

MINUTES OF MEETING – JANUARY 3, 2006

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 3rd day of January, 2006, the Commissioners' Court convened the regular Voting Session at 9:14 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 retired to Executive Session at 10:18 AM.

The Commissioners Court reconvened the Voting Session at 11:46 AM.

The Commissioners Court adjourned the Voting Session at 12:25 PM.

CITIZENS COMMUNICATION

Members of the Court heard from: Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR); and Steve Manilla, Director, Public Works, TNR. (9:14 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C5, and Items 6, 7, 8, 9, 10, 11, 12, 13, 14, 15.A&B, 17, 18, and 19. (9:16 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.

CONSENT ITEMS CONTINUED

- C3. APPROVE BOND FOR RESERVE DEPUTY FELIX M. GARZA IN PRECINCT FOUR CONSTABLE'S OFFICE.
- C4. APPROVE SETTING A PUBLIC HEARING DATE OF JANUARY 24, 2006 TO RECEIVE COMMENTS REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF THE OLD BEE CAVE ROAD RIGHT-OF-WAY, TRAVIS COUNTY PRECINCT THREE. (COMMISSIONER DAUGHERTY)
- C5. APPROVE SETTING A PUBLIC HEARING DATE OF FEBRUARY 7, 2006 TO RECEIVE COMMENTS REGARDING AN OFFER TO BUY AN EXCLUSIVE ACCESS, CABLE AND EQUIPMENT EASEMENT SUBMITTED BY SOUTHWESTERN BELL TELEPHONE, L.P., ON LAND OWNED BY TRAVIS COUNTY ALONG FM 973 IN PRECINCT FOUR. (COMMISSIONER GOMEZ)

RESOLUTIONS & PROCLAMATIONS

1. APPROVE RESOLUTION FOR "POVERTY AWARENESS MONTH" IN TRAVIS COUNTY. (9:20 AM)

Members of the Court heard from: Sherri Fleming, Executive Manager, Travis County Health, Human Services and Veterans Services (TCHHS&VS); Susan Eason, Director, ARC of the Capital Area; Ellen Balthazar, Executive Director, Any Baby Can; Beth Atherton, Executive Director, Caritas; and Adelita Winchester, Director, Basic Needs Department, Caritas.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the resolution in Item 1.

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

2. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:28 AM)

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

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

Discussion Only. No formal action taken.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

3. CONSIDER AND TAKE APPROPRIATE ACTION ON THE CITY OF PFLUGERVILLE'S REQUEST FOR COUNTY FUNDING OF CERTAIN IMPROVEMENTS TO THE CITY'S WASTEWATER TREATMENT PLANT AND ITS EFFECT ON THE CITY'S EXISTING AGREEMENT WITH TRAVIS COUNTY TO SUPPLY TREATED EFFLUENT FROM THE PLANT FOR THE IRRIGATION OF NORTHEAST METRO PARK. (COMMISSIONER SONLEITNER) (9:37 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Jessica Rio, Budget Analyst, Planning and Budget Office (PBO); and Carol Joseph, Assistant Director, TNR.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Option D; and that Transportation and Natural Resources (TNR), Planning and Budget Office (PBO) and the County Attorney's Office work to draft all appropriate documents, with the \$266,900.00 coming out of CO account 456 and that the \$116,708.00 be identified as coming out of the CAR Reserve.

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

4. A. CONSIDER AND TAKE APPROPRIATE ACTION ON FEES FOR TRAVIS COUNTY MILTON REIMERS RANCH PARK. (9:45 AM)
- B. APPROVE SETTING A PUBLIC HEARING DATE OF JANUARY 17, 2006 TO RECEIVE COMMENTS REGARDING FEES FOR TRAVIS COUNTY MILTON REIMERS RANCH PARK.

Members of the Court heard from: Roy Turley, Program Manager, Parks, TNR.

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Items 4.A and B and to set the public hearing on January 17, 2006.

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. CONSIDER AND TAKE APPROPRIATE ACTION ON GRANTING AN EXEMPTION FROM PLATTING REQUIREMENTS FOR A CONDOMINIUM PROJECT IN PRECINCT THREE: SWEETWATER GLEN (APPROXIMATELY 253 DETACHED UNITS – 56.556 ACRES LOCATED AT 10301 MANCHACA ROAD – WATER AND SEWAGE SERVICE TO BE PROVIDED BY AUSTIN WATER UTILITY – AUSTIN 2-MILE ETJ). (COMMISSIONER DAUGHERTY) (9:49 AM)

Members of the Court heard from: Tom Nuckols, Assistant County Attorney; Anna Bowlin, Program Manager, Planning and Engineering, TNR; and Tom Moody, DR Horton.

Motion by Commissioner Daugherty **and seconded by** Commissioner Sonleitner to approve Item 5 and authorize the County Judge to sign the phasing agreement.

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

6. CONSIDER AND TAKE APPROPRIATE ACTION ON A CONSTRUCTION AGREEMENT AND A PLAT FOR RECORDING IN PRECINCT ONE: AUSTIN'S COLONY SECTION 6A SUBDIVISION (LONG FORM PLAT – 88 LOTS – 18.138 ACRES – HUNTER'S BEND ROAD – FISCAL POSTED WITH TRAVIS COUNTY - SEWAGE SERVICE TO BE PROVIDED BY HORNSBY BEND UTILITY COMPANY – CITY OF AUSTIN ETJ). (COMMISSIONER DAVIS) (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.

ADMINISTRATIVE OPERATIONS ITEMS

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 \$548,939.69 FOR THE PERIOD OF DECEMBER 16, 2005 THROUGH DECEMBER 22, 2005. (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. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:16 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.

PURCHASING OFFICE ITEMS

9. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. PS040035MB, BECKER ENGINEERING, LTD., FOR INDOOR AIR QUALITY ASSESSMENT SERVICES. (HRMD) (COMMISSIONER GÓMEZ) (9:16 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.

10. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 04T00122LD, TEXAS DISPOSAL SYSTEMS, INC, FOR SOLID WASTE DISPOSAL SERVICES. (TNR) (COMMISSIONER GÓMEZ) (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 PURCHASE OF COPIER PAPER OFF STATE CONTRACT FROM BOSWORTH PAPER. (RECORDS MANAGEMENT) (COMMISSIONER GÓMEZ) (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.

12. APPROVE ISSUANCE OF JOB ORDER NO. 18, MINOR CONSTRUCTION AND RENOVATION SERVICES, CONTRACT NO. 04K0203BRV, ARCHITECTURAL HABITAT OF AUSTIN, INC. (TNR) (COMMISSIONER DAUGHERTY) (9:16 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 CONTRACT AWARD FOR PROFESSIONAL LAND USE PLANNING SERVICES, RFQ NO. Q060018-LP, TO THE QUALIFIED RESPONDENT, SITE SPECIFICS, INC. (TNR) (COMMISSIONER GÓMEZ) (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. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO INTERLOCAL CONTRACT NO. IL040149EF, LIMESTONE COUNTY, FOR INMATE HOUSING SERVICES. (T.C.S.O.) (COMMISSIONER GÓMEZ) (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. APPROVE TWELVE-MONTH EXTENSIONS (MODIFICATION NO. 1) TO THE FOLLOWING CONTRACTS FOR WATER DAMAGE REMEDIATION, MOLD DAMAGE REMEDIATION AND DECONTAMINATION SERVICES: (9:16 AM)

A. NO. 05K00155RV, BLACKMON MOORING STEAMATIC; AND

B. NO. 05K00156RV, LYNX CONTRACTORS, INC. (COMMISSIONER GÓMEZ)

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. APPROVE PURCHASE OF VEHICLES OFF STATE CONTRACT FROM DALLAS DODGE. (TNR) (COMMISSIONER GÓMEZ) (10:10 AM)

Members of the Court heard from: Doyne Bailey, Chief Deputy, Travis County Sheriff's Office (TCSO); Rick Whitehead, TCSO; Dan Mansour, Risk and Benefits Manager, Human Resources Management Department (HRMD); and Cyd Grimes, Travis County Purchasing Agent.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Daugherty to approve Item 16.

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

PLANNING AND BUDGET DEPT. ITEMS

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

OTHER ITEMS

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

Clerk's Note: Item 18 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

19. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT NUMBER FOUR WITH THE CITY OF AUSTIN AND AUSTIN INDEPENDENT SCHOOL DISTRICT FOR THE FY 2006 TRUANCY COURT PILOT PROJECT; THIS WILL EXTEND THE TERM OF THE PROGRAM FOR AN ADDITIONAL ONE-YEAR PERIOD FROM OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006. (JUVENILE PROBATION) (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 BOARD AND COMMITTEE ASSIGNMENTS FOR COMMISSIONERS COURT MEMBERS, AND TAKE APPROPRIATE ACTION. (9:54 AM)

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

Discussion Only. No formal action taken.

Item 20 to be reposted on January 10, 2006.

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.

21. CONSIDER AND TAKE APPROPRIATE ACTION ON STAFF
RECOMMENDATION TO EXTEND LEAVE WITH PAY, EMPLOYEE NUMBERS
10011 AND 135812, PER TRAVIS COUNTY CODE SECTION 10.045. ^{1 AND 3}
(10:18 AM) (12:18 PM)

Clerk's Note: Judge Biscoe announced that Item 21 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 Gómez to authorize leave with pay through January 6, 2006 to give Staff an opportunity to resolve outstanding issues.

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

22. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING SETTLEMENT OFFER IN TRAVIS COUNTY MEDICAL EXAMINER'S FACILITY CASE. ¹ (10:18 AM) (12:18 PM)

Clerk's Note: Judge Biscoe announced that Item 22 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 approve the settlement that was offered and also the release language that was offered by the other side.

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

23. CONSIDER AND TAKE APPROPRIATE ACTION FOR THE POTENTIAL PURCHASE OF REAL ESTATE IN CENTRAL AUSTIN. ² (10:18 AM) (12:19 PM)

Clerk's Note: Judge Biscoe announced that Item 23 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.072, Real Property.

Discussion Only. No formal action taken.

24. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION IN ENTERTAINMENT BY J & J INC. V. RUFINO CORNEJO AND LUKE MERCER, CONSTABLE PRECINCT ONE, ET AL. ¹ (10:18 AM) (12:19 PM)

Clerk's Note: Judge Biscoe announced that Item 24 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Clerk's Note: Items 24 and 25 are associated with one another and were called for concurrent discussion.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to reject the offer to settle in both cases, Items 24 and 25. They involve claims by J & J Inc.

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

25. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION IN ENTERTAINMENT BY J & J INC. V. CELIA PEREZ, VERONICA PEREZ GOVEA AND LUKE MERCER, CONSTABLE PRECINCT ONE, ET AL. ¹ (10:18 AM) (12:19 PM)

Clerk's Note: Judge Biscoe announced that Item 25 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Clerk's Note: Items 24 and 25 are associated with one another and were called for concurrent discussion. Please refer to Item 24 for a summary of the action taken by the Court.

26. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION ON ISSUES RAISED IN BASIC DEVELOPMENT PERMIT APPLICATION OF BILL SWINNEY AND SON DAU TRUST. ¹ (10:18 AM) (11:47 AM)

Clerk's Note: Judge Biscoe announced that Item 26 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from: Tom Nuckols, Assistant County Attorney; Stacey Scheffel, TNR; Bill Swinney, Travis County Resident; Anna Bowlin, Program Manager, Planning and Engineering, TNR; and Brenda Swinney, Travis County Resident.

Discussion Only. No formal action taken.

ADDENDUM ITEMS

- A1. APPROVE RESOLUTION EXPRESSING SUPPORT AND RESPECT FOR MONSIEUR OUMAR TOP, PRÉFET OF THE DEPARTMENT OF SÉDHIOU AND THE PEOPLE OF THE SÉDHIOU. (10:16 AM)

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the resolution in Item A1.

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

- A2. CONSIDER AND TAKE APPROPRIATE ACTION ON ORDER DECLARING LOCAL DISASTER TO ADDRESS THE POTENTIAL THREAT OF WILDFIRES DUE TO DROUGHT AND ADVERSE WEATHER CONDITIONS AND BANNING THE USE OF COMBUSTIBLE MATERIALS, INCLUDING FIREWORKS, IN OUTDOOR ENVIRONMENTS, PURSUANT TO SECTION 418.108 OF THE GOVERNMENT CODE. (CONSULTATION WITH ATTORNEY) ¹ (9:30 AM)

Members of the Court heard from: Pete Baldwin, Emergency Management Coordinator, Travis County Emergency Services; and Jim Connolly, Assistant County Attorney.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to extend the order until midnight, Friday, January 13, 2006.

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 Sonleitner **seconded by** Commissioner Davis to adjourn the Voting Session. (12:19 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