

MINUTES OF MEETING – OCTOBER 18, 2005

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 18th day of October, 2005, the Commissioners' Court convened the regular Voting Session at 9:18 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 Melissa Velasquez.

The Commissioners Court recessed the Voting Session at 12:19 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened at 1:39 PM and adjourned at 1:39 PM.

The Commissioners Court reconvened the regular Voting Session at 1:39 PM.

The Commissioners Court retired to Executive Session at 3:57 PM.

The Commissioners Court reconvened the Voting Session at 5:30 PM.

The Commissioners Court adjourned the Voting Session at 5:36 PM.

CONSENT ITEMS CONTINUED

- C7. APPROVE SETTING A PUBLIC HEARING DATE OF NOVEMBER 1, 2005 TO RECEIVE COMMENTS REGARDING CONSIDERING TEMPORARILY CLOSING LITTIG ROAD JUST EAST OF BITTING SCHOOL ROAD FOR THE PURPOSE OF REPLACING A DAMAGED CULVERT UNDER THE ROAD IN PRECINCT ONE. (COMMISSIONER DAVIS)
- C8. APPROVE SETTING A PUBLIC HEARING DATE OF NOVEMBER 8, 2005 TO RECEIVE COMMENTS REGARDING A PROPOSED STREET NAME CHANGE FROM POPHAM BOULEVARD RECORDED IN STONEY RIDGE SUBDIVISION PHASE B, SECTION 1 TO BE KNOWN AS “ROSS ROAD” IN PRECINCT FOUR. (COMMISSIONER GÓMEZ)
- C9. APPROVE SETTING A PUBLIC HEARING DATE OF NOVEMBER 22, 2005 TO RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: AMENDED PLAT OF LOT 1, LOT 2 AND LOT 3, BLOCK B, LAKE POINTE SECTION SEVEN – (SHORT FORM PLAT – 2 LOTS – 0.728 ACRES – SEA EAGLE VIEW – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY LCRA – VILLAGE OF BEE CAVE ETJ). (COMMISSIONER DAUGHERTY)

SPECIAL ITEMS

3. CONSIDER AND TAKE APPROPRIATE ACTION ON APPROPRIATE ASSISTANCE IN RESPONSE TO HURRICANE RITA. (9:31 AM)

Members of the Court heard from: Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans Services (TCHHS&VS); Pete Baldwin, Emergency Management Coordinator, Travis County Emergency Services; and Michael Hemby, Senior Planner, Travis County Sheriff's Office (TCSO).

Discussion Only. No formal action taken.

4. RECEIVE UPDATE AND TAKE APPROPRIATE ACTION ON TRAVIS COUNTY ASSISTANCE TO PERSONS AFFECTED BY HURRICANE KATRINA.
(9:37 AM)

Members of the Court heard from: Sherri Fleming, Executive Manager, TCHHS&VS.

Discussion Only. No formal action taken.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

5. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REQUESTS: (9:40 AM)
 - A. APPROVE RESOLUTION IN SUPPORT OF RIVER OF TRADE CORRIDOR COALITION (ROTCC);
 - B. APPROVE MEMBERSHIP IN ROTCC.

Clerk's Note: Items 5.A and B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Leslie Jutzi, Manager, Government Affairs, City of Dallas, Project Manager, Dallas NAFTA Trade Corridor Coalition; and Mike Pappas, Road and Bridge Superintendent, Dallas County Commissioner District 1.

Discussion Only. No formal action taken.

Items 5.A and B to be reposted on October 25, 2005.

6. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENTS TO THE SOLID WASTE FACILITY SITING ORDINANCE (CHAPTER 62, TRAVIS COUNTY CODE) TO INCLUDE LANDFILLS. (COMMISSIONER DAVIS) (10:22 AM)

Members of the Court heard from: John Kuhl, Program Manager, Natural Resources, TNR; Tom Nuckols, Assistant County Attorney; Wayne Lee, MSW Permits Program, Texas Commission on Environmental Quality (TCEQ); Steve Shepperd, Attorney, TCEQ; Betty Voights, Executive Director, Capital Area Council of Governments (CAPCOG); Robin Schneider, Executive Director, Texas Campaign for the Environment; Mrs. Troell, Representing Austin's Colony; Alex Stedman, Board Member, Austin's Colony Home Owners Association; Larry Beard, Developer and Travis County Resident; Laura Belew, Travis County Resident; Melanie McAfee, Owner, Barr Mansion; Marilyn Samuelson, Representing Blackland Prairie Concerned Citizens; Trek English, President, Northeast Action Group; Joyce Best, Northeast Austin Resident; Reynaldo Ramirez, President, Imperial Valley Neighborhood Association, Executive Director, Con Ganas; and Mark McAfee, Owner, Barr Mansion.

Discussion Only. No formal action taken.

7. RECEIVE REPORT FROM BFI REGARDING PUBLIC OPINION SURVEY ON SOLID WASTE ISSUES, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (3:20 PM)

Members of the Court heard from: William Emory, Emory, Young and Associates; Trek English, President, Northeast Action Group; Joyce Best, Northeast Austin Resident; Melanie McAfee, Owner, Barr Mansion; Mark McAfee, Owner, Barr Mansion.

Discussion Only. No formal action taken.

8. CONSIDER AND TAKE APPROPRIATE ACTION ON AN APPEAL OF THE DENIAL OF TRAVIS COUNTY BASIC DEVELOPMENT PERMIT APPLICATION 05-2376. (COMMISSIONER DAUGHERTY) (9:28 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. CONSIDER AND TAKE APPROPRIATE ACTION TO: (2:17 PM)
 - A. ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF AUSTIN AND OTHER TRANSPORTATION AGENCIES FOR COST PARTICIPATION IN A MOBILITY PLAN STUDY (PHASE 2 TOLL STUDY); AND
 - B. APPOINT A MEMBER TO THE STEERING COMMITTEE, AND A PROXY.

Clerk’s Note: Items 9.A and B are associated with one another and were called for concurrent discussion.

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

Motion by Judge Biscoe and seconded by Commissioner Daugherty to approve the proposed interlocal and appoint Commissioner Daugherty as the Travis County designee to serve on the Steering Committee, and Commissioner Sonleitner and Judge Biscoe as the first and second proxies and alternates.

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

- 10. CONSIDER AND TAKE APPROPRIATE ACTION ON TRAVIS COUNTY RESOLUTION IN SUPPORT OF CITY OF AUSTIN’S PLUG-IN HYBRID CAMPAIGN. (COMMISSIONER SONLEITNER) (9:28 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. REVISED LANGUAGE: CONSIDER AND TAKE APPROPRIATE ACTION ON GRANTING AN EXEMPTION FROM PLATTING REQUIREMENTS FOR A CONDOMINIUM PROJECT IN PRECINCT THREE: INDIAN HILL ESTATES (3 DETACHED STRUCTURES – 1 COMMON WALL UNIT, TOTAL OF 4 DWELLING UNITS - 20.89 ACRES – INDIAN HILL ROAD – NO FISCAL POSTING - SEWAGE SERVICE TO BE PROVIDED BY ONSITE WASTEWATER SYSTEM, WCID #17 WATER SUPPLY CITY OF AUSTIN 2-MILE ETJ). (COMMISSIONER DAUGHERTY) (2:31 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Jim Whitliff, Land Development Consultant; Don Grisby, Planning and Engineering, TNR; Paul Meisler, Applicant; Will Wilson, representing Stewart King; and Forest Powers, Powers Engineering.

Discussion Only. No formal action taken.

Item 11 to be reposted on October 25, 2005.

12. CORRECTION: CONSIDER AND TAKE APPROPRIATE ACTION ON A PRELIMINARY PLAN IN PRECINCT TWO: THE COMMONS AT ROWE LANE PRELIMINARY PLAN (819 LOTS – 251.648 ACRES – ROWE LANE - NO FISCAL IS REQUIRED FOR A PRELIMINARY PLAN - SEWAGE SERVICE TO BE PROVIDED BY LAKESIDE WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3 - CITY OF PFLUGERVILLE ETJ). (COMMISSIONER SONLEITNER) (9:28 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 ON THE FOLLOWING:
(9:28 AM)
- A. PARTIAL VACATION OF LOTS 2, 3, 4 AND 5, BLOCK A FOREST BLUFF SUBDIVISION SECTION 1 AS RECORDED IN DOCUMENT 200300050 OF TRAVIS COUNTY RECORDS; AND
 - B. REPLAT OF LOTS 2, 3, 4 AND 5, BLOCK A FOREST BLUFF SUBDIVISION SECTION 1 (SHORT FORM PLAT- DELTA POST DRIVE - NO FISCAL REQUIRED –CITY OF AUSTIN ETJ) IN PRECINCT ONE.
(COMMISSIONER DAVIS)

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

14. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PROPOSED STREET NAME ASSIGNMENT FOR TWO PRIVATE ACCESS EASEMENTS TO BE KNOWN AS 'THISTLE RIDGE" AND "THISTLE COURT" NEAR CUERNAVACA DRIVE IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:28 AM)

Clerk's Note: Item 14 is the action item for the public hearing on Agenda Item 1.

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 REGARDING A PROPOSED STREET NAME CHANGE FOR A PORTION OF ROSS ROAD EAST OF STONEY RIDGE SUBDIVISION TO BE KNOWN AS "HEINE FARM ROAD" IN PRECINCT FOUR. (COMMISSIONER GÓMEZ) (9:28 AM)

Clerk's Note: Item 15 is the action item for the public hearing on Agenda Item 2.

Clerk's Note: Item 15 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

HEALTH AND HUMAN SERVICES ITEMS

16. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR PRINTING OF FLIERS TO INFORM ELIGIBLE TRAVIS COUNTY RESIDENTS OF THE FEDERAL EARNED INCOME TAX PROGRAM AND OTHER TAX BENEFITS IN PARTNERSHIP WITH THE INTERNAL REVENUE SERVICE AND FOUNDATION COMMUNITIES. (9:28 AM)

Clerk's Note: Judge Biscoe announced that Item 16 would be approved at a cost of roughly \$7,000.00.

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 REGARDING INTERLOCAL AGREEMENT WITH THE TRAVIS COUNTY HOSPITAL DISTRICT REGARDING THE MEDICAID UPPER PAYMENT LIMIT AND DISPROPORTIONATE SHARE HOSPITAL PROGRAMS. (1:52 PM)

Members of the Court heard from: John Hille, Assistant County Attorney; Stacy Wilson, Assistant County Attorney; Travis Gatlin, Budget Analyst, Planning and Budget Office (PBO); Dolores Ortega Carter, Travis County Treasurer; and Leroy Nellis, Budget Manager, PBO.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve Item 17, the Interlocal Agreement, up to \$45 million dollars, but we ought to fill in the exact amount so we know, and we'll just e-mail the Court what the exact amount is.

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

- 18. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:29 AM)

Item 18 not needed.

ADMINISTRATIVE OPERATIONS ITEMS

- 19. REVIEW AND APPROVE THE IMMEDIATE RELEASE OF REIMBURSEMENT PAYMENT TO UNITED HEALTH CARE FOR CLAIMS PAID FOR TRAVIS COUNTY EMPLOYEES AND DEPENDENTS COVERED BY THE HOSPITAL AND INSURANCE FUND FOR PAYMENT OF \$438,380.27 FOR THE PERIOD OF SEPTEMBER 30, 2005 THROUGH OCTOBER 6, 2005. (9:28 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. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:28 AM)

Clerk's Note: Item 20 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

21. A. REVIEW AND APPROVE TUITION REFUNDS FOR CERTAIN EMPLOYEES WHO HAVE COMPLETED CLASSES IN ACCORDANCE WITH TUITION REIMBURSEMENT POLICY. (9:28 AM)
- B. APPROVE REQUEST AND AUTHORIZE THE COUNTY AUDITOR AND TREASURER'S OFFICE TO REIMBURSE EMPLOYEES AS LISTED.

Clerk's Note: Items 21.A and B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

22. CONSIDER AND TAKE APPROPRIATE ACTION ON PHASE 2 OPTIONS FOR THE 5501 AIRPORT BLVD BUILDING: (5:32 PM)
1. RELOCATE CES SERVICE CENTER, CJP, EMS, FM DIVISIONS;
 2. RELOCATE CJP, EMS AND FM DIVISIONS;
 3. RELOCATE HHS DIVISIONS FROM PALM SQUARE;
 4. CONSTRUCT A TRANSITIONAL SPACE AREA;
 5. CONSTRUCT PARKING GARAGE; OR
 6. MAINTAIN STATUS QUO.

Items 22.1-6 postponed until October 25, 2005.

PURCHASING OFFICE ITEMS

23. APPROVE PURCHASE OF DELL COMPUTER HARDWARE FROM TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) THROUGH DELL MARKETING L.P. (ITS) (COMMISSIONER GÓMEZ) (9:28 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. APPROVE INTERLOCAL AGREEMENT WITH AUSTIN COMMUNITY COLLEGE FOR EARLY CHILDHOOD MENTORING. (HHS) (COMMISSIONER GÓMEZ) (9:28 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 MODIFICATION NO. 2 TO CONTRACT NO. PS040022EF, LANGUAGE LINE, FOR INTERPRETING SERVICES. (HHS) (COMMISSIONER GÓMEZ) (9:28 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.

26. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 5) TO CONTRACT NO. PS040031LB, RIO GRANDE COUNSELING CENTER, FOR PROFESSIONAL COUNSELING SERVICES. (DRO) (COMMISSIONER GÓMEZ) (9:28 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 ISSUANCE OF JOB ORDER NO. 13, MINOR CONSTRUCTION AND RENOVATION SERVICES, CONTRACT NO. 04K0203BRV, ARCHITECTURAL HABITAT OF AUSTIN, INC., FOR RENOVATION SERVICES AT THE TRAVIS COUNTY COURTHOUSE THIRD FLOOR. (FM) (COMMISSIONER GÓMEZ) (9:28M)

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.

OTHER ITEMS

- 31. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:28 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 THE FOLLOWING REQUESTS: (1:41 PM)
 - A. RECEIVE BRIEFING FROM FIRST SOUTHWEST AND OTHER CONSULTANTS REGARDING OPPORTUNITY TO REALIZE SIGNIFICANT SAVINGS BY REFINANCING;
 - B. AUTHORIZE COUNTY STAFF, FINANCIAL ADVISOR AND BOND COUNSEL TO PROCEED WITH PREPARATION OF NECESSARY DOCUMENTS TO REFINANCE VARIOUS COUNTY DEBT OBLIGATIONS;
 - C. DESIGNATE FIRST SOUTHWEST AS UNDERWRITER.

Clerk’s Note: Items 32.A-C are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Glenn Opel, Travis County Bond Counsel; Gary Kimball, First Southwest Company; and Sharon Ockletree, D. Ladd Pattillo and Associates.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to approve Item 32.B.

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

- 34. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM THE DISTRICT ATTORNEY’S OFFICE TO REDIRECT CERTAIN FUNDING TO FUND LEGAL SUPPORT ASSISTANCE FOR THE CIVIL UNIT OF THE FAMILY JUSTICE DIVISION. (2:00 PM)

Members of the Court heard from: LaRue Woody, Travis County District Attorney’s Office; Travis Gatlin, Budget Analyst, PBO; Vicki Skinner, Administrative Director, Travis County District Attorney’s Office; Jeanne Meurer, District Judge, 98th District Court; and Mary Etta Gerhardt, Assistant County Attorney.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to redirect the funds that have been utilized in the Health and Human Services budget; that this be redirected to fund the legal support assistance for the Civil Unit of the Family Justice Division out of the District Attorney’s Office; that whatever leftover is there at the outset that is not necessary for this contract, remain in Health and Human Services; and that we bring back at the appropriate time, when we can talk about the certification, etc., how these dollars will be used for the IV-E reimbursements, and that any and all legal issues related to the past contract we've had with Child Protective Services (CPS) – that that be cleaned up, brought back, closed out, trued up, and anything else related to legalese that we need to do to basically; sever our relationship and move, and that the posting of these jobs be made immediately.

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 APPROVE ASSESSMENT AND COLLECTION SERVICES AGREEMENT BETWEEN TRAVIS COUNTY AND EANES INDEPENDENT SCHOOL DISTRICT. (9:28 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.

- 36. APPROVE BOND FOR ROBERT D. JONES TO SERVE AS VISITING TRAVIS COUNTY JUSTICE OF THE PEACE. (9:28 AM)

Clerk’s Note: Item 36 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

37. CONSIDER AND TAKE APPROPRIATE ACTION ON AGREEMENT TO CONDUCT NOVEMBER 8, 2005 JOINT SPECIAL ELECTIONS BETWEEN TRAVIS COUNTY, TRAVIS COUNTY ESDS #1, #2, AND #7, THE VILLAGE OF BEE CAVE, THE CITY OF LEANDER, AND PRESIDENTIAL GLEN MUD.
(9:28 AM)

Clerk's Note: Item 37 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.

38. RECEIVE LEGAL BRIEFING ON COUNTY OPTIONS IN CASES WHERE PROPERTY OWNERS HAVE CONSTRUCTED ENCROACHMENTS IN COUNTY RIGHT-OF-WAY WITHOUT THE PERMISSION OR KNOWLEDGE OF TRAVIS COUNTY, AND TAKE APPROPRIATE ACTION. ¹ (3:57 PM)
(5:31 PM)

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.

No action necessary on Item 38.

Item 38 to be reposted on October 25, 2005.

39. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN ENTERTAINMENT BY J & J, INC. V. RUFINO CORNEJO AND LUKE MERCER, CONSTABLE, PRECINCT ONE, ET AL. (REQUESTED BY COUNTY ATTORNEY) ¹ (3:57 PM) (5:31 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.

Discussion Only. No formal action taken.

Item 39 to be reposted after November 8, 2005.

40. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING ENTERTAINMENT BY J & J INC. V. CELIA PEREZ, VERONICA PEREZ GOVEA AND LUKE MERCER, CONSTABLE, PRECINCT ONE, ET AL. ¹ (3:57 PM) (5:31 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.

Discussion Only. No formal action taken.

Item 40 to be reposted after November 8, 2005.

41. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING LEASE/PURCHASE AGREEMENT FOR THE JP/CONSTABLE PCT. 2 OFFICES AT 10409 BURNET ROAD. ² (3:57 PM) (5:32 PM)

Clerk's Note: Judge Biscoe announced that Item 41 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.072, Real Property.

Discussion Only. No formal action taken.

Item 41 to be reposted on October 25, 2005.

42. CONSIDER AND TAKE APPROPRIATE ACTION ON OFFICE SPACE LEASE PROPOSALS FOR COUNSELING AND EDUCATION SERVICES. ² (3:57 PM) (5:32 PM)

Clerk's Note: Judge Biscoe announced that Item 42 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.072, Real Property.

Discussion Only. No formal action taken.

Item 42 to be reposted on October 25, 2005.

43. APPROVE OR REJECT PROPOSED FARMERS MARKET LEASE AGREEMENT WITH RUSSELL HAERTL D/B/A SUN TINT, INC. ^{1 AND 2} (3:57 PM) (5:33 PM)

Clerk's Note: Judge Biscoe announced that Item 43 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 Commissioner Sonleitner **and seconded by** Commissioner Gómez to reject the proposed lease as being inconsistent with the tenant mix, and that we re-urge the Manager of the Farmers Market to please take care of the graffiti located on the barn.

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

- 44. CONSIDER AND TAKE APPROPRIATE ACTION ON AN OFFER TO BUY AN EXCLUSIVE ACCESS, CABLE AND EQUIPMENT EASEMENT SUBMITTED BY SOUTHWESTERN BELL TELEPHONE, L.P. FOR LAND OWNED BY TRAVIS COUNTY ALONG FM 973 IN PRECINCT FOUR. (COMMISSIONER GÓMEZ)
^{1 AND 2} (3:57 PM) (5:33 PM)

Clerk’s Note: Judge Biscoe announced that Item 44 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 Gómez to reject the offer, but indicate our intention to negotiate a more acceptable settlement agreement with them, with conditions regarding their future use of this land and responsibility to relocate utilities if there is a state highway expansion project.

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 44 to be reposted on November 1, 2005.

- 45. CONSIDER AND TAKE APPROPRIATE ACTION ON TEMPORARY ASSISTANT TO THE CHIEF OPERATING OFFICER IN MEDICAL EXAMINER’S OFFICE. ³ (3:57 PM) (5:34 PM)

Clerk’s Note: Judge Biscoe announced that Item 45 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.074, Personnel Matters.

Discussion Only. No formal action taken.

Item 45 to be reposted on October 25, 2005.

- 46. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING PERMIT AMENDMENT APPLICATION OF WASTE MANAGEMENT OF TEXAS FOR AUSTIN COMMUNITY RECYCLING AND DISPOSAL FACILITY, TCEQ PERMIT NO. MSW-249D. ¹ (3:57 PM) (5:35 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.

Discussion Only. No formal action taken.

Clerk’s Note: The Court without objection directed County Staff to proceed in the direction discussed. The Court reminded Staff that the Court is formally of record in opposition to a Waste Management expansion at the Northeast Travis County location. This will be on the Agenda at the Capital Area Council of Governments (CAPCOG) as early as tomorrow morning, and in the future. So, until further notice, County Staff should indicate the previously indicated position.

Item 46 to be reposted when necessary.

THE FOLLOWING IS AN ADDENDUM:

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO CLARIFY COURT DECISION ON PAY GRADE FOR A PROJECT MANAGER AND OTHER POSITIONS IN DISTRICT/COUNTY COURTS TECHNOLOGY TEAM. (1:40 PM)

Members of the Court heard from: Mike Wichern, Chief Assistant County Auditor, Travis County Auditor’s Office.

Clerk’s Note: Judge Biscoe stated that the Court authorized the Project Manager I, whose pay grade is 25, the Business Analyst III, at paygrade 23, and the Systems Engineer II, at paygrade 23.

Motion by Judge Biscoe and seconded by Commissioner Gómez to clarify the Court’s position by confirming that we authorize these three. The Project Manager will be hired first. If there is an opportunity to under-fill and save money, that would be done as usual.

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

