

## **MINUTES OF MEETING APRIL 14, 2009**

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

On Tuesday, the 14<sup>th</sup> day of April 2009, the Commissioners' Court convened the Voting Session at 9:12 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 recessed the Voting Session at 12:15 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:50 PM and adjourned at 1:51 PM.

The Commissioners Court reconvened the Voting Session at 1:51 PM.

The Commissioners Court retired to Executive Session at 3:27 PM.

The Commissioners Court reconvened the Voting Session at 6:10 PM.

The Commissioners Court adjourned the Voting Session at 6:19 PM.

### **CITIZENS COMMUNICATION**

**Members of the Court heard from:** Ronnie Gjemre, Travis County Resident; Gus Peña, Travis County Resident; Richard Halpin, Founder and Chief Executive Officer, American Youthworks; Charles Roman, American Youthworks; and Shane Martin, American Youthworks. (9:13 AM)

**Clerk's Note:** Citizens Communication was revisited at 9:38 AM.

**Members of the Court heard from:** Robin Ramey, Travis County Resident. (9:38 AM)

**CONSENT ITEMS**

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

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C4 and Items 4, 5, 6, 7, 11, 12.A-E, 13, 14, 18, 19, 21, 22, and 23. (9:35 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 Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2. REAPPOINT NANCY HAMILTON AND MARTY MOULTHROP TO SERVE ON THE TRAVIS COUNTY HISTORICAL COMMISSION AS PRECINCT THREE APPOINTEES, TERM EFFECTIVE IMMEDIATELY UNTIL JANUARY 31, 2011. (COMMISSIONER HUBER)
- C3. APPROVE SETTING A PUBLIC HEARING ON MAY 5, 2009 TO RECEIVE COMMENTS REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A 7.5 FOOT PUBLIC UTILITY EASEMENT LOCATED ALONG THE REAR LOT LINE OF LOT 61, BLOCK B, RANCH AT DEER CREEK SUBDIVISION, PHASE ONE, SECTION ONE. (COMMISSIONER HUBER)
- C4. APPROVE SETTING A PUBLIC HEARING ON MAY 5, 2009 TO RECEIVE COMMENTS REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A 10 FOOT PUBLIC UTILITY EASEMENT LOCATED PARALLEL TO THE SOUTHWESTERLY LOT LINE OF LOT 8 OF ROCKCLIFF ESTATES SUBDIVISION. (COMMISSIONER HUBER)

## SPECIAL ITEMS

1. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:40 AM)

**Members of the Court heard from:** Hershel Lee, Assistant Fire Marshal; and Pete Baldwin, Emergency Management Coordinator, Travis County Emergency Services.

**Clerk's Note:** Judge Biscoe announced that by taking no action the prohibition against outdoor burning stays in place.

Discussion only. No formal action taken.

Item 1 to be reposted on April 21, 2008.

**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).

2. CONSIDER AND TAKE APPROPRIATE ACTION ON EXTENDING THE TRAVIS COUNTY DROUGHT DISASTER DECLARATION. (9:42 AM)

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

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve Item 2.

<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

**RESOLUTIONS AND PROCLAMATIONS**

3. APPROVE PROCLAMATION RECOGNIZING APRIL 12 THROUGH APRIL 18, 2009 AS "ENVIRONMENTAL CRIME AWARENESS WEEK" IN TRAVIS COUNTY. (COMMISSIONER ECKHARDT) (9:47 AM)

**Members of the Court heard from:** Neil Kucera, Assistant County Attorney, Texas Environmental Task Force; Doug MacDougall, Environmental Investigator, Travis County Attorney's Office; Dennis Rudder, Environmental Investigator, Travis County Attorney's Office; Micky Roberts, Regional Environmental Task Force Coordinator, Capital Area Council of Governments (CAPCOG); and Sidney Parker, Environmental Investigator, Travis County Sheriff's Office (TCSO).

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Davis to approve the Proclamation in Item 2.

**Motion carried:**

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

**Clerk's Note:** The Commissioners Court noted that if Travis County residents have any questions or wish to report environmental crimes they can call the Illegal Dumping Hotline at 1-877- NO DUMPS.

**PURCHASING OFFICE ITEMS**

4. APPROVE MODIFICATION NO. 7, AN ASSIGNMENT OF CONTRACT NO. CM060201LC FROM ARGENT SOFTWARE INC. TO ARGSOFT GROUP LLC. (9:35 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. REJECT ALL PROPOSALS RECEIVED FOR RFS NO. S090174OJ, EXTRADITION AND TRANSPORTATION SERVICES. (9:35 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. APPROVE ISSUANCE OF JOB ORDER NO. 41, MINOR CONSTRUCTION AND RENOVATION SERVICES, CONTRACT NO. 07K00307RV, ARCHITECTURAL HABITAT OF AUSTIN, INC. (9:35 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.

## **TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS**

7. CONSIDER AND TAKE APPROPRIATE ACTION ON THE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES FOR THE VILLAGES OF HIDDEN LAKE, PHASE 4A AND PHASE 5A, TWO SUBDIVISIONS IN PRECINCT TWO. (COMMISSIONER ECKHARDT) (9:35 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:  
(2:25 PM)
  - A. PROPOSED MODIFICATION TO TRAVIS COUNTY CODE CHAPTER 1.019, COUNTY VEHICLE USAGE POLICY; AND
  - B. REQUEST TO APPROVE PAYMENT OF OUTSTANDING TOLL AMOUNTS.

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

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; Carol Joseph, Assistant Director, TNR; Barbara Wilson, Assistant County Attorney; Susan Spataro, Travis County Auditor; and Cyd Grimes, Travis County Purchasing Agent.

Discussion only. No formal action taken.

Items 8.A&B to be reposted on April 21, 2009.

**HEALTH AND HUMAN SERVICES DEPT. ITEMS**

9. CONSIDER AND TAKE APPROPRIATE ACTION ON THE COMMUNITY DEVELOPMENT BLOCK GRANT ANTI-DISPLACEMENT RELOCATION PLAN. (2:48 PM)

**Members of the Court heard from:** Christy Moffett, Social Services Manager, Travis County Health and Human Services (TCHHS).

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 9.

**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

**PLANNING AND BUDGET DEPT. ITEMS**

10. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:13 AM)

Item 10 not needed.

11. CONSIDER AND TAKE ACTION ON AN ORDER AUTHORIZING PUBLICATION OF NOTICE OF INTENT TO ISSUE CERTIFICATES OF OBLIGATION. (9:35 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:  
(9:35 AM)
- A. NEW GRANT APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE FOR ADULT PROBATION DEPARTMENT TO RECEIVE TWO YEARS OF RECOVERY ACT FUNDS TO RESTORE STATE FUNDED PROBATION OFFICER POSITIONS;
  - B. NEW GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE; BUREAU OF JUSTICE ASSISTANCE FOR THE SECOND CHANGE ACT: PRISONER REENTRY INITIATIVE GRANT IN CRIMINAL JUSTICE PLANNING;
  - C. NEW GRANT APPLICATION TO THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FOR JUVENILE PROBATION TO RECEIVE RECOVERY ACT RESOURCES TO INCREASE THE NUMBER OF YOUTH SERVED BY THE DEPARTMENT THAT RECEIVE MENTORS. THE GRANT RESOURCES WILL BE SPREAD OVER A FOUR YEAR TERM WITH NO COUNTY MATCH REQUIREMENT;
  - D. NEW GRANT APPLICATION TO THE OFFICE OF ATTORNEY GENERAL FOR THE OTHER VICTIM ASSISTANCE GRANT IN THE COUNTY ATTORNEY'S OFFICE; AND
  - E. NEW GRANT CONTRACT WITH THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICE FOR HEALTH AND HUMAN SERVICES AND VETERANS SERVICES TO OBTAIN RESOURCES FOR YOUTH AND FAMILIES PARTICIPATING IN THE REINTEGRATION PROJECT.

**Clerk's Note:** Items 12.A-E 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 \$929,174.88 FOR THE PERIOD OF MARCH 27 TO APRIL 2, 2009. (9:35 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. (9:35 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. CONSIDER AND TAKE APPROPRIATE ACTION TO CREATE A SPECIAL COBRA RATE FOR THE COVERED SURVIVING SPOUSE/DEPENDENTS OF AN ACTIVE EMPLOYEE WHO DIES. (2:52 PM) (3:27 PM) (6:15 PM)

**Members of the Court heard from:** Alicia Perez, Executive Manager, Administrative Operations; Cindy Purinton, Benefit Administrator, Human Resources Management Department (HRMD); and Barbara Wilson, Assistant County Attorney.

**Clerk's Note:** Judge Biscoe announced that Item 15 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 approve this item to be given prospective application, and our lawyers want us to clarify that we're talking about living, and workers, employees; today and in the future.

<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

16. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST FROM WORKFORCE SOLUTIONS - CAPITAL AREA FOR A LICENSE AGREEMENT TO USE THE 5335 AIRPORT BOULEVARD BUILDING FOR A CAREER AND JOB FAIR ON APRIL 28, 2009. (3:03 PM)

**Clerk's Note:** The Court discussed the \$600.00 fee requested to cover the costs of the use of the building at 5335 Airport Boulevard for a day.

**Members of the Court heard from:** Alicia Perez, Executive Manager, Administrative Operations; Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); and Tenley Aldredge, Assistant County Attorney.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez that we, in a spirit of partnership, reduce the \$600.00 down to \$300.00, and communicate that to them as usual, and then indicate we will partner with them on the work job fair day, also.

**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

17. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING SPACE FOR THE INFORMATION AND TELECOMMUNICATIONS SYSTEMS DEPARTMENT. (3:08 PM)

**Members of the Court heard from:** Alicia Perez, Executive Manager, Administrative Operations; Roger El Khoury, Director, Facilities Management; and Leslie Stricklan, Project Manager, Facilities Management.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 17.

**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

## JUSTICE AND PUBLIC SAFETY ITEMS

18. CONSIDER AND TAKE APPROPRIATE ACTION ON APPOINTMENT OF CHARLES BROTHERTON TO REPLACE DANNY HOBBY ON THE CAPITAL AREA COUNCIL OF GOVERNMENTS 9-1-1 TASK FORCE. (9:35 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.

## OTHER ITEMS

19. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:35 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.

### AT 11:00 A.M.

20. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING: (11:08 AM)

A. STATUS REPORT ON THE 81<sup>ST</sup> TEXAS LEGISLATURE;

**Members of the Court heard from:** Deece Eckstein, Intergovernmental Relations Officer.

Discussion only. No formal action taken.

**ITEM 20 CONTINUED**

20. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING: (11:09 AM)

B. STATUS REPORT ON TRAVIS COUNTY LEGISLATIVE PRIORITIES, INCLUDING HOUSE BILLS 612, 1119, 1335, 1440, 1531, 1981, 2100, 2161, 2162, 2167, 2414, 2693, 3468, 3585, 3616, 3787, 3963, 4175 AND 4262, AND SENATE BILLS 497, 578, 1299, 1783, 2202, 2280, 2451, 2452 AND 2472;

**Clerk's Note:** The Court discussed SB 1299, legislation relating to the regulation of storm water management by certain counties, discussing amended language requested by the Homebuilders Association of Austin:

(b) a county authorized to regulate storm water under Subsection (a)(4) shall not mandate standards or requirements in excess of those established by the Texas commission on Environmental Quality (TCEQ), the U.S. Environmental Protection Agency (EPA), or otherwise established under state law.

**Members of the Court heard from:** Deece Eckstein, Intergovernmental Relations Officer; Tom Weber, Environmental Quality Program Manager, TNR; and Joe Gieselman, Executive Manager, TNR.

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Huber to approve the amended language, because of its capacity to improve the likelihood of passage, not because it is particularly good policy.

<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 20 CONTINUED**

20. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING: (11:22 AM)

C. LEGISLATION RELATING TO AFFORDABLE HOUSING, INCLUDING HOUSE BILLS 1209, 1271 AND 3983;

**Members of the Court heard from:** Deece Eckstein, Intergovernmental Relations Officer; Harvey Davis, Manager, Travis County Corporations; Gus Peña, Travis County Resident; and Rodney Rhoades, Executive Manager, Planning and Budget Office (PBO).

**Clerk's Note:** The Court discussed HB 1029, legislation relating to the development, rehabilitation, or expansion of affordable housing in a public improvement district established by a county or municipality.

**Motion by** Commissioner Davis **and seconded by** Commissioner Eckhardt to approve HB 1029.

<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:** By approving the above motion the Commissioners Court indicates its support for HB 1029.

**Clerk's Note:** The Court discussed HB 1271, legislation relating to the required use of tax increment financing to provide affordable housing in certain reinvestment zones.

Discussion only. No formal action taken.

Item 20.C relating to HB 1029 to be reposted on April 21, 2009.

**ITEM 20 CONTINUED**

**Clerk's Note:** The Court discussed HB 3983, legislation relating to certain homestead preservation reinvestment zones.

**Clerk's Note:** The Court discussed going on record in support of changes to the design of the Homestead Preservation District contained in the Committee Substitute to HB 3983 prepared by Staff, as listed in the back up.

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Gómez to approve the Staff recommendations, with the addition of a third bullet asking for clarification of the authority of the Tax Increment Financing (TIF) board in relation to the Austin City Council as the manager of the TIF fund.

**A Restatement of the Previous Motion was made by** Commissioner Eckhardt **and seconded by** Commissioner Gómez to approve the Staff recommendations with the addition of a third bullet of clarifying the authority of the TIF board in relation to the City Council as manager of the TIF board.

**An Addition to the previous Motion was made by** Commissioner Eckhardt to add a fourth bullet of pursuing investigating performance measures and negotiation with the City of Austin.

**Acceptance of the Addition was made by** Commissioner Gómez.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	no
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**Motion by** Commissioner Gómez **and seconded by** Commissioner Eckhardt that we write the letter to Representative Rodriguez, indicating the changes that we feel are necessary, so that we can support the bill as a working platform on which to build with the City of Austin.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	no
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**ITEM 20 CONTINUED**

**Clerk's Note:** Item 20.C was revisited at 6:15 PM.

**Clerk's Note:** Staff presented for approval, the draft letter that the Court had directed to be written in the previous Motion.

**Members of the Court heard from:** Deece Eckstein, Intergovernmental Relations Officer.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the letter.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	no
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 LEGISLATIVE MATTERS, INCLUDING: (1:52 PM)

D. SENATE BILL 2294 - RELATING TO THE ADMINISTRATION AND ALLOCATION OF PRIVATE ACTIVITY BONDS;

**Members of the Court heard from:** Deece Eckstein, Intergovernmental Relations Officer; and Harvey Davis, Manager, Travis County Corporations.

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Gómez to approve Item 20.D.

<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:** By approving Item 20.D the Commissioners Court indicates its support for SB 2294.

**ITEM 20 CONTINUED**

20. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING: (1:55 PM)

E. 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; AND

**Clerk's Note:** The Court discussed a draft document "There is Truth and Good Faith in Condemnation Procedures in Texas" explaining the Commissioners Court position regarding current Eminent Domain and Condemnation bills in the 81<sup>st</sup> Legislature.

**Members of the Court heard from:** Deece Eckstein, Intergovernmental Relations Officer.

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Huber to approve Item 20.E.

<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:** By approving Item 20.E the Commissioners Court have adopted the draft document as a statement of principle with respect to the issues involved in the Eminent Domain and Condemnation legislation this session.

ITEM 20 CONTINUED

20. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING: (1:57 PM)

F. HOUSE BILL 4756 - RELATING TO THE LOWER COLORADO RIVER AUTHORITY.

**Members of the Court heard from:** Deece Eckstein, Intergovernmental Relations Officer.

**Motion by** Commissioner Huber **and seconded by** Commissioner Gómez that we vote to support it, because I think that it's good that we articulate how we feel about 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

21. CONSIDER AND TAKE APPROPRIATE ACTION ON ACCEPTANCE OF A DONATION OF \$10,000 FROM THE DOWNTOWN AUSTIN ALLIANCE FOR THE DISTRICT ATTORNEY'S OFFICE. (9:35 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 JOIN THE CENTRAL TEXAS BULK CURRENCY TASK FORCE AND AUTHORIZE THE TRAVIS COUNTY SHERIFF TO SIGN THE AGREEMENT BETWEEN TREASURY LAW ENFORCEMENT AGENCIES AND LOCAL, COUNTY AND STATE LAW ENFORCEMENT AGENCIES FOR THE REIMBURSEMENT OF EXPENSES. (9:35 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 A RESOLUTION SUPPORTING THE APPLICATION OF THE TRAVIS COUNTY HOUSING FINANCE CORPORATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR NEIGHBORHOOD STABILIZATION PROGRAM FUNDING. (9:35 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.

24. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO NOMINATE GOLFSMITH AS A TEXAS ENTERPRISE PROJECT. (JUDGE BISCOE) (10:11 AM)

**Clerk's Note:** The Court asked the applicants for further information including:

- The completed application;
- Amount of funding directed to camps and scholarships;
- Existing jobs at the qualified business sites;
- Business activity and information;
- Property access;
- The commitment to the community;
- Further details on the breakdown of the capital investment; and,
- A figure from Travis Central Appraisal District (TCAD) of the increase in the appraised value with the capital investment.

**Members of the Court heard from:** Dustin McCormick, Economic Growth and Redevelopment Services Office, City of Austin; Jonathan Ferguson, Ryan Inc.; Sharon Wellhouse, Ryan Inc.; and Brian Hamilton, Economic Development, Economic Growth and Redevelopment Services Office, City of Austin.

**Motion by Judge Biscoe and seconded by** Commissioner Gómez that we indicate our inclination to support this, ask for the additional information, and then proceed with the public notice, et cetera, to put this in place.

**A restatement of the Previous Motion was made by Judge Biscoe and Seconded by** Commissioner Gómez to indicate our inclination to support the project, but we need the additional information that we asked for today.

<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

25. 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) (2:03 PM)  
(3:27 PM) (6:11 PM)

**Clerk's Note:** The Court discussed an offer from Professor John Sharp, Department of Ground Water Sciences, University of Texas at Austin that his Ground Water Field Methods Class will conduct a survey of the affected area and present their findings to the Commissioners Court and the local landowners.

**Members of the Court heard from:** Bill Bunch, Save Our Springs Alliance; Professor John Sharp, Department of Ground Water Sciences, University of Texas at Austin; Melanie McAfee, Owner, Barr Mansion; and James Green, Subscriber, Tecolote Farms.

**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.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** for us to, basically, encourage that survey, along with the cooperation of the Petrie family; and that we indicate the Court's willingness to drill five test wells on the property after seeing the results of the survey, and that after we have accomplished those two activities, that we decide how to proceed. The intention will be that, if in fact, water is found on the property, then we will move accordingly.

**A Friendly Amendment to the previous Motion was offered by Commissioner Eckhardt** to also post the March 5, 2009 work session on the Travis County website.

**Acceptance of the Friendly Amendment was made by Judge Biscoe and Seconded by Commissioner Gómez.**

<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.

26. RECEIVE BRIEFING FROM RETAINED OUTSIDE COUNSEL AND TAKE APPROPRIATE ACTION REGARDING CAUSE NO. D-1-GN-09-0005000; J. ADAN BALLESTEROS VS. TRAVIS COUNTY, TEXAS AND BOB VANN; IN THE 250<sup>TH</sup> DISTRICT COURT OF TRAVIS COUNTY, TEXAS. <sup>1</sup> (3:27 PM) (6:10 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.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez that we approve the consent to remove to Federal Court, out of State Court; that we approve the proposed representation letter, and that we authorize the County Judge to sign both documents on behalf of the Commissioners Court.

<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

27. CONSIDER AND TAKE APPROPRIATE ACTION ON PURCHASE CONTRACT FOR APPROXIMATELY 3.5 ACRES OF LAND FROM THE TRAVIS COUNTY COMMUNITY SUPERVISION AND CORRECTIONS DIVISION TO SECURE SMART FACILITY ENHANCEMENTS. <sup>1 AND 2</sup> (3:27 PM) (6:12 PM)

**Clerk's Note:** Judge Biscoe announced that Item 27 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 approve the proposed purchase contract in the amount of \$607,306.00, which covers 3.525 acres of land.

<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

28. 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> (3:27 PM) (6:13 PM)

**Clerk's Note:** Judge Biscoe announced that Item 28 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.087, Deliberation Regarding Economic Development Negotiations.

**Motion by** Commissioner Eckhardt that we move forward with an exploration of the financials on a specific TIF amount, and a capped aggregate investment.

**Clerk's Note:** The Motion died for lack of a Second.

**Motion by** Judge Biscoe **and seconded by** Commissioner Eckhardt to approve a 50% TIF up to 20 years, or a \$4.5 M investment, whichever comes first.

<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	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**Clerk's Note:** The County Judge noted that the Commissioners Court would reserve the right to change this, and directed Rodney Rhoades, Executive Manager, PBO communicate with the TIF board and appropriate City of Austin representatives.

29. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING MOUNTAIN VIEW ESTATES SUBDIVISION. <sup>1</sup>  
(9:54 AM) (3:27 PM) (6:14 PM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; Billy Kelly, lot owner, Mountain View Estates; Terry Irion, representing Nicholas Peter, Inc., and Mountain View Austin Property Owners Association; and Vlado Ruzicka, lot owner, Mountain View Estates.

**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.

**Motion by** Judge Biscoe **and seconded by** Commissioner Huber that we follow through on the research and preparation of what we consider to be any and all creative options; that we reduce those to a written summary; that we have a non-Court meeting with the residents out there; that we go ahead and proceed with litigation, and all other legal remedies necessary to move this matter.

**Motion carried:**

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

30. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION ON NEED FOR PROFESSIONAL MALPRACTICE INSURANCE FOR LAWYERS IN CHILD AND PARENTAL REPRESENTATION OFFICES. <sup>1</sup> (3:27 PM) (6:15 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.

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

Item 30 not needed.

**ADDED ITEM**

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON REAPPOINTMENT OF CHRISTIAN SMITH AS SPECIAL ASSISTANT TO THE COMMISSIONERS COURT AND RELATED ISSUES. (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY, AND GOV'T CODE ANN. 551.074, PERSONNEL MATTERS) (3:18 PM)

**Members of the Court heard from:** Barbara Wilson, Assistant County Attorney; and Christian Smith, Special Assistant to the Commissioners Court.

**Motion by** Judge Biscoe **and seconded by** Commissioner Huber that we execute another agreement of the same nature as the one in place right now; that we change the numbers to indicate the total would be \$72,280.00; and that we have, basically, the same commitments, and that we execute a similar agreement; that the County Judge be authorized to sign on behalf of Commissioner's Court.

<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	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

## ADJOURNMENT

**Motion by** Commissioner Huber **and seconded by** Judge Biscoe to adjourn the Voting Session. (6:19 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**