

## **MINUTES OF MEETING – MAY 23, 2006**

### **TRAVIS COUNTY COMMISSIONERS' COURT**

On Tuesday, the 23<sup>rd</sup> day of May 2006, the Commissioners' Court convened the regular Voting Session at 9:17 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 Gillian Porter.

The Commissioners Court recessed the Voting Session at 12:15 PM.

The Commissioners Court reconvened the Voting Session at 1:38 PM.

The Commissioners Court retired to Executive Session at 2:21 PM.

The Commissioners Court reconvened the Voting Session at 3:02 PM.

The Commissioners Court retired to Executive Session at 4:42 PM.

The Commissioners Court reconvened the Voting Session at 6:12 PM.

The Commissioners Court adjourned the Voting Session at 6:27 PM.

## PUBLIC HEARINGS

1. RECEIVE COMMENTS REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE TWO 5 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENTS LOCATED ALONG THE COMMON LOT LINE OF LOTS 10 AND 26 OF AUSTIN LAKE HILLS SECTION 2, A SUBDIVISION IN PRECINCT 3. (COMMISSIONER DAUGHERTY) (ACTION ITEM #7) (9:19 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 7 for a summary of the action item.

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to open the public hearing.

<b>Motion carried:</b>	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:** Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR).

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to close the public hearing.

<b>Motion carried:</b>	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

2. RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: RESUBDIVISION OF LOT 5, BLOCK A, YACKTMAN SUBDIVISION (SHORT FORM PLAT – 11 LOTS – 31.905 ACRES – PEARCE RD. – FISCAL POSTED – ON-SITE SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY FOR LOTS 2 THROUGH 10 – ON-SITE SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN FOR LOTS 1 AND 11 ONLY – CITY OF AUSTIN 2-MILE ETJ AND FULL PURPOSE ANNEXATION AREA). (COMMISSIONER DAUGHERTY) (ACTION ITEM #8) (9:20 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 8 for a summary of the action item.

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to open the public hearing.

<b>Motion carried:</b> 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:** Joe Gieselman, Executive Manager, TNR.

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to close the public hearing.

<b>Motion carried:</b> 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. RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: RESUBDIVISION OF LOT 5, SECTION TWO, SILVER SPUR RANCHETTES (SHORT FORM PLAT – 2 LOTS – 36.86 ACRES – JIM BRIDGER DR. – NO FISCAL REQUIRED – ON-SITE SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (ACTION ITEM #9) (9:21 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 9 for a summary of the action item.

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to open the public hearing.

<b>Motion carried:</b> 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:** Joe Gieselman, Executive Manager, TNR.

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to close the public hearing.

<b>Motion carried:</b> 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:** Harris P. Harrell, Travis County Resident; Vincent May, Travis County Resident; Ms. Phillip A. Dick, Travis County Resident; and Jennifer Gale, Travis County Resident. (9:22 AM)

## CONSENT ITEMS

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C3 and Items 7, 8, 9, 11, 12, 13, 14, 17, 18, 19.A&B, 24, 25.A&B, 26, 27, 29, 31, 32, 33, 35, and A.1. (9:48 AM)

<b>Motion carried:</b> 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 THE VOTING SESSIONS OF MAY 2 AND MAY 9, 2006 AND THE EXECUTIVE SESSION ANNOUNCEMENT OF MAY 11, 2006.

**RESOLUTIONS & PROCLAMATIONS**

4. APPROVE PROCLAMATION RECOGNIZING SHERRI TOMASULO ON HER RETIREMENT FROM THE TRAVIS COUNTY ATTORNEY'S OFFICE.  
(9:38 AM)

**Members of the Court heard from:** Sherri Tomasulo, Lead Secretary Collection, Travis County Attorney's Office; and Elliot Beck, Assistant County Attorney.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 4.

**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. APPROVE PROCLAMATION URGING ALL CITIZENS TO RECOGNIZE MEMORIAL DAY. (9:44 AM)

**Members of the Court heard from:** David Salazar, Executive Assistant, Travis County Health and Human Services (TCHHS).

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 5 and to remind employees that work in nonessential areas that Monday, May 29, 2006 is a County holiday that they'll have off.

**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

**TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS**

**AT 10:00 A.M.**

6. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:  
(10:04 AM) (4:42 PM) (6:18 PM)
  - A. A PHASING AGREEMENT BETWEEN TRAVIS COUNTY AND THE DEVELOPER, FOREST CITY SWEETWATER, L. P.;
  - B. 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 IS 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 (1298 LOTS, 1263 RESIDENTIAL, 38 MUD AND HOMEOWNER ASSOCIATION LOTS – 735.5 ACRES – STATE HIGHWAY 71 WEST – NO FISCAL IS REQUIRED FOR THIS PRELIMINARY PLAN – SEWAGE SERVICE TO BE PROVIDED BY LAZY NINE MUD, NO ETJ);
  - D. SWEETWATER SECTION ONE VILLAGE A, LONG FORM PLAT IN PRECINCT 3 (LONG FORM PLAT - 27 LOTS – 9.657 ACRES – STATE HIGHWAY 71 WEST – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY LAZY NINE MUD, NO ETJ) IN PRECINCT 3;
  - E. CONSTRUCTION AGREEMENT FOR SWEETWATER SECTION ONE VILLAGE A, SUBDIVISION;
  - F. INDEMNIFICATION AGREEMENT WITH FOREST CITY SWEETWATER, L. P. TO FUND THE PERMANENT TRAFFIC IMPROVEMENTS ON STATE HIGHWAY 71 WEST AT PEDERNALES SUMMIT PARKWAY, IN PRECINCT 3;
  - G. ADVANCED FUNDING AGREEMENT FOR VOLUNTARY TRANSPORTATION IMPROVEMENT PROJECTS WITH THE STATE OF TEXAS AND TRAVIS COUNTY FOR THE PERMANENT TRAFFIC IMPROVEMENTS (INCLUDING SHOULDERS AND A TURN LANE) ON STATE HIGHWAY 71 WEST AT PEDERNALES SUMMIT PARKWAY, IN PRECINCT 3;

## ITEM 6 CONTINUED

- H. PEDERNALES SUMMIT PARKWAY ROADWAY DEDICATION, LONG FORM PLAT IN PRECINCT 3 (LONG FORM PLAT – 1 LOT – 0.57 ACRES – STATE HIGHWAY 71 WEST – FISCAL POSTED WITH TRAVIS COUNTY – NO SEWAGE REQUIRED, NO ETJ);
- I. SWEETWATER SECTION TWO PEDERNALES SUMMIT PARKWAY PHASE A, LONG FORM PLAT IN PRECINCT 3 (LONG FORM PLAT – 1 LOT – 0.186 ACRES – STATE HIGHWAY 71 WEST/PEDERNALES SUMMIT PARKWAY – FISCAL POSTED WITH TRAVIS COUNTY – NO SEWAGE REQUIRED, NO ETJ);
- J. CONSTRUCTION AGREEMENT FOR PEDERNALES SUMMIT PARKWAY ROADWAY DEDICATION AND SWEETWATER SECTION TWO PEDERNALES SUMMIT PARKWAY PHASE A, SUBDIVISION; AND
- K. SWEETWATER SECTION ONE BLOCK B, LOT 17-A, SHORT FORM PLAT IN PRECINCT 3 (SHORT FORM PLAT – 1 LOT – 12.21 ACRES – PEDERNALES SUMMIT PARKWAY – NO FISCAL REQUIRED – NO SEWAGE REQUIRED, NO ETJ).

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; Anna Bowlin, Program Manager, Planning and Engineering, TNR; Bill Gunn, Developer, Sweetwater, Ltd. Partnership; Christy Muse, Hill Country Alliance; Brad Rockwell, Save Our Springs Alliance (SOS); Dr. John Uecker, Travis County Resident; Christine Hartman; Travis County Resident; Margie Lemons, Travis County Resident; Gene Lowenthal, President, Hamilton Pool Road Scenic Corridor Coalition; Karen Huber, Travis County Resident; Nell Penridge, Travis County Resident; Phil Connor, Travis County Resident; Alicia Armsby, Travis County Resident; and Jan Patton, Travis County Resident.

**Clerk's Note:** Judge Biscoe announced that Item 6 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Motion by** Commissioner Daugherty **and seconded by** Judge Biscoe to approve Items 6.A-K.

<b>Motion carried:</b> 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	absent



7. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE TWO 5 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENTS LOCATED ALONG THE COMMON LOT LINE OF LOTS 10 AND 26 OF AUSTIN LAKE HILLS SECTION 2, A SUBDIVISION IN PRECINCT 3. (COMMISSIONER DAUGHERTY) (9:48 AM)

**Clerk's Note:** Item 7 is the action item for the public hearing on Agenda Item 1.

**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 REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: RESUBDIVISION OF LOT 5, BLOCK A, YACKTMAN SUBDIVISION (SHORT FORM PLAT – 11 LOTS – 31.905 ACRES – PEARCE RD. – FISCAL POSTED – ON-SITE SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY FOR LOTS 2 THROUGH 10 – ON-SITE SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN FOR LOTS 1 AND 11 ONLY – CITY OF AUSTIN 2-MILE ETJ AND FULL PURPOSE ANNEXATION AREA). (COMMISSIONER DAUGHERTY) (9:48 AM)

**Clerk's Note:** Item 8 is the action item for the public hearing on Agenda Item 2.

**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. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: RESUBDIVISION OF LOT 5, SECTION TWO, SILVER SPUR RANCHETTES (SHORT FORM PLAT – 2 LOTS – 36.86 ACRES – JIM BRIDGER DR. – NO FISCAL REQUIRED – ON-SITE SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:48 AM)

**Clerk's Note:** Item 9 is the action item for the public hearing on Agenda Item 3.

**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. A. CONSIDER AND TAKE APPROPRIATE ACTION ON THE REQUEST TO APPROVE A VARIANCE TO CHAPTER 82.401 (C)(4), STANDARDS FOR CONSTRUCTION OF STREETS AND DRAINAGE IN SUBDIVISIONS TO ALLOW THE ACCEPTANCE OF DEDICATION OF A PORTION OF STREET AND DRAINAGE FACILITIES IN SEVEN OAKS SECTION 5 (MARLEY WAY AND OLYMPUS DRIVE); AND
- B. CONSIDER AND TAKE APPROPRIATE ACTION ON THE APPROVAL OF THE FIRST AMENDMENT TO THE CONSTRUCTION AGREEMENT WITH BEE CAVES OAKS DEVELOPMENT INC. (COMMISSIONER DAUGHERTY) (9:58 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; and Anna Bowlin, Program Manager, Planning and Engineering, TNR.

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Items 10.A&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

11. CONSIDER AND TAKE APPROPRIATE ACTION ON THE REQUEST TO ALLOW THE LAKESIDE AT BLACKHAWK SECTION 4, A SUBDIVISION IN PRECINCT 2, TO UTILIZE THE TRAVIS COUNTY ALTERNATIVE FISCAL POLICY. (COMMISSIONER SONLEITNER) (9:48 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. CONSIDER AND TAKE APPROPRIATE ACTION ON ADOPTION BY RESOLUTION OF THE "TRAVIS COUNTY PARKS AND NATURAL AREAS MASTER PLAN." (9:48 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. CONSIDER AND TAKE APPROPRIATE ACTION TO APPROVE THREE CASH SECURITY AGREEMENTS FOR BOUNDARY STREET FISCAL FOR GRAND AVENUE PARKWAY AND WELLS BRANCH PARKWAY, TWO COUNTY ROAD PROJECTS IN PRECINCT 2. (COMMISSIONER SONLEITNER) (9:48 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 AND TAKE APPROPRIATE ACTION ON A PLAT IN PRECINCT TWO: GREENRIDGE PHASE 4 (LONG FORM PLAT – 56 LOTS – 15.7869 ACRES – CHEYENNE VALLEY DR. – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY WINDERMERE UTILITY COMPANY – PFLUGERVILLE ETJ). (COMMISSIONER SONLEITNER) (9:48 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 COMPLAINTS BY MS. KATHLEEN SALIMENA ABOUT A PLAT AND PERMIT ISSUED BY THE COUNTY REGARDING THE VILLAS AT COMMANDER'S POINT CONDOMINIUMS. (THIS ITEM MAY BE TAKEN INTO EXECUTIVE SESSION, PURSUANT TO GOV'T. CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (4:07 PM) (5:48 PM) (6:12 PM)

**Members of the Court heard from:** Kathleen Salimena, Travis County Resident; Joe Gieselman, Executive Manager, TNR; Stacey Scheffel, Floodplain Manager, TNR; and Joseph Schoeb, President, Homeowners Association, The Villas at Commanders Point Condominiums.

**Clerk's Note:** Judge Biscoe announced that Item 15 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 the following response be given to Ms. Kathleen Salimena and within the next 48 hours be sent to her in writing, preferably by mail: The County finds that the structure in question is a few inches off what is set forth in the permit and while this is not precisely in compliance, it is in substantial compliance, and we find further that because the street is a cul-de-sac there should be very little traffic on it. If it were a serious violation then the County would entertain enforcement action but, because of what it is, the County chooses not to take enforcement action at this time. Further, the plat that is made reference to is, in fact, not a County approved plat but is governed by the rules of the Condominium regime. The County has not approved the so-called plat or the rules, does not enforce them and otherwise has nothing to do with them. The County does not enforce private deed restrictions unless certain requirements have been met and those requirements have not been met in this case.

<b>Motion carried:</b> 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

**HEALTH AND HUMAN SERVICES DEPT. ITEMS**

16. CONSIDER AND TAKE APPROPRIATE ACTION ON POSTING AND ADVERTISING OF CALL FOR NOMINATIONS TO THE TRAVIS COUNTY HEALTHCARE DISTRICT BOARD OF MANAGERS. (4:06 PM)

**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

**PLANNING AND BUDGET DEPT. ITEMS**

17. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:48 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.

**ADMINISTRATIVE OPERATIONS ITEMS**

18. 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 \$417,205.25 FOR THE PERIOD OF MAY 5 TO MAY 11, 2006. (9:48 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 THE FOLLOWING:  
(9:48 AM)

- A. PROPOSED ROUTINE PERSONNEL AMENDMENTS; AND
- B. NON-ROUTINE PERSONNEL ACTION – JUVENILE COURT –  
TEMPORARY ASSIGNMENT – TRAVIS COUNTY CODE SECTION  
10.03012.

**Clerk's Note:** Items 19.A&B 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 TO APPROVE FORM  
CONTRACT FOR PRIVATE AUTOPSIES AND DELEGATE AUTHORITY TO  
EXECUTE THESE AGREEMENTS TO THE CHIEF ADMINISTRATIVE  
OFFICER OF THE MEDICAL EXAMINER'S OFFICE. (9:51 AM)

Item 20 was pulled from the Agenda.

21. CONSIDER AND TAKE APPROPRIATE ACTION ON LETTER TO CONTRACT  
COUNTIES ON MEDICAL EXAMINER'S OFFICE AND AUTOPSY SERVICES.  
(4:40 PM)

**Clerk's Note:** The Court agreed to possible minor changes to the letter by County Judge Biscoe, Alicia Perez, Executive Manager, Administrative Operations; and Debra Hale, Court Coordinator and the addition of signature spaces for all the Commissioners Court to sign.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve Item 21.

<b>Motion carried:</b> 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 & PUBLIC SAFETY ITEMS

### AT 1:30 P.M.

22. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR FUNDING OF THE CASE MANAGEMENT COMPONENT "PROJECT RECOVERY" FOR MISDEMEANOR MENTAL HEALTH OFFENDERS.  
(1:40 PM)

**Members of the Court heard from:** Nancy Hohengarten, Judge, County Court at Law Number Five.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve Item 22.

**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 County Judge noted that the approval was for funding the remainder of the fiscal year, which will be from the Allocated Reserve, and for next year's funding to be a budget item.

**PURCHASING OFFICE ITEMS**

23. APPROVE INTERLOCAL AGREEMENT NO. IL060216JT WITH AUSTIN/TRAVIS COUNTY MENTAL HEALTH AND MENTAL RETARDATION FOR INTENSIVE OUTPATIENT TREATMENT SERVICES FOR DUAL DIAGNOSIS CLIENTS IN THE DRUG DIVERSION/SHORT PROGRAM. (CRIMINAL COURTS) (COMMISSIONER GÓMEZ) (4:41 PM)

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve Item 23.

**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

24. APPROVE CONTRACT FOR SOFTWARE LICENSING AND MAINTENANCE SUPPORT TO CLINICAL DATA SOLUTIONS. (HHS&VS) (COMMISSIONER GÓMEZ) (9:48 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.

25. APPROVE CONTRACT AWARD, IFB NO. B060198-DR, FOR CARWASH SERVICES TO THE FOLLOWING BIDDERS: (9:48 AM)
- A. GROUP A, FULL SERVICE, AUSTIN QUALITY CAR WASH; AND
- B. GROUP B, SELF SERVICE, SPARKLING CARWASH. (TNR)  
(COMMISSIONER GÓMEZ)

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

26. APPROVE CONTRACT AWARD FOR RESIDENTIAL ROOF REPAIR/REPLACEMENT SERVICES, IFB NO. B060167-DR, TO THE LOW BIDDER, VALDEZ REMODELING AND WEATHERIZATION INC. (HHS&VS) (COMMISSIONER GÓMEZ) (9:48 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.



27. APPROVE CONTRACT AWARD FOR ARMORED CAR SERVICE, IFB NO. B060151-RG, TO THE SOLE BIDDER, LOOMIS, FARGO AND COMPANY. (COUNTY TREASURER) (COMMISSIONER GÓMEZ) (9:48 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. A. RECEIVE BRIEFING FROM COLETTE HOLT REGARDING RECOMMENDATIONS FOR IMPROVING THE HISTORICALLY UNDERUTILIZED BUSINESS (HUB) PROGRAM; AND
- B. APPROVE THREE-MONTH EXTENSION (MODIFICATION NO.2) TO CONTRACT NO. PS050206RE, COLETTE HOLT AND ASSOCIATES, FOR CONSULTING SERVICES FOR HUB PROGRAM. (PURCHASING) (COMMISSIONER GÓMEZ) (1:48 PM)

**Members of the Court heard from:** Cyd Grimes, Travis County Purchasing Agent; Sylvia Lopez, Historically Underutilized Business (HUB), Program Coordinator, Purchasing; Colette Holt, Colette Holt and Associates; and David Escamilla, Travis County Attorney.

**Motion by** Commissioner Daugherty **and seconded by** Judge Biscoe to approve the three-month contract extension.

**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. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. IL030144RE, CITY OF AUSTIN, FOR THE SUMMER YOUTH EMPLOYMENT PROGRAM. (HHS&VS) (COMMISSIONER GÓMEZ) (9:48 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. APPROVE SOLE SOURCE EXEMPTION AND PURCHASE OF AN EXTERNAL RESCUE HOIST FROM THE GOODRICH CORPORATION.  
(STARFLIGHT/EMERGENCY SERVICES) (COMMISSIONER GÓMEZ)  
(9:51 AM)

**Members of the Court heard from:** Casey Ping, Program Manager, STAR Flight; Willy Culberson, Director of Aviation Operations, STAR Flight; and Bonnie Floyd, Assistant Purchasing Agent.

Discussion only. No formal action taken.

Item 30 to be reposted on May 31, 2006.

31. 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) (9:48 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.

### OTHER ITEMS

32. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:48 AM)

**Clerk's Note:** Item 32 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

33. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF APRIL 2006. (COUNTY AUDITOR) (9:48 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 TO CANVASS ELECTION RETURNS AND ISSUE AN ORDER DECLARING RESULTS FOR OF MAY 13, 2006 SPECIAL ELECTION FOR THE CREATION OF EMERGENCY SERVICES DISTRICT #13. (COUNTY CLERK) (1:38 PM)

**Members of the Court heard from:** Gail Fisher, Elections Divisions Manager, Travis County Clerk's Office.

**Clerk's Note:** Gail Fisher, Elections Divisions Manager, Travis County Clerk's Office, requested that the Commissioners' Court waive the reading of the individual precinct-by-precinct results.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to waive the reading as requested and that we execute the order proposed by the County Clerk's Office.

**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

35. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR APPROVAL OF DISTRICT CLERK'S FY '06 RECORDS MANAGEMENT FUND PLAN AND BUDGET. (DISTRICT CLERK) (9:48 AM)

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

**AT 1:45 P.M.**

36. A. CONSIDER AND TAKE APPROPRIATE ACTION ON RESPONSES TO REQUEST FOR INFORMATION ON COLLECTION OF DELINQUENT TAXES

**OR**

- B. REJECT ALL PROPOSALS AND TERMINATE RFI #050079-ML;
- C. APPROVE ORDER EXEMPTING A CONTRACT FOR THE COLLECTION OF DELINQUENT TAXES FROM THE BIDDING REQUIREMENTS OF THE PURCHASING ACT;
- D. CONSIDER CONTRACT FOR THE COLLECTION OF DELINQUENT TAXES AFTER JULY 1, 2006 AND AFTER JULY 1 OF EACH YEAR THEREAFTER;
- E. ADOPT ADDITIONAL PENALTY ON DELINQUENT TAXES UNDER SECTION 33.07 OF THE TEXAS TAX CODE;
- F. REQUEST TAX ASSESSOR COLLECTOR TO DELIVER NOTICES OF DELINQUENCY AND PENALTY; AND
- G. NOTIFY ALL TAXING JURISDICTIONS SERVED BY TRAVIS COUNTY REGARDING ANY ACTION TAKEN. (THIS ITEM MAY BE TAKEN INTO EXECUTIVE SESSION, PURSUANT TO GOV'T. CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (2:21 PM) (3:02 PM)

**Members of the Court heard from:** David Escamilla, Travis County Attorney; Rudolph Williams, President, East Austin Neighborhood; Bill Aleshire, Travis County Resident; Deanne Johnson, Travis County Resident; Alicia Harris, Travis County Resident; and Ken Oden, Partner, Linebarger, Goggan, Blair and Sampson LLP.

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

**ITEM 36 CONTINUED**

**Clerk's Note:** The County Judge introduced a draft proposal for action on Items 36.A-G for the members of the Court and Staff to review and bring back a revised proposal on June 6, 2006.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the draft, with the understanding that it is supposed to give direction more than anything else, and there will be a revised product for the Court to review, revise, and otherwise act on two weeks from today, June 6, 2006.

**Clerk's Note:** The Court did not take a vote on the Standing Motion and Second at this time.

**A Substitute Motion was made by** Commissioner Sonleitner **and seconded by** Judge Biscoe that we reject all responses to the RFI and terminate RFI number 050079-ML.

<b>Motion carried:</b> 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 took a Vote on the Standing Motion and Second at this time.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	abstain
Precinct 2, Commissioner Karen Sonleitner	abstain
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

37. CONSIDER AND TAKE APPROPRIATE ACTION ON TAX ABATEMENT AGREEMENTS WITH HEWLETT-PACKARD COMPANY: (10:03 AM)

A. 312 TAX ABATEMENT AGREEMENT - TANDEM SITE; AND

B. 381 TAX ABATEMENT AGREEMENT - ED BLUESTEIN SITE.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve Items 37.A&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

38. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING TRAVIS COUNTY REORGANIZATION INITIATIVES: (6:27 PM)

A. APPOINTMENT OF EXECUTIVE MANAGER OR COORDINATOR FOR CRIMINAL JUSTICE PLANNING;

B. APPOINTMENT OF EXECUTIVE MANAGER OR COORDINATOR FOR EMERGENCY SERVICES;

C. APPOINTMENT OF EXECUTIVE MANAGER OF BOTH CRIMINAL JUSTICE PLANNING AND EMERGENCY SERVICES COORDINATOR;

D. ANY OTHER OPTIONS REGARDING THE MANAGEMENT OF CRIMINAL JUSTICE PLANNING AND EMERGENCY SERVICES; AND

E. OTHER RELATED EMERGENCY PERSONNEL MATTERS. (THIS ITEM MAY BE TAKEN INTO EXECUTIVE SESSION, PURSUANT TO GOV'T. CODE ANN. 551.074, PERSONNEL MATTERS)

Item 38 postponed until May 30, 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.

39. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION IN ESTATE OF SUSAN C. MILBURN, DECEASED. <sup>1</sup>  
(4:39 PM)

**Clerk's Note:** Judge Biscoe announced that Item 39 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Item 39 was pulled from the Agenda.

40. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN JENNIFER MCPHAIL, ET AL. VS. DANA DEBEAUVOIR. <sup>1</sup>  
(4:39 PM)

**Clerk's Note:** Judge Biscoe announced that Item 40 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Item 40 was pulled from the Agenda.

41. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION CONCERNING THE EXTENSION OF PAID ADMINISTRATIVE LEAVE FOR TRAVIS COUNTY JUVENILE PROBATION DEPARTMENT, SLOT 412. <sup>1 AND 3</sup> (4:42 PM) (6:15 PM)

**Clerk's Note:** Judge Biscoe announced that Item 41 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 authorize additional leave with pay totaling four days, covering the days between May 7 and May 10, 2006.

<b>Motion carried:</b> 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

42. CONSIDER AND TAKE APPROPRIATE ACTION ON STATUS REPORT ON ADMINISTRATIVE REVIEW OF ISSUES RELATED TO MANAGEMENT OF FIRE MARSHAL'S OFFICE. <sup>1 AND 3</sup> (4:42 PM) (6:16 PM)

**Clerk's Note:** Judge Biscoe announced that Item 42 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.

Discussion only. No formal action taken.

Item 42 to be reposted on May 30, 2006.



43. RECEIVE LETTER OF RESIGNATION FROM DR. ELIZABETH PEACOCK, DEPUTY MEDICAL EXAMINER, AND TAKE APPROPRIATE ACTION. <sup>3</sup>  
(4:42 PM) (6:16 PM)

**Clerk's Note:** Judge Biscoe announced that Item 43 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.074, Personnel Matters.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis that we accept that letter, that we express appropriate appreciation for her years of service to Travis County, and that the County Judge sign on behalf of the Commissioners 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	absent

44. CONSIDER AND TAKE APPROPRIATE ACTION ON PERFORMANCE PAY AS A FOLLOW-UP TO RECENT PERFORMANCE EVALUATIONS FOR THE FOUR EXECUTIVE MANAGERS AND THE TWO COORDINATORS. <sup>3</sup>  
(4:42 PM) (6:16 PM)

**Clerk's Note:** Judge Biscoe announced that Item 44 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.074, Personnel Matters.

Discussion only. No formal action taken.

Item 44 to be reposted on June 6, 2006.

45. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING TNR EMPLOYEE, SLOT NO. 54. <sup>1 AND 3</sup> (4:39 PM)

**Clerk's Note:** Judge Biscoe announced that Item 45 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.

Item 45 was pulled from the Agenda.

46. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION ON REQUEST TO FILE COMMENTS ON MUNICIPAL UTILITY PROJECT FOR SWEETWATER DEVELOPMENT, PROPOSED PERMIT #WQ0014629001. <sup>1</sup> (4:42 PM)  
(6:17 PM)

**Clerk's Note:** Judge Biscoe announced that Item 46 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 that we direct Staff to file with the Texas Commission for Environmental Quality (TCEQ) the comment letter, a draft of which we saw in Executive Session, and we've been advised we can fax that over today and it will be deemed timely filed, and that needs to be signed by Commissioner Daugherty.

<b>Motion carried:</b> 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	absent

### THE FOLLOWING ITEM IS AN ADDENDUM:

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON SIGNING THE MUTUAL AID AGREEMENT WITH ALL TRAVIS COUNTY EMERGENCY SERVICE DISTRICTS AND THE CITY OF AUSTIN REGARDING FIRE PROTECTION AND OTHER EMERGENCY SERVICES RESPONSE. (9:48 PM)

**Clerk's Note:** Item A.1 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

## ADJOURNMENT

**Motion by** Commissioner Davis **seconded by** Judge Biscoe to adjourn the Voting Session. (6:27 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

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**Date of Approval**

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