

MINUTES OF MEETING – NOVEMBER 29, 2005

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 29th day of November, 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 record notes that Precinct Four Commissioner Margaret J. Gómez was not present during this Voting Session.

The Commissioners Court retired to Executive Session at 11:25 AM.

The Commissioners Court reconvened the Voting Session at 12:17 PM and recessed the Voting Session at 12:17 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:56 PM and adjourned at 1:58 PM.

The Commissioners Court reconvened the regular Voting Session at 1:58 PM.

The Commissioners Court retired to Executive Session at 1:58 PM.

The Commissioners Court reconvened the Voting Session at 4:07 PM.

The Commissioners Court adjourned the Voting Session at 4:14 PM.

CITIZENS COMMUNICATION

Members of the Court heard from: Samia Joseph, representing the Children's Hospital of Austin Volunteers; and Alicia Robertson, representing the Children's Hospital of Austin Volunteers. (9:22 AM)

Clerk's Note: The Court received further comments under Citizens Communication at 9:38 AM, regarding the 2nd Annual Brown Santa 5K Walk/Run. Judge Biscoe also announced that the Combined Charities Campaign effort is still underway and the deadline would be extended to December 15, 2005.

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; and Dan Mansour, Risk and Benefits Manager, HRMD.

SPECIAL ITEMS

5. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:30 AM)

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

Clerk's Note: The Court announced that by taking no action on Item 5, the burning ban stays in place.

Discussion Only. No formal action taken.

ADMINISTRATIVE OPERATIONS ITEMS

6. ACKNOWLEDGE HUMAN RESOURCES DEPARTMENT EMPLOYEES, CINDY PURINTON, BENEFITS ADMINISTRATOR AND WILLIAM PATERSON, RISK SPECIALIST, FOR AWARDS RECEIVED ON BEHALF OF TRAVIS COUNTY AT THE PUBLIC RISK MANAGEMENT ASSOCIATION CONFERENCE ON NOVEMBER 18, 2005. (9:34 AM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; William Patterson, Risk Specialist, Human Resources Management Department (HRMD); and Cindy Purinton, Benefits Contract Administrator, HRMD.

Discussion Only. No formal action taken.

7. 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 \$281,066.08 FOR THE PERIOD OF NOVEMBER 11 THROUGH NOVEMBER 17, 2005. (9:32 AM)

Clerk's Note: Item 7 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 8. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REQUESTS REGARDING THE TRAVIS COUNTY FORENSIC CENTER: (10:10 AM)
 - A. CANCELLATION OF THE TRAVIS COUNTY FORENSIC CENTER ADDITION PROJECT;
 - B. DIRECTION TO FACILITIES MANAGEMENT TO BEGIN THE SEARCH FOR A NEW SITE FOR THE FORENSIC CENTER; AND
 - C. REALLOCATION OF CURRENT FUNDING OF THE TRAVIS COUNTY FORENSIC CENTER PROJECT TO PLANNING AND DESIGN OF A NEW CENTER.

Clerk’s Note: Items 8.A-C are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations.

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to delay implementation of the approved renovations to the Forensic Center, and that we authorize Staff to move on the other due diligence efforts that we outlined 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	absent

- 9. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:32 AM)

Clerk’s Note: Item 9 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

HEALTH AND HUMAN SERVICES DEPT ITEMS

10. RECEIVE AND TAKE APPROPRIATE ACTION ON UPDATE CONCERNING IMPACT OF CHANGES TO TRAVIS COUNTY'S ANIMAL CONTROL REGULATIONS. (10:39 AM)

Members of the Court heard from: Arlene Tillman, Director, Administrative Services, Travis County Health and Human Services Department (TCHHS); David Lurie, Austin/Travis County Health and Human Services (A/TCHHS); and Dorinda Pulliam, Assistant Director, Administration, Town Lake Animal Shelter, City of Austin.

Discussion Only. No formal action taken.

PURCHASING OFFICE ITEMS

11. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO.03T00113RG, TESSCO INCORPORATED, FOR TWO WAY SUPPLIES & INFRASTRUCTURE PRODUCTS. (ES) (COMMISSIONER GÓMEZ) (9:32 AM)

Clerk's Note: Item 11 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

12. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. PS050099JW, ADDITIONAL SERVICE INCLUSION TO CRIME VICTIMS SERVICES, WITH TRAVIS COUNTY SHERIFF'S OFFICE VICTIM SERVICES DIVISION. (CES) (COMMISSIONER GÓMEZ) (9:32 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. 5 TO CONTRACT MA020208LC, BINDVIEW CORPORATION, FOR SECURITY PRODUCTS, SERVICE AND SUPPORT. (ITS) (COMMISSIONER GÓMEZ) (9:32 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 MODIFICATION NO. 3 TO CONTRACT 04T00216DR, AUSTIN CRUSHED STONE, FOR FLEXIBLE BASE MATERIAL, TYPE A (TNR). (COMMISSIONER GÓMEZ) (9:32 AM)

Clerk's Note: Item 14 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

15. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT 05T00154LD, VULCAN CONSTRUCTION MATERIALS, FOR TRAP ROCK (GRADE 5T). (TNR) (COMMISSIONER GÓMEZ) (9:32 AM)

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

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

16. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: THE PRESERVE AT LOST GOLD CAVE PHASE 2 (SHORT FORM PLAT – 11 LOTS – 12.205 ACRES – STONERIDGE ROAD - NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN/ON-SITE - CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:32 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:
(11:25 AM) (1:58 PM) (4:07 PM)
- A. AGREEMENT WITH MILTON REIMERS (ET. UX.) FOR PURCHASE OF LAND IN SOUTHWEST TRAVIS COUNTY;
 - B. AGREEMENT WITH HOGGE CANYON SPRINGS, LTD. (ET. AL.) FOR PURCHASE OF LAND IN SOUTHWEST TRAVIS COUNTY;

Clerk's Note: Items 17.A and B are associated with one another and were called for concurrent discussion.

Clerk's Note: Judge Biscoe announced that Items 17.A and B 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.

Clerk's Note: Items 17.A and B were further discussed at 1:58 PM and it was announced that they 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.

Clerk's Note: Items 17.A and B were further discussed at 4:07 PM.

Clerk's Note: Judge Biscoe without objection stated that the Court understands that the parties are still trying to close on both tracts of land this afternoon. Both Commissioner Daugherty and Judge Biscoe have been authorized to sign on behalf of the Commissioners Court if certain conditions are met, and so we will leave those authorizations in place, and hopefully those matters will be resolved satisfactorily between now and the close of business today.

Discussion Only. No formal action taken.

Items 17.A and B to be reposted on December 6, 2005.

18. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: AMENDED PLAT OF LOTS 1, 2 AND 3, BLOCK B, LAKE POINTE SECTION SEVEN – (SHORT FORM PLAT – 2 LOTS – 0.728 ACRES – SEA EAGLE VIEW – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY LCRA – VILLAGE OF BEE CAVE ETJ).
(COMMISSIONER DAUGHERTY) (9:33 AM)

Item 18 pulled from the Agenda.

19. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PLANNING, DESIGN AND CONSTRUCTION OF THE TRAVIS COUNTY TRANSPORTATION AND NATURAL RESOURCES ROAD AND BRIDGE EASTSIDE SERVICE CENTER. (COMMISSIONER DAVIS AND COMMISSIONER GÓMEZ) (9:32 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 A PLAT FOR RECORDING IN PRECINCT THREE: VISTA VERDE SUBDIVISION - (A RESUBDIVISION OF LOT 2, BLOCK A, TURNER ADDITION) - (SHORT FORM PLAT - 3 LOTS – 7.334 ACRES – BERTRAM LANE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC – NO MUNICIPAL ETJ). (COMMISSIONER DAUGHERTY) (9:32 AM)

Clerk's Note: Item 20 is the action item for the public hearing on Agenda Item 1.

Clerk's Note: Item 20 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

21. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOTS 2, 3, 4, 11, AND 12, BLOCK ONE, SECTION 4 OF THE RANCH PUD SECTIONS 4 - 11 (SHORT FORM PLAT - 2 LOTS – 3.366 ACRES – CATAMARAN COURT – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY LCRA – NO MUNICIPAL ETJ). (COMMISSIONER DAUGHERTY) (9:32 AM)

Clerk's Note: Item 21 is the action item for the public hearing on Agenda Item 2.

Clerk's Note: Item 21 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

22. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR 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) (9:32 AM)

Clerk's Note: Item 22 is the action item for the public hearing on Agenda Item 3.

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 REQUEST TO SEQUENTIALLY CLOSE VARIOUS PORTIONS OF ADOBE TRAIL, DEER HAVEN ROAD, ESPANOLA TRAIL, LA FAUNA PATH AND SOUTH VIEW ROAD TO CONSTRUCT A 30-INCH WATER LINE BETWEEN NOVEMBER 30, 2005 AND SEPTEMBER 29, 2006 IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:32 AM)

Clerk's Note: Item 23 is the action item for the public hearing on Agenda Item 4.

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.

JUSTICE AND PUBLIC SAFETY DEPT ITEMS

24. CONSIDER AND TAKE APPROPRIATE ON RECOMMENDATION FOR APPROVING INTERLOCAL AGREEMENT WITH CAPCOG FOR PSAP MAINTENANCE, EQUIPMENT UPGRADE AND TRAINING. (9:32 AM)

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

PLANNING AND BUDGET DEPT. ITEMS

25. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
- A. APPROVE GRANT CONTRACT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE 2006 FEMA PHASE XXIV EMERGENCY FOOD AND SHELTER GRANT. THIS GRANT IS TO CONTINUE THE EXISTING PROGRAM FOR 2006. (9:32 AM)

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

OTHER ITEMS

27. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:32 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. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AMEND CONTRACT BETWEEN THE TEXAS DEPARTMENT OF TRANSPORTATION AND THE TRAVIS COUNTY TAX OFFICE. (9:32 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.

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.

29. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REQUIREMENTS OF SB 1133 (NOW GOVERNMENT CODE SECTION 551.056) FOR POSTING OF COURT AGENDA ON THE COUNTY INTERNET WEBSITE. ¹ (1:58 PM) (4:08 PM)

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

Discussion Only. No formal action taken.

30. CONSIDER AND TAKE APPROPRIATE ACTION ON SECURITY COMMITTEE ISSUES AND RECOMMENDATIONS. ⁴ (1:58 PM) (4:09 PM)

Clerk's Note: Judge Biscoe announced that Item 30 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.076, Security.

Discussion Only. No formal action taken.

Item 30 to be reposted on December 6, 2005.

31. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION ON TAX REBATE AGREEMENT WITH SAMSUNG AUSTIN SEMICONDUCTOR L.L.C. ¹ (11:25 AM) (1:59 PM)

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.

Discussion Only. No formal action taken.

Item 31 to be reposted on December 6, 2005.

32. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION ON TAX ABATEMENT AGREEMENT WITH HOME DEPOT U.S.A, INC. ¹ (11:25 AM) (1:58 PM) (4:10 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.

Motion by Judge Biscoe and seconded by Commissioner Davis to approve the contract that we have been looking at, the latest revision; and to authorize the County Judge to sign, subject to changes included in the attachment, miscellaneous non-substantive clean-up changes; and finalization of the reporting form attached to the agreement as approved by Christian Smith, Executive Manager, PBO.

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	absent

35. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION ON SETTLEMENT DEMAND IN DAMEON KLEINPETER V. TRAVIS COUNTY CES, TWCCRD NO. 1A50364-S, EEOC NO. 31CA500909. ¹AND³ (1:58 PM) (4:12 PM)

Clerk's Note: Judge Biscoe announced that Item 35 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.074, Personnel Matters.

Motion by Judge Biscoe and seconded by Commissioner Davis to reject the offer to settle and counter with our own, which is as follows: To allow the resignation with our agreement not to appeal the TEC panel's ruling, in exchange for a full release of any and all claims.

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	yes
Precinct 4, Commissioner Margaret J. Gómez	absent

36. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION ON REQUEST FROM BOB BARSTOW REGARDING POTENTIAL RESOLUTION OF REAL ESTATE MANAGEMENT DISPUTE AT WINDY POINT. ¹ (1:58 PM) (4:12 PM)

Clerk's Note: Judge Biscoe announced that Item 36 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe and seconded by Commissioner Daugherty to authorize the County Attorney to prepare for the Judge's signature an appropriate letter response to Mr. Barstow's offer, clearly indicating that the County does not own the property in question, but LCRA does, and that in the County's view Mr. Barstow should touch base with the LCRA.

A Friendly Amendment to the previous Motion was offered by Commissioner Sonleitner to include in the letter that Travis County is not interested in buying or leasing his property.

Acceptance of the Friendly Amendment was made by Judge Biscoe and Commissioner Daugherty.

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	absent

- 37. RECEIVE LEGAL ADVICE AND TAKE APPROPRIATE ACTION ON TRAVIS COUNTY AUTHORITY REGARDING CHILD, INC. AND RELATED FEDERAL CHILD CARE FUNDING FOR AUSTIN AND TRAVIS COUNTY RESIDENTS. ¹
(1:58 PM) (4:13 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.

Discussion Only. No formal action taken.

Item 37 to be reposted on December 13, 2005.

ADJOURNMENT

Motion by Commissioner Davis **seconded by** Commissioner Daugherty to adjourn the Voting Session. (4:14 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	absent

MINUTES APPROVED BY THE COMMISSIONERS’ COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge