

MINUTES OF MEETING – MARCH 7, 2006

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 21st day of February 2006, the Commissioners' Court convened the regular Voting Session at 9:11 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 Robert Resnick and Deputy Gillian Porter.

The Commissioners Court retired to Executive Session at 9:57 AM.

The Commissioners Court reconvened the Voting Session at 11:17 AM.

The Commissioners Court adjourned the Voting Session at 11:19 AM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 11:19 AM and adjourned at 11:19 AM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 11:20 AM and adjourned at 11:20 AM.

The Commissioners Court, meeting as the Capital Industrial Development Corporation, the Capital Health Facilities Development Corporation, and the Travis County Health Facilities Development Corporation, convened at 11:20 AM and adjourned at 11:21 AM.

PUBLIC HEARINGS

1. RECEIVE COMMENTS REGARDING A PROPOSED POLICY RELATING TO REGULATING OBSTACLES IN THE COUNTY RIGHT-OF-WAY. (9:12 AM)

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis 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: Carol Joseph, Assistant Director, Transportation and Natural Resources (TNR); and David Greear, Traffic Manager, TNR.

Motion by Commissioner Davis **and seconded by** Commissioner Sonleitner 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: No Citizens addressed the Court. (9:13 AM)

Clerk's Note: Judge Biscoe updated the Court on the issue of the Asian Gypsy Moth in Travis County. Treatments to combat the moth will be scheduled for March 19, March 26, and April 2, 2006, subject to approval by the United States Department of Agriculture (USDA).

CONSENT ITEMS

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C2, and Items 3, 4, 5, 6.A&B, 7, 9, 10, 11, 12.A&B, 13, 14, 18, 19, and 21. (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.

SPECIAL ITEMS

- 2. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY AND RELATED MATTERS. (9:58 AM)

No action necessary on Item 2.

PURCHASING OFFICE ITEMS

- 3. APPROVE CONTRACT AWARD TO PROVIDE SECURITY UPGRADES AT THE TRAVIS COUNTY COURTHOUSE, MEDICAL EXAMINER'S OFFICE AND NED GRANGER BUILDING, IFB NO. B060091-RV, TO THE QUALIFIED LOW BIDDER, COMMERCIAL SECURITY INTEGRATION D.B.A. EBM-AUSTIN. (FM) (COMMISSIONER GÓMEZ). (9:16 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. 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) (COMMISSIONER GÓMEZ) (9:16 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. AUTHORIZE PAYMENT OF INVOICE FOR ACCEPTANCE OF THE FIRST AIRCRAFT PURCHASED ON CONTRACT NO. 05C00297BF TO AMERICAN EUROCOPTER, LLC. (EMERGENCY SERVICES/STAR FLIGHT) (COMMISSIONER GÓMEZ) (9:16 AM)

Clerk's Note: Judge Biscoe noted that Item 5 will be approved, subject to adding the issues set forth in the letter by Casey Ping, Program Manager, STAR Flight, and the Star Flight staff.

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.

6. APPROVE THE FOLLOWING INTERLOCAL AGREEMENTS WITH THE DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES FOR DEAF AND HARD OF HEARING PERSONS: (9:16 AM)
 - A. INTERLOCAL NO. IL060150RE, COMMUNICATION ACCESS SERVICES FOR INTERPRETING; AND
 - B. INTERLOCAL NO. IL060153RE, SENIOR CITIZENS PROGRAM FOR CASE MANAGEMENT. (HHS) (COMMISSIONER GÓMEZ)

Clerk's Note: Items 6.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

7. APPROVE ORDER EXEMPTING THE PURCHASE OF AUTOMATIC EXTERNAL DEFIBRILLATORS FROM PHILIPS MEDICAL SYSTEMS FROM THE COMPETITIVE PROCUREMENT PROCESS PURSUANT TO SECTION 262.024(A)(2) OF THE COUNTY PURCHASING ACT. (HRMD) (COMMISSIONER GÓMEZ) (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.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

8. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(9:11 AM)
 - A. A VARIANCE TO SECTION 30-2-151 OF TITLE 30, AUSTIN-TRAVIS COUNTY SUBDIVISION REGULATIONS, WHICH REQUIRES THE ALIGNMENT OF EXISTING STREETS; AND
 - B. A FINAL PLAT IN PRECINCT THREE: VAUGHT RANCH SECTION 2 SUBDIVISION (SHORT FORM PLAT – 5 LOTS – 97.36 ACRES – VAUGHT RANCH ROAD AND R.M. 2222 – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY THE CITY OF AUSTIN – CITY OF AUSTIN 2-MILE ETJ). (COMMISSIONER DAUGHERTY)

Items 8.A and B postponed until March 14, 2006.

9. CONSIDER AND TAKE APPROPRIATE ACTION ON THE ALTERNATIVE FISCAL AGREEMENT FOR THE VILLAGES OF HIDDEN LAKE PHASE 4A, A SUBDIVISION IN PRECINCT 2. (COMMISSIONER SONLEITNER) (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. CONSIDER AND TAKE APPROPRIATE ACTION ON A FINAL PLAT FOR RECORDING IN PRECINCT THREE: SPANISH OAKS, SECTION 7 (LONG FORM PLAT – 44 LOTS – 59.79 ACRES – SPANISH OAKS CLUB BOULEVARD – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY LCRA – VILLAGE OF BEE CAVES ETJ). (COMMISSIONER DAUGHERTY) (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. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT TWO: FOREST CREEK SECTION 39 WEST (SHORT FORM PLAT – 2 LOTS – 6.015 ACRES – GATTIS SCHOOL ROAD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY WILLIAMSON COUNTY WATER, SEWER, IRRIGATION AND DRAINAGE DISTRICT NUMBER 3 – CITY OF HUTTO ETJ AND WILLIAMSON COUNTY). (COMMISSIONER SONLEITNER) (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. A. CONSIDER AND TAKE APPROPRIATE ACTION ON A PRELIMINARY PLAN IN PRECINCT THREE: SPANISH OAKS, SECTION III B (PRELIMINARY PLAN – 18 LOTS – 17.3127 ACRES – SPANISH OAKS CLUB BOULEVARD – NO FISCAL IS REQUIRED FOR A PRELIMINARY PLAN – SEWAGE SERVICE TO BE PROVIDED BY LCRA – VILLAGE OF BEE CAVES ETJ). (9:16 AM)
- B. CONSIDER AND TAKE APPROPRIATE ACTION ON A FINAL PLAT FOR RECORDING IN PRECINCT THREE: SPANISH OAKS SECTION III B (LONG FORM PLAT – 18 LOTS - 17.3127 ACRES – SPANISH OAKS CLUB BOULEVARD – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY LCRA – VILLAGE OF BEE CAVES ETJ). (COMMISSIONER DAUGHERTY)

Clerk's Note: Items 12.A&B 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

13. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (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.

ADMINISTRATIVE OPERATIONS ITEMS

14. REVIEW AND APPROVE THE IMMEDIATE RELEASE OF REIMBURSEMENT PAYMENT TO UNITED HEALTH CARE FOR CLAIMS PAID FOR PARTICIPANTS IN THE TRAVIS COUNTY EMPLOYEE HEALTH CARE FUND FOR PAYMENT OF \$658,298.69 FOR THE PERIOD OF FEBRUARY 17 TO FEBRUARY 23, 2006. (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. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:34 AM)

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve of all the routine items except slot 54.

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 Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve slot 54.

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

16. CONSIDER AND TAKE APPROPRIATE ACTION ON REVISION TO TRAVIS COUNTY CODE SECTION 10.018 ON RE-EMPLOYMENT THAT DEFINES ELIGIBILITY FOR RE-EMPLOYMENT WITH BENEFITS TO COMPLY WITH STATE LAW. (9:35 AM)

Members of the Court heard from: Linda Moore Smith, Director, Human Resources Management Department (HRMD); Barbara Wilson, Assistant County Attorney; Susan Spataro, Travis County Auditor; and Charles Vaughn, Chief Assistant County Auditor, Travis County Auditor's Office.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez 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

17. CONSIDER AND TAKE APPROPRIATE ACTION ON ISSUES REGARDING THE MEDICAL EXAMINER'S OFFICE: (9:53 AM) (9:57 AM) (11:18 AM)

- A. COMPENSATION ISSUES AND PERFORMANCE MEASURES FOR MEDICAL EXAMINER AND DEPUTY MEDICAL EXAMINER (THIS ITEM MAY BE TAKEN INTO EXECUTIVE SESSION, PURSUANT TO GOV'T CODE ANN. 551.074, PERSONNEL MATTERS); AND

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

Clerk's Note: Judge Biscoe announced that Item 17.A 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 Staff to chat with the two pathologists on board, see if we can agree on an appropriate salary and terms and conditions of employment, and report back to the Court.

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.A to be reposted on March 21, 2006.

17. CONSIDER AND TAKE APPROPRIATE ACTION ON ISSUES REGARDING THE MEDICAL EXAMINER'S OFFICE:

- B. EXPENSES FOR DALLAS COUNTY MEDICAL EXAMINER STAFF TO PROVIDE TRAINING ON NATIONAL ASSOCIATION OF MEDICAL EXAMINERS ACCREDITATION PROGRAM. (9:53 AM)

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

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

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

JUSTICE AND PUBLIC SAFETY ITEMS

18. CONSIDER AND TAKE APPROPRIATE ACTION ON LETTER OF AGREEMENT BETWEEN TRAVIS COUNTY AND THE CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) AUTHORIZING TRAVIS COUNTY TO USE THE REGIONAL EMERGENCY NOTIFICATION SYSTEM (ENS). (EMERGENCY SERVICES) (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.

OTHER ITEMS

19. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (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. RECEIVE BRIEFING BY THE VOTER REGISTRAR ON THE REQUIREMENTS AND PROCEDURES TO RESPOND TO REQUESTS FOR VOTING HISTORY. (TAX ASSESSOR COLLECTOR) (9:17 AM)

Members of the Court heard from: Dolores Diaz Lopez, Director, Voter Registration, Tax Assessor Collector's Office; Dusty Knight, Chief Operating Officer, Tax Assessor Collector's Office; and Dana DeBeauvoir, Travis County Clerk.

Discussion only. No formal action taken.

21. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO RE-APPOINT BARRY HUTCHESON TO SERVE AS A PRECINCT THREE APPOINTEE TO THE TRAVIS COUNTY HISTORICAL COMMISSION, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 2007. (COMMISSIONER DAUGHERTY) (9:16 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.

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.

22. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN ENTERTAINMENT BY J & J INC. V. RUFINO CORNEJO AND LUKE MERCER, CONSTABLE PRECINCT 1, ET AL. ¹ (9:57 AM)

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 Davis to reject the offer to settle and counter that offer with an offer to settle in amount of \$25,000.00 which would address all attorney's fees and matters involved in this lawsuit.

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. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING TERMINATION OF DEED RESTRICTIONS ON BALCONES CANYONLAND CONSERVATION PLAN LAND (RIBELIN TRACT) AND TAKE APPROPRIATE ACTION. ¹ (9:57 AM)

Clerk's Note: Judge Biscoe announced that Item 23 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 Sonleitner to sign the termination part of the deed restrictions concerning restrictions that were in the contract previously.

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

24. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PURCHASE OF AN OFFICE BUILDING LOCATED AT 5555 AIRPORT BLVD., AUSTIN, TEXAS. ^{1 AND 2} (9:57 AM)

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. And Gov't. Code Ann. 551.072, Real Property.

Clerk's Note: Item 24 was not discussed

Item 24 to be reposted on March 14, 2006.

25. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING ANGELA D. STEADTLER V. TRAVIS COUNTY, ET AL. ¹ (9:57 AM)

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: Judge Biscoe noted that Item 25 has been settled along the lines that were discussed at the Voting Session of February 28, 2006. If it is needed, we can have it back on the Agenda for March 14, 2006. In the event that it is not needed, the County Attorney will let us know.

Item 25 to be reposted on March 14, 2006.

ADJOURNMENT

Motion by Commissioner Davis **seconded by** Commissioner Gómez to adjourn the Voting Session. (11:19 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

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge