

## **MINUTES OF MEETING MARCH 24, 2009**

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

On Tuesday, the 24<sup>th</sup> day of March 2009, the Commissioners' Court convened the Voting Session at 9:18 AM in the Commissioners' Courtroom, 1<sup>st</sup> Floor of the Ned Granger Administration Building, 314 West 11<sup>th</sup> Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Gillian Porter.

The Commissioners Court retired to Executive Session at 10:32 AM.

The Commissioners Court reconvened the Voting Session at 11:24 AM.

The Commissioners Court recessed the Voting Session at 12:08 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:41 PM and adjourned at 1:58 PM.

The Commissioners Court, meeting as the Capital Health Facilities Development Corporation, convened at 1:58 PM and adjourned at 1:59 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 1:59 PM and adjourned at 2:00 PM.

The Commissioners Court, meeting as the Travis County Bee Cave Road District #1 (Galleria), convened at 2:00 PM and adjourned at 2:01 PM.

The Commissioners Court reconvened the Voting Session at 2:01 PM.

The Commissioners Court retired to Executive Session at 2:34 PM.

The Commissioners Court reconvened the Voting Session at 5:03 PM.

The Commissioners Court adjourned the Voting Session at 5:12 PM.

## PUBLIC HEARINGS

1. RECEIVE COMMENTS ON A REVISED PLAT OF LOT 1, BLOCK FFF, HILLTOP MANOR SUBDIVISION AND LOT 19, BLOCK RR, TWIN LAKE HILLS SUBDIVISION (2 TOTAL LOTS). (COMMISSIONER HUBER) (ACTION ITEM #16) (9:19 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 16 for a summary of the action item.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to open the public hearing.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to close the public hearing.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

2. RECEIVE COMMENTS REGARDING THE PROPOSED VACATION OF TWO TRACTS OF 0.313 AND 0.179 ACRES, WHICH COMPRISE THE DRAINAGE EASEMENT RECORDED AS INSTRUMENT NUMBER 2008087239 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.  
(COMMISSIONER HUBER) (ACTION ITEM #17) (9:20 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 17 for a summary of the action item.

**Motion by** Commissioner Davis **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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**Members of the Court heard from:** Anna Bowlin, Program Manager, Planning and Engineering, TNR.

**Motion by** Commissioner Davis **and seconded by** Commissioner Huber 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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

## **CITIZENS COMMUNICATION**

**Members of the Court heard from:** Ronnie Gjemre, Travis County Resident; Maurice Priest, Travis County Resident; and Gus Peña, Travis County Resident.  
(9:22 AM)

## CONSENT ITEMS

**Motion by** Commissioner Gómez **and seconded by** Commissioner Eckhardt to approve the following Consent Item: C1 and Items 7.A&B, 9, 10, 11, 14, 15, 16, 17, 20, 21, 24, 25, 26, and 27.A-C. (9:32 AM)

**Motion carried:**

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

C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.

## SPECIAL ITEMS

3. RECEIVE STATUS REPORT REGARDING THE GOVERNOR'S REQUEST FOR A PRESIDENTIAL DISASTER DECLARATION DUE TO DROUGHT CONDITIONS. (9:37 AM)

**Members of the Court heard from:** Danny Hobby, Executive Manager, Travis County Emergency Services.

Discussion only. No formal action taken.

4. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:45 AM)

**Members of the Court heard from:** Hershel Lee, Assistant Fire Marshal.

**Motion by** Judge Biscoe **and seconded by** Commissioner Huber that we approve and order prohibiting 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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**Clerk's Note:** The County Judge noted that if Travis County residents have any questions regarding the prohibition on outdoor burning they can call:

- The Fire Marshal's Office at 512-854-4621,
- The Emergency Services Department at 512-854-9637; or,
- Check the website at [www.co.travis.tx.us/fire\\_marshal](http://www.co.travis.tx.us/fire_marshal).

5. RECEIVE PRESENTATION AND TAKE APPROPRIATE ACTION REGARDING THE UNITED STATES 2010 CENSUS. (9:48 AM)

**Members of the Court heard from:** Lupe Ochoa, Partnership Specialist, United States Census Bureau.

Discussion only. No formal action taken.

## PLANNING AND BUDGET DEPT. ITEMS

6. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:36 AM)

**Clerk's Note:** Items 6 and 8 are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Leroy Nellis, Budget Manager, Planning and Budget Office (PBO).

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to approve Items 6 and 8.

**Motion carried:**

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

7. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:32 AM)
- A. GRANT CONTRACT WITH THE EMERGENCY FOOD AND SHELTER LOCAL BOARD FOR HEALTH AND HUMAN SERVICES TO CONTINUE TO PROVIDE EMERGENCY UTILITY ASSISTANCE TO QUALIFIED TRAVIS COUNTY RESIDENTS; AND
- B. GRANT CONTRACT AMENDMENT WITH THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES FOR ADDITIONAL REIMBURSEMENT FOR THE TITLE IV-E LEGAL ADMINISTRATION PROGRAM IN THE DISTRICT ATTORNEY'S OFFICE.

**Clerk's Note:** Items 7.A&B 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 REIMBURSEMENT RESOLUTIONS RELATED TO FISCAL YEAR 2009 CERTIFICATES OF OBLIGATION. (9:36 AM)

**Clerk's Note:** Items 6 and 8 are associated with one another and were called for concurrent discussion. Please refer to Item 6 for a summary of the action taken by the Court.

### **ADMINISTRATIVE OPERATIONS ITEMS**

9. 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 \$440,272.63 FOR THE PERIOD OF MARCH 6 TO MARCH 12, 2009. (9:32 AM)

**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 PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:32 AM)

**Clerk's Note:** Item 10 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

### **JUSTICE AND PUBLIC SAFETY ITEMS**

11. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE TRAVIS COUNTY MEDICAL EXAMINER'S OFFICE ON AN INTERNSHIP AGREEMENT BETWEEN ST. EDWARD'S UNIVERSITY AND TRAVIS COUNTY. (9:32 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.

**PURCHASING OFFICE ITEMS**

12. APPROVE CONTRACT AWARD FOR ASSORTED SANDS FOR COUNTY PARKS, ROADS AND BRIDGES, IFB NO. B090076NB, TO THE LOW BIDDER, TXI OPERATIONS LP. (10:12 AM)

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 12.

**Motion carried:**

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

13. APPROVE PROFILE AND AGREEMENT BETWEEN TRAVIS COUNTY AND JPMORGAN CHASE BANK FOR PARTICIPATION IN PROCUREMENT CARD AND CORPORATE TRAVEL CHARGE CARD PROGRAMS. (10:13 AM)

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 13.

**Motion carried:**

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

**Clerk's Note:** The County Judge noted that the cards would only be used by the Purchasing Department.

14. APPROVE CONTRACT NO. PS090069ML WITH LISA MILLER FOR RELIEF PHARMACY SERVICES. (9:32 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. 3 TO CONTRACT NO. 07C001660J, FROST INSURANCE AGENCY, INC., FOR BENEFITS REVIEW SERVICES FOR TRAVIS COUNTY. (9:32 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 AND NATURAL RESOURCES DEPT. ITEMS**

16. CONSIDER AND TAKE APPROPRIATE ACTION ON A REVISED PLAT OF LOT 1, BLOCK FFF, HILLTOP MANOR SUBDIVISION AND LOT 19, BLOCK RR, TWIN LAKE HILLS SUBDIVISION (2 TOTAL LOTS). (COMMISSIONER HUBER) (9:32 AM)

**Clerk's Note:** Item 16 is the action item for the public hearing on Agenda Item 1.

**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 REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE TWO TRACTS OF 0.313 AND 0.179 ACRES, WHICH COMPRISE THE DRAINAGE EASEMENT RECORDED AS INSTRUMENT NUMBER 2008087239 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. (COMMISSIONER HUBER) (9:32 AM)

**Clerk's Note:** Item 17 is the action item for the public hearing on Agenda Item 2.

**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. CONSIDER AND TAKE APPROPRIATE ACTION ON AN AGREEMENT TO CONTRIBUTE FUNDS-LOCAL GOVERNMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO RM 2769, IN PRECINCT THREE. (COMMISSIONER HUBER) (10:25 AM)

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Huber to approve Item 18.

**Motion carried:**

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

19. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF AUSTIN FOR IMPROVEMENTS TO BULLICK HOLLOW ROAD REQUIRED TO FACILITATE THE CONSTRUCTION OF WATER TREATMENT PLANT NO. 4, IN PRECINCT THREE. (COMMISSIONER HUBER) (10:26 AM)

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

**Motion by** Commissioner Huber **and seconded by** Commissioner Gómez to approve Item 19.

**Motion carried:**

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

20. CONSIDER AND TAKE APPROPRIATE ACTION ON A PRELIMINARY PLAN IN PRECINCT THREE: COVES AT SKY RANCH SUBDIVISION (16 TOTAL LOTS). (COMMISSIONER HUBER) (9:32 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 USE OF TRAVIS COUNTY'S ALTERNATIVE FISCAL AGREEMENT FOR THE BLUFFS AT LAKE TRAVIS, A PRIVATE STREET SUBDIVISION IN PRECINCT THREE.  
(COMMISSIONER HUBER) (9:32 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 THE FOLLOWING:  
(9:59 AM)

A. REVISED PRELIMINARY PLAN IN PRECINCT THREE: RGK RANCH SUBDIVISION; AND

B. FINAL PLAT IN PRECINCT THREE: LOT 15B, BLOCK 2, RGK RANCH COMMERCIAL UNIT A. (COMMISSIONER HUBER)

**Clerk's Note:** Items 22.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; Pix Howell, Concept Development Planning, representing RGK Ranch; and Christopher Gilmore, Assistant County Attorney.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the requested action in Items 22.A&B.

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

**HEALTH AND HUMAN SERVICES DEPT. ITEMS**

23. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING INTERVIEWS OF APPLICANTS FOR TRAVIS COUNTY HEALTHCARE DISTRICT BOARD OF MANAGERS. (10:13 AM)

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

**Clerk's Note:** The Court discussed questions to be asked during the interviews on Thursday, March 26, 2009, the 9 questions used in previous interviews, plus a question proposed by a resident.

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Gómez to move inclusion of the question.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt to approve asking the full list of ten questions.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**OTHER ITEMS**

24. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:32 AM)

**Clerk's Note:** Item 24 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

25. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF FEBRUARY, 2009. (9:32 AM)

**Clerk's Note:** Item 25 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

26. CONSIDER AND TAKE APPROPRIATE ACTION ON THE REVISED MANAGEMENT REPRESENTATION LETTER TO BE PROVIDED TO DELOITTE & TOUCHE, LLP REGARDING FISCAL YEAR 2008 COUNTY-WIDE ANNUAL FINANCIAL AUDIT. (9:32 AM)

**Clerk's Note:** Item 26 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

27. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING ELECTION SERVICES AGREEMENTS WITH TRAVIS COUNTY: (9:32 AM)

- A. ANDERSON MILL LIMITED DISTRICT;
- B. LAKESIDE MUNICIPAL DISTRICT NO. 5; AND
- C. THE CITY OF BEE CAVE.

**Clerk's Note:** Items 27.A-C approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

28. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO ADDRESS WATER AVAILABILITY AND RELATED ISSUES AT TECOLOTE FARMS.  
(THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (2:01 PM) (2:34 PM) (5:07 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.

**Members of the Court heard from:** Katie Kraemer-Pitre, Owner, Tecolote Farms; Joe Gieselman, Executive Manager, TNR; and Skip Richter, Director, Texas AgriLife Extension Service, Travis County Health and Human Services (TCHHS).

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez that we needed answers to several important questions regarding:

- the amount of produce that could be made available;
- the estimated cost of the lines and meter, which TNR said it could get for us;
- the quantity of water needed, size of the lines;
- the defensibility by Travis County of any claims made against us;
- to determine whether or not there is a way for us to favorably consider this next week, Tuesday, March 31, 2009, and, if not, just make the call based on the facts available;
- the cost of separate well, and;
- any other questions or issues raised, if, after today, Court Members think of additional issues, we can just reduce those to writing and either send them to Christopher Gilmore, Assistant County Attorney or Joe Gieselman, Executive Manager, TNR depending on the nature of the point or issue.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**AT 11:00 A.M.**

29. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING: (11:25 AM) (2:34 PM) (5:08 PM)
- A. LEGISLATION RELATING TO EXPANDING THE BOUNDARIES OF THE BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT TO INCLUDE ADDITIONAL PORTIONS OF TRAVIS COUNTY;
  - B. HOUSE BILL 1284 - RELATING TO THE CREATION OF A COURT RECORD PRESERVATION FUND AND IMPOSING A FEE;
  - C. **ADDED ITEM:** LEGISLATION RELATING TO EMINENT DOMAIN AND CONDEMNATION, INCLUDING HOUSE BILLS 4, 369, 402, 417, 1125, 1385, 1432, 1483, 1534, 1536, 2110, 2387, 2685, AND 3709, AND HOUSE JOINT RESOLUTIONS 14, 31 AND 65;
  - D. **ADDED ITEM:** LEGISLATION RELATING TO LOCAL OPTIONS FOR TRANSPORTATION FUNDING, INCLUDING HOUSE BILLS 9, 1674 AND 3448, AND SENATE BILLS 855 AND 942; AND
  - E. **ADDED ITEM:** HOUSE BILL 3468 - RELATING TO THE SELECTION, DUTIES AND COMPENSATION OF A PRESIDING CRIMINAL JUDGE IN TRAVIS COUNTY.

**Clerk's Note:** Items 29.A-E are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Deece Eckstein, Intergovernmental Relations Officer; Steven Broberg, Director, Records Management and Communication Resources (RMCR); John Hille, Assistant County Attorney; Joe Gieselman, Executive Manager, TNR; and Susan Spataro, Travis County Auditor.

**Clerk's Note:** The Court discussed proposed legislation relating to expanding the boundaries of the Barton Springs-Edwards Aquifer Conservation District to include additional portions of Travis County.

**Motion by** Commissioner Huber **and seconded by** Judge Biscoe that we can act on the concept, which has been fairly well vetted, putting this part of western Travis County in the Barton Springs-Edwards Aquifer Conservation District.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**ITEM 29 CONTINUED**

**Clerk's Note:** The Court discussed HB 1284, legislation relating to the creation of a court record preservation fund and imposing a fee.

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Davis to approve Item 29.B.

**Clerk's Note:** The Court did not Vote on the Standing Motion.

**Motion by** Judge Biscoe **and seconded by** Commissioner Huber that we support the proposed legislation.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	abstain

**Clerk's Note:** By approving the previous Motion the Court expressed their support for HB 1284.

**Clerk's Note:** The Court discussed legislation relating to Eminent Domain and Condemnation.

**Motion by** Commissioner Eckhardt **and seconded by** Judge Biscoe that the Court specifically state its opposition to 11 of those 17 bills; that we drop a card at the House Land and Resource Management Committee hearing, Wednesday, March 26, 2009, and develop a statement for next week, Tuesday, March 31, 2009.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes



**ITEM 29 CONTINUED**

**Clerk's Note:** The Court discussed SB 855, Local Option Transportation Act, Subchapter E. Capital Region.

**Clerk's Note:** The Court approved without objection to authorize Staff to communicate with Senator Watson's Office regarding concerns relating to Subchapter E of SB 855, and update the Court this afternoon.

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

**Clerk's Note:** The Court discussed sending a letter to Senator Watson and Representative Rodriguez regarding concerns relating to the amendment Subchapter E of SB 855.

**Motion by Judge Biscoe and seconded by Commissioner Eckhardt** to deliver this information to the both of them.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**Clerk's Note:** The Court discussed an amendment to HB 3468, legislation relating to the selection, duties and compensation of a Presiding Criminal Judge in Travis County.

**Motion by Commissioner Gómez and seconded by Commissioner Davis** that the County Commissioners Court of Travis County may pay the presiding criminal judge additional compensation in any amount not to exceed the amount the local administrative district judge of Travis Country receives from the State. Notwithstanding any other law, compensation paid the presiding criminal judge under this subsection is not included as part of the Judge's combined salary from State and County sources for purposes of the salary limitations provided by Section 659.012.

<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 Karen Huber	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

Note 4 Gov't Code Ann 551.087, Deliberation Regarding Economic Development Negotiations

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

30. 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. <sup>1</sup> (10:32 AM) (5:03 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** Commissioner Eckhardt **and seconded by** Judge Biscoe that we approve the settlement offer of \$3.5M aggregate, with \$2.1M going to 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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

31. A. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN JENNIFER MCPHAIL VS. TRAVIS COUNTY; AND <sup>1</sup>
- B. CONSIDER AND TAKE APPROPRIATE ACTION ON MODIFICATION TO EXPOSITION CENTER FORM LICENSE AGREEMENT TO ADD CLAUSE REGARDING ADA ROUTES. (10:32 AM) (2:34 PM) (5:03 PM)

**Clerk's Note:** Judge Biscoe announced that Items 31.A&B would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Items 31.A&B to be reposted on March 31, 2009.

32. RECEIVE LEGAL BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING THE CONTESTED CASE HEARING ON THE PENDING APPLICATION FOR THE PROPOSED SOLID WASTE AMENDMENT TO EXPAND WASTE MANAGEMENT OF TEXAS LANDFILL LOCATED ON GILES ROAD NEAR STATE HIGHWAY 290 EAST. <sup>1</sup>  
(10:32 AM) (2:34 PM) (5:03 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.

Discussion only. No formal action taken.

33. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE POTENTIAL PURCHASE OF PROPERTIES IN CENTRAL AUSTIN. <sup>1 AND 2</sup>  
(2:34 PM) (5:03 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 and Gov't. Code Ann. 551.072, Real Property.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that we authorize Facilities Management and Roger El Khoury, Director, Facilities Management and his Staff to begin negotiating with the owners of the property adjacent to this building with an eye toward reaching an acceptable purchase price and purchasing it.

**Motion carried:** County Judge Samuel T. Biscoe yes  
Precinct 1, Commissioner Ron Davis yes  
Precinct 2, Commissioner Sarah Eckhardt yes  
Precinct 3, Commissioner Karen Huber yes  
Precinct 4, Commissioner Margaret J. Gómez yes

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that we authorize Staff to notify the owner of the small piece of property that we were considering purchasing, that we have decided not to, due to the size of the property.

**Motion carried:** County Judge Samuel T. Biscoe yes  
Precinct 1, Commissioner Ron Davis yes  
Precinct 2, Commissioner Sarah Eckhardt yes  
Precinct 3, Commissioner Karen Huber yes  
Precinct 4, Commissioner Margaret J. Gómez yes

34. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO JOIN CITY OF AUSTIN AND OTHER PARTNERS IN THE REDEVELOPMENT OF SEAHOLM POWER PLANT PROJECT, INCLUDING THE OFFERING OF FINANCING INCENTIVES FOR PROJECT GREEN. <sup>4</sup> (2:01 PM)

**Clerk's Note:** Judge Biscoe announced that Item 34 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.087, Deliberation Regarding Economic Development Negotiations.

Item 34 postponed until March 31, 2009.

35. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN THE MATTER OF TRAVIS COUNTY V. FLINT HILLS RESOURCES, L.P. AND KOCH PIPELINE CO., L.P. <sup>1</sup> (10:32 AM) (2:34 PM) (5:04 PM)

**Clerk's Note:** Judge Biscoe announced that Item 35 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that we authorize the County Attorney to share with the other side and file with the Court, the proposed letter that he shared 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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

36. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION REGARDING CONTRACT WITH THE STAR OF TEXAS FAIR AND RODEO, INCLUDING CERTAIN SIGNAGE PLACED IN THE LUEDECKE ARENA AT TRAVIS COUNTY EXPOSITION CENTER. <sup>1</sup> (10:32 AM) (2:34 PM) (5:05 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 Huber** that the Commissioners Court send to the Officers and Board Members of this entity a letter indicating our displeasure with the action they have taken regarding the Budweiser signs, and that we will seriously consider not authorizing the use of signage at the facility, as part of the permanent contract, when negotiations begin after this year's (2009) show. That we try to get that letter done tomorrow, Wednesday, March 25, 2009, and hopefully, either hand delivered, or delivered otherwise, as soon as possible, due to the fact that this year's Rodeo will end this weekend, Saturday, March 28, 2009.

**Motion carried:**

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

37. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING THE EXTENSION OF ADMINISTRATIVE LEAVE WITH PAY FOR HEALTH AND HUMAN SERVICES DEPARTMENT EMPLOYEE, SLOT 178. (10:32 AM) (5:06 PM)

**Clerk's Note:** Judge Biscoe announced that Items 37 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.

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt that we authorize an additional 2 days, and that we have this matter back on the Court's agenda next week, Tuesday, March 31, 2009 for appropriate follow up action.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Item 37 to be reposted on March 31, 2009.

### ADDED ITEM

- A1. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION ON REQUEST FOR ASSISTANCE WITH COMPLAINT REGARDING ACTIVITIES AT THE EAST RURAL COMMUNITY CENTER. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (10:32 AM) (5:06 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.

**Motion by** Commissioner Davis **and seconded by** Judge Biscoe that we send a letter to the complaining party on behalf of Travis County Commissioners Court; that that letter be mailed out of my office, and follow up on the particular motion as stated.

<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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

## ADJOURNMENT

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to adjourn the Voting Session. (5:12 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 Karen Huber	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

**MINUTES APPROVED BY THE COMMISSIONERS' COURT**

**Date of Approval**

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