

MINUTES OF MEETING – AUGUST 22, 2006

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 22nd day of August 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 retired to Executive Session at 11:15 AM.

The Commissioners Court reconvened the Voting Session at 12:10 PM.

The Commissioners Court recessed the Voting Session at 12:11 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation; convened at 1:37 PM and adjourned at 1:50 PM.

The Commissioners Court reconvened the Voting Session at 1:51 PM.

The Commissioners Court retired to Executive Session at 3:03 PM.

The Commissioners Court reconvened the Voting Session at 6:18 PM.

The Commissioners Court adjourned the Voting Session at 6:24 PM.

CITIZENS COMMUNICATION

Members of the Court heard from: Ms. Phillip A. Dick, Travis County Resident; Jeff Mundy, representing Travis Audubon Society; Gus Peña, Travis County Resident; Roy Waley, Austin Regional Group, Sierra Club; Mary Arnold, Travis County Resident; Dale Bulla, Vice-President, 2222 Coalition of Neighborhood Associations (2222 CONA); Jackie Davis, Wildlife Biologist, City of Austin, 1993-2004; Melody Lytle, Former Balcones Canyonland Preserve (BCP) Biologist; Bruce Bigelow, Director, Blazier Christensen Bigelow and Virr, PC; and Bill Bunch, Save Our Springs Alliance (SOS). (9:21 AM)

Clerk's Note: Commissioner Davis noted that there will be a ribbon cutting ceremony on Saturday August 26, 2006 at 10:30 AM at the Kennedy Ridge subdivision to celebrate the completion of the Drainage and Road Projects. Commissioner Davis thanked the voters of Travis County for approving the 2001 bonds, which allowed the work to be finished. Everyone is welcome.

RESOLUTIONS & PROCLAMATIONS

3. APPROVE PROCLAMATION RECOGNIZING THE MONTH OF SEPTEMBER AS TEJANO HERITAGE MONTH IN TRAVIS COUNTY. (COMMISSIONER GÓMEZ) (10:03 AM)

Members of the Court heard from: Rudi R. Rodriguez, President, Texastejanos.com; and Nayeli Gallegos, Greater Austin Hispanic Chamber of Commerce.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis 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 ITEMS

4. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY AND RELATED MATTERS. (10:16 AM)

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

Clerk's Note: The Court noted that by taking no action the prohibition on outdoor burning remains in place.

Item 4 to be reposted on August 29, 2006.

PURCHASING OFFICE ITEMS

5. APPROVE CONTRACT AWARD FOR PROFESSIONAL ENGINEERING SERVICES, REIMERS-PEACOCK ROAD IMPROVEMENTS PROJECT, RFQ NO. Q060202-JW, TO THE HIGHEST QUALIFIED RESPONDENT, C. FAULKNER ENGINEERING. (TNR) (COMMISSIONER GÓMEZ) (9:59 AM)

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 MODIFICATION NO. 1 TO CONTRACT NO. PS050180MB, ESPEY CONSULTANTS, INC., FOR INTERPORT DEVELOPMENT/SH-130 IMPROVEMENTS. (TNR) (COMMISSIONER GÓMEZ) (9:59 AM)

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

7. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. 04T00004OJ, FALCON INSURANCE AGENCY, FOR AVIATION INSURANCE COVERAGE. (HRMD) (COMMISSIONER GÓMEZ) (9:59 AM)

Clerk's Note: Item 7 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

8. APPROVE MODIFICATION NO. 5 TO CONTRACT NO. 04T00216DR, AUSTIN CRUSHED STONE, FOR FLEXIBLE BASE MATERIAL, TYPE A. (TNR) (COMMISSIONER GÓMEZ) (9:59 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 SOLE SOURCE EXEMPTION AND CONTRACT FOR THE INSTALLATION OF DETENTION EQUIPMENT AND SECURITY ELECTRONICS SYSTEMS MATERIALS FROM ISI DETENTION CONTRACTING GROUP, INC. AND THEIR SUBSIDIARY, METROPLEX CONTROL SYSTEMS. (COMMISSIONER GÓMEZ) (9:59 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. DECLARE 46 LIGHT BARS AS SURPLUS AND SELL AT ON-LINE AUCTION PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (COMMISSIONER GÓMEZ) (9:59 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. DECLARE CERTAIN GLOBAL POSITIONING SYSTEM DEVICES (GPS) AS SURPLUS AND AUTHORIZE TRADE-IN FOR NEW (GPS) DEVICES PURSUANT TO SECTION 263.152 OF THE TEXAS LOCAL GOVERNMENT CODE. (TNR) (COMMISSIONER GÓMEZ) (9:59 AM)

Clerk's Note: Item 11 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

12. APPROVE CONTRACT AWARD FOR CONSTRUCTION SERVICES, ANDERSON MILL ROAD AND DRAINAGE IMPROVEMENT PROJECT, IFB NO. B060259-LP, TO THE LOWEST BIDDER, CASH CONSTRUCTION COMPANY, LTD. (TNR) (COMMISSIONER GÓMEZ) (9:59 AM)

Clerk's Note: Item 12 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

13. APPROVE MODIFICATION NO. 6 TO CONTRACT NO. 03AE0136JJ, LAND DESIGN STUDIOS - EAST METRO PARK IMPROVEMENT PROJECT, FOR PROFESSIONAL ENGINEERING SERVICES. (TNR) (COMMISSIONER DAVIS) (9:59 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. A. APPROVE CONTRACT AWARD FOR CONSTRUCTION SERVICES, SINGLE/DOUBLE COURSE SURFACE TREATMENT IN PRECINCT 3, IFB NO. B060271-LP, TO THE LOW BIDDER, H. DECK CONSTRUCTION COMPANY; AND
- B. APPROVE CONTRACT AWARD FOR CONSTRUCTION SERVICES, SINGLE/DOUBLE COURSE SURFACE TREATMENT IN PRECINCT 4, IFB NO. B060271-LP, TO THE LOW BIDDER, BIG TEX PAVING, INC. (TNR) (COMMISSIONERS DAUGHERTY AND GÓMEZ) (9:59 AM)

Clerk's Note: Items 14.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

15. APPROVE PRE-QUALIFIED LIST FOR SURVEYING SERVICES, RFQ NO. Q060229-DG, TO THE FOLLOWING QUALIFIED FIRMS: (9:59 AM)

- A. BAKER-AICKLEN & ASSOC. INC.;
- B. C. FAULKNER ENGINEERING;
- C. CANALES, MARTINEZ & NASH SURVEYING CO.;
- D. CAPITAL SURVEYING CO. INC.;
- E. CARTER BURGESS;
- F. GORRONDONA & ASSOCIATES, INC.;
- G. LANDMARK SURVEYING;
- H. LOOMIS AUSTIN;
- I. MACIAS & ASSOCIATES;
- J. MARTINEZ WRIGHT & MENDEZ;
- K. MCGRAY & MCGRAY LAND SURVEYORS, INC.;
- M. SURVEYING AND MAPPING, INC. (SAM, INC.); AND
- N. TERRA FIRMA LAND SURVEYING AND PLANNING. (COMMISSIONER GÓMEZ)

Clerk's Note: Items 15.A-N 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

16. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: RESUBDIVISION OF LOTS 8 AND 9, BLOCK B, THE PRESERVE AT RIVERPLACE, SECTION 2 (SHORT FORM PLAT – 2 LOTS – 2.461 ACRES – MILKY WAY DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN 2-MILE ETJ). (COMMISSIONER DAUGHERTY) (9:59 AM)

Clerk's Note: Item 16 is the action item for the public hearing on Agenda Item 1.

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. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO BOB DAIGH, TEXAS DEPARTMENT OF TRANSPORTATION REGIONAL DIRECTOR, FOR A RAMP OFF SH 45 SOUTHEAST TO A COUNTY ROAD. (10:30 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; and John Langmore, Pate Engineering.

Discussion only. No formal action taken.

Item 17 to be reposted on August 29, 2006.

18. NOTIFY COURT OF SATISFACTORY CONSTRUCTION OF THE PRIVATE STREETS IN STEINER RANCH PHASE 1 SECTION 10B, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:59 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 REQUEST TO USE ALTERNATIVE FISCAL FOR STAR RANCH SECTION III, A SUBDIVISION IN PRECINCT TWO. (COMMISSIONER SONLEITNER) (9:59 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.

- 23. CONSIDER AND TAKE APPROPRIATE ACTION ON A FINAL PLAT, CYPRESS CREEK RANCH IN PRECINCT THREE: ONE LOT, 1149.40 ACRES – HAMILTON POOL ROAD – NO FISCAL IS REQUIRED WITH THE FINAL PLAT – SEWAGE SERVICE TO BE PROVIDED BY AN ON-SITE PRIVATE SEWAGE FACILITY. (COMMISSIONER DAUGHERTY) (10:17 AM)

Members of the Court heard from: Anna Bowlin, Program Manager, Planning and Engineering, TNR; Nell Penridge, Hamilton Pool Road Scenic Road Coalition and Hill County Alliance; and Chuck Carroll, Project Manager, Cunningham Allen Engineers and Surveyors, Inc.

Motion by Commissioner Daugherty **and seconded by** Judge Biscoe to approve Item 23.

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	no

HEALTH AND HUMAN SERVICES DEPT. ITEMS

- 24. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED INTERLOCAL COOPERATION AGREEMENT WITH CITY OF AUSTIN FOR PUBLIC HEALTH HUMAN SERVICES. (1:51 AM)

Members of the Court heard from: Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans’ Services (TCHHS&VS); David Lurie, Director, Austin-Travis County Health and Human Services (A-TCHHS); Jose Palacios, Chief Assistant County Auditor, Travis County Auditor’s Office; Melanie Miller, Financial Director, A-TCHHS; Susan Spataro, Travis County Auditor; and Mary Etta Gerhardt, Assistant County Attorney.

Discussion only. No formal action taken.

Item 24 to be reposted on August 29, 2006.

- 25. RECEIVE FOLLOW-UP REPORT FROM TRAVIS COUNTY MENTAL HEALTH STAKEHOLDERS GROUP AND TAKE APPROPRIATE ACTION. (9:17 AM)

Item 25 was postponed until August 29, 2006.

PLANNING AND BUDGET DEPT. ITEMS

- 26. CONSIDER AND TAKE APPROPRIATE ACTION TO SET ELECTED OFFICIALS SALARIES FOR FY '07. (11:13 AM)

Clerk's Note: Item 26 is the action item for the public hearing on Agenda Item A4.

Members of the Court heard from: Diana Ramirez, Budget Analyst, PBO.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Item 26.

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

- 27. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:59 AM)

- A. INTERLOCAL AGREEMENT WITH THE CITY OF AUSTIN TO PROVIDE AN ASSISTANT DISTRICT ATTORNEY TO SUPPORT THE LOCAL PROJECT SAFE NEIGHBORHOODS GRANT FROM THE U.S. DEPARTMENT OF JUSTICE. THE CONTRACT CONTINUES THE PROGRAM PREVIOUSLY FUNDED BY AN INTERLOCAL AGREEMENT WITH THE OFFICE OF THE ATTORNEY GENERAL; AND
- B. CONTRACT WITH AUSTIN/TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION FOR A COMMUNITY RESOURCE COORDINATOR IN JUVENILE COURT TO ASSIST FAMILIES RECEIVING SERVICES FROM JUVENILE PROBATION. CONTRACT CONTINUES THE EXISTING PROGRAM FOR FY '07.

Clerk's Note: Items 27.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

28. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:59 AM)

Clerk's Note: Item 28 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

29. 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 \$645,855.16 FOR THE PERIOD OF AUGUST 4 TO AUGUST 10, 2006. (9:59 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 PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:59 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.

OTHER ITEMS

31. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:59 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 AMENDMENT OF ECONOMIC DEVELOPMENT AGREEMENTS BETWEEN TRAVIS COUNTY AND HEWLETT-PACKARD COMPANY FOR THE ED BLUESTEIN AND TANDEM SITES TO CORRECT A TYPOGRAPHICAL ERROR. (9:59 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. CONSIDER AND TAKE APPROPRIATE ACTION ON RECEIPT OF THE DONATION OF FUNDS FROM THE FOLLOWING: (9:59 AM)
 - A. PINKIES TOWING AND EG MORRIS FOR THE SHERIFF'S OFFICE K9 UNIT TO BE DEPOSITED IN THE SHERIFF'S OFFICE OPERATING ACCOUNTS; AND
 - B. COVENANT UNITED METHODIST CHURCH FOR THE INMATE EDUCATIONAL TREATMENT AND PROGRAMS OFFICE TO BE DEPOSITED IN THE SHERIFF'S OFFICE INMATE WELFARE ACCOUNT.

Clerk's Note: Items 33.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

Clerk's Note: The Court accepted the donations with thanks.

- 34. CONSIDER AND TAKE APPROPRIATE ACTION ON AN ORDER DESIGNATING MAIN EARLY VOTING, TEMPORARY EARLY VOTING, AND MOBILE EARLY VOTING POLLING PLACES FOR THE NOVEMBER 7, 2006 JOINT GENERAL AND SPECIAL ELECTIONS. (COUNTY CLERK) (10:42 AM)

Members of the Court heard from: Michael Winn, Elections Program Manager, Elections Division, Travis County Clerk's Office; and Kimberly Dilling, Elections Management Coordinator, Elections Division, Travis County Clerk's Office.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 34.

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

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.

AT 3:00 P.M.

38. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING GRIEVANCE PANEL DECISION REGARDING JO CAROL BRADSHAW. ^{1 AND 3} (3:03 PM) (6:19PM)

Clerk's Note: Judge Biscoe announced that Item 38 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann 551.074, Personnel Matters.

Motion by Judge Biscoe and seconded by Commissioner Gómez to uphold the grievance panel's decision. At the same time, encourage Ms. Bradshaw to touch base with Tony Nelson, Assistant County Attorney, tomorrow morning and Tony Nelson has been given further directions by the Commissioners Court to share with her; and I ask the Court to authorize the County Judge to chat with Ms. Bradshaw this evening, as I promised to do during our Executive Session discussion.

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

39. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING CITY OF AUSTIN PROPOSAL TO AMEND THE BALCONES CANYONLANDS CONSERVATION PLAN 10(A) PERMIT, ISSUED TO THE CITY OF AUSTIN AND TRAVIS COUNTY BY THE U.S. FISH AND WILDLIFE, CONCERNING THE RELOCATION OF WATER TREATMENT PLANT NO. 4. ¹AND² (11:15 AM) (3:03 PM) (6:23 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 and Gov’t. Code Ann 551.072, Real Property.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to authorize and direct the County Attorney to contact the Austin City Attorney’s Office, the Austin City Manager and any other officials at the Austin City Council regarding two to four legal issues that the Commissioners Court discussed.

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 39 to be reposted on August 29, 2006.

40. RECEIVE LEGAL ADVICE AND TAKE APPROPRIATE ACTION ON HIPAA POLICY COMPLIANCE. ¹ (11:15 AM) (3:03 PM) (6:20 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.

No action necessary on Item 40.

41. RECEIVE LEGAL ADVICE AND TAKE APPROPRIATE ACTION ON PILOT PROJECT FOR BARIATRIC SURGERY FOR TRAVIS COUNTY HEALTH PLAN ENROLLEES. ¹ (11:15 AM) (3:03 PM) (6:20 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.

Item 41 postponed until August 29, 2006.

