERNMENTAL ENTITIES;

Members of the Court heard from: Talia Gaster, Travis County Legislative Consultant; Bob Kamm, Legislative Consultant; and Susan Spataro, Travis County Auditor.

Discussion only. No formal action taken.

26. CONSIDER AND TAKE APPROPRIATE ACTION ON CERTAIN LEGISLATIVE ISSUES AND PROPOSED BILLS BEFORE THE 80TH TEXAS LEGISLATURE, INCLUDING THE FOLLOWING: (11:18 AM)

B. HOUSE JOINT RESOLUTION 61: PROPOSING A CONSTITUTIONAL AMENDMENT ALLOWING A STATE MANDATE IMPOSED ON A COUNTY TO HAVE EFFECT ONLY IF THE STATE PROVIDES FOR PAYMENT TO THE COUNTY OF THE COST OF THE MANDATE;

Members of the Court heard from: Talia Gaster, Travis County Legislative Consultant.

Discussion only. No formal action taken.

ITEM 26 CONTINUED

26. CONSIDER AND TAKE APPROPRIATE ACTION ON CERTAIN LEGISLATIVE ISSUES AND PROPOSED BILLS BEFORE THE 80TH TEXAS LEGISLATURE, INCLUDING THE FOLLOWING: (11:19 AM)

C. DRAFT BILL: RELATING TO THE CRIMINAL AND CIVIL ENFORCEMENT OF THE REQUIRED PAYMENT OF A TOLL FOR THE USE OF CERTAIN TURNPIKE PROJECTS;

Members of the Court heard from: Talia Gaster, Travis County Legislative Consultant.

Discussion only. No formal action taken.

26. CONSIDER AND TAKE APPROPRIATE ACTION ON CERTAIN LEGISLATIVE ISSUES AND PROPOSED BILLS BEFORE THE 80TH TEXAS LEGISLATURE, INCLUDING THE FOLLOWING: (11:19 AM)

D. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR REGULATION OF LAND USE AUTHORITY FOR TRAVIS COUNTY AND/OR OTHER COUNTIES;

Members of the Court heard from: Bob Kamm, Travis County Legislative Consultant.

Discussion only. No formal action taken.

Item 26.D to be reposted on March 13, 2007.

ITEM 26 CONTINUED

26. CONSIDER AND TAKE APPROPRIATE ACTION ON CERTAIN LEGISLATIVE ISSUES AND PROPOSED BILLS BEFORE THE 80TH TEXAS LEGISLATURE, INCLUDING THE FOLLOWING: (10:59 AM)

E. DRAFT BILL: RELATING TO FINANCIAL ACCOUNTING AND REPORTING FOR THE STATE AND CERTAIN POLITICAL SUBDIVISIONS OF THE STATE;

Clerk’s Note: The Court was informed that the proposed legislation had been filed and the bill numbers are: Senate Bill SB1102 and House Bill HB2365.

Members of the Court heard from: Susan Spataro, Travis County Auditor.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to execute a supporting Resolution for both HB 2365 and SB 1102, ask our consultants to get with the legislative delegation, get Susan Spataro, Travis County Auditor an audience with them, and provide any other support 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	yes

26. CONSIDER AND TAKE APPROPRIATE ACTION ON CERTAIN LEGISLATIVE ISSUES AND PROPOSED BILLS BEFORE THE 80TH TEXAS LEGISLATURE, INCLUDING THE FOLLOWING: (11:23 AM)

F. HOUSE BILL 937: RELATING TO AN EXEMPTION FROM THE PAYMENT OF A TOLL FOR AN AUTHORIZED EMERGENCY VEHICLE.

Members of the Court heard from: Talia Gaster, Travis County Legislative Consultant; and Joe Gieselman, Executive Manager, TNR.

Discussion only. No formal action taken.

Item 26.F to be reposted on March 13, 2007.

ITEM 26 CONTINUED

- 26. CONSIDER AND TAKE APPROPRIATE ACTION ON CERTAIN LEGISLATIVE ISSUES AND PROPOSED BILLS BEFORE THE 80TH TEXAS LEGISLATURE, INCLUDING THE FOLLOWING: (11:24 AM)

- G. HOUSE BILL 345: RELATING TO THE COLLATERALIZATION OF CERTAIN PUBLIC FUNDS;

Clerk’s Note: The Court discussed changes to a letter from the Commissioners Court recommending amendments to certain areas of House Bill 345.

Members of the Court heard from: Mary Mayes, Investment Manager, Cash/Investment Management; Dolores Ortega-Carter, Travis County Treasurer; Talia Gaster, Travis County Legislative Consultant; Bob Kamm, Travis County Legislative Consultant; and Chris Shields, Travis County Legislative Consultant.

Motion by Commissioner Eckhardt **and seconded by** Commissioner Gómez to approve the letter as we have amended it.

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

- 26. CONSIDER AND TAKE APPROPRIATE ACTION ON CERTAIN LEGISLATIVE ISSUES AND PROPOSED BILLS BEFORE THE 80TH TEXAS LEGISLATURE, INCLUDING THE FOLLOWING: (11:24 AM)

- H. HOUSE BILL 934: AND SENATE BILL 437 RELATING TO REQUIRING THE USE OF AN IGNITION INTERLOCK DEVICE ON CONVICTION OF CERTAIN INTOXICATION OFFENSES;

Item 26.H postponed until March 13, 2007.

ITEM 26 CONTINUED

26. CONSIDER AND TAKE APPROPRIATE ACTION ON CERTAIN LEGISLATIVE ISSUES AND PROPOSED BILLS BEFORE THE 80TH TEXAS LEGISLATURE, INCLUDING THE FOLLOWING: (11:43 AM)

I. DRAFT BILL: SUSPEND ACTION RELATING TO RETENTION AND USE OF CERTAIN SAMPLES OBTAINED DURING AN AUTOPSY;

Members of the Court heard from: Talia Gaster, Travis County Legislative Consultant.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to officially pull this item down.

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 26 CONTINUED

26. CONSIDER AND TAKE APPROPRIATE ACTION ON CERTAIN LEGISLATIVE ISSUES AND PROPOSED BILLS BEFORE THE 80TH TEXAS LEGISLATURE, INCLUDING THE FOLLOWING: (11:43 AM)

J. DISCUSSION OF OTHER BILLS AND LEGISLATIVE ISSUES AS NECESSARY; AND

Clerk's Note: The Court discussed the following issues:

- 1) SB 355 – relating to the duty of the Judge of the 147th District Court to impanel Grand Juries and to the terms of court for certain District Courts in Travis County;
- 2) SB 660 – relating to the creation of an additional statutory County Court in Travis County;
- 3) Draft Bill regarding Warrant Fee Recovery Bill;
- 4) Proposed legislation regarding restriction of construction of new bill boards on highways including Highway 130;
- 5) Draft Bill regarding Writs of Execution;
- 6) SB 839 - relating to the exchange of information among agencies related to the Texas Correctional Office on Offenders with Medical or Mental Impairments and the agencies responsible for continuity of care for offenders in the criminal justice system who are physically disabled, terminally ill, or significantly ill;
- 7) HB 61 - relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation, and;
- 8) Appropriations issue regarding Criminal Procedure changes.

Members of the Court heard from: Bob Kamm, Travis County Legislative Consultant; Chris Shields, Travis County Legislative Consultant; Talia Gaster, Travis County Legislative Consultant; and Susan Spataro, Travis County Auditor.

Discussion only. No formal action taken.

Item 26.J to be reposted on March 13, 2007.

ITEM 26 CONTINUED

26. CONSIDER AND TAKE APPROPRIATE ACTION ON CERTAIN LEGISLATIVE ISSUES AND PROPOSED BILLS BEFORE THE 80TH TEXAS LEGISLATURE, INCLUDING THE FOLLOWING: (11:08 AM)

K. ADDED ITEM: CONSIDER AND TAKE APPROPRIATE ACTION ON RESOLUTION TO SUPPORT THE FILING OF A MEET AND CONFER BILL.

Members of the Court heard from: Brett Spicer, Travis County Sheriff’s Office (TCSO); and Jim Connolly, Assistant County Attorney.

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Item 26.K.

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 REGARDING PETITIONS SUBMITTED BY VOTERS AND LANDOWNERS IN THE TRAVIS COUNTY BEE CAVE ROAD DISTRICT NO. 1 (GALLERIA) REQUESTING THE ORDERING OF AN ELECTION WITHIN THE DISTRICT TO APPROVE THE DISTRICT'S ISSUANCE OF BONDS TO FUND ROADWAY IMPROVEMENTS. (9:33 AM)

Clerk’s Note: Item 27 is the action item for the public hearing on Agenda Item 2.

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

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	abstain
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 REQUEST TO ISSUE AN ORDER TO CONDUCT AN ELECTION ON MAY 12, 2007 TO ELECT INITIAL EMERGENCY SERVICES COMMISSIONERS FOR THE BASTROP-TRAVIS COUNTIES EMERGENCY SERVICES DISTRICT NO. 1. (9:29 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. CONSIDER AND TAKE APPROPRIATE ACTION ON RESOLUTION APPROVING A TAX EXEMPT BOND FINANCING TO BE UNDERTAKEN BY CRAWFORD EDUCATION FACILITIES CORPORATION TO FINANCE PROJECT FOR CONCORDIA UNIVERSITY AT AUSTIN. (9:29 AM)

Clerk's Note: Item 29 is the action item for the public hearing on Agenda Item 3.

Clerk's Note: Item 29 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

30. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM KLEBERG COUNTY JUDGE FOR TEXAS COUNTIES TO URGE THE UNITED STATES GOVERNMENT TO INCREASE FUNDING FOR THE SOUTHWEST BORDER INITIATIVE PROGRAM, WHICH INVOLVES REIMBURSEMENT OF EXPENSES FOR THE DETENTION AND PROSECUTION OF CERTAIN OFFENDERS. (2:26 PM)

Discussion only. No formal action taken.

Item 30 to be reposted on March 13, 2007.

31. RECEIVE STATUS REPORT ON NORTHRIDGE ACRES WATER IMPROVEMENT PROJECT AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (10:57 AM)

Item 31 postponed until March 13, 2007.

32. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPOINT MARTHA MOULTHROP TO SERVE AS A PRECINCT THREE APPOINTEE TO THE TRAVIS COUNTY HISTORICAL COMMISSION, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 2008. (COMMISSIONER DAUGHERTY) (9:29 AM)

Clerk's Note: Item 32 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

33. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPOINT EMILY HURLIMANN TO SERVE ON THE NEGOTIATION TEAM FOR THE PROPOSED ANDERSON MILL ROAD MUNICIPAL ANNEXATION PLAN BY THE CITY OF AUSTIN. (COMMISSIONER DAUGHERTY) (9:29 AM)

Clerk's Note: Item 33 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 551.076, 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.

- 34. CONSIDER AND TAKE APPROPRIATE ACTION ON AN OFFER TO SELL TO TRAVIS COUNTY 0.124 ACRE (5,401 SQ. FT.) OF LAND LOCATED ON GATTIS SCHOOL ROAD, IN PRECINCT TWO, REQUIRED FOR CONSTRUCTION OF THE GATTIS SCHOOL ROADWAY IMPROVEMENT PROJECT (2005 BOND PROGRAM). (COMMISSIONER ECKHARDT) ^{1 AND 2} (2:32 PM) (4:31 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 Gómez that we accept the offer to sell this land to Travis County for the Gattis School Road Improvement Project, for the sum of \$26,000.00.

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

- 35. CONSIDER AND TAKE APPROPRIATE ACTION ON AN OFFER TO SELL TO TRAVIS COUNTY 2.243 ACRES OF LAND LOCATED ON PARSONS STREET (OLD HIGHWAY 20), IN PRECINCT ONE, BRIDGE NO. 133 REPLACEMENT PROJECT (2001 BOND PROGRAM). (COMMISSIONER DAVIS) ^{1 AND 2}
(2:32 PM) (4:31 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 Gómez that we purchase 2.243 acres from Las Entradas Development Corporation for the amount of \$97,705.08, off of Parsons Road which is actually old Highway 20, for that amount.

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

- 36. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN ENTERTAINMENT BY J&J INC. V. CELIA PEREZ, VERONICA PEREZ GOVEA AND LUKE MERCER, CONSTABLE PRECINCT ONE, ET AL.
¹ (2:32 PM) (4:32 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.

Clerk’s Note: The Court directed the County Attorney to offer to settle for 40% of the total amount of this judgment.

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty that the County Attorney be authorized to carry out those directions.

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

Item 36 to be reposted on March 13, 2007.

- 37. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION ON GENERAL LIABILITY CLAIM BY OPHELIA MILICIA FOR WATER DAMAGE TO RESIDENCE AT 1405 CANTERBURY, AUSTIN, TEXAS. ¹ (2:32 PM) (4:33 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 Gómez that we:

- 1) Authorize settlement of this matter with the County paying \$64,031.00, other specific terms and conditions as set forth in the proposed release and settlement agreement, and;
- 2) Also move that we direct THE COUNTY ATTORNEY TO INITIATE LITIGATION IN THE MATTER ON BEHALF OF TRAVIS COUNTY, AS SOON AS POSSIBLE, WORKING IN CONJUNCTION WITH THE OTHER SIDE.

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

- 38. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION ON ATTORNEY GENERAL’S OPINION REGARDING RELEASE OF RECORDS TO THE PUBLIC INCLUDING SOCIAL SECURITY NUMBERS. ¹ (2:32 PM) (4:34 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.

No action necessary on Item 38.

- 39. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION ON CONTRACT NEGOTIATIONS WITH FAULKNER USA FOR NEW JAIL CONSTRUCTION AT DEL VALLE CORRECTIONAL COMPLEX DESIGN-BUILD PROJECT. ¹ (2:33 PM)

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.

No action necessary on Item 39.

ADDED ITEM

- A.1 CONSIDER AND TAKE APPROPRIATE ACTION ON A CERTIFICATE AND ORDER WITH RESPECT TO IESI TX CORPORATION AND IESI TX LANDFILL LP APPROVING THE ISSUANCE OF REVENUE BONDS BY THE MISSION ECONOMIC DEVELOPMENT CORPORATION (MEDC) FOR CAPITAL IMPROVEMENTS TO FACILITIES IN TRAVIS COUNTY AND A PUBLIC HEARING HELD ON FEBRUARY 26, 2007. (9:44 AM)

Members of the Court heard from: Lee McCormick, Financial Advisor, Community Development Associates; and Bill Jones, IESI.

Motion by Commissioner Gómez **and seconded by** Commissioner Daugherty to approve Item A1.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	abstain
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 Daugherty to adjourn the Voting Session. (4:35 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

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge