

## MINUTES OF MEETING – JANUARY 10, 2006

### TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 10<sup>th</sup> day of January, 2006, the Commissioners' Court convened the regular Voting Session at 9:12 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 9:57 AM.

The Commissioners Court reconvened the Voting Session at 10:03 AM.

The Commissioners Court recessed the Voting Session at 12:23 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened at 1:49 PM and adjourned at 1:50 PM.

The Commissioners Court reconvened the regular Voting Session at 1:50 PM.

The Commissioners Court retired to Executive Session at 2:10 PM.

The Commissioners Court reconvened the Voting Session at 4:17 PM.

The Commissioners Court adjourned the Voting Session at 4:21 PM.

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### CITIZENS COMMUNICATION

**Clerk's Note:** No speakers addressed the Court. (9:12 AM)

**CONSENT ITEMS**

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C3, and Items 3, 4, 8, 9, 11.A&B, and 13. (9:13 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	absent
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 MEETING DATES:
  - A. VOTING SESSION OF DECEMBER 20, 2005;
  - B. VOTING SESSION OF DECEMBER 27, 2005; AND
  - C. EMERGENCY VOTING SESSION OF DECEMBER 30, 2005;

**SPECIAL ITEMS**

- 1. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:15 AM)

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to extend the outdoor burning ban for another 30 days and that we post this matter weekly to give the Court a chance to review it.

**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

- 2. 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. (9:18 AM) (1:51 PM)

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

**Clerk’s Note:** Items 2 and A2 are associated with one another and were called for concurrent discussion at 1:51 PM.

**Members of the Court heard from:** Pete Baldwin, Emergency Management Coordinator, Travis County Emergency Services; Simon Broussard, Travis County Fire Marshal; and Barbara Wilson, Assistant County Attorney.

**Motion by Judge Biscoe and seconded by Commissioner Daugherty** to approve the prepared order declaring local state of disaster and prohibiting use of combustible materials, and setting the fee at \$100.00; and that we get a report back in two weeks; and that Staff let us know in two weeks how many permits have been applied for; and to approve amending the fire code to include the new fees.

**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

**ADMINISTRATIVE OPERATIONS ITEMS**

- 3. 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 \$119,442.59 FOR THE PERIOD OF DECEMBER 23, 2005 THROUGH DECEMBER 29, 2005. (9:13 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. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:13 AM)

**Clerk’s Note:** Item 4 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 5. CONSIDER AND TAKE THE FOLLOWING ACTIONS REGARDING COUNTY-OWNED PROPERTY AT 1310 F.M. 1626: (2:10 PM) (4:17 PM)
  - A. TERMINATE LEASE TO MANCHACA VOLUNTEER FIRE DEPARTMENT (MVFD) AND ACCEPT TRANSFER OF WATER WELL PERMIT FROM MVFD;
  - B. GRANT LICENSE FOR MAIN STATION TRUCK BAY TO TRAVIS COUNTY EMERGENCY SERVICES DISTRICT #5; AND
  - C. GRANT LICENSE AGREEMENT FOR OPERATION OF COMMUNITY CENTER TO CLARENCE VOGEL. (THIS ITEM MAY BE TAKEN INTO EXECUTIVE SESSION, PURSUANT TO GOVT CODE ANN. 551.071, CONSULTATION WITH ATTORNEY)

**Clerk’s Note:** Judge Biscoe announced that Item 5 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Items 5.A, B, and C.

<b>Motion carried:</b> 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

- 6. A. DISCUSS AND TAKE APPROPRIATE ACTION TO RECEIVE REPORT ON 2005 BROWN SANTA 5K WALK/RUN EVENT. (9:43 AM)
- B. DISCUSS AND TAKE APPROPRIATE ACTION TO APPROVE THE FOLLOWING:
  - a. RESULTS OF THE FIRST RUNTEX TRAINING FOR COUNTY EMPLOYEES;
  - b. RECOGNITION AWARDS TO EMPLOYEES WHO COMPLETED THE TRAINING; AND
  - c. REPORT ON A NEW TRAINING CLASS FOR BEGINNER AND INTERMEDIATE WALKERS LEADING UP TO THE TEXAS ROUND UP.

**Members of the Court heard from:** Dan Mansour, Risk and Benefits Manager, Human Resources Management Department (HRMD); Bonnie Floyd, Assistant Purchasing Agent; Donna Stirman, HRMD; and Paul Carrozza, CEO, RunTex.

Discussion Only. No formal action taken.

### JUSTICE AND PUBLIC SAFETY ITEMS

- 7. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AUTHORIZE A FEE OF \$45.00 FOR A 6-HOUR ALCOHOL EDUCATION FOR MINORS CLASS PROVIDED BY COUNSELING AND EDUCATION SERVICES. (9:20 AM)

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Item 7.

**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

**PURCHASING OFFICE ITEMS**

8. DECLARE CERTAIN VEHICLES AND EQUIPMENT AS SURPLUS PROPERTY AND SELL AT PUBLIC AUCTION PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (9:13 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. APPROVE CONTRACT AWARD FOR THE PURCHASE AND INSTALLATION OF A FIRE ALARM SYSTEM, RFP NO. P050112-SI, TO THE SOLE PROPOSER, KST ELECTRIC LTD. (JUVENILE PROBATION) (9:13 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.

**TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS**

10. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:  
(10:03 AM) (2:10 PM) (4:18 PM)
- A. A PHASING AGREEMENT BETWEEN TRAVIS COUNTY AND THE DEVELOPER, FOREST CITY SWEETWATER, L.P.;
  - B. REVISED ITEM: REVISED SWEETWATER RANCH SECTION 1, PRELIMINARY PLAN IN PRECINCT 3 (561 TOTAL LOTS, 544 RESIDENTIAL, 16 MUD AND HOMEOWNERS ASSOCIATION LOTS AND 1 COMMERCIAL LOT - 311.4 ACRES – STATE HIGHWAY 71 WEST – NO FISCAL REQUIRED FOR THIS PRELIMINARY PLAN – SEWAGE SERVICE TO BE PROVIDED BY LAZY NINE MUD, (NO ETJ).
  - C. SWEETWATER RANCH SECTION 2, PRELIMINARY PLAN IN PRECINCT 3 (1296 TOTAL LOTS, 1258 RESIDENTIAL, 38 MUD AND HOMEOWNERS ASSOCIATION LOTS - 735.5 ACRES – STATE HIGHWAY 71 WEST – NO FISCAL REQUIRED FOR THIS PRELIMINARY PLAN – SEWAGE SERVICE TO BE PROVIDED BY LAZY NINE MUD, NO ETJ). (COMMISSIONER DAUGHERTY)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR); Anna Bowlin, Program Manager, Planning and Engineering, TNR; Tom Nuckols, Assistant County Attorney; Bill Gunn, Developer; Rick Wheeler, President, Malone Wheeler Engineering, Engineer, Lazy Nine MUD/Sweetwater Ranch Development; Christy Muse, Hill Country Alliance; Gene Lowenthal, President, Hamilton Pool Road Scenic Corridor Coalition; Nell Penridge, Travis County Resident; Steven Beers, Board Member, Save Barton Creek Association; Colin Clarke, Save Our Springs Alliance; Laura Gruike, Board Member, Travis Settlement Home Owners Association; Maura Yurick, Travis County Resident; and John Hatchet, Travis County Resident.

**Clerk's Note:** Judge Biscoe announced that Item 10 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion Only. No formal action taken.

Item 10 to be reposted on January 17, 2006.

**PLANNING AND BUDGET DEPT. ITEMS**

- 11. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:13 AM)
  - A. GRANT APPLICATION TO THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR A COMMUNITY MENTAL HEALTH PROJECTS GRANT IN JUVENILE PROBATION DEPARTMENT. A NEW GRANT PROGRAM THAT PROVIDES FUNDS FOR MENTAL HEALTH SERVICES WITHIN JUVENILE PROBATION.
  - B. GRANT APPLICATION TO FEMA/TEXAS GOVERNOR’S DIVISION OF EMERGENCY MANAGEMENT FOR AN EMERGENCY MANAGEMENT PERFORMANCE GRANT IN EMERGENCY SERVICES DEPARTMENT. GRANT CONTINUES THE EXISTING PROGRAM FOR FY 06.

**Clerk’s Note:** Items 11.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.

- 12. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:22 AM)

**Members of the Court heard from:** Jessica Rio, Budget Analyst, Planning and Budget Office (PBO).

**Clerk’s Note:** The Planning and Budget Office notified the Court that the amount in Budget Amendment and Transfer A25 should read \$116,708.00 instead of \$118,708.00.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the budget amendments and transfers.

**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**

- 13. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:13 AM)

**Clerk's Note:** Item 13 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 14. CONSIDER BOARD AND COMMITTEE ASSIGNMENTS FOR COMMISSIONERS COURT MEMBERS, AND TAKE APPROPRIATE ACTION. (9:36 AM)

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

**Clerk's Note:** The Court discussed eliminating the Emergency Medical Services Advisory Committee, the 911 Regional Communications Center – Core Leader, and revising the Space Planning Committee membership to include Commissioner Sonleitner and Commissioner Gómez.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the changes talked about today, which also included the Space Planning Committee going down to two persons and Commissioner Davis relinquishing his seat on that and the other two committees going away-the Emergency Medical Services Advisory Committee and the 911 Regional Communications Center – Core Leader.

**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

- 15. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE AMENDMENT ONE TO THE CURRENT DEPOSITORY BANK CONTRACT BETWEEN JPMORGAN CHASE AND TRAVIS COUNTY. THIS AMENDMENT SETS TERMS AND CONDITIONS, INCLUDING FEES, FOR A NEW ELECTRONIC CHECK DEPOSIT SERVICE TO BE USED BY THE TRAVIS COUNTY TAX OFFICE. (9:35 AM)

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Item 15.

**Motion carried:**

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

### 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.

- 16. CONSIDER AND TAKE APPROPRIATE ACTION FOR THE POTENTIAL PURCHASE OF REAL ESTATE IN CENTRAL AUSTIN. <sup>2</sup> (2:10 PM) (4:18 PM)

**Clerk's Note:** Judge Biscoe announced that Item 16 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.072, Real Property.

Discussion Only. No formal action taken.

- 17. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION AND/OR CONSIDER SETTLEMENT OFFER IN FREDRICK PLUET, (DECEASED) V. MARGO FRASIER, ET. AL. (CIVIL RIGHTS CASE) <sup>1</sup>  
(2:10 PM) (4:19 PM)

**Clerk’s Note:** Judge Biscoe announced that Item 17 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to reject the offer to settle in the amount of \$300,000.00 and authorize the County Attorney's Office to contact and have on standby outside counsel in the event that is necessary.

**A Friendly Amendment to the previous Motion was offered by** Judge Biscoe to authorize the County Attorney to be ready to contract with those lawyers, four that were named to represent various defendants associated with Travis County in the event that the lawsuit is filed.

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

**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 17 to be reposted on January 17, 2006.

- 18. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN MURRAY, ET AL. V. EARLE, ET. AL. NO. A-02-CA-252-SS. <sup>1</sup>  
(2:10 PM) (4:19 PM)

**Clerk’s Note:** Judge Biscoe announced that Item 18 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Discussion Only. No formal action taken.

Item 18 to be reposted on January 17, 2006.

19. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION AND/OR CONSIDER SETTLEMENT OFFER IN SARAH CARPENTER-PINEDA V. MARGO FRASIER, ET. AL. (CIVIL RIGHTS CASE) <sup>1</sup> (2:10 PM)  
(4:21 PM)

**Clerk's Note:** Judge Biscoe announced that Item 19 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion Only. No formal action taken.

Item 19 to be reposted on January 17, 2006.

### ADDENDA ITEMS:

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON WHETHER TO APPOINT A CITIZENS ACCOUNTABILITY COMMITTEE ON VOTER APPROVED BOND PROJECTS AND, IF SO, AN APPROPRIATE SCOPE OF ASSIGNMENT.  
(9:25 AM)

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

Discussion Only. No formal action taken.

Item A1 to be reposted on January 24, 2006.

- A2. A. SET FEES FOR OPERATIONAL PERMITS FOR WELDING AND HOT WORKS UNDER THE FIRE CODE SECTIONS 105.6.12 AND 105.6.24; AND  
(1:51 PM)
- B. AUTHORIZE ISSUANCE OF PERMITS FOR WELDING AND HOT WORKS UNDER THE FIRE CODE SECTIONS 105.6.12 AND 105.6.24 TO ACCOMMODATE SAFE BUSINESS PRACTICES CONSISTENT WITH THE ORDER DECLARING LOCAL DISASTER. (THIS ITEM MAY BE TAKEN INTO EXECUTIVE SESSION, PURSUANT TO GOVT CODE ANN. 551.071, CONSULTATION WITH ATTORNEY)

**Clerk's Note:** Items 2 and A2 are associated with one another and were called for concurrent discussion at 1:51 PM. Please refer to Item 2 for a summary of the action taken by the Court.

### ADJOURNMENT

**Motion by** Commissioner Sonleitner **seconded by** Commissioner Daugherty to adjourn the Voting Session. (4:21 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

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**Date of Approval**

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