

**MINUTES OF MEETING APRIL 8, 2008**

**TRAVIS COUNTY COMMISSIONERS' COURT**

On Tuesday, the 8<sup>th</sup> day of April 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 Deborah Mendez.

The Commissioners Court retired to Executive Session at 10:51 AM.

The Commissioners Court reconvened the Voting Session at 12:01 PM.

The Commissioners Court recessed the Voting Session at 12:01 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 1:39 PM and adjourned at 1:40 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation; and the Travis County Health Facilities Development Corporation, convened at 1:40 PM and adjourned at 1:43 PM.

The Commissioners Court reconvened the Voting Session at 1:44 PM.

The Commissioners Court retired to Executive Session at 1:50 PM.

The Commissioners Court reconvened the Voting Session at 2:20 PM.

The Commissioners Court adjourned the Voting Session at 2:26 PM.

## PUBLIC HEARINGS

1. RECEIVE COMMENTS ON A PLAT FOR RECORDING IN PRECINCT THREE: MOUNTAIN TOP ESTATES, REVISED PLAT OF A PORTION OF TRACT 31 PANORAMIC HILLS (2 TOTAL LOTS). (COMMISSIONER DAUGHERTY) (ACTION ITEM #4) (9:20 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 4 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:** Joe Gieselman, Executive Manager, 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:** Gus Peña, Travis County Resident; Caesar Langston, Travis County Resident; Jennifer Gayle, Travis County Resident; and Kenneth Lewis, Travis County Resident. (9:21 AM)

**CONSENT ITEMS**

**Members of the Court heard from:** John Hille, Assistant County Attorney: and Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS).

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C2 and Items 4, 5, 6.A&B, 8, 10.A-E, 11, 12.A-C, 13, 14, 15, 17, 18, 19, 20, 21, and 22. (9:41 AM)

<b>Motion carried:</b> 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 SESSIONS OF MARCH 25 AND 28, 2008.

**SPECIAL ITEM**

2. CONSIDER AND TAKE APPROPRIATE ACTION ON AN ORDER PROHIBITING OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:44 AM)

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

No action necessary on Item 2.

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

Item 2 to be reposted on April 15, 2008.

**RESOLUTIONS & PROCLAMATIONS**

3. APPROVE PROCLAMATION IN OBSERVANCE OF "NATIONAL COUNTY GOVERNMENT WEEK" FROM APRIL 6 THROUGH 12, 2008 AND "PUBLIC SERVICE RECOGNITION WEEK" FROM MAY 5 THROUGH 11, 2008.  
(9:45 AM)

**Members of the Court heard from:** Alicia Perez, Executive Manager, Administrative Operations; Danny Hobby, Executive Manager, Travis County Emergency Services; and Sherri Fleming, Executive Manager, TCHHS&VS.

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

**Motion carried:**

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

**TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS**

4. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: MOUNTAIN TOP ESTATES, REVISED PLAT OF A PORTION OF TRACT 31 PANORAMIC HILLS (2 TOTAL LOTS).  
(COMMISSIONER DAUGHERTY) (9:41 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. NOTIFY COURT OF SATISFACTORY CONSTRUCTION OF THE PRIVATE STREETS FOR SPANISH OAKS SECTION IIIC, SECTION 7 AND SECTION VIII, SUBDIVISIONS IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)  
(9:41 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 REAPPOINTMENT OF TWO CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY DIRECTORS, EFFECTIVE FEBRUARY 1, 2008 THROUGH JANUARY 31, 2010: (9:41 AM)

A. LOWELL H. LEBERMANN, JR.; AND

B. HENRY H. GILMORE.

**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 THE FOLLOWING: (9:52 AM)

A. A PLAT FOR RECORDING IN PRECINCT THREE: RESERVE AT WESTHILL PHASE I, A RESUBDIVISION OF LOT B2 (REMAINDER), NORTHWEST HILLS RANCH (5 TOTAL LOTS);

B. RESERVE AT WESTHILL SUBDIVISION PRELIMINARY PLAN (13 TOTAL LOTS); AND

C. A PLAT FOR RECORDING IN PRECINCT THREE: RESERVE AT WESTHILL PHASE II FINAL PLAT (13 TOTAL LOTS). (COMMISSIONER DAUGHERTY)

**Clerk's Note:** Items 7.A-C 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; Joe Craigdale, Travis County Resident; Sharon Drinkwine, Travis County Resident; Sylvia Limon, Watershed Protection, City of Austin; and Chris Blackburn, Waterloo Development Inc.

Discussion only. No formal action taken.

Items 7.A&B to be reposted on April 22, 2008.

8. CONSIDER AND TAKE APPROPRIATE ACTION ON LICENSE AGREEMENT WITH THE TRAVIS COUNTRY COMMUNITY SERVICES ASSOCIATION, INC. FOR ITS CLEANUP AND USE OF UNUSED COUNTY RIGHT OF WAY BETWEEN SOUTHWEST PARKWAY AND THE TRAVIS COUNTRY SUBDIVISION IN SOUTHWEST TRAVIS COUNTY. (COMMISSIONER DAUGHERTY) (9:41 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.

### **HEALTH AND HUMAN SERVICES DEPT. ITEMS**

9. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM RETIRED SENIOR VOLUNTEER PROGRAM FOR LICENSE TO USE THE PALM SQUARE PARKING LOT ON SATURDAY AND SUNDAY, APRIL 19 AND 20, 2008, FOR A VOLUNTEER TECHNOLOGY RECYCLING EVENT IN PARTNERSHIP WITH SPANSION, GOODWILL, AUSTIN FREENET AND ROUND 2 TECHNOLOGIES. (9:42 AM)

Item 9 postponed until April 15, 2008.

10. CONSIDER AND TAKE APPROPRIATE ACTION ON STAFF RECOMMENDATIONS FOR ONE-TIME INVESTMENTS TO CERTAIN SOCIAL SERVICES AGENCIES: (9:41 AM)
  - A. BASIC NEEDS: ARC OF THE CAPITAL AREA, FOR FAMILY AND CARE GIVER SUPPORT;
  - B. BASIC NEEDS: CARITAS OF AUSTIN, EMERGENCY ASSISTANCE FOR 50 FAMILIES;
  - C. SHELTER: SAFEPLACE, FOR 1,575 BED NIGHTS;
  - D. COMMUNITY BASED COUNSELING: LIFEWORKS, COUNSELING SERVICES; AND
  - E. AUTHORIZE PURCHASING AGENT TO SIGN ALL CONTRACTS OR MODIFICATIONS ON THE COURT'S BEHALF.

**Clerk's Note:** Items 10.A-E 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 funding will come from salary savings from Health and Human Services.

## **PLANNING AND BUDGET DEPT. ITEMS**

11. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:41 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. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:  
(9:41 AM)
  - A. GRANT APPLICATION TO THE TEXAS TASK FORCE ON INDIGENT DEFENSE TO CONTINUE THE MENTAL HEALTH PUBLIC DEFENDER GRANT FOR ONE YEAR;
  - B. GRANT CONTRACT WITH THE UNIVERSITY OF NORTH TEXAS FOR THE HEALTH AND HUMAN SERVICES DEPARTMENT TO CONTINUE THE SENIORS AND VOLUNTEERS FOR CHILDHOOD IMMUNIZATION PROJECT; AND
  - C. INTERLOCAL AGREEMENT WITH THE CITY OF MANOR AND TRAVIS COUNTY HISTORICAL COMMISSION FOR REIMBURSEMENT OF GRANT MATCH FOR THE MANOR HISTORIC RESOURCES SURVEY GRANT.

**Clerk's Note:** Items 12.A-C approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

### ADMINISTRATIVE OPERATIONS ITEMS

13. 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 \$498,813.34 FOR THE PERIOD OF MARCH 21 TO MARCH 27, 2008. (9:41 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. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:41 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.

## PURCHASING OFFICE ITEMS

15. APPROVE AUTHORIZATION TO COMMENCE NEGOTIATIONS WITH THE MOST HIGHLY QUALIFIED FIRM, MACTEC ENGINEERING AND CONSULTING, INC., RFQ NO. Q080154JW, PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF APACHE SHORES SUBSTANDARD ROAD. (TRANSPORTATION AND NATURAL RESOURCES) (9:41 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. APPROVE THE FOLLOWING ACTIONS RELATED TO THE OPERATION OF A PHARMACY BY THE TRAVIS COUNTY SHERIFF'S OFFICE: (9:20 AM)
- A. TERMINATION OF CONTRACT NO. IL060281RE WITH UNIVERSITY OF TEXAS MEDICAL BRANCH FOR PHARMACY SERVICES;
  - B. GROUP PURCHASING ORGANIZATION AGREEMENT WITH PREMIER PURCHASING PARTNERS, L.P.; AND
  - C. PRXO GENERIC FORM AND GROUP PURCHASING ORGANIZATION DECLARATION FORM WITH AMERISOURCE BERGEN. (SHERIFF'S OFFICE)

Items 16.A-C postponed until further notice.

17. APPROVE AUTHORIZATION TO COMMENCE NEGOTIATIONS WITH THE MOST HIGHLY QUALIFIED FIRM, LAND DESIGN PARTNERS, INC., RFQ NO. Q080083LP, PROFESSIONAL ENGINEERING SERVICES FOR TRAVIS COUNTY NORTH EAST METRO PARK, PHASE III, DESIGN. (TRANSPORTATION AND NATURAL RESOURCES) (9:41 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 CONTRACT NO. PS0080146ML FOR INMATE MEDICAL SERVICES WITH ERIK STRELNIEKS, MD. (SHERIFF'S OFFICE) (9:41 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 NO. PS080198ML TO FAIRFAX IDENTITY LABORATORIES. (DISTRICT ATTORNEY'S OFFICE) (9:41 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.

## OTHER ITEMS

20. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:41 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. RECEIVE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR 2007 FROM THE COUNTY AUDITOR IN COMPLIANCE WITH TEXAS LOCAL GOVERNMENT CODE 114.025. (9:41 AM)

**Clerk's Note:** Item 21 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

22. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPOINT VIRGIL FLATHOUSE TO SERVE AS A PRECINCT THREE APPOINTEE TO THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT BOARD NO. 9, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 2009. (COMMISSIONER DAUGHERTY) (9:41 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. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM CONSTABLE PRECINCT TWO REGARDING THE PLACEMENT OF DEPUTIES BACK ON THE PEACE OFFICER PAYSCALE (NON-TCSO). (CONSTABLE PRECINCT TWO) (9:20 AM)

Item 23 postponed until April 15, 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 551.0745, Personnel Matters Affecting County Advisory Body

The Commissioners Court will consider the following items in Executive Session. The Commissioners Court may also consider any other matter posted on the agenda if there are issues that require consideration in Executive Session and the Commissioners Court announces that the item will be considered during Executive Session.

24. RECEIVE LEGAL BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING REQUEST TO ATTORNEY GENERAL #RQ-0664-GA FROM COMAL COUNTY, DENSITY OF DEVELOPMENT ISSUES. <sup>1</sup> (10:51 AM) (2:20 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.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez that we authorize the County Attorney to submit a legal memorandum in support of Comal County's position on behalf of Travis County.

<b>Motion carried:</b> 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

25. CONSIDER AND TAKE APPROPRIATE ACTION ON A COUNTER-OFFER FOR THE SALE OF TWELVE PARCELS OF REAL PROPERTY AND/OR EASEMENT INTERESTS NEEDED FOR RIGHT OF WAY IN THE 2005 BOND PROGRAM, HOWARD LANE EAST (I) ROADWAY IMPROVEMENT PROJECT, LOCATED IN PRECINCT ONE. <sup>1 AND 2</sup> (10:51 AM) (2:21 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 and Gov't. Code Ann. 551.072, Real Property.

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to direct the County to continue negotiations on this particular process, and report back to the Court when 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 OFFER(S) TO PURCHASE PROPERTY AT 9207/9301 JOHNNY MORRIS ROAD, LOCATED IN PRECINCT ONE. <sup>1 AND 2</sup> (10:51 AM) (2:21 PM)

**Clerk's Note:** Judge Biscoe announced that Item 26 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 proceed in accepting the offer of \$1.95 million from Balcones Resources, Inc., and that we direct County Staff to make sure that the conveyance language include the restrictions, and that we authorize the County Judge to sign the contract along with the Addendum B, which reflects the actual restrictions; and to provide a copy, after this becomes public record, of the contract to the affected neighborhood associations so it will be a part of their records.

**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 THE SELECTION OF TRAVIS COUNTY EXECUTIVE MANAGER, PLANNING AND BUDGET. <sup>3</sup> (10:51 AM) (1:50 PM) (2:22 PM)

**Clerk's Note:** Judge Biscoe announced that Item 27 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.074, Personnel Matters.

**Members of the Court heard from:** Leroy Nellis, Budget Manager, Planning and Budget Office (PBO); and John Hille, Assistant County Attorney.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez that we agree to hire Mr. Rodney D. Rhoades for this position at a beginning salary of \$137,000.00, and that we also agree to pay \$6,000.00 in relocation expenses, and the \$6,000.00 will be a one-time payment by the County.

<b>Motion carried:</b> 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 REGARDING THE POTENTIAL PURCHASE OF REAL ESTATE AT 313 W. 12<sup>TH</sup> STREET. <sup>1 AND 2</sup> (10:51 AM) (2:24 PM)

**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 and Gov't. Code Ann. 551.072, Real Property.

Discussion only. No formal action taken.

Item 28 to be reposted on April 15, 2008.

29. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING POTENTIAL SALE OF APPROXIMATELY 132 ACRES OF COUNTY LAND OFF FM 969 IN EAST AUSTIN. <sup>1 AND 2</sup> (10:51 AM) (2:24 PM)

**Clerk's Note:** Judge Biscoe announced that Item 29 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.072, Real Property.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez that we authorize Staff to go ahead and obtain an appropriate appraisal of the County-owned property there as well as an appropriate survey, so we will know exactly what property the County owns. Funding will be provided by Facilities Management from its lease budget.

<b>Motion carried:</b> 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 A COUNTER-OFFER FOR THE SALE OF PARCELS #3, 3EA AND 3EB NEEDED FOR RIGHT OF WAY IN THE 2005 BOND PROGRAM, MCKINNEY FALLS PARKWAY ROAD IMPROVEMENT PROJECT, LOCATED IN PRECINCT FOUR. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.072, REAL PROPERTY) (10:51 AM) (2:25 PM)

**Clerk's Note:** Judge Biscoe announced that Item A1 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 Gómez **and seconded by** Judge Biscoe that we follow Staff recommendation on the purchase of those parcels, and the total amount is \$92,711.50.

<b>Motion carried:</b> 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

- A2. CONSIDER AND TAKE APPROPRIATE ACTION ON ISSUES RELATED TO PROCEEDINGS BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) AND THE STATE OFFICE OF ADMINISTRATIVE HEARINGS (SOAH) REGARDING THE REQUESTED EXPANSION OF THE WASTE MANAGEMENT OF TEXAS (WMT) LANDFILL LOCATED ON GILES ROAD NEAR STATE HIGHWAY 290 EAST (TCEQ PROPOSED MUNICIPAL SOLID WASTE PERMIT AMENDMENT NO. 249D) INCLUDING BUT NOT LIMITED TO: (10:32 AM)
- A. TRAVIS COUNTY ATTORNEY ACCOMPANIMENT OF TRANSPORTATION AND NATURAL RESOURCES REPRESENTATION AT THE APRIL 14, 2008 TCEQ PUBLIC HEARING; AND
- B. PURSUIT OF PARTY STATUS IN PROCEEDINGS BEFORE SOAH COMMENCING AS SOON AS APRIL 16, 2008. (COMMISSIONER DAVIS AND COMMISSIONER ECKHARDT)

**Clerk's Note:** Items A2.A&B are associated with one another and were called for concurrent discussion.

**Clerk's Note:** The Court discussed compiling a list of interested parties that would need to be informed of the pending hearings.

**Members of the Court heard from:** Jon White, Environmental Quality Program Manager, TNR; John Hille, Assistant County Attorney; Robin Schneider, Texas Campaign for the Environment; and Steve Jacobs, Waste Management, Inc. (WMI).

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Davis that we instruct the County Attorney to accompany Jon White, Environmental Quality Program Manager, TNR to the April 14, 2008 meeting before the Texas Commissioner on Environmental Quality (TCEQ), and also move the approval of the Resolution formally requesting party status for the April 16, 2008 meeting before the State Office of Administrative Hearings (SOAH).

**A Friendly Amendment to the previous Motion was offered by** Commissioner Davis to have Staff help us determine who those persons are on the list, so that they can be notified about the April 14, 2008 meeting to make sure everything is as inclusive as possible.

**Acceptance of the Friendly Amendment was made by** Commissioner Eckhardt.

<b>Motion carried:</b> 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

- A3. CONSIDER AND TAKE APPROPRIATE ACTION ON PURSUIT OF PARTY STATUS AND ANY OTHER ISSUES RELATED TO 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 (TCEQ PROPOSED MUNICIPAL SOLID WASTE PERMIT AMENDMENT NO. 1447A). (COMMISSIONER DAVIS AND COMMISSIONER ECKHARDT) (10:50 AM) (1:44 PM)

**Members of the Court heard from:** Jon White, Environmental Quality Program Manager, TNR; and Paul Gosselink, Attorney representing BFI.

**Motion by** Commissioner Davis **and seconded by** Judge Biscoe to approve this particular Resolution to ensure that we have party status, and also direct Staff to assist in the notification process since we are not sure how the State Office of Administrative Hearings handle the notification process, so if there is anything that we can do to accommodate, to make sure that persons are present as far as the hearing itself is concerned on May 8, 2008. Also, to have the County Attorney present.

**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:** Item A3 was further discussed at 2:26 PM with a request by Commissioner Eckhardt that the Commissioners' Court record reflect a Corrected Vote on Item A3. Judge Biscoe instructed that the record show Commissioner Eckhardt voting yes on the Motion on Item A3. 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

## ADJOURNMENT

**Motion by Commissioner Davis and seconded by Commissioner Gómez to adjourn the Voting Session. (2:26 PM)**

<b>Motion carried:</b>	County Judge Samuel T. Biscoe	yes
	Precinct 1, Commissioner Ron Davis	yes
	Precinct 2, Commissioner Sarah Eckhardt	yes
	Precinct 3, Commissioner Gerald Daugherty	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

## MINUTES APPROVED BY THE COMMISSIONERS' COURT

**Date of Approval**

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