

## **MINUTES OF MEETING APRIL 21, 2009**

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

On Tuesday, the 21<sup>st</sup> day of April 2009, the Commissioners' Court convened the Voting Session at 9:06 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 record notes that County Judge Samuel T. Biscoe was not present during this Voting Session.

The Commissioners Court retired to Executive Session at 10:03 AM.

The Commissioners Court reconvened the Voting Session at 11:01 AM.

The Commissioners Court adjourned the Voting Session at 11:27 AM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 11:27 AM and adjourned at 11:29 AM.

The Commissioners Court, meeting as the Capital Health Facilities Development Corporation, convened at 11:30 AM and adjourned at 11:30 AM.

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation, convened at 11:30 AM and adjourned at 11:31 AM.

The Commissioners Court, meeting as the Capital Industrial Development Corporation; the; and the Travis County Cultural Education Facilities Finance Corporation, convened at 11:31 AM and adjourned at 11:32 AM.

The Commissioners Court, meeting as the Travis County Development Authority, convened at 11:32 AM and adjourned at 11:32 AM.

**ADDITIONAL MOTION AND VOTE**

**Motion by** Commissioner Davis **and seconded by** Commissioner Huber to authorize Commissioner Gómez to sign on the behalf of Judge Biscoe for any of the business that comes before the Court.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	absent
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; and Maurice Priest, Travis County Resident. (9:08 AM)

**SPECIAL ITEMS**

1. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:41 AM)

**Clerk's Note:** The Court discussed a recommendation from Staff that the prohibition on outdoor burning can be lifted due to the recent rains. It was also noted that the lifting of the ban on outdoor burning means that the relevant State laws would then cover any outdoor burning.

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

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to approve that.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	absent
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 motion the Court has lifted the prohibition on outdoor burning. The Court noted that caution still needs to be used when burning outdoors and recommended that Travis County residents go to the Fire Marshal's website:

[http://www.co.travis.tx.us/fire\\_marshal/burning\\_rules.asp](http://www.co.travis.tx.us/fire_marshal/burning_rules.asp) for information on the correct procedures.

**CONSENT ITEMS**

**Motion by** Commissioner Davis **and seconded by** Commissioner Huber to approve the following Consent Items: C1-C4 and Items 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 19, 20, 22, 23, 25, 27, 28, and 29. (9:16 AM)

**Motion carried:**

County Judge Samuel T. Biscoe	absent
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. APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSIONS OF MARCH 31 AND APRIL 7, 2009.
- C3. APPROVE SETTING A PUBLIC HEARING ON MAY 5, 2009 TO RECEIVE COMMENTS REGARDING A REQUEST TO TEMPORARILY CLOSE ALLEN ROAD FROM PINNACLE ROAD TO EASY STREET IN PRECINCT THREE FOR CONSTRUCTION OF 16-INCH WATER LINES AND A PUMPING STATION BEGINNING JUNE 1, 2009 AND CONTINUING THROUGH JUNE 30, 2009, OR UNTIL CONSTRUCTION IS COMPLETED. (COMMISSIONER HUBER)
- C4. APPROVE SETTING A PUBLIC HEARING DATE FOR JUNE 2, 2009 TO RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOTS 38 AND 40, BLOCK D, BELVEDERE, PHASE 1 SUBDIVISION (2 TOTAL LOTS). (COMMISSIONER HUBER)

**RESOLUTIONS AND PROCLAMATIONS**

2. APPROVE RESOLUTION RECOGNIZING NAMELESS SCHOOL ON ITS CENTENNIAL, RESTORING HISTORICAL SIGHTS AND COMMENDING LAKE TRAVIS EXTENSION EDUCATION ASSOCIATION FOR THEIR WORK. (COMMISSIONER HUBER) (9:18 AM)

**Members of the Court heard from:** Genny Kercheville, Lake Travis Extension Education Association; Roe Cass, President, Lake Travis Extension Education Association; Larry Oaks, Director, Texas Historical Commission; and Barry Hutcheson, Chairman, Travis County Historical Commission.

**Motion by** Commissioner Huber **and seconded by** Commissioner Gómez to approve the resolution in Item 2.

**Motion carried:**

County Judge Samuel T. Biscoe	absent
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

3. APPROVE RESOLUTION RECOGNIZING THE MONTH OF APRIL 2009 AS "CHILD ABUSE PREVENTION MONTH" IN TRAVIS COUNTY. (9:33 AM)

**Members of the Court heard from:** Natalie Hendrix, Program Supervisor, Healthy Families Travis County.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve the resolution in Item 3.

**Motion carried:**

County Judge Samuel T. Biscoe	absent
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

4. CONSIDER AND TAKE APPROPRIATE ACTION ON HELICOPTER LICENSE AGREEMENT WITH AMERICAN EUROCOPTER CORPORATION. (9:33 AM)

**Members of the Court heard from:** Danny Hobby, Executive Manager, Travis County Emergency Services; and Casey Ping, Program Manager, STAR Flight.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Huber to approve Item 4.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	absent
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

5. CONSIDER AND TAKE APPROPRIATE ACTION ON MEMORANDUM OF UNDERSTANDING BETWEEN THE TEXAS ENGINEERING EXTENSION SERVICE AND TASK FORCE ONE MEMBER AND THE PARTICIPATING AGENCY/EMPLOYER FOR THE FOLLOWING TRAVIS COUNTY STAR FLIGHT STAFF: (9:38 AM)

A. CASEY PING;	P. LYNN BURTTSCHELL;
B. WILLY CULBERSON;	Q. JAMES R. ESQUIVEL;
C. GLENN ANDERSON;	R. WILLIAM HANSON;
D. MARK PARCELL;	S. BRIAN JOHNSON;
E. STANLEY R. WEDELL;	T. CHRISTINA JONES-PERCY;
F. MICHAEL SELF;	U. DAVID KRUSSOW;
G. DON JOHNSON;	V. STEPHEN MAIER;
H. BRUCE J. GOSS III;	W. KRISTIN MCLAIN;
I. JAMES R. JACKSON;	X. PATRICK PHILLIPS;
J. KEVIN MCDONALD;	Y. HOWARD POLDEN;
K. JAMES H. SPENCER;	Z. MIKE J. SUMMERS;
L. CHARLES SPANGLER JR.;	AA. JAY WOZNY;
M. JAMES. P. REID;	BB. SCOTT WHITE;
N. KENNETH THOMPSON;	CC. MATTHEW PAUL; AND
O. JIM ALLDAY;	DD. JAMES O. JACKSON.

**Clerk's Note:** Items 5.A-DD are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Danny Hobby, Executive Manager, Travis County Emergency Services; and Casey Ping, Program Manager, STAR Flight.

**Motion by** Commissioner Huber **and seconded by** Commissioner Gómez to approve Items 5.A-DD.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	absent
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

## PURCHASING OFFICE ITEMS

6. APPROVE TERMINATION OF CONTRACT NO. PS070347VR, LAURA A. GULI, FOR PSYCHOLOGICAL AND COUNSELING SERVICES. (9:16 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 CONTRACT AWARD FOR PROFESSIONAL ENGINEERING SERVICES FOR DESIGN OF LAVA LANE ROADWAY EXTENSION, RFQ NO. Q080290LP, TO RHED OAKS ENGINEERING, INC. (9:16 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 ORDERS EXEMPTING THE PURCHASE OF PRODUCTS AND SERVICES FROM THE COMPETITIVE PROCUREMENT PROCESS PURSUANT TO SECTION 262.024(A)(7) OF THE COUNTY PURCHASING ACT FOR STAR FLIGHT, FROM THE FOLLOWING VENDORS: (9:16 AM)

- A. AVIATION SPECIALISTS UNLIMITED;
- B. AVALEX TECHNOLOGIES;
- C. OUTERLINK CORPORATION;
- D. SAGEM AVIONICS, INC.; AND
- E. THALES AVIONICS, INC.

**Clerk's Note:** Items 8.A-E approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.



9. APPROVE MODIFICATION NO. 11 TO CONTRACT NO. 07K00254RV, STEWART BUILDERS, LTD., FOR CONSTRUCTION OF NEW BUILDINGS FOR THE TRANSPORTATION AND NATURAL RESOURCES EASTSIDE SERVICE CENTER. (9:47 AM)

**Members of the Court heard from:** Marvin Brice, Construction Procurement Management, Purchasing; and Roger El Khoury, Director, Facilities Management.

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

**Motion carried:**

County Judge Samuel T. Biscoe	absent
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

10. APPROVE MODIFICATION NO. 2, AN ASSIGNMENT OF CONTRACT NO. MA050318LC, FROM AIR INSTRUMENTATION, INC. TO SAFEWARE, INC. (9:16 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.

11. APPROVE MODIFICATION NO. 16 TO CONTRACT NO. MA960322, EASY ACCESS, INC., FOR TAX OFFICE COMPUTER SYSTEM. (9:16 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.

## TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

12. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:  
(9:16 AM)

- A. REVISED PRELIMINARY PLAN IN PRECINCT ONE: VILLAGE AT NORTHTOWN SUBDIVISION (35 TOTAL LOTS); AND
- B. FINAL PLAT FOR RECORDING IN PRECINCT ONE: VILLAGE AT NORTHTOWN, SECTION 1 SUBDIVISION (10 TOTAL LOTS).  
(COMMISSIONER DAVIS)

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

13. NOTIFY COURT OF SATISFACTORY CONSTRUCTION OF THE PRIVATE STREETS IN STEINER RANCH, PHASE 1, SECTION 6G SUBDIVISION.  
(COMMISSIONER HUBER) (9:16 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 A FINAL PLAT FOR RECORDING IN PRECINCT THREE: VISCAYA, LOT 11, BLOCK F SUBDIVISION (1 TOTAL LOT). (COMMISSIONER HUBER) (9:16 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 ON ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES FOR THE COMMONS AT ROWE LANE, PHASE IIA SUBDIVISION. (COMMISSIONER ECKHARDT)  
(9:16 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. CONSIDER AND TAKE APPROPRIATE ACTION ON A CASH SECURITY AGREEMENT FOR BOUNDARY STREET IMPROVEMENTS FOR THE MEADOWS OF BLACKHAWK SECTIONS 7A-2 AND 7B, TWO SUBDIVISIONS IN PRECINCT TWO. (COMMISSIONER ECKHARDT) (9:16 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 THE FOLLOWING:  
(9:16 AM)
- A. PROPOSED MODIFICATION TO TRAVIS COUNTY CODE CHAPTER 1.019, COUNTY VEHICLE USAGE POLICY; AND
- B. REQUEST TO APPROVE PAYMENT OF OUTSTANDING TOLL AMOUNTS.

Items 17.A&B postponed until April 28, 2009.

### HEALTH AND HUMAN SERVICES DEPT. ITEMS

18. CONSIDER AND TAKE APPROPRIATE ACTION ON RECEIPT OF THE PERSONAL FINANCIAL STATEMENT FOR BRENDA COLEMAN-BEATTIE, TRAVIS COUNTY APPOINTEE TO THE TRAVIS COUNTY HEALTHCARE DISTRICT BOARD OF MANAGERS. (9:52 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.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve Item 18.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	absent
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**

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

**Clerk's Note:** Item 19 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

20. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT NO. 3 TO THE ECONOMIC DEVELOPMENT AGREEMENT WITH HEWLETT-PACKARD COMPANY FOR THE TANDEM SITE. (9:16 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. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:  
(10:08 AM)
- A. CONTINUATION GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR JUVENILE PROBATION TO CONTINUE THE EXISTING DRUG COURT/IN-HOME FAMILY SERVICES GRANT TO ENHANCE THE DEPARTMENT'S DRUG COURT PROGRAM;
  - B. NEW GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE FOR JUVENILE PROBATION TO RECEIVE RECOVERY ACT EDWARD BYRNE MEMORIAL COMPETITIVE GRANT ONE-TIME RESOURCES OVER A TWO-YEAR PERIOD FOR THREE FULL TIME EMPLOYEES TO EXPAND THE NUMBER OF YOUTH SERVED BY DEPARTMENT'S JUVENILE MENTAL HEALTH COURT;
  - C. CONTINUATION GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR CRIMINAL JUSTICE DIVISION TO CONTINUE ENHANCED SERVICES IN THE DRUG DIVERSION COURT IN THE CRIMINAL COURTS; AND
  - D. HEALTH AND HUMAN SERVICES AND VETERANS SERVICE REQUEST TO CONTINUE FUNDING DEPARTMENT OF ENERGY, LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM AND COMPREHENSIVE ENERGY ASSISTANCE PROGRAM WEATHERIZATION PROGRAMS WITH INTERNAL RESOURCES UNTIL FULLY EXECUTED CONTRACTS ARE OBTAINED FROM GRANTOR.

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

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Huber to approve Items 21.A-D.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	absent
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

**ADMINISTRATIVE OPERATIONS ITEMS**

22. 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 \$389,720.16 FOR THE PERIOD OF APRIL 3 TO 9, 2009. (9:16 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 PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:16 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 FOR ASSIGNMENT TO THE DISTRICT CLERK'S OFFICE OF SPACE TO BE USED FOR SECURE STORAGE IN THE 5501 AIRPORT BOULEVARD BUILDING. (9:56 AM)

**Members of the Court heard from:** Roger El Khoury, Director, Facilities Management; Diana Ramirez, Budget Analyst, Planning and Budget Office (PBO); and Jim Barr, Senior Project Manager, Facilities Management.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve Item 24.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	absent
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**

25. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:16 AM)

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

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

26. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING: (11:05 AM)

- A. STATUS REPORT ON THE 81<sup>ST</sup> TEXAS LEGISLATURE;
- 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;
- C. HOUSE BILL 692 - RELATING TO THE JURISDICTION OF STATUTORY COUNTY COURTS;
- D. SENATE BILL 1323 AND HOUSE BILL 1906 - RELATING TO THE AMOUNT OF A SURCHARGE ASSESSED ON CONVICTION OF CERTAIN INTOXICATED DRIVER OFFENSES ON THE DRIVER'S LICENSE OF CERTAIN PERSONS WHO COMPLETE A DRUG COURT PROGRAM;
- E. SENATE BILL 2369 - RELATING TO A PREFERENCE FOR ROAD CONSTRUCTION BIDS THAT PROVIDE FOR THE USE OF RUBBERIZED ASPHALT PAVING MATERIAL;
- F. HOUSE BILL 2859 - RELATING TO NOTICE REQUIREMENTS FOR A COUNTY SELLING SURPLUS OR SALVAGE PROPERTY;
- G. SENATE BILL 294 - RELATING TO OPTIONAL FEES ON THE REGISTRATION OF A VEHICLE IMPOSED BY A COUNTY; AND
- H. **ADDED ITEM: HOUSE BILL 1271 - RELATING TO THE REQUIRED USE OF TAX INCREMENT FINANCING TO PROVIDE AFFORDABLE HOUSING IN CERTAIN REINVESTMENT ZONES.**

**Clerk's Note:** Items 26.A-H are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** John Hille, Assistant County Attorney; Deece Eckstein, Intergovernmental Relations Officer; Carol Joseph, Assistant Director, Transportation and Natural Resources (TNR); and Don Ward, Manager, Road and Bridge Division, TNR.



**ITEM 26 CONTINUED**

**Clerk's Note:** The Court discussed SB 2369, relating to a preference for road construction bids that provide for the use of rubberized asphalt paving material.

**Motion by** Commissioner Davis **and seconded by** Commissioner Eckhardt to oppose Item 26.E.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	absent
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 opposing Item 26.E the Court states their opposition to SB 2369.

**Clerk's Note:** The Court discussed SB 294, relating to optional fees on the registration of a vehicle imposed by a county.

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Huber that we declare our support for this bill.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	absent
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

Items 26.A-C, F, and H were discussion only. No formal action taken.

Item 26.D postponed until April 28, 2009.

Items 26.C, D and H to be reposted on April 28, 2009.

27. RECEIVE RACIAL PROFILING REPORT FOR CALENDAR YEAR 2008 FROM TRAVIS COUNTY CONSTABLE PRECINCT FIVE. (9:16 AM)

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

28. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF MARCH, 2009. (9:16 AM)

**Clerk's Note:** Item 28 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

29. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR SECURITY DEPUTIES TO MONITOR THE PRECINCT TWO BUILDING LOCATED AT 10409 BURNET ROAD. (9:16 AM)

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

30. CONSIDER AND TAKE APPROPRIATE ACTION ON ORDER FROM COUNTY JUDGE DELEGATING THE FUNCTION OF THE TEXAS ALCOHOLIC BEVERAGE COMMISSION LICENSE AND PERMIT APPROVALS TO COMMISSIONER MARGARET J. GÓMEZ FOR ALL APPLICATIONS PRESENTED BEGINNING ON MONDAY, APRIL 20, 2009 UNTIL CLOSE OF BUSINESS ON FRIDAY, APRIL 24, 2009. (JUDGE BISCOE) (9:07 AM)

**Motion by** Commissioner Huber **and seconded by** Commissioner Davis to approve Item 30.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	absent
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 551.076, 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.

31. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. WALTER J. PAULINE RATAJCZAK (TAN TRUONG RESALE DEED). <sup>1</sup> (10:03 AM) (11:01 AM)

**Clerk's Note:** Judge Biscoe announced that Item 31 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.

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Huber to approve Item 31.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	absent
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 31 the Court authorizes Commissioner Gómez to sign the proposed tax resale deed to Tan Truong, who has paid Travis County \$9,815.33.

32. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. CORNELIUS ROBINSON (KPD PROPERTIES, LLC RESALE DEED). <sup>1</sup> (10:03 AM) (11:02 AM)

**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.

**Motion by** Commissioner Huber **and seconded by** Commissioner Eckhardt to approve Item 32.

**Motion carried:**

County Judge Samuel T. Biscoe	absent
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 32 the Court authorizes Commissioner Gómez to sign the proposed tax resale deed to KPD properties LLC, who has paid Travis County \$3,216.48.

33. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. MELISSA SANDERSON (KPD PROPERTIES, LLC RESALE DEED). <sup>1</sup> (10:03 AM) (11:02 AM)

**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.

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

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Gómez to approve 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:** By approving Item 33 the Court authorizes Commissioner Gómez to sign the proposed tax resale deed to KPD properties LLC, who has paid Travis County \$4,726.59.

34. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. DON M. MCLELAND (KPD PROPERTIES, LLC RESALE DEED). <sup>1</sup> (10:03 AM) (11:03 AM)

**Clerk's Note:** Judge Biscoe announced that Item 34 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Motion by** Commissioner Huber **and seconded by** Commissioner Eckhardt to approve Item 34.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	absent
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 34 the Court authorizes Commissioner Gómez to sign the proposed tax resale deed to KPD properties LLC, who has paid Travis County \$6,465.95.

35. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET AL V. RASHID MOHAMMED (MAJID HEMMASI RESALE DEED). <sup>1</sup> (10:03 AM) (11:03 AM)

**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** Commissioner Huber **and seconded by** Commissioner Eckhardt to reject Item 35.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	absent
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 BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN RALPH MARTINEZ VS. TRAVIS COUNTY. <sup>1</sup>  
(10:03 AM) (11:03 AM)

**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.

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

**Motion by** Commissioner Eckhardt **and seconded by** Commissioner Huber that we accept the settlement offer of \$100,000.00.

**Motion carried:**

County Judge Samuel T. Biscoe	absent
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 THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING MOUNTAIN VIEW SUBDIVISION. <sup>1</sup>  
(10:03 AM) (11:04 AM)

**Clerk's Note:** Judge Biscoe announced that Item 37 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

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

**Motion by** Commissioner Huber **and seconded by** Commissioner Gómez to approve the resolution to proceed.

**Motion carried:**

County Judge Samuel T. Biscoe	absent
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. (11:27 AM)

**Motion carried:** County Judge Samuel T. Biscoe                      absent  
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

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**Date of Approval**

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