

MINUTES OF MEETING – MARCH 28, 2006

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 28th day of March 2006, the Commissioners' Court convened the regular Voting Session at 9:17 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 Gillian Porter.

The Commissioners Court recessed the Voting Session at 12:29 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle); convened at 2:09 PM and adjourned at 2:10 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation; convened at 2:10 PM and adjourned at 2:25 PM.

The Commissioners Court reconvened the Voting Session at 2:25 PM.

The Commissioners Court retired to Executive Session at 3:28 PM.

The Commissioners Court reconvened the Voting Session at 5:42 PM.

The Commissioners Court adjourned the Voting Session at 5:47 PM.

PUBLIC HEARINGS

1. RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: BEE CAVE WEST RESUBDIVISION OF LOT 1, ST. MICHAEL'S EPISCOPAL CHURCH SUBDIVISION (SHORT FORM PLAT – 3 LOTS – 9.80 ACRES – F.M. 2244 - BEE CAVE ROAD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (ACTION ITEM #26) (9:18 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to Agenda Item 26 for a summary of the action item.

Motion by Commissioner Daugherty **and seconded by** Commissioner Sonleitner 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	absent

Members of the Court heard from: Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR).

Motion by Commissioner Daugherty **and seconded by** Commissioner Davis 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	absent

CITIZENS COMMUNICATION

Members of the Court heard from: Mike Berry, Austin Toros. (9:19 AM)

CONSENT ITEMS

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to approve the following Consent Items: C1-C6 and Items 7.A&B, 9, 10, 16, 17, 18, 19, 21, 22, 23, 24.A&B, 25, 26, 29, 30, 31, 33, 34.A&B, 35.A-C, 38, 40, A1, and A2. (9:23 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.
- C3. APPROVE COMMISSIONERS COURT MINUTES FOR MARCH 14, 2006 VOTING SESSION.
- C4. APPROVE SETTING A PUBLIC HEARING ON MAY 2, 2006 TO RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: RESUBDIVISION OF LOT 44, BLOCK D, WERKENTHIN SECTION FIVE (SHORT FORM PLAT – 2 LOTS – 1.517 ACRES – OESTRICK LANE – NO FISCAL REQUIRED – ON-SITE SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY – CITY OF AUSTIN ETJ).
- C5. APPROVE SETTING A PUBLIC HEARING ON APRIL 11, 2006 TO RECEIVE COMMENTS REGARDING A REQUEST TO TEMPORARILY CLOSE CIRCLE DR. IN PRECINCT THREE FOR UTILITY CONSTRUCTION BEGINNING APRIL 12, 2006 AND CONTINUING THROUGH OCTOBER 9, 2006 OR UNTIL CONSTRUCTION IS COMPLETED.
- C6. APPROVE SETTING A PUBLIC HEARING DATE OF APRIL 18, 2006 TO RECEIVE COMMENTS ON THE DRAFT TRAVIS COUNTY PARKS AND OPEN SPACE PLAN.

RESOLUTIONS & PROCLAMATIONS

2. APPROVE PROCLAMATION RECOGNIZING THE WEEK OF APRIL 1 THROUGH APRIL 8, 2006, AS “WILDFIRE AWARENESS WEEK” IN TRAVIS COUNTY. (EMERGENCY SERVICES) (9:28 AM)

Members of the Court heard from: Simon Broussard, Travis County Fire Marshall; and Lem Biggs, Assistant Chief, Travis County Fire Marshal.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 2.

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

3. APPROVE PROCLAMATION RECOGNIZING THE WEEK OF APRIL 3 THROUGH APRIL 9, 2006, AS “PUBLIC HEALTH WEEK” IN TRAVIS COUNTY. (HHSD) (9:37 AM)

Members of the Court heard from: David Lurie, Director, Austin-Travis County Health and Human Services (A-TCHHS); Dr. Adolfo Valadez, Medical Director, A-TCHHS; and Shannon Jones, Assistant Director for Public Health and Community Services, A-TCHHS.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve 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 RECOGNITION

4. RECOGNIZE TRAVIS COUNTY FOR RECEIVING THE U.S. HOUSE OF REPRESENTATIVES CERTIFICATE OF RECOGNITION CORPORATE SUPPLIER DIVERSITY AWARD 2006. (PURCHASING) (9:50 AM)

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

Discussion only. No formal action taken.

5. “SPECIAL SERVICE AWARDS” TO COUNTY EMPLOYEES WHO WERE ESSENTIAL AND VITAL TO THE SUCCESSFUL IMPLEMENTATION OF THE TRAVIS COUNTY FIRE CODE. (9:53 AM)

Members of the Court heard from: Simon Broussard, Travis County Fire Marshall.

Discussion only. No formal action taken.

SPECIAL ITEMS

6. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:57 AM)

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

No action necessary on Item 6.

Clerk’s Note: By taking no action a burn ban will not be imposed.

PLANNING AND BUDGET DEPT. ITEMS

7. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
(9:23 AM)

- A. GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR A GRANT IN THE JUVENILE PROBATION DEPARTMENT TO SUPPORT A GUARDIAN AD LITEM TO ENFORCE PROTECTIVE ORDERS. THE APPLICATION IS TO CONTINUE THE EXISTING PROGRAM FOR YEAR-FIVE FUNDING OF A FIVE-YEAR GRANT; AND
- B. GRANT APPLICATION TO THE OFFICE OF COURT ADMINISTRATION FROM THE PLANNING AND BUDGET OFFICE FOR A COLLECTION IMPROVEMENT PROGRAM GRANT THAT PROVIDES UP TO \$5,000 FOR COLLECTION SOFTWARE SYSTEM ASSISTANCE.

Clerk's Note: Item 7.A&B 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 BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:59 AM)

Members of the Court heard from: Alan Miller, Senior Budget Analyst, Planning and Budget Office (PBO).

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 8.

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

9. 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 \$251,464.28 FOR THE PERIOD OF MARCH 10 TO MARCH 16, 2006. (9:23 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 PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:23 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. DISCUSS AND PROVIDE DIRECTION ON THE RETIREMENT STORE CONSULTANT'S ANALYSIS AND EVALUATION REPORT REGARDING THE COUNTY'S DEFERRED COMPENSATION 457B PLA. (9:17 AM)

Item 11 postponed until April 4, 2006.

12. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING FY '06 EMPLOYEE'S HEALTH CARE COVERAGE ISSUES: (10:15 AM)

A. AMENDMENT TO EPO, PPO AND CEPO PLAN REGARDING ACUPUNCTURE TREATMENT, EFFECTIVE 10-01-2005; AND

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Cindy Purinton, Benefit Administrator, Human Resources Management Department (HRMD); and Dan Mansour, Risk Management, HRMD.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 12.A.

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

12. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING FY '06 EMPLOYEE'S HEALTH CARE COVERAGE ISSUES: (10:15 AM)

B. REITERATE THE EXTENSION OF FLEXIBLE SPENDING AGREEMENT DEADLINE FOR REIMBURSEMENT OF HEALTH CARE EXPENSES TO 2 ½ MONTHS AFTER THE END OF THE PLAN YEAR, EFFECTIVE PLAN YEAR 10-01-2005.

No action necessary on Item 12.B.

13. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED STATUS REPORT FOR COUNTIES WITH INTERLOCAL AGREEMENTS FOR AUTOPSY SERVICES. (3:04 PM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Beth Devery, Chief Administrative Officer, Travis County Medical Examiners Office; and Mary Etta Gerhardt, Assistant County Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the Status Report with the changes that are incorporated and the addition of the implementation schedule for Travis County.

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

14. APPROVE RESOLUTION DIRECTING THE LEASE OF OIL AND GAS IN TRACTS 46, 47 AND 58 OF THE TRAVIS COUNTY SCHOOL LAND IN THROCKMORTON COUNTY AND TAKE APPROPRIATE ACTION. (TEXAS COOPERATIVE EXTENSION OFFICE) (COMMISSIONER GÓMEZ)
(10:00 AM) (10:21 AM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; and Jeff Ripley, Director, Travis County Cooperative Extension, Travis County Health and Human Services (TCHHS).

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve both the Resolution and the advertising in the Abilene Reporter News, Lubbock Avalanche Journal, Wichita Falls Times Record News, Midland Reporter News, Throckmorton Tribune, and Amarillo Globe News.

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 revisited Item 14 at 10:21 AM.

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

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to reconsider the previous Motion.

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 14 CONTINUED

Motion by Judge Biscoe and seconded by Commissioner Gómez to advertise in the six that we mentioned before, whose names we have, and add to that list Travis County, and the Resolution to be consistent.

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. APPROVE INTERLOCAL AGREEMENT NO. IL060044JW, AUSTIN/TRAVIS COUNTY MENTAL HEALTH AND MENTAL RETARDATION, FOR MENTAL HEALTH JAIL/COURT LIAISONS. (CRIMINAL COURTS) (COMMISSIONER GÓMEZ) (9:27 AM)

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

Motion carried:	County Judge Samuel T. Biscoe	abstain
	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

16. APPROVE CONTRACT NO. PS060031JW, AUSTIN PSYCHOLOGICAL AND TESTING CENTER, FOR PSYCHOLOGICAL EVALUATIONS AND NEUROPSYCHOLOGICAL EVALUATIONS FOR JUVENILE OFFENDERS. (JUVENILE PROBATION) (COMMISSIONER GÓMEZ) (9:23 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. APPROVE CONTRACT AWARD FOR PORTABLE TOILETS RENTAL AND SERVICING, IFB NO. B060115-DR, TO THE SOLE BIDDER, LA BORDE ENTERPRISES, CAPITAL CHEM CAN CO. (TNR) (COMMISSIONER GÓMEZ) (9:23 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.

18. APPROVE CONTRACT AWARD FOR RENTAL OF PAGERS (WIRELESS MESSAGING SYSTEM), CONTRACT NO. 06T00192RG, TO THE BEST QUALIFIED FIRM, USA MOBILITY, INCORPORATED AND METROCALL, INCORPORATED. (COUNTYWIDE/RADIO USER COMMITTEE) (COMMISSIONER GÓMEZ) (9:23 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. APPROVE CONTRACT WITH WRIGHT HOUSE WELLNESS CENTER FOR HIV SERVICES. (HHS & VS) (COMMISSIONER GÓMEZ) (9:23 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. APPROVE MODIFICATION NO. 10 TO CONTRACT NO. 03T00074OJ, WASTE MANAGEMENT OF TEXAS, REFUSE COLLECTION. (COUNTYWIDE) (COMMISSIONER GÓMEZ) (9:28 AM)

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Item 20.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	no
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

21. APPROVE MODIFICATION NO. 7 TO CONTRACT NO. 02T00215OJ, MILLIMAN USA, INC., FOR ACTUARIAL SERVICES FOR THE TRAVIS COUNTY SELF-FUNDED PLAN. (HRMD) (COMMISSIONER GÓMEZ) (9:23 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. REJECT PROPOSAL RECEIVED FOR RFS NO. S060041-OJ, TRANSPORTATION AND EXTRADITION SERVICES. (SHERIFF) (COMMISSIONER GÓMEZ) (9:23 AM)

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. REJECT BID RECEIVED FOR IFB NO. B060064-OJ, PHARMACEUTICAL AND PHARMACEUTICAL SUPPLIES. (SHERIFF) (COMMISSIONER GÓMEZ) (9:23 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. A. DISCUSS AND APPROVE TIME EXTENSION FOR DELIVERY OF SECOND AIRCRAFT PURCHASED ON CONTRACT NO. 05C00297BF, FROM AMERICAN EUROCOPTER, LLC; AND
- B. AUTHORIZE THE STARFLIGHT MANAGER TO ACCEPT SECOND AIRCRAFT PURCHASED ON CONTRACT NO. 05C00297BF, FROM AMERICAN EUROCOPTER, LLC, WHEN AIRCRAFT IS IN COMPLIANCE WITH CONTRACT. (EMERGENCY SERVICES/STAR FLIGHT) (COMMISSIONER GÓMEZ) (9:23 AM)

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

25. APPROVE RATIFICATION OF MODIFICATION NO.1 TO CONTRACT NO. PS050312ML, JOSEPH LESSARD, FOR SIX-MONTH EXTENSION AND ADDITIONAL CONSULTING SERVICES RELATED TO THE PREPARATION OF THE FINAL REPORT OF THE SOUTHWEST TRAVIS COUNTY GROWTH DIALOG. (TNR) (COMMISSIONER GÓMEZ) (9:23 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.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

26. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: BEE CAVE WEST RESUBDIVISION OF LOT 1, ST. MICHAEL'S EPISCOPAL CHURCH SUBDIVISION (SHORT FORM PLAT – 3 LOTS – 9.80 ACRES – F.M. 2244 - BEE CAVE ROAD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:23 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.

AT 10:30 A.M.

27. CONSIDER AND TAKE APPROPRIATE ACTION ON THE CURRENT STATUS OF AND ALTERNATIVES FOR FUTURE DISPOSITION OF STREETS WITHIN THE SEVEN OAKS SUBDIVISION, INCLUDING MARLY WAY AND OLYMPUS DRIVE. (COMMISSIONER DAUGHERTY) (10:31 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Anna Bowlin, Program Manager, Planning and Engineering, TNR; Michael Wray, Chair, Traffic Safety Committee, Seven Oaks Home Owners Association; Charlie Gandy, Travis County Resident; Gerald Rogers, Travis County Resident; Melissa Wray, Travis County Resident; Jackie Davis, Travis County Resident; Mark Keen, Travis County Resident; Kenneth R. Perry, Travis County Resident; Steve Marshall, Travis County Resident; Jill Sayer, Travis County Resident; Tiva Robson, Travis County Resident; Rene Ugarza, Travis County Resident; Chris Robson, Travis County Resident; Tom Jones, Travis County Resident; and Scott Urdahl, Travis County Resident.

Clerk's Note: Judge Biscoe announced that Item 27 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 27 to be reposted April 4, 2006.

28. CONSIDER AND TAKE APPROPRIATE ACTION ON DRAFT CONSERVATION DEVELOPMENT ORDINANCE. (3:25 PM)

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

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to proceed to the public meetings stage, be as inclusive as possible, and at some point we will have this back on the Court's agenda for further consideration by the Court. That time may be 30 to 45 days from now or longer.

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

29. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: LAWLER'S PARADISE (SHORT FORM PLAT – 2 LOTS – 13.727 ACRES – JOHNSON ROAD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY – CITY OF JONESTOWN ETJ). (COMMISSIONER DAUGHERTY) (9:23 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. CONSIDER AND TAKE APPROPRIATE ACTION ON SALARY REIMBURSEMENT AGREEMENT 2006 BETWEEN DONALD WARD AND TRAVIS COUNTY RESULTING FROM AGREEMENT WITH INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION. (9:23 AM)

Clerk's Note: Item 30 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

31. CONSIDER AND TAKE APPROPRIATE ACTION ON A CONSTRUCTION AGREEMENT AND A PLAT FOR RECORDING IN PRECINCT THREE: RIVER DANCE, PHASE 3 (LONG FORM PLAT – 143 LOTS – 65.857 ACRES – QUINLAN PARK ROAD – TRUST DEED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY WCID NO. 17 – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:23 AM)

Clerk's Note: Item 31 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

32. CONSIDER AND TAKE APPROPRIATE ACTION ON A PRELIMINARY PLAN IN PRECINCT THREE: DAKOTA SPRINGS (299 TOTAL LOTS – 119 SMALL LOTS (AS PER CHAPTER 30 REGARDING SMALL LOTS), 174 STANDARD RESIDENTIAL LOTS AND 6 GREENBELT LOTS – 133.45 ACRES – BRODIE LANE AND FRATE BARKER ROAD – NO FISCAL IS REQUIRED FOR THIS PRELIMINARY PLAN – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN 2-MILE ETJ). (COMMISSIONER DAUGHERTY) (10:06 AM) (3:28 PM) (5:42 PM)

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

Motion by Commissioner Daugherty **and seconded by** Judge Biscoe to approve Item 32.

Motion failed:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	no
Precinct 2, Commissioner Karen Sonleitner	no
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	no

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.

No action necessary on Item 32.

33. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE USE OF ALTERNATIVE FISCAL FOR PARK AT BLACKHAWK SECTION 6, A SUBDIVISION IN PRECINCT 2. (COMMISSIONER SONLEITNER) (9:23 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 TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(9:23 AM)

- A. AN ALTERNATIVE FISCAL AGREEMENT FOR PALOMINO RANCH, A SUBDIVISION IN PRECINCT 3; AND
- B. A SUBDIVISION CONSTRUCTION AGREEMENT FOR THE PALOMINO RANCH SUBDIVISION. (COMMISSIONER DAUGHERTY)

Clerk's Note: Item 34. A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

REVISED LANGUAGE:

35. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(9:23 AM)

- A. A PLAT FOR RECORDING IN PRECINCT TWO: FOREST CREEK SECTION 39 (SHORT FORM PLAT – 1 LOT – 15.84 ACRES – GATTIS SCHOOL RD. – 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);
- B. A REQUEST FOR EXEMPTION FROM PLATTING REQUIREMENT FOR THE LINKS AT FOREST CREEK CONDOMINIUM PROJECT – 54 DETACHED STRUCTURES CONTAINING A TOTAL OF 224 UNITS; AND
- C. A PHASING AGREEMENT FOR THE LINKS AT FOREST CREEK CONDOMINIUM PROJECT. (COMMISSIONER SONLEITNER)

Clerk's Note: Item 35.A-C approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

36. **REVISED LANGUAGE:** CONSIDER AND TAKE APPROPRIATE ACTION ON SUBMISSION OF TRANSPORTATION ENHANCEMENT PROGRAM GRANT REQUEST FOR STATE HIGHWAY 130/BRUSHY CREEK REGIONAL TRAIL. (COMMISSIONER SONLEITNER) (10:22 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	yes
	Precinct 2, Commissioner Karen Sonleitner	yes
	Precinct 3, Commissioner Gerald Daugherty	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

HEALTH AND HUMAN SERVICES DEPT. ITEMS

37. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING PLANNING REQUIREMENTS FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FROM HUD: (2:25 PM)
- A. POTENTIAL PROJECTS AND PROJECT DIRECTION;
 - B. CITIZENS PARTICIPATION PLAN;
 - C. SETTING OF PUBLIC HEARINGS TO RECEIVE PUBLIC COMMENTS ON APRIL 11, APRIL 17, APRIL 20, APRIL 24, APRIL 26, APRIL 27 AND MAY 2, 2006.
 - D. OTHER RELATED ISSUES.

Members of the Court heard from: Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); Christy Moffet, Social Services Manager, TCHHS&VS; Meg Poag, Planner, TCHHS&VS; and Mary Etta Gerhardt, Assistant County Attorney.

Clerk's Note: No action necessary on 37.A-C.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 37.D.

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

38. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:23 AM)

Clerk's Note: Item 38 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

39. A. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR PAYMENT OF ANNUAL DUES TO THE COUNTY JUDGES AND COMMISSIONERS ASSOCIATION OF TEXAS IN THE AMOUNT OF \$2,100.00; AND

B. CONSIDER AND TAKE APPROPRIATE ACTION ON OTHER ASSOCIATIONS TO WHICH THE COUNTY HAS MEMBERSHIP.
(10:26 AM)

Members of the Court heard from: Susan Spataro, Travis County Auditor.

Item 39 postponed until April 4, 2006.

40. CONSIDER AND TAKE APPROPRIATE ACTION ON ELECTION SERVICES AGREEMENTS BETWEEN TRAVIS COUNTY AND THE CITY OF LEANDER, THE CITY OF ROUND ROCK, THE VILLAGE OF CREEDMOOR, NORTHWEST AUSTIN MUD #1 AND EMERGENCY SERVICES DISTRICT #6. (9:23 AM)

Clerk's Note: Item 40 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

41. **REVISED LANGUAGE:** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR COUNTY CONTRIBUTION TO AND PARTICIPATION IN THE UPCOMING URBAN MUSIC FESTIVAL, AN AFRICAN AMERICAN QUALITY OF LIFE EVENT. (3:12 PM)

Members of the Court heard from: Lisa Byrd, Co-Chair, Arts, Culture and Entertainment Committee, Quality of Life Initiative; and Byron Marshall, Co-Chair Neighborhood Sustainability Group.

Discussion only. Item 41 to be reposted April 4, 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.

42. 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 (3:28 PM) (5:42 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 Gómez to reject the offer from the other side to settle for the sum of \$80,000.00 or \$85,000.00 and make an offer to settle for the sum of \$60,000.00 with appropriate releases.

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

43. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING SETTLEMENT NEGOTIATIONS AND TAKE APPROPRIATE ACTION INVOLVING LANDOWNERS THOMAS D. SHAFFER AND DEBRA V. SHAFFER, PARCEL #3, GRAND AVENUE PARKWAY PROJECT. ^{1 AND 2} (9:17AM)

No action necessary on Item 43.

44. RECEIVE BRIEFING AND CONSIDER AND TAKE APPROPRIATE ACTION ON SETTLEMENT OFFER IN SARAH CARPENTER-PINEDA V. MARGO FRASIER, ET AL, (CARPENTER-PINEDA; FRASIER; CIVIL RIGHTS). ¹ (3:28 PM) (5:43 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 that we reject the other side's counter to our counter, and that we do another counter to settle this matter for \$75,000.00, plus fees for the Attorney Ad Litem. Normally those are set by the Court. With an indication to other side that this maxes us out. And, with direction to County Attorneys Office to go ahead and prepare for litigation if this matter is not accepted for this amount.

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	no
Precinct 4, Commissioner Margaret J. Gómez	yes

45. CONSIDER AND TAKE APPROPRIATE ACTION ON CLAIM FROM LAUREN JOHNSON FOR WRONGFUL INCARCERATION OF KEITH RYDER JOHNSON, CAUSE NUMBER 2021338. ¹ (3:28 PM) (5:44 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 Gómez to reject the offer to settle for \$2,500.00 and counter to settle this matter for \$1,700.00, with a specific request that the Johnson's sign any appropriate release, and especially Keith Ryder Johnson. Legally we need his signature on whatever papers there are.

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

46. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING
MEDICAL EXAMINER'S OFFICE ISSUES: ^{1 AND 3} (3:28 PM) (5:44 PM)

A. EXECUTIVE MANAGER OVERSIGHT ROLE AND COUNTY
ORGANIZATION; AND

B. HIRING CONTRACT PATHOLOGISTS TO TEMPORARILY MEET DEMAND
FOR AUTOPSIES.

Clerk's Note: Judge Biscoe announced that Items 46.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 551.074, Personnel Matters.

Motion by Judge Biscoe and seconded by Commissioner Davis that we authorize the entering into a contract with another pathologist, to provide appropriate release at the Forensic Center as necessary, and that we attempt to contract with the pathologist that has been recommended to us by Dr. Bayardo, Chief Medical Examiner, and that if he has another one or a better one, that we pursue a contract with that pathologist, but that we try to get this contract in place as soon as possible along the same terms and conditions that Staff, specifically Alicia Perez, Executive Manager, Administrative Operations; and Beth Devery, Chief Administrative Officer, Travis County Medical Examiners Office, have been discussing with the pathologist.

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 Judge Biscoe and seconded by Commissioner Gómez that the County Judge be authorized to meet with Dr. Bayardo on behalf of the Commissioners Court to discuss the policies, procedures, assorted terms and conditions of employment that we discussed under the Personnel Exception in Executive Session, including salary and out-of-county autopsies and other related matters, and report back to the Court next Tuesday, April 4, 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

ITEM 46 CONTINUED

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez that the Alicia Perez, Executive Manager, Administrative Operations, be authorized for up to 90 more days, in terms of having an ongoing oversight role to enable a smooth transition.

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

THE FOLLOWING ITEMS ARE ADDENDUM:

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON AN ORDER DESIGNATING MAIN EARLY VOTING POLLING PLACE, TEMPORARY BRANCH EARLY VOTING POLLING PLACES AND MOBILE EARLY VOTING POLLING PLACES FOR THE APRIL 11, 2006 JOINT PRIMARY ELECTION RUNOFF. (COUNTY CLERK) (9:23 AM)

Clerk's Note: Item A1 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- A2. CONSIDER AND TAKE APPROPRIATE ACTION ON A JOINT RESOLUTION TO DESIGNATE ELECTION DAY POLLING PLACES FOR THE APRIL 11, 2006 JOINT PRIMARY RUNOFF ELECTION. (COUNTY CLERK) (9:23 AM)

Clerk's Note: Item A2 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- A3. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE CALL DOWN OF BOND NO. 6211656 FOR WELLS BRANCH PARKWAY, BOUNDARY STREET TO GASTON SHELTON SECTION 4, A SUBDIVISION IN PRECINCT 2. (COMMISSIONER SONLEITNER) (9:17 AM)

Item A3 pulled from the Agenda.

ADJOURNMENT

Motion by Commissioner Davis **seconded by** Commissioner Daugherty to adjourn the Voting Session. (5:47 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