

## **MINUTES OF MEETING – NOVEMBER 8, 2005**

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

On Tuesday, the 8<sup>th</sup> day of November, 2005, the Commissioners' Court convened the regular Voting Session at 9:21 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 Melissa Velasquez.

The Commissioners Court recessed the Voting Session at 11:04 AM.

The Commissioners Court reconvened the Voting Session at 11:14 AM.

The Commissioners Court recessed the Voting Session at 11:55 AM.

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 reconvened the regular Voting Session at 1:42 PM.

The Commissioners Court retired to Executive Session at 1:54 PM.

The Commissioners Court reconvened the Voting Session at 4:32 PM.

The Commissioners Court recessed the Voting Session at 4:36 PM.

The Commissioners Court reconvened the Voting Session at 1:50 PM, November 9, 2005.

The Commissioners Court retired to Executive Session at 1:50 PM, November 9, 2005.

The Commissioners Court reconvened the Voting Session at 2:18 PM, November 9, 2005.

The Commissioners Court adjourned the Voting Session at 2:25 PM, November 9, 2005.

## PUBLIC HEARINGS

1. RECEIVE COMMENTS REGARDING A PROPOSED STREET NAME CHANGE FROM POPHAM BOULEVARD RECORDED IN STONEY RIDGE SUBDIVISION PHASE B, SECTION 1 TO BE KNOWN AS "ROSS ROAD" IN PRECINCT FOUR. (COMMISSIONER GÓMEZ) (ACTION ITEM #18) (9:23 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 18 for a summary of the action item.

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

<b>Motion carried:</b>	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:** Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR).

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

<b>Motion carried:</b>	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:** Gus Peña, Travis County Resident; Lucio Peña, Travis County Resident; and Jennifer Gale, Travis County Resident.  
(9:24 AM)

## CONSENT ITEMS

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C8, and Items 6, 7, 14, 15.A&B, 18, 19.A&B, 20, 21, 23, 24, 25, 26, 27, 29, 31.A, B, C, & E, 32, 33, 35, 37, and 39.  
(9:49 AM)

<b>Motion carried:</b> 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 AUTOMATIC BUDGET TRANSFERS.
- C4. RE-APPOINT LON C. BROOKS TO SERVE ON THE TRAVIS CENTRAL APPRAISAL DISTRICT AS THE JOINT APPOINTMENT OF PRECINCT 2 AND PRECINCT 3 FOR A TWO-YEAR TERM EXPIRING DECEMBER 31, 2007. (COMMISSIONER SONLEITNER AND COMMISSIONER DAUGHERTY)
- C5. RE-APPOINT MAIZE HAMILTON TO COMMISSIONER OF EMERGENCY SERVICES DISTRICT NO. 2 (PFLUGERVILLE) EFFECTIVE IMMEDIATELY THROUGH DECEMBER 31, 2007. (COMMISSIONER SONLEITNER)
- C6. RE-APPOINT MIKE HOWE TO COMMISSIONER OF EMERGENCY SERVICES DISTRICT NO. 2 (PFLUGERVILLE) EFFECTIVE IMMEDIATELY THROUGH DECEMBER 31, 2007. (COMMISSIONER SONLEITNER)

## CONSENT ITEMS CONTINUED

- C7. APPROVE SETTING A PUBLIC HEARING DATE OF NOVEMBER 29, 2005 TO RECEIVE COMMENTS REGARDING A PROPOSED STREET NAME ASSIGNMENT FOR A PRIVATE EASEMENT TO BE KNOWN AS “RUTTER LANE” OFF FITZHUGH ROAD NEAR THE HAYS COUNTY LINE, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)
- C8. APPROVE SETTING A PUBLIC HEARING DATE OF NOVEMBER 22, 2005 TO RECEIVE COMMENTS REGARDING THE PLANNING, DESIGN AND CONSTRUCTION OF THE TRAVIS COUNTY TRANSPORTATION AND NATURAL RESOURCES (TNR) ROAD AND BRIDGE EASTSIDE SERVICE CENTER. (COMMISSIONER DAVIS AND COMMISSIONER GÓMEZ)

## RESOLUTIONS & PROCLAMATIONS

- 2. APPROVE PROCLAMATION REGARDING “AUSTIN ADOPTION DAY” IN TRAVIS COUNTY TO BE HELD ON NOVEMBER 17, 2005 AT GARDNER-BETTS JUVENILE JUSTICE CENTER. (COMMISSIONER GÓMEZ) (9:43 AM)

**Members of the Court heard from:** Andy Hathcock, Associate Judge, Civil District Courts.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the proclamation in Item 2.

<b>Motion carried:</b> 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

3. APPROVE RESOLUTION RECOGNIZING NOVEMBER 11, 2005 AS “VETERANS DAY” IN TRAVIS COUNTY. (JUDGE BISCOE) (9:35 AM)

**Members of the Court heard from:** Olie Pope, Travis County Veterans Services Officer.

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

**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

## SPECIAL ITEMS

4. RECEIVE UPDATE AND TAKE APPROPRIATE ACTION ON TRAVIS COUNTY ASSISTANCE IN RESPONSE TO HURRICANE RITA. (9:59 AM)

**Clerk’s Note:** Items 4 and 5 are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans Services (TCHHS&VS); and Pete Baldwin, Emergency Management Coordinator, Travis County Emergency Services.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to extend the residency waiver for Hurricane Rita evacuees through December 6, 2005 to entitle them to the emergency services that we have been providing.

**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

5. RECEIVE UPDATE AND TAKE APPROPRIATE ACTION ON TRAVIS COUNTY ASSISTANCE IN RESPONSE TO HURRICANE KATRINA. (9:59 AM)

**Clerk's Note:** Items 4 and 5 are associated with one another and were called for concurrent discussion. Please refer to Item 4 for a summary of the action taken by the Court.

### 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 \$405,846.74 FOR THE PERIOD OF OCTOBER 21 THROUGH OCTOBER 27, 2005. (9:49 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. (9:49 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 RECOMMENDATION TO SETTLE LIABILITY CLAIM OF JAMES SCOTT. (10:17 AM) (1:54 PM) (4:34 PM)

**Members of the Court heard from:** Donna Stirman, Human Resources Management Department (HRMD).

**Clerk's Note:** Judge Biscoe announced that Item 8 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Clerk's Note:** Item 8 was further discussed at 4:34 PM.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to settle the liability claim of Mr. Scott, bringing in the items this morning that were brought in, related to getting the release from Detective Scott for the dollar amounts that were listed there, and that we send a cordial letter to the Travis County Sheriff's Office, attention Sheriff Hamilton, to ask for a reimbursement of this amount to the appropriate line items in Risk Management.

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

9. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO CLARIFY THE COURT'S INTENTION REGARDING THE REMAINING FY '06 2% COMPENSATION ALLOCATION. (10:25 AM)

**Members of the Court heard from:** Linda Moore Smith, Director, HRMD; and Alicia Perez, Executive Manager, Administrative Operations.

**Clerk's Note:** The Court discussed the implementation parameters for Option 2:

- Performance Based Pay (for exceeds performance standards, effective 10/1/05, implemented 12/1/05, employee on payroll for at least one year on effective date, redlined lump sum only)
- Flexibility within policy
- Salary Adjustments
- Promotion, including Career Ladders
- Other non-performance based pay salary adjustments effective and implemented 12/1/05

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Option 2, which is all the good stuff related to performance based pay, but it also gives departments much more flexibility with the use of their dollars, related to other comp issues that may be special to their office, and we empower people to solve their own problems.

**A Clarification of the previous Motion was made by** Commissioner Sonleitner that the first issue that needs to be addressed by the departments is performance based pay issues, and whatever is left over, after those appropriate decisions have been made, then can be used in terms of the flexibility, related to salary adjustments, promotions, career ladders, etc.

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



10. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO IDENTIFY SOURCE OF FUNDING FOR THE FOLLOWING PROJECTS: (10:45 AM)
- A. GARDNER-BETTS JUVENILE JUSTICE CENTER RENOVATION, 2006 PHASE 1;
  - B. SOUTH AUSTIN BUILDING, ADA IMPROVEMENTS;
  - C. POST ROAD BUILDING RENOVATION – DESIGN PHASE;
  - D. EASTSIDE SERVICE CENTER;
  - E. PURCHASE OF THE SOUTH AUSTIN BUILDING;
  - F. HOT MIX, F MIX - TNR DEPT.;
  - G. DRAINAGE STUDY - TNR DEPT.;
  - H. PARKING LOT PROJECTS – TNR DEPT.;
  - I. ARTERIALS AND COLLECTORS – TNR DEPT.;
  - J. OTHER PARK/TRANSPORTATION RELATED PROJECTS; AND
  - K. MOBILE DATA COMPUTERS FOR CONSTABLES.

**Clerk's Note:** Items 10.A-K are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Jessica Rio, Budget Analyst, Planning and Budget Office (PBO); Christian Smith, Executive Manager, PBO; and Alicia Perez, Executive Manager, Administrative Operations.

Discussion Only. No formal action taken.

Items 10.A-K to be reposted on November 15, 2005.

11. CONSIDER AND TAKE APPROPRIATE ACTION ON PHASE 2 OPTIONS FOR THE 5501 AIRPORT BLVD BUILDING: (11:04 AM) (11:14 AM) (1:42 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;
5. CONSTRUCT PARKING GARAGE; OR
6. MAINTAIN STATUS QUO.

**Clerk's Note:** Items 11.1-6 are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Alicia Perez, Executive Manager, Administrative Operations; Roger El Khoury, Director, Facilities Management; Jim Barr, Senior Project Manager, Facilities Management; Teresa Goff, Program Manager, Travis County Counseling and Education Services (TCCES); Pete Baldwin, Emergency Management Coordinator, Travis County Emergency Services; and Caryl Colburn, Director, TCCES.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to remove option 3, Relocate HHS Divisions from Palm Square, from the table.

<b>Motion carried:</b> 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** Commissioner Sonleitner **and seconded by** Judge Biscoe to remove option 4, Construct a Transitional Space Area, from the list.

<b>Motion carried:</b> 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 11 CONTINUED

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to remove option 5, Construct Parking Garage, from the list.

<b>Motion carried:</b>	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** Commissioner Sonleitner **and seconded by** Commissioner Gómez to remove option 6, Maintain Status Quo, from the list.

<b>Motion carried:</b>	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** Commissioner Daugherty **and seconded by** Judge Biscoe to approve option 1, Relocate CES Service Center, CJP, EMS, Fire Marshal Divisions to 5501 Airport Blvd., Phase 2.

**Clerk's Note:** The Court did not take a Vote on the Standing Motion at this time.

**Clerk's Note:** The Court further discussed Item 11 at 1:42 PM.

**Members of the Court heard from:** Roger El Khoury, Director, Facilities Management; Caryl Colburn, Director, TCCES; Jim Barr, Senior Project Manager, Facilities Management; and Pete Baldwin, Emergency Management Coordinator, Travis County Emergency Services.

**A Restatement of the previous Motion was made by Commissioner Daugherty and seconded by Judge Biscoe to approve option 1, Relocate CES Service Center, CJP, EMS, Fire Marshal Divisions to 5501 Airport Blvd, Phase 2.**

<b>Motion carried:</b>	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

**TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS**

**THIS ITEM TO BE TAKEN UP AT 11:00 A.M.**

12. CONSIDER AND TAKE APPROPRIATE ACTION ON MEMORANDUM OF UNDERSTANDING WITH BROWNING-FERRIS INDUSTRIES (BFI). (9:21 AM)

Item 12 pulled from the Agenda.

13. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REQUESTS: (1:53 PM)

A. APPROVE RESOLUTION IN SUPPORT OF RIVER OF TRADE CORRIDOR COALITION (ROTCC); AND

B. APPROVE MEMBERSHIP IN ROTCC.

Items 13.A and B postponed until November 15, 2005.

14. CONSIDER AND TAKE APPROPRIATE ACTION ON THE ALTERNATIVE FISCAL AGREEMENTS FOR VILLAGES OF HIDDEN LAKE PHASE 4B, A SUBDIVISION IN PRECINCT 2. (COMMISSIONER SONLEITNER) (9:49 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 THE FOLLOWING: (9:49 AM)

A. TOTAL VACATION OF A RECORDED SUBDIVISION IN PRECINCT 2: VALEX ESTATES, AS RECORDED IN VOL. 98, PAGE 364 OF TRAVIS COUNTY RECORDS; AND

B. REPLAT OF VALEX ESTATES (SHORT FORM PLAT – 6 LOTS – 19.3 ACRES – GREGG LANE – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC – CITY OF AUSTIN ETJ). (COMMISSIONER SONLEITNER)

**Clerk's Note:** Items 15.A and B 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 THE REQUEST TO USE ALTERNATIVE FISCAL FOR THE COMMONS AT ROWE LANE PHASE I, A SUBDIVISION IN PRECINCT 2. (COMMISSIONER SONLEITNER) (9:53 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Davis to approve Item 16, granting the alternate fiscal policy for the subdivision, and the receipt of a cash security agreement for revegetation; that is a condition of the County filing a plat with the County Clerk's Office; that the developer would post a bond for the one-year warranty period following the construction.

<b>Motion carried:</b>	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

17. CONSIDER AND TAKE APPROPRIATE ACTION ON AN INTERLOCAL AGREEMENT WITH THE CITY OF PFLUGERVILLE FOR THE CONSTRUCTION OF WELLS BRANCH PARKWAY THROUGH THE SETTLERS MEADOW AND GASTON SHELTON SUBDIVISIONS. (COMMISSIONER SONLEITNER) (9:55 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Davis to approve Item 17.

<b>Motion carried:</b>	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

18. CONSIDER AND TAKE APPROPRIATE ACTION ON A PROPOSED STREET NAME CHANGE FROM POPHAM BOULEVARD RECORDED IN STONEY RIDGE SUBDIVISION PHASE B, SECTION 1 TO BE KNOWN AS “ROSS ROAD” IN PRECINCT FOUR. (COMMISSIONER GÓMEZ) (9:49 AM)

**Clerk’s Note:** Item 18 is the action item for the public hearing on Agenda Item 1.

**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.

### PLANNING AND BUDGET DEPT. ITEMS

19. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:49 AM)
  - A. APPROVE A PLAN CHANGE FOR TITLE IV-E LEGAL SERVICES CONTRACT WITH TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES FOR THE DISTRICT ATTORNEY’S OFFICE TO INCORPORATE THE ADDITIONAL LEGAL SUPPORT UNIT POSITIONS APPROVED ON OCTOBER 18, 2005.
  - B. APPROVE A GRANT CONTRACT WITH THE OFFICE OF THE GOVERNOR, DIVISION OF EMERGENCY MANAGEMENT FOR THE FY 05-06 HOMELAND SECURITY GRANT PROGRAM. GRANT PROVIDES \$151,633 TO PURCHASE HOMELAND SECURITY EQUIPMENT.

**Clerk’s Note:** Items 19.A and B 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 BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:49 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.

## PURCHASING OFFICE ITEMS

21. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. PS030171JW, TEXAS OAKS PSYCHIATRIC HOSPITAL, LP, DBA OAKS TREATMENT CENTER, FOR ADDITIONAL RESIDENTIAL TREATMENT SERVICES. (JUVENILE PROBATION) (COMMISSIONER GÓMEZ) (9:49 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. APPROVE MODIFICATION NO.2 TO CONTRACT NO. IL040278ML, AUSTIN STATE HOSPITAL, FOR JANITORIAL SERVICES. (SHERIFF) (COMMISSIONER GÓMEZ) (9:22 AM)

Item 22 postponed until November 15, 2005.

23. APPROVE MODIFICATION NO.4 TO CONTRACT NO.PS990064LB, EVINS PERSONNEL CONSULTANTS, FOR TEMPORARY PROFESSIONAL NURSING MEDICAL SERVICES. (COMMISSIONER GÓMEZ) (9:49 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. DECLARE CERTAIN EQUIPMENT AS SURPLUS PROPERTY AND SELL AT PUBLIC AUCTION PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (COMMISSIONER GÓMEZ) (9:49 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. DECLARE CERTAIN COMPUTER-RELATED EQUIPMENT AS SURPLUS PROPERTY AND DISPOSE OF THROUGH DELL, INC. PURSUANT TO SECTION 263.152 OF THE TEXAS LOCAL GOVERNMENT CODE. (PURCHASING) (COMMISSIONER GÓMEZ) (9:49 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. APPROVE PURCHASE OF A HVAC MAINTENANCE AGREEMENT OFF TXMAS STATE CONTRACT FROM YORK INTERNATIONAL CORPORATION FOR THE TRAVIS COUNTY EXPOSITION CENTER. (FACILITIES MANAGEMENT) (COMMISSIONER GÓMEZ) (9:49 AM)

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

27. APPROVE AWARD OF A CATALOG INFORMATION SYSTEMS VENDOR STATE CATALOG PURCHASE, RFO # O060010-LC, FOR DELL STORAGE EQUIPMENT FROM DELL MARKETING LLP. (COUNTY CLERK) (COMMISSIONER GÓMEZ) (9:49 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. APPROVE MODIFICATION NO. 2 TO CONTRACT CM050251LC, LEGADERO SOFTWARE INC., FOR PURCHASE AND MAINTENANCE OF LEGADERO PROJECT MANAGEMENT SOFTWARE. (ITS) (COMMISSIONER GÓMEZ) (9:22 AM)

Item 28 postponed until November 22, 2005.

29. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. 04K00152JJ, BLUEBONNET ELECTRIC COOPERATIVE, FOR EAST METRO PARK PRIMARY ELECTRICAL SYSTEM. (TNR) (COMMISSIONER GÓMEZ) (9:49 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. APPROVE CONTRACT AWARD FOR CONSULTING SERVICES WITH MTG MANAGEMENT CONSULTANTS, LLC. (COMMISSIONER GÓMEZ) (10:56 AM)

**Members of the Court heard from:** Cyd Grimes, Travis County Purchasing Agent.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 30.

**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

31. APPROVE CONTRACT AWARD FOR PROFESSIONAL REAL ESTATE BROKERAGE SERVICES POOL, RFQ NO. Q050119-LP, TO THE FOLLOWING FIVE QUALIFIED RESPONDENTS: (FACILITIES MGT.) (COMMISSIONER GÓMEZ) (9:49 AM)

- A. INVESTORS ALLIANCE, INC.;
- B. NAI COMMERCIAL INDUSTRIAL GROUP, INC.;
- C. SOUTHWEST STRATEGIES GROUP;
- D. THE STAUBACH COMPANY CENTRAL TEXAS, LLC;

Item 31.D postponed until November 15, 2005.

- E. EQUIS CORPORATION

**Clerk's Note:** Items 31.A, B, C, and E approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

## OTHER ITEMS

32. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:49 AM)

**Clerk's Note:** Item 32 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

33. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF SEPTEMBER 2005. (COUNTY AUDITOR) (9:49 AM)

**Clerk's Note:** Item 33 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

34. CONSIDER AND ADOPT AN ORDER AUTHORIZING THE ISSUANCE AND SALE OF TRAVIS COUNTY, TEXAS, LIMITED TAX REFUNDING BONDS, SERIES 2005A; LEVYING A TAX IN PAYMENT THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT AND AN ESCROW AGREEMENT; APPROVING THE OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATING THERETO. (10:58 AM)

**Members of the Court heard from:** Glenn Opel, Travis County Bond Counsel; and Gary Kimball, First Southwest Company.

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner to approve all of Item 34.

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

35. DISCUSS AND TAKE APPROPRIATE ACTION ON REQUEST FOR COMMISSIONERS COURT APPROVAL OF REVISED CRIMINAL COURTS INTERPRETER COMPENSATION SCHEDULE. (9:49 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 REQUEST FROM DISTRICT CLERK FOR EXCEPTION TO FY 2006 BUDGET RULES FOR EMPLOYEE RECOGNITION. (10:37 AM) (1:54 PM) (4:35 PM)

**Members of the Court heard from:** Linda Moore Smith, Director, HRMD; Barbara Wilson, Assistant County Attorney; Diana Warner, First Assistant County Auditor; and Amalia Rodriguez Mendoza, Travis County District Clerk.

**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.

**Clerk's Note:** Item 36 was further discussed at 4:35 PM.

**Clerk's Note:** Judge Biscoe announced that by taking no action on Item 36 the Court basically turns down the request.

Discussion Only. No formal action taken.

37. CONSIDER AND TAKE APPROPRIATE ACTION ON INCREASE IN THE AMOUNT OF MONEY MAINTAINED BY THE COUNTY CLERK'S OFFICE FOR USE IN MAKING CHANGE. (9:49 AM)

**Clerk's Note:** Item 37 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

38. CONSIDER AND TAKE APPROPRIATE ACTION ON ISSUES RELATED TO THE CONDUCT OF THE NOVEMBER 2005 JOINT SPECIAL ELECTIONS. (10:44 AM)

Item 38 not needed.

Item 38 to be reposted on November 15, 2005.

39. APPROVE PRINTING COPIES OF FLYER FOR 2005 BROWN SANTA PROGRAM AND APPROVE DISTRIBUTION WITH PAYROLL CHECKS ON NOVEMBER 15, 2005. (9:49 AM)

**Clerk's Note:** Item 39 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

**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. CONSIDER AND TAKE APPROPRIATE ACTION ON OFFICE SPACE LEASE PROPOSALS FOR COUNSELING AND EDUCATION SERVICES. <sup>1 AND 2</sup>  
(1:54 PM)

Item 40 not needed.

41. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING PERMIT AMENDMENT APPLICATION OF WASTE MANAGEMENT OF TEXAS FOR AUSTIN COMMUNITY RECYCLING AND DISPOSAL FACILITY, TCEQ PERMIT NO. MSW-249-D. <sup>1</sup> (1:54 PM) (4:32 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.

**Motion by Judge Biscoe and seconded by Commissioner Daugherty** that the Travis County representatives on the Capital Area Council of Governments (CAPCOG) Committee advise the Executive Committee of the previously taken position by this Court in opposition to an expansion by Waste Management at the current site, and that we urge the Executive Committee to do the same, to join us.

<b>Motion carried:</b> 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. CONSIDER AND TAKE APPROPRIATE ACTION FOR THE POTENTIAL PURCHASE OF REAL ESTATE IN CENTRAL AUSTIN. <sup>2</sup> (1:54 PM) (4:33 PM)

**Clerk's Note:** Judge Biscoe announced that Item 42 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 Sonleitner to submit a counter offer to the owners for the purchase of the building at the price of 2.9 million dollars, and that we have this back on the Agenda next week.

**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 42 to be reposted on November 15, 2005.

43. CONSIDER AND TAKE APPROPRIATE ACTION ON A CONTRACT TO PURCHASE LAND FOR THE SOUTHWEST METROPOLITAN PARK AND/OR OPEN SPACE LOCATED IN PRECINCT 3. (COMMISSIONER DAUGHERTY)  
<sup>1 AND 2</sup> (1:54 PM) (4:36 PM) (1:50 PM, November 9, 2005)  
 (2:18 PM, November 9, 2005)

**Clerk's Note:** Judge Biscoe announced that Item 43 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 to recess Item 43 until tomorrow, November 9, 2005 at 1:45 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

**Clerk's Note:** The Court further discussed Item 43 at 1:50 PM, November 9, 2005.

**Clerk's Note:** Judge Biscoe announced that Item 43 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

## ITEM 43 CONTINUED

**Clerk's Note:** The Court further discussed Item 43 at 2:18 PM, November 9, 2005.

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

**Motion by Judge Biscoe and seconded by** Commissioner Daugherty to authorize the County Judge to sign the contract on the Reimers Ranch property after we have addressed four issues that the attorney for the Reimers called to our attention.

<b>Motion carried:</b>	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 Daugherty** to authorize the County Judge to sign the County draft, which was sent to the attorney for the Hogges, if that returns unchanged or without significant changes; and if there are significant changes to it, then we will simply have this matter, this contract, the whole contract, posted on our November 15, 2005 Agenda for further discussion by the Court.

<b>Motion carried:</b>	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 43 to be reposted on November 15, 2005.

44. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION ON TAX  
REBATE AGREEMENT WITH SAMSUNG AUSTIN SEMICONDUCTOR L.L.C. 1  
(1:54 PM) (4:33 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.

Discussion Only. No formal action taken.

Item 44 to be reposted on November 15, 2005.

45. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION ON TAX ABATEMENT AGREEMENT WITH HOME DEPOT U.S.A, INC. <sup>1</sup> (1:54 PM)  
(4:33 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.

Discussion Only. No formal action taken.

Item 45 to be reposted on November 15, 2005.

46. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSAL FROM JOSEPH L. LESSARD TO PERFORM SERVICES ASSIGNED TO EMERGENCY SERVICES AND CRIMINAL JUSTICE PLANNING. <sup>1</sup> (1:54 PM)  
(4:34 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 and Gov't. Code Ann. 551.074, Personnel Matters.

Discussion Only. No formal action taken.

Item 46 to be reposted on November 15, 2005.

## ADJOURNMENT

**Motion by** Commissioner Daugherty **seconded by** Commissioner Davis to adjourn the Voting Session. (2:25 PM, November 9, 2005)

<b>Motion carried:</b>	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**