

MINUTES OF MEETING JULY 3, 2007

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 3rd day of July, 2007, the Commissioners' Court convened the Voting Session at 9:13 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 11:30AM.

The Commissioners Court recessed the Voting Session at 12:10 PM.

The Commissioners Court reconvened the Voting Session at 1:38 PM.

The Commissioners Court retired to Executive Session at 1:38 PM.

The Commissioners Court reconvened the Voting Session at 2:19 PM.

The Commissioners Court adjourned the Voting Session at 4:04 PM.

PUBLIC HEARINGS

1. RECEIVE COMMENTS REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A 7.5 FOOT PUBLIC UTILITY EASEMENT LOCATED ALONG THE WEST SIDE LOT LINE OF LOT A OF WESTLAKE HIGHLANDS, SECTION 2-A, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (ACTION ITEM #9) (9:15 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to Agenda Item 9 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: Carol Joseph, Assistant Director, 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

CITIZENS COMMUNICATION

Members of the Court heard from: Stuart Thomas Gerstacker, Travis County Resident. (9:16 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Daugherty to approve the following Consent Items: C1-C3 and Items 2, 3, 4.A&B, 5.A&B, 6, 7, 8, 9, 15.A, 16, 18, 19, and 23. (9:20 AM) (9:40 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

Clerk's Note: Item C3 was further discussed at 9:40 AM with a request by Commissioner Eckhardt and Commissioner Gómez that the Commissioners' Court record reflect a Corrected Vote on Item C3. Judge Biscoe instructed that the record show Commissioner Eckhardt and Commissioner Gómez as present but not voting on the Motion on Item C3. The Commissioners' Court record does reflect the Corrected Vote.

Corrected Vote:

Motion carried:	County Judge Samuel T. Biscoe	yes
	Precinct 1, Commissioner Ron Davis	yes
	Precinct 2, Commissioner Sarah Eckhardt	present but not voting
	Precinct 3, Commissioner Gerald Daugherty	yes
	Precinct 4, Commissioner Margaret J. Gómez	present but not voting

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2. AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.
- C3. APPROVE COMMISSIONERS COURT MINUTES FOR THE VOTING SESSION OF JUNE 19, 2007.

ADMINISTRATIVE OPERATIONS ITEMS

2. 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 \$531,278.02 FOR THE PERIOD OF JUNE 15 TO JUNE 21, 2007. (9:20 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 PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:20 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.
 - A. CONSIDER AND TAKE APPROPRIATE ACTION ON EMPLOYEE REFUNDS UNDER TUITION REIMBURSEMENT POLICY 10.021; AND
 - B. AUTHORIZE THE COUNTY AUDITOR AND TREASURER TO REIMBURSE CERTAIN EMPLOYEES. (9:20 AM)

Clerk's Note: Items 4.A&B 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

5. APPROVE CONTRACT AWARD FOR FLEXIBLE BASE MATERIAL, TYPE A, IFB NO. B070258-DR, TO THE FOLLOWING: (9:20 AM)
 - A. CATEGORY A AND B, AUSTIN CRUSHED STONE; AND
 - B. CATEGORY C, VULCAN CONSTRUCTION MATERIALS.
(TRANSPORTATION AND NATURAL RESOURCES)

Clerk's Note: Items 5.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

6. APPROVE TERMINATION OF CONTRACT NO. 05T00221OJ, SEKA TOTAL CARPET CARE, FOR CARPET AND UPHOLSTERY CLEANING SERVICES. (FACILITIES MANAGEMENT) (9:20 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. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. PS070057RE, CARITAS OF AUSTIN, FOR BEST SINGLE SOURCE. (HHS & VS) (9:20 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. APPROVE MODIFICATION NO. 4 TO CONTRACT NO. 05AE0140JJ, MCKINNEY FALLS PARKWAY PROJECT (PRECINCT 4), HALFF ASSOCIATES, INC. (TRANSPORTATION AND NATURAL RESOURCES) (9:20 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.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

9. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A 7.5 FOOT PUBLIC UTILITY EASEMENT LOCATED ALONG THE WEST SIDE LOT LINE OF LOT A OF WESTLAKE HIGHLANDS, SECTION 2-A, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:20 AM)

Clerk's Note: Item 9 is the action item for the public hearing on Agenda Item 1.

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

10. CONSIDER AND TAKE APPROPRIATE ACTION ON WATERSEDGE PHASE 1 PRELIMINARY PLAN IN PRECINCT FOUR (248 TOTAL LOTS). (COMMISSIONER GÓMEZ) (9:15 AM)

Item 10 was pulled from the Agenda.

11. CONSIDER AND TAKE APPROPRIATE ACTION ON A RESOLUTION SUPPORTING THE TEXAS FOR CLEAN AIR CITIES COALITION'S PARTICIPATION IN AN APPEAL OF THE OAK GROVE POWER PLANT PERMITS. (11:12 AM)

Members of the Court heard from: Adele Noel, Air Quality Project Manager, TNR; and John White, Environmental Quality Program Manager, TNR.

Motion by Commissioner Gómez **and seconded by** Commissioner Eckhardt to approve the Resolution in Item 11.

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

12. A. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: THE VISTAS AT PEDERNALES CANYON TRAIL, A REVISED PLAT OF LOT 13 PEDERNALES CANYON RANCH PHASE 2 (TOTAL LOTS 11); AND

- B. APPROVE SUBDIVISION CONSTRUCTION AGREEMENT FOR VISTAS AT PEDERNALES CANYON TRAIL SUBDIVISION. (COMMISSIONER DAUGHERTY) (10:03 AM) (11:03 AM)

Clerk's Note: Items 12.A&B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Anna Bowlin, Program Manager, Planning and Engineering, TNR; Tenley Aldredge, Assistant County Attorney; Pepper Morris, outgoing Vice-President, Pedernales Canyon Trail Property Owners Association and Hill Country Alliance; and Nell Penridge, Hill Country Alliance.

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez to recommend approval of Items 12.A&B.

Motion carried:

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

ITEM 12 CONTINUED

Clerk's Note: Items 12.A&B were further discussed at 11:03 AM with a request by Commissioner Davis that the Commissioners' Court record reflect a Corrected Vote on Items 12.A&B. Judge Biscoe instructed that the record show Commissioner Davis voting in favor of the Motion on Items 12.A&B. The Commissioners' Court record does reflect the Corrected Vote.

Corrected Vote:

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

13. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(10:14 AM) (11:30 AM) (1:38 PM)
 - A. VARIANCE FROM SECTION 82.202(L)(2)(B), STANDARDS FOR CONSTRUCTION OF STREETS AND DRAINAGE IN SUBDIVISIONS IN TRAVIS COUNTY;
 - B. PRELIMINARY PLAN IN PRECINCT THREE: RGK RANCH, PRELIMINARY PLAN (1508 TOTAL LOTS); AND
 - C. PHASING AGREEMENT BETWEEN RGK AND TRAVIS COUNTY.
(COMMISSIONER DAUGHERTY)

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

Clerk's Note: Judge Biscoe announced that Items 13.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: Anna Bowlin, Program Manager, Planning and Engineering, TNR; Pix Howell, Concept Development Planning, representing RGK Ranch; Christy Mews, Travis County Resident; and Laura Gruike, Board Member, Travis Settlement Home Owners Association.

Discussion only. No formal action taken.

Items 13.A-C to be reposted on July 10, 2007.

THIS ITEM TO BE TAKEN UP AT 2:00 P.M.

14. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT ONE: LEHNE ADDITION (2 TOTAL LOTS). (COMMISSIONER DAVIS) (2:20 PM)

Members of the Court heard from: Anna Bowlin, Program Manager, Planning and Engineering, TNR; John Kuhl, Natural Resources Program Manager, TNR; Rusty Roussel, Engineer, Bury and Partners; Mark Childers, General Manager, Austin, Suncoast Resources, Inc.; Marcelo Tafoya, Deputy State Director, League of United Latin American Citizens (LULAC); Juliet Nious, Acting Secretary, L.B.J. Neighborhood Association; Gus Garcia, Former Mayor, City of Austin; Lorene Harris, Craigwood Neighborhood Association; Dennis McClintock, President, Scenic Point Homeowners Association; and John Hille, Assistant County Attorney.

Discussion only. No formal action taken.

Item 14 to be reposted on July 24, 2007.

Clerk's Note: The Court noted that a meeting would be held on July 18, 2007 at 6:15 PM at the Precinct One Satellite Office, 9301 Johnny Morris Road for any interested parties who wish to attend.

PLANNING AND BUDGET DEPT. ITEMS

15. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:20 AM)
- A. APPROVE GRANT CONTRACT WITH THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR THE 2006 STATE CRIMINAL ALIEN ASSISTANCE GRANT (SCAAP) IN THE SHERIFF'S OFFICE. GRANT PROVIDES REIMBURSEMENT FOR PRIOR YEAR EXPENDITURES.

Clerk's Note: Item 15.A approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

16. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:20 AM)

Clerk's Note: Item 16 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

17. CONSIDER AND TAKE APPROPRIATE ACTION ON ADVERTISEMENT FOR PUBLIC HEARING TO SET ELECTED OFFICIALS' SALARIES FOR FY '08 AND CALENDAR FOR ACTIONS FOR THE REMAINDER OF THE SALARY SETTING PROCESS. (THIS ITEM MAY BE TAKEN INTO EXECUTIVE SESSION PURSUANT TO GOV'T ANN. CODE 551.071, CONSULTATION WITH ATTORNEY) (11:30 AM) (4:04 PM)

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

Item 17 postponed until July 10, 2007.

OTHER ITEMS

18. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:20 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. REAPPOINT VELVA PRICE TO THE CIVIL SERVICE COMMISSION, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 2009. (COMMISSIONERS COURT) (9:20 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. DISCUSS AND TAKE APPROPRIATE ACTION ON FEASIBILITY OF CREATING POSITION TO PERFORM PUBLIC INFORMATION, INTERGOVERNMENTAL RELATIONS AND LEGISLATIVE DUTIES AT TRAVIS COUNTY. (JUDGE BISCOE) (4:04 PM)

Item 20 postponed until July 10, 2007.

21. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION ON THE STATUS OF COLLECTIONS FROM THE FOLLOWING PROGRAMS: (9:40 AM)

A. CURRENT AND DELINQUENT TAXES (TAX OFFICE); AND

B. CRIMINAL FINES AND FEES. (PLANNING AND BUDGET OFFICE)

Clerk's Note: Items 21.A&B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Nelda Wells Spears, Travis County Tax Assessor Collector; Leroy Nellis, Budget Manager, Planning and Budget Office (PBO); and Dusty Knight, Chief Operating Officer, Tax Assessor Collector's Office.

Discussion only. No formal action taken.

22. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST BY TRAVIS COUNTY SHERIFF'S OFFICE REGARDING THE DISPOSITION OF REIMBURSEMENT FUNDS TO TRAVIS COUNTY FROM THE STATE OF TEXAS FOR HURRICANE RITA EXPENSES RELATED TO TRAVIS COUNTY SHERIFF'S OFFICE DEPLOYMENT TO CAMERON PARISH IN 2005. (SHERIFF'S OFFICE) (11:03 AM)

Members of the Court heard from: Mike Hemby, Senior Planner, Travis County Sheriff's Office (TCSO); and Bill Derryberry, Senior Budget Analyst, PBO.

Discussion only. No formal action taken.

Item 22 to be reposted on July 10, 2007.

23. CONSIDER AND TAKE APPROPRIATE ACTION TO AUTHORIZE FACILITIES MANAGEMENT TO EXPLORE LEASE SPACE LOCATIONS AND OPTIONS FOR TRAVIS COUNTY ADULT PROBATION DAY TREATMENT PROGRAM FOR SUBSTANCE ABUSE TO DRAW DOWN STATE FUNDING. (ADULT PROBATION - CSCD) (9:20 AM)

Clerk's Note: Item 23 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 noted that by approving Item 23 they are authorizing Roger El Khoury, Director, Facilities Management and his Staff to try to find suitable space for the Travis County Adult Probation Day Treatment Center and report back to the Commissioners Court. The State will be covering the operating funds.

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.

24. RECEIVE UPDATE AND TAKE APPROPRIATE ACTION ON SELECTION OF EXECUTIVE MANAGER OF JUSTICE AND PUBLIC SAFETY. ^{1 AND 3}
(11:30 AM) (1:38 PM) (4:04 PM)

Clerk's Note: Judge Biscoe announced that Item 24 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.074, Personnel Matters.

Item 24 postponed until July 10, 2007.

25. CONSIDER AND TAKE APPROPRIATE ACTION ON THE EXPANSION APPLICATION AND RELATED DOCUMENTATION OF BFI-ALLIED WASTE FILED WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. ¹
(11:30 AM) (1:38 PM) (4:04 PM)

Clerk's Note: Judge Biscoe announced that Item 25 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Item 25 postponed until July 10, 2007.

ADDED ITEM

- A1. RECEIVE BRIEFING ON RECENT FLOODING IN TRAVIS COUNTY AND SURROUNDING AREAS AND TAKE APPROPRIATE ACTION, INCLUDING FLOODING DISASTER DECLARATION. (9:23 AM)

Members of the Court heard from: Pete Baldwin, Emergency Management Coordinator, Travis County Emergency Services; and Mike Hemby, Senior Planner, TCSO.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the Flooding Disaster Declaration, and that the County Judge be authorized to sign both documents on behalf of the Commissioners Court.

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 County Judge noted that the two documents approved are the Travis County Flooding Disaster Declaration and a letter to Governor Perry asking for assistance.

ADJOURNMENT

Motion by Judge Biscoe and seconded by Commissioner Daugherty to adjourn the Voting Session. (4:04 PM)

Motion carried:	County Judge Samuel T. Biscoe	yes
	Precinct 1, Commissioner Ron Davis	yes
	Precinct 2, Commissioner Sarah Eckhardt	no
	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