

MINUTES OF MEETING – AUGUST 30, 2005

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 30th day of August, 2005, the Commissioners' Court convened the regular Voting Session at 9:16 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Melissa Velasquez.

The Commissioners Court recessed the Voting Session at 12:06 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened at 1:41 PM and adjourned at 1:41 PM.

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation, convened at 1:41 PM and adjourned at 1:51 PM.

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

The Commissioners Court retired to Executive Session at 5:16 PM.

The Commissioners Court reconvened the Voting Session at 6:58 PM.

The Commissioners Court adjourned the Voting Session at 7:11 PM.

PUBLIC HEARINGS

1. RECEIVE COMMENTS ON THE ANNUAL WRITTEN PLANS FOR THE 028 RECORDS MANAGEMENT PRESERVATION FUND AND 057 COUNTY CLERK'S RECORDS ARCHIVAL FUND. (COUNTY CLERK) (ACTION ITEM #34) (9:18 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to Agenda Item 34 for a summary of the Court's action.

Motion by Commissioner Sonleitner **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 Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Members of the Court heard from: Dana DeBeauvoir, Travis County Clerk.

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

Motion carried:

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

CITIZENS COMMUNICATION

Members of the Court heard from: Thelma Wade, Travis County Resident.
(9:22 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C7, and Items 2.A-D, 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 24, 25, 28, and 35. (9:26 AM)

Motion carried:	County Judge Samuel T. Biscoe	yes
	Precinct 1, Commissioner Ron Davis	yes
	Precinct 2, Commissioner Karen Sonleitner	yes
	Precinct 3, Commissioner Gerald Daugherty	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2. AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.
- C3. APPROVE COMMISSIONERS COURT MINUTES FOR THE FOLLOWING MEETINGS:
 - A. VOTING SESSION OF AUGUST 9, 2005;
 - B. VOTING SESSION OF AUGUST 16, 2005; AND
 - C. EXECUTIVE SESSION ANNOUNCEMENT OF AUGUST 15, 2005.
- C4. APPROVE AUTOMATIC BUDGET TRANSFERS.
- C5. APPOINT PAMELA BAGGETT-WALLIS, AS A PRECINCT 2 APPOINTEE, TO THE TRAVIS COUNTY CHILDREN'S PROTECTIVE SERVICES BOARD FOR A TERM TO EXPIRE MARCH 2007. (COMMISSIONER SONLEITNER)
- C6. APPROVE SETTING A PUBLIC HEARING DATE OF OCTOBER 4, 2005 REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOTS 24 AND 25 OF LAKEWOOD ESTATES (SHORT FORM PLAT – 2 LOTS – 2.17 ACRES – JOHNSON WAY – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY LCRA – NO MUNICIPAL JURISDICTION. (COMMISSIONER DAUGHERTY)

CONSENT ITEMS CONTINUED

- C7. APPROVE SETTING A PUBLIC HEARING DATE OF OCTOBER 4, 2005 REGARDING THE FOLLOWING ITEMS FOR THE PARTIAL VACATION AND STAR RANCH PHASE 2 REVISED PRELIMINARY PLAN IN PRECINCT TWO:
- A. PARTIAL VACATION OF A RECORDED SUBDIVISION: STAR RANCH SECTION ONE (LOTS 39-41, BLK E, LOTS 51-61 AND A PORTION OF 62, BLOCK F, AND LOTS 13-20, BLK G) AS RECORDED IN DOCUMENT 200300014 OF TRAVIS COUNTY RECORDS; AND
 - B. STAR RANCH PHASE 2 REVISED PRELIMINARY PLAN (A REVISION OF HILLS OF FOREST CREEK PHASE ONE) (197 LOTS – 80.74 ACRES – GATTIS SCHOOL ROAD - SEWAGE SERVICE TO BE PROVIDED BY WILLIAMSON COUNTY WATER, SEWER, IRRIGATION AND DRAINAGE NO. 3 – CITY OF HUTTO. (COMMISSIONER SONLEITNER)

PLANNING AND BUDGET DEPT. ITEMS

2. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
(9:26 AM)
 - A. GRANT APPLICATION TO THE JUNIOR LEAGUE OF AUSTIN FOR A PROGRAM IN JUVENILE PROBATION DEPARTMENT TO ASSIST THE GIRLS' LEADERSHIP ACADEMY;
 - B. GRANT CONTRACT WITH AUSTIN/TRAVIS COUNTY MHMR FOR A DIRECT CARE COORDINATOR POSITION IN JUVENILE PROBATION DEPARTMENT;
 - C. GRANT CONTRACT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS THROUGH THE CITY OF AUSTIN FOR A COMMUNITY SERVICES BLOCK GRANT PROGRAM IN HEALTH AND HUMAN SERVICES DEPARTMENT TO CONTINUE THE EXISTING PROGRAM THROUGH FY'05; AND
 - D. GRANT CONTRACT WITH THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES FOR TITLE IV-E LEGAL SERVICES CONTRACT IN THE DISTRICT ATTORNEY'S OFFICE TO CONTINUE THE EXISTING PROGRAM FOR FY'06.

Clerk's Note: Items 2.A-D approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

3. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:26 AM)

Clerk's Note: Item 3 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

4. RECEIVE UPDATE ON EXPENSES AND REVENUE FOR FY '06 BUDGET.

No action taken on Item 4.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

5. CONSIDER AND TAKE APPROPRIATE ACTION TO AUTHORIZE TRAVIS COUNTY HEALTH AND HUMAN SERVICES AND VETERANS SERVICES DEPARTMENT TO ACCEPT AN ANONYMOUS DONATION OF A TOSHIBA 30-INCH COLOR TELEVISION TO EAST RURAL COMMUNITY CENTER. (9:26 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.

ADMINISTRATIVE OPERATIONS ITEMS

6. REVIEW AND APPROVE THE IMMEDIATE RELEASE OF REIMBURSEMENT PAYMENT TO UNITED HEALTH CARE FOR CLAIMS PAID FOR TRAVIS COUNTY EMPLOYEES AND DEPENDENTS COVERED BY THE HOSPITAL AND INSURANCE FUND FOR PAYMENT OF \$396,468.31 FOR THE PERIOD OF AUGUST 12, 2005 THROUGH AUGUST 18, 2005. (9:26 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. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:26 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 AWARD FUNDS FOR ONE TRAVIS COUNTY EMPLOYEE TO PARTICIPATE IN LEADERSHIP AUSTIN TRAINING IN ACCORDANCE WITH CHAPTER 16 OF THE TRAVIS COUNTY CODE. (9:26 AM)

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

9. CONSIDER AND TAKE APPROPRIATE ACTION ON PHASE 2 OPTIONS FOR THE 5501 AIRPORT BLVD BUILDING: (5:12 PM)
1. RELOCATE CES SERVICE CENTER, CJP, EMS, FM DIVISIONS;
 2. RELOCATE CJP, EMS AND FM DIVISIONS;
 3. RELOCATE HHS DIVISIONS FROM PALM SQUARE;
 4. CONSTRUCT A TRANSITIONAL SPACE AREA; OR
 5. TAKE NO ACTION.

Items 9.1-5 postponed until September 6, 2005.

PURCHASING OFFICE ITEMS

10. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. IL050005LC FOR THE PROVISION OF INTERNET CONNECTION SERVICES WITH UNIVERSITY OF TEXAS AT AUSTIN. (ITS) (9:26 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 A TWELVE-MONTH EXTENSION (MODIFICATION NO. 4) TO CONTRACT MA980105, SHI GOVERNMENT SOLUTIONS, FOR PURCHASE AND MAINTENANCE OF NOVELL SOFTWARE LICENSES. (ITS) (9:26 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. APPROVE MODIFICATION NO. 3 TO CONTRACT 04T00187RG, PRINTING AND MAILING SERVICES, WITH INFORMATION MANAGEMENT SOLUTIONS. (RECORDS MANAGEMENT) (9:26 AM)

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

13. APPROVE MODIFICATION NO. 2 TO CONTRACT 04T00216DR, AUSTIN CRUSHED STONE, FOR FLEXIBLE BASE MATERIAL, TYPE A (TNR). (9:26 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. APPROVE A TWELVE-MONTH EXTENSION (MODIFICATION NO. 5) TO INTERLOCAL AGREEMENT NO. IL020037EF, TEXAS DEPARTMENT OF HUMAN SERVICES, CASE MANAGEMENT SERVICES FOR LOW-INCOME DEAF ADULTS. (HHSD) (9:26 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 A TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 03T00288OJ, APPRISS, INC., FOR THE TEXAS VINE SERVICES AGREEMENT. (SHERIFF'S OFFICE, ITS) (9:26 AM)

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

16. APPROVE CONTRACT NO. PS050177JW WITH GULF COAST TRADES CENTER, INC. TO PROVIDE RESIDENTIAL TREATMENT SERVICES TO JUVENILE OFFENDERS. (JUVENILE PROBATION) (9:26 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. APPROVE CONTRACT NO. PS050274JW WITH MARSHA MALGESINI FOR NURSE EXAMINER SERVICES. (SHERIFF'S OFFICE) (9:26 AM)

Clerk's Note: Item 17 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

18. APPROVE MODIFICATION NO. 4 TO CONTRACT NO. 03T00287LD, ACCENT FOODS, FOR CAFETERIA AND VENDING MACHINE CONCESSION SERVICES. (FM) (9:56 AM)

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve option 2 of the contract modification in Item 18.

Motion carried:

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

19. APPROVE CONTRACT AWARD FOR ROOF REPLACEMENT, BUILDING 120, TRAVIS COUNTY CORRECTIONAL COMPLEX, IFB NO. B050068-SI, TO THE LOW BIDDER, RAIN KING, INC. (TCSO). (9:26 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. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. MA030240SP,
SCANNER MAINTENANCE, WITH AUSTIN TYPEWRITER & COMPUTER.
(ITS, COUNTY CLERK) (9:26 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. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. MA030233SP, LEXIS NEXIS, FOR LEGAL RESEARCH SUBSCRIPTION SERVICES AND ONLINE CRIMINAL HISTORY SEARCH SERVICES. (COUNTY ATTORNEY, TNR)
(9:26 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.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

22. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE FOUR PARCELS OF RIGHT OF WAY LOCATED IN FRONT OF LOTS 72, 73, 74 AND 75 OF APACHE SHORES FIRST INSTALLMENT, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (7:11 PM)

Item 22 postponed until September 6, 2005.

23. CONSIDER AND TAKE APPROPRIATE ACTION ON SUBMISSION OF SURFACE TRANSPORTATION PROGRAM – METROPOLITAN MOBILITY FUNDING REQUEST TO CAMPO. (4:53 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR).

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to submit the program funding request.

A Friendly Amendment to the previous Motion was offered by Commissioner Sonleitner to add all of Cameron Road as a 4-lane roadway to the request.

Acceptance of the Friendly Amendment was made by Commissioner Gómez and Commissioner Davis.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

24. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING BCCP COORDINATING COMMITTEE RECOMMENDATION CONCERNING TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT 17 REQUEST FOR EASEMENT ACROSS CITY OF AUSTIN'S DOUBLE J & T PRESERVE. (COMMISSIONER DAUGHERTY) (9:26 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. REVISED WORDING: CONSIDER AND TAKE APPROPRIATE ACTION ON A CONTRACT AMENDMENT TO RELEASE \$20,000 FROM APPROVED FY'05 COUNTY BUDGET FOR CLEAN AIR FORCE OF CENTRAL TEXAS. (9:26 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 RECOMMENDATIONS FROM THE CITIZENS BOND ADVISORY COMMITTEE, INCLUDING THE FOLLOWING: (9:59 AM) (10:11 AM)
- A. LIST OF SPECIFIC PROJECTS AND ASSUMED IMPLEMENTATION SCHEDULE (CASH FLOW);
 - B. PROPOSED PROPOSITIONS;
 - C. IMPACT ON DEBT POLICY AND FUTURE ANNUAL OPERATING BUDGETS;
 - D. PUBLIC-PRIVATE PARTNERSHIPS;
 - E. PROPOSED BOND CONVENANTS;
 - F. ELECTION SCHEDULE; AND
 - G. RELATED ISSUES.

Clerk's Note: Items 26 and 27 are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Glenn Opel, Travis County Bond Counsel; Joe Gieselman, Executive Manager, TNR; Trek English, President, Northeast Action Group; Joyce Best, Northeast Austin Resident; Cindy Phillips, Travis County Resident; Christy Muse, Hill County Alliance; Nell Penridge, Hamilton Pool Road Resident, Member, Travis County Citizens Bond Advisory Committee; Pepper Morris, Travis County Resident; Hugh Winkler, Travis County Resident; Ann Peacock Huthnance, Travis County Resident; Pam Reese, Travis County Resident; Ted Siff, Chair, Citizens Advisory Committee, Balcones Canyonlands Preserve (BCP), Co-Founder, Austin Metro Trails and Greenways; Pete Dwyer, Developer, Travis County Resident; Susan Spataro, Travis County Auditor; Dana DeBeauvoir, Travis County Clerk; David Escamilla, Travis County Attorney; and Tom Nuckols, Assistant County Attorney.

ITEM 26 CONTINUED

Motion by Judge Biscoe and seconded by Commissioner Gómez to reconsider the three parts of the decisions that were discussed today-mobility and open space money, Reimers-Peacock, and Arterial A.

Motion carried:	County Judge Samuel T. Biscoe	yes
	Precinct 1, Commissioner Ron Davis	yes
	Precinct 2, Commissioner Karen Sonleitner	yes
	Precinct 3, Commissioner Gerald Daugherty	no
	Precinct 4, Commissioner Margaret J. Gómez	yes

Motion by Commissioner Davis and seconded by Commissioner Gómez that on the open space and mobility projects, \$8.6 million be allocated to the Onion Creek Greenbelt in Precinct Four, and that these particular projects, in an effort of public-private partnership interests, be included into the tier 1 category of the particular bond order that we have before us today: Braker Lane South, from US 290 to the future Parmer Lane, the Parmer Lane project from US 290 to Braker Lane, and the Decker Lake project from FM 973 to the southbound frontage of SH 130.

A Friendly Amendment to the previous Motion was offered by Judge Biscoe to increase both categories, open space and mobility, to \$15 million each.

Acceptance of the Friendly Amendment was made by Commissioner Davis and Commissioner Gómez.

Motion carried:	County Judge Samuel T. Biscoe	yes
	Precinct 1, Commissioner Ron Davis	yes
	Precinct 2, Commissioner Karen Sonleitner	no
	Precinct 3, Commissioner Gerald Daugherty	no
	Precinct 4, Commissioner Margaret J. Gómez	yes

Motion by Judge Biscoe and seconded by Commissioner Davis to pull Arterial A out of Tier 2.

Motion carried:	County Judge Samuel T. Biscoe	yes
	Precinct 1, Commissioner Ron Davis	yes
	Precinct 2, Commissioner Karen Sonleitner	abstain
	Precinct 3, Commissioner Gerald Daugherty	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

ITEM 26 CONTINUED

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to take Reimers-Peacock out of Tier 2 and that the money for design stays there.

Withdrawal of the previous Motion was made by Judge Biscoe.

Motion by Commissioner Daugherty to leave the design money in for Reimers-Peacock Road and let everything else fall off of Tier 2.

A Restatement of the previous Motion was made by Commissioner Daugherty **and seconded by** Commissioner Gómez to delete Reimers-Peacock Road from Tier 2.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

27. CONSIDER AND TAKE APPROPRIATE ACTION ON A PROPOSED ORDER CALLING BOND ELECTION. (9:59 AM) (5:01 PM) (7:11 PM)

Clerk's Note: Items 26 and 27 are associated with one another and were called for concurrent discussion. Please refer to Item 26 for a summary of the Court's action.

Members of the Court heard from: Glenn Opel, Travis County Bond Counsel; and Joe Gieselman, Executive Manager, TNR.

Clerk's Note: Item 27 was further discussed at 5:01 PM.

Members of the Court heard from: Glenn Opel, Travis County Bond Counsel; and Joe Gieselman, Executive Manager, TNR.

Clerk's Note: The Court clarified that the Proposition 2 language does specifically include language that identifies open space parkland, and it is not limited to parks only.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve the order calling the bond election with the changes reflected.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

ITEM 27 CONTINUED

Clerk's Note: Item 27 was further discussed at 7:11 PM with a request by Judge Biscoe that the Commissioners Court record show Commissioner Daugherty voting in favor of the Motion on Item 27. The Commissioners Court record does reflect the Corrected Vote.

Corrected Vote:

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

OTHER ITEMS

28. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:26 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. RECEIVE AND CONSIDER FOURTH REVENUE ESTIMATE FOR FISCAL YEAR 2006 BUDGET PROCESS. (2:47 PM)

Members of the Court heard from: Susan Spataro, Travis County Auditor.

Discussion Only. No formal action taken.

30. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE FIRE MARSHAL'S OFFICE FY'05 BUDGET ADJUSTMENT AND FY'06 BUDGET REQUEST. (2:58 PM)

Members of the Court heard from: Simon Broussard, Travis County Fire Marshall.

Clerk's Note: The Court discussed the Fire Marshall's Office Fiscal Year 2005 budget adjustment request to transfer the budgeted salary from FTE slot 39 in order to raise the salary of FTE slot 21 to mid-point, and to fill the existing vacant FTE slot 21 in Fiscal Year 2005.

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to authorize transfer of the budgeted salary from FTE slot 39 in order to raise the salary of FTE slot 21 to mid-point, and to fill the existing vacant FTE slot 21 in Fiscal Year 2005

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

31. DISCUSS FINDINGS AND RECOMMENDATIONS FROM CITY OF AUSTIN COMMITTEE ON QUALITY OF LIFE FOR AFRICAN AMERICANS. (JUDGE BISCOE) (3:30 PM)

Members of the Court heard from: Greg Marshall, President, CEO, Capital City African American Chamber of Commerce; Lisa Byrd, Executive Director, Pro Arts Collective; Joseph Barnes, Director, Alliance on African American Healthcare and Central Texas; and Byron Marshall, President, CEO, Austin Revitalization Authority.

Discussion Only. No formal action taken.

32. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATIONS FROM OUTSIDE CONSULTANT'S ADMINISTRATIVE REVIEW INCLUDING STAFFING OF MEDICAL EXAMINER'S OFFICE. (4:31 PM) (5:16 PM) (7:05 PM)

Members of the Court heard from: Pete Baldwin, Emergency Management Coordinator and Interim Emergency Services Coordinator, Travis County Emergency Services; Brenda Teasley, Senior Investigator, Travis County Medical Examiner's Office; Dr. Robert Bayardo, Travis County Medical Examiner; and Alan Miller, Budget Analyst, Planning and Budget Office (PBO).

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to formally accept the consultant's report.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Clerk's Note: Item 32 was further discussed at 5:16 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.

Clerk's Note: Item 32 was further discussed at 7:05 PM.

Discussion Only. No further action taken.

Item 32 to be reposted on September 6, 2005.

33. DISCUSS AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(9:33 AM)
- A. REPORT ON PROPOSED ELECTION PRECINCT REALIGNMENTS PURSUANT TO SECTION 42.031(b)(3) OF THE ELECTION CODE; AND
 - B. SETTING A PUBLIC HEARING ON SEPTEMBER 13, 2005 REGARDING PROPOSED PRECINCT REALIGNMENTS.

Clerk's Note: Items 33.A and B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Dana DeBeauvoir, Travis County Clerk; Dolores Diaz Lopez, Director, Voter Registration, Tax Assessor Collector's Office; Gail Fisher, Division Manager, Elections, Travis County Clerk's Office; and Kim Dilling, Elections Management Coordinator, Travis County Clerk's Office.

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to approve the recommendations in Item 33, including the setting of a public hearing on September 13, 2005.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

34. CONSIDER AND TAKE APPROPRIATE ACTION ON THE ANNUAL WRITTEN PLANS FOR THE 028 RECORDS MANAGEMENT PRESERVATION FUND AND 057 COUNTY CLERK'S RECORDS ARCHIVAL FUND. (COUNTY CLERK) (9:29 AM)

Clerk's Note: Item 34 is the action item for the public hearing on Agenda Item 1.

Members of the Court heard from: Dana DeBeauvoir, Travis County Clerk; and Diana Ramirez, Budget Analyst, PBO.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to approve the plans for the 028 Records Management Preservation Fund and the 057 County Clerk's Records Archival Fund.

Motion carried:

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

35. CONSIDER AND TAKE APPROPRIATE ACTION ON AN INTERLOCAL AGREEMENT FOR DOWNTOWN BUSINESS DISTRICT ATTORNEY WITH THE CITY OF AUSTIN. (9:26 AM)

Clerk's Note: Item 35 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

36. CONSIDER AND TAKE APPROPRIATE ACTION ON RESOLUTION APPROVING A BOND RESOLUTION BY TRAVIS COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION PROVIDING FOR THE ISSUANCE OF RETIREMENT FACILITY REVENUE BONDS FOR BARTON CREEK SENIOR LIVING CENTER, INC. FOR THE QUERENCIA AT BARTON CREEK PROJECT. (4:52 PM)

Motion by Judge Biscoe and seconded by Commissioner Daugherty to approve Item 36.

Motion carried:

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

37. CONSIDER AND TAKE APPROPRIATE ACTION TO SET ELECTED OFFICIALS' SALARIES FOR FY'06. (3:10 PM) (5:16 PM) (7:07 PM)

Members of the Court heard from: Travis Gatlin, Budget Analyst, PBO; Diana Ramirez, Budget Analyst, PBO; Barbara Wilson, Assistant County Attorney; Susan Spataro, Travis County Auditor; and David Escamilla, Travis County Attorney.

Motion by Commissioner Sonleitner **and seconded by** Judge Biscoe that the salaries for the District Judges, the County Court at Law Judges, the Probate Judge, by the 75% rule, the Associated Judges, and for the District Attorney, be set at the House Bill 11 numbers, with the same date of House Bill 11, which is, it goes into effect December 1, 2005.

Withdrawal of the previous Motion was made by Commissioner Sonleitner.

Clerk's Note: Item 37 was further discussed at 5:16 PM.

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.

Clerk's Note: Item 37 was further discussed at 7:07 PM.

Clerk's Note: The Court clarified that the District Attorney would be waiving his right to the grievance process.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve option 1: that the annual County salary supplement for the District Judges for Fiscal Year 2006 is the difference between the salary set by the State and \$132,500.00. If House Bill 11 does not become law, the annual County salary supplement is set at \$30,800.00. If House Bill 11 becomes law, the annual County salary supplement is set at \$11,383.33, with \$5,133.33 payable in two equal installments in October and November, 2005 and \$6,250.00 payable in ten equal installments in each month from December, 2005 through September, 2006 inclusive. The annual salary for the County Court at Law Judges for the Fiscal Year 2006 is \$132,526.86, and the annual salary for the Probate Judge for Fiscal Year 2006 is \$133,526.86.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Item 37 to be reposted on September 6, 2005.

38. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO: (3:09 PM)
(3:10 PM)

A. APPROVE AMENDMENT ONE TO THE CONTRACT FOR ACCOUNTING,
ADMINISTRATIVE AND CLERICAL SERVICES BETWEEN TRAVIS
COUNTY AND THE TRAVIS COUNTY CORPORATIONS; AND

B. ADVERTISING OF A HALF-TIME EMPLOYEE POSITION IN FY'05.

Clerk's Note: Items 38.A and B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Harvey Davis, Manager, Travis County Corporations.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to approve Items 38.A and B.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Clerk's Note: Items 38.A and B were further discussed at 3:10 PM with a request by Judge Biscoe that the Commissioners Court record show Commissioner Davis voting in favor of the Motion on Items 38.A and B. The Commissioners Court record does reflect the Corrected Vote.

Corrected Vote:

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

39. CONSIDER AND TAKE APPROPRIATE ACTION ON ECONOMIC INCENTIVES FOR THE FOLLOWING: (1:51 PM) (5:16 PM) (6:58 PM)
- A. RESOLUTION INDICATING ELECTION OF TRAVIS COUNTY TO PARTICIPATE IN TAX ABATEMENT;
 - B. TRAVIS COUNTY ECONOMIC DEVELOPMENT PROGRAM POLICY, INCLUDING TAX ABATEMENT AND REBATE;
 - C. DRAFT AGREEMENT WITH HOME DEPOT FOR ECONOMIC INCENTIVES UNDER THE ECONOMIC DEVELOPMENT PROGRAM; AND
 - D. PROPOSAL FOR BASIC TERMS OF AGREEMENT WITH SAMSUNG FOR ECONOMIC INCENTIVES UNDER THE ECONOMIC DEVELOPMENT PROGRAM.

Clerk's Note: Items 39.A-D are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Mary Etta Gerhardt, Assistant County Attorney; Kirk Watson, Chair, Board of Directors, Greater Austin Chamber of Commerce; and Leroy Nellis, Budget Manager, PBO.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the resolution in Item 39.A.

Motion carried:

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

Motion by Judge Biscoe and seconded by Commissioner Davis that in Item 39.C, to approve the draft Home Depot agreement, and that we share that with the Home Depot representatives.

Motion carried:

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

ITEM 39 CONTINUED

Clerk's Note: Items 39.B and D were further discussed at 5:16 PM.

Clerk's Note: Judge Biscoe announced that Items 39.B and D would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Clerk's Note: Items 39.B and D were further discussed at 6:58 PM.

Members of the Court heard from: Mary Etta Gerhardt, Assistant County Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner that on Item 39.B, to approve the program policy that we discussed today, with the changes that we discussed also, and to authorize the signing of the order adopting the policy.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Discussion Only. No formal action taken on Item 39.D.

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.

40. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION ON SETTLEMENT DEMAND AND REQUEST FOR EXPERT WITNESS IN MICHELLE FAUGHT V. TRAVIS COUNTY, ET AL. ¹ (5:16 PM) (7:01 PM)

Clerk's Note: Judge Biscoe announced that Item 40 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 to reject the counter to our counteroffer and that we authorize the County Attorney to hire appropriate experts.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

41. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION ON SETTLEMENT DEMAND REGARDING ANGELA D. STEADTLER V. TRAVIS COUNTY, ET AL. ¹ (7:02 PM)

Clerk's Note: Judge Biscoe announced that Item 41 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from: Elaine Casas, Assistant County Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez that we authorize the County Attorney to join the appropriate third parties in this case, specifically the Eye Bank. They're a necessary party anyway, based on how we carry out this function historically, and there is an indemnity clause in the contract, which means they really should be a party to this.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

42. DISCUSS AND TAKE APPROPRIATE ACTION REGARDING THE PROPERTY AT 10409 BURNET ROAD. ² (5:15 PM)

Item 42 postponed until September 6, 2005.

43. CONSIDER AND TAKE APPROPRIATE ACTION ON THE POTENTIAL PURCHASE OF REAL ESTATE ON AIRPORT BOULEVARD. ² (5:15 PM)

Item 43 postponed until September 6, 2005.

44. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING PROPOSED MEDIATION IN TRAVIS COUNTY V. COTERA, KOLAR & NEGRETE, ET AL. AND TAKE APPROPRIATE ACTION, INCLUDING DESIGNATING A REPRESENTATIVE FROM COMMISSIONERS COURT REGARDING TRAVIS COUNTY MEDICAL EXAMINER'S FACILITY. ¹ (5:16 PM) (7:02 PM)

Clerk's Note: Judge Biscoe announced that Item 44 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 to direct Dan Mansour, Risk and Benefits Manager, Human Resources Management Department to represent Travis County in this mediation.

Motion carried:	County Judge Samuel T. Biscoe	yes
	Precinct 1, Commissioner Ron Davis	yes
	Precinct 2, Commissioner Karen Sonleitner	yes
	Precinct 3, Commissioner Gerald Daugherty	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

45. RECEIVE LEGAL ADVICE AND TAKE APPROPRIATE ACTION ON REQUEST FROM BURNET COUNTY COMMISSIONERS COURT FOR REFUND OF \$1,800.00 FOR FEE PAID ON AUTOPSY PERFORMED. ¹ (5:16 PM)
(7:03 PM)

Clerk's Note: Judge Biscoe announced that Item 45 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 Sonleitner to authorize the County Attorney to draft the appropriate release and settlement agreement; that the County Judge be authorized to sign that document; that the County Judge be authorized to notify, by telephone, the County Judge in Burnet County that the pathologist who performed this autopsy is no longer with Travis County, has been gone more than a year; that based on the circumstances, notwithstanding the fact that we probably earned that money and did the best we could, given the condition of the cadaver delivered, we will agree to go ahead and refund the \$1,800.00 as soon as possible.

Motion carried:	County Judge Samuel T. Biscoe	yes
	Precinct 1, Commissioner Ron Davis	yes
	Precinct 2, Commissioner Karen Sonleitner	yes
	Precinct 3, Commissioner Gerald Daugherty	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

46. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN ENTERTAINMENT BY J & J, INC. V. RUFINO CORNEJO AND LUKE MERCER, CONSTABLE, PRECINCT ONE. (REQUESTED BY COUNTY ATTORNEY) ¹ (5:16 PM) (7:04 PM)

Clerk's Note: Judge Biscoe announced that Item 46 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 to authorize the County Attorney to hire the appropriate expert in this matter.

Motion carried:

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

47. RECEIVE LEGAL ADVICE AND TAKE APPROPRIATE ACTION ON COUNTY POLICY AND LEGAL STANDARDS GOVERNING PUBLIC DEMONSTRATIONS ON TRAVIS COUNTY PROPERTY AND FACILITIES. (COMMISSIONER DAUGHERTY) ¹ (5:16 PM)

Item 47 postponed until September 6, 2005.

48. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING CLAIM AGAINST HARLEY DAVIDSON, INC. AND TAKE APPROPRIATE ACTION. ¹ (5:16 PM) (7:05 PM)

Clerk's Note: Judge Biscoe announced that Item 48 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Clerk's Note: The Court thanked Mr. Tim Labadie, Travis County Attorney's Office, for his outstanding work in this matter.

Discussion Only. No action required on Item 48.

49. RECEIVE LEGAL ADVICE ON PROPER USE OF THE FY'06 BUDGET AGENDA WORKSHEET. ¹ (5:16 PM) (7:05 PM)

Clerk's Note: Judge Biscoe announced that Item 49 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion Only. No action required on Item 49.

THIS FOLLOWING ITEM IS AN ADDENDUM:

- A1. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING THE MATTER OF THE APPLICATION OF MAGNA-FLOW INTERNATIONAL, INC., PERMIT NO. WQ04484-000, TCEQ DOCKET NO. 2005-0199-SLG. (REQUESTED BY COUNTY ATTORNEY) EXECUTIVE SESSION ALSO, PURSUANT TO GOV'T CODE ANN 551.071. (5:16 PM) (7:06 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.

Members of the Court heard from: Tom Nuckols, Assistant County Attorney.

Motion by Commissioner Davis **and seconded by** Judge Biscoe to authorize the County Attorney to submit the settlement agreement to the neighborhood association for their signature; and that we authorize the County Judge to sign the settlement agreement if the neighborhood association signs the agreement; and that this agreement be submitted to Magna-Flow International Inc. The conditions of the settlement agreement, basically, are for Magna-Flow International Inc. to discontinue its operation at the current site on or before December 31, 2007; and that they do not seek a new permit at the current site where they operate today.

Motion carried:

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

ADJOURNMENT

Motion by Commissioner Davis **seconded by** Commissioner Gómez to adjourn the Voting Session. (7:11 PM)

Motion carried:	County Judge Samuel T. Biscoe	yes
	Precinct 1, Commissioner Ron Davis	yes
	Precinct 2, Commissioner Karen Sonleitner	yes
	Precinct 3, Commissioner Gerald Daugherty	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge