

MINUTES OF MEETING – JULY 18, 2006

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 18th day of July 2006, 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 Gillian Porter.

The Commissioners Court recessed the Voting Session at 10:29 AM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation; convened at 10:29 AM and adjourned at 10:42 AM.

The Commissioners Court reconvened the Voting Session at 10:42 AM.

The Commissioners Court recessed the Voting Session at 12:01 PM

The Commissioners Court, meeting as the Travis County Cultural Education Facilities Finance Corporation convened at 1:35 PM and adjourned at 1:36 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle); convened at 1:36 PM and adjourned at 1:38 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation; convened at 1:38 PM and adjourned at 1:56 PM.

The Commissioners Court reconvened the Voting Session at 1:56 PM.

The Commissioners Court retired to Executive Session at 2:09 PM.

The Commissioners Court reconvened the Voting Session at 4:25 PM.

The Commissioners Court adjourned the Voting Session at 4:30 PM.

RESOLUTIONS & PROCLAMATIONS

3. APPROVE PROCLAMATION RECOGNIZING THE 23RD ANNUAL "NATIONAL NIGHT OUT" IN TRAVIS COUNTY ON AUGUST 1, 2006. (9:40 AM)

Members of the Court heard from: Mary Rodriguez, Deputy, Travis County Sheriff's Office (TCSO).

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to approve the Proclamation in 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

ADMINISTRATIVE OPERATIONS ITEMS

4. 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 \$336,181.53 FOR THE PERIOD OF JUNE 30 TO JULY 6, 2006. (9:46 AM)

Clerk's Note: Item 4 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

5. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:46 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.

12. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. PS040255MB, JOSE I. GUERRA, INC. TO PROVIDE STRUCTURAL AND MECHANICAL, ELECTRICAL AND PLUMBING ENGINEERING SERVICES FOR THE MEDICAL EXAMINER FACILITY. (FM) (COMMISSIONER GÓMEZ) (9:46 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.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

13. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST FOR A PROPOSED STREET NAME CHANGE FROM "SISQUOC STREET" TO "SAN LUCAS DRIVE" IN GRANADA OAKS SUBDIVISION OFF EL REY BOULEVARD, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:46 AM)

Clerk's Note: Item 13 is the action item for the public hearing on Agenda Item 1.

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 THE FOLLOWING ITEMS IN THE LAKES AT TECHRIDGE SUBDIVISION: (9:46 AM)
 - A. FINAL PLAT AND CONSTRUCTION AGREEMENT IN PRECINCT ONE: LAKES AT TECHRIDGE FINAL PLAT (7 LOTS – 128.473 ACRES – HOWARD LANE EAST – FISCAL POSTED – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN 2-MILE ETJ – CITY OF AUSTIN FULL PURPOSE JURISDICTION); AND
 - B. ASSIGNMENT AND ASSUMPTION OF SUBDIVISION CONSTRUCTION AGREEMENT. (COMMISSIONER DAVIS)

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. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REQUESTS IN THE SUMAN RANCH AT FALL CREEK SUBDIVISION:
(9:18 AM)
 - A. VARIANCES FROM CHAPTER 82, STANDARDS FOR CONSTRUCTION OF STREETS AND DRAINAGE IN SUBDIVISIONS IN TRAVIS COUNTY:
 1. SECTION 82.202(d), REQUIREMENT THAT LOTS IN A SUBDIVISION FRONT UPON AND THAT THE SUBDIVISION TAKES ACCESS VIA A ROAD MEETING COUNTY STANDARDS;
 2. SECTION 82.206(b)(6), REQUIREMENT THAT A PRIVATE STREET IN A SUBDIVISION CONNECT DIRECTLY TO A DEDICATED PUBLIC ROAD OR AN APPROVED PRIVATE ROAD;
 3. SECTION 82.401(a)(6), REQUIREMENT THAT FISCAL SECURITY FOR CONSTRUCTION OF SUBDIVISION INFRASTRUCTURE BE POSTED UPON PLAT APPROVAL; AND
 - B. PLAT FOR RECORDING IN PRECINCT THREE: SUMAN RANCH AT FALL CREEK (LONG FORM PLAT – 21 TOTAL LOTS: 19 SINGLE-FAMILY RESIDENTIAL LOTS, 1 COMMON AREA LOT AND 1 PRIVATE STREET LOT – TOTAL ACREAGE 567.00 – THIS PROPERTY IS NOT LOCATED ON A DEDICATED PUBLIC STREET – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY LCRA AND TRAVIS COUNTY – NO MUNICIPAL ETJ). (COMMISSIONER DAUGHERTY)

Item 15 pulled from the Agenda.

16. CONSIDER AND TAKE APPROPRIATE ACTION ON A VARIANCE TO CHAPTER 64, TRAVIS COUNTY REGULATIONS FOR FLOODPLAIN MANAGEMENT AND GUIDELINES AND PROCEDURES FOR DEVELOPMENT PERMITS TO ALLOW LOWEST HABITABLE FLOOR ELEVATION TO BE LESS THAN ONE FOOT ABOVE BASE FLOOD ELEVATION (BFE), BUT ABOVE THE BFE FOR A PORTION OF THE EXISTING HOME LOCATED AT 17413 EAST DARLEEN DRIVE. (COMMISSIONER DAUGHERTY) (11:59 AM)

Members of the Court heard from: Stacey Scheffel, Flood Plain Manager, TNR.

Motion by Commissioner Daugherty **and seconded by** Commissioner Sonleitner to approve Item 16.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

17. CONSIDER AND TAKE APPROPRIATE ACTION TO APPROVE A CASH SECURITY AGREEMENT FOR BOUNDARY STREET FISCAL FOR ANDERSON MILL ROAD, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:46 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. CONSIDER AND TAKE APPROPRIATE ACTION ON A CONSTRUCTION AGREEMENT AND A PLAT FOR RECORDING IN PRECINCT TWO: THE VILLAGES OF HIDDEN LAKE, PHASE 5B (LONG FORM PLAT – 120 LOTS – 26.31 ACRES – WEISS LANE – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY CITY OF PFLUGERVILLE – CITY OF PFLUGERVILLE ETJ). (COMMISSIONER SONLEITNER) (9:46 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.

- 20. CONSIDER AND TAKE APPROPRIATE ACTION ON SITE PLAN VARIANCE REQUESTS FROM CHAPTER 82, STANDARDS FOR CONSTRUCTION OF STREETS AND DRAINAGE IN SUBDIVISIONS IN TRAVIS COUNTY FROM THE ARCHITECTURAL GRANITE AND MARBLE COMPANY: (10:09 AM)
 - A. SECTION 82.209(c)(3)(E), REQUIREMENT THAT DEVELOPMENT IN A WATERWAY BUFFER ZONE IS PROHIBITED EXCEPT TO CERTAIN USES AND IN CERTAIN CIRCUMSTANCES;
 - B. SECTION 82.209(c)(3)(B), REQUIREMENT ESTABLISHES THE BUFFERS FOR EACH CLASSIFICATION OF WATERWAY; AND
 - C. SECTION 82.209(d), REQUIREMENT THAT STIPULATES ALL CUT AND FILL LAND BALANCING SHALL BE LIMITED TO A MAXIMUM OF 8 FEET. (COMMISSIONER DAUGHERTY)

Members of the Court heard from: Anna Bowlin, Program Manager, Planning and Engineering, TNR; Scott Naizer, Chief Financial Officer, Architectural Granite and Marble Company; and Nell Penridge, Hill Country Alliance.

Motion by Commissioner Daugherty **and seconded by** Commissioner Sonleitner to approve Items 20.A-C.

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

PLANNING AND BUDGET DEPT. ITEMS

22. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (11:35 AM) (11:37 AM) (4:29 PM)

Clerk's Note: The Court noted that approval of Item 21 automatically approves T.1 of Item 22.

Motion by Judge Biscoe to approve A1-A4 in Item 22.

Withdrawal of the previous Motion was made by Judge Biscoe.

Clerk's Note: The Court revisited Item 22 at 4:29 PM.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to approve all budget amendments and transfers not previously acted upon.

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

23. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:46 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. CONSIDER AND TAKE APPROPRIATE ACTION TO AUTHORIZE THE HIRING OF SUPPORT PERSONNEL FOR A NEWLY AUTHORIZED ATTORNEY POSITION. (COUNTY ATTORNEY) (11:38 AM) (11:55 AM)

Members of the Court heard from: Travis Gatlin, Budget Analyst, PBO; Diana Warner, Auditor's Office; and John Hille, Assistant County Attorney.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 24.

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

25. CONSIDER AND TAKE APPROPRIATE ACTION ON SETTING JUDICIAL SALARIES FOR FY '07 IN LIGHT OF ATTORNEY GENERAL OPINION GA-0437. JUDICIAL SALARIES INCLUDE DISTRICT JUDGES, COUNTY COURT AT LAW JUDGES, ASSOCIATE JUDGES AND JUSTICES OF THE PEACE. (AUDITOR'S OFFICE) (9:49 AM)

Members of the Court heard from: Susan Spataro, Travis County Auditor; and the Honorable John K. Dietz, Judge, 250th District Court; Barbara Wilson, Assistant County Attorney; and Judge Herb Evans, Justice of the Peace Precinct 5.

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to follow the Auditors recommendations.

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

26. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO CHARGE MUNICIPALITIES FEES FOR SHERIFF'S OFFICE DISPATCH AND RELATED SERVICES. (SHERIFF'S OFFICE) (10:54 AM)

Members of the Court heard from: Rick Whitehead, Captain, TCSO; and Chris Wallace, Dispatch Supervisor, TCSO.

Discussion only. No formal action taken.

Item 26 to be reposted August 1, 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.

28. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING ONLINE POSTING OF PUBLIC RECORDS BY THE COUNTY CLERK'S OFFICE. ¹
(2:09 PM) (4:25 PM)

Clerk's Note: Judge Biscoe announced that Item 28 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

A.2 APPROVE MODIFICATION NO. 2 TO CONTRACT NO. 06K00105LP, FY 2006 TYPE C, HOT MIX OVERLAY CONSTRUCTION SERVICES, WHEELER COATINGS ASPHALT, LP. (TNR) (9:46 AM)

Clerk's Note: Item A.2 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

A.3 CONSIDER AND TAKE APPROPRIATE ACTION IN RESPONSE TO ORDER FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS (MARSHALL DIVISION) IN LEAGUE OF UNITED LATIN AMERICAN CITIZENS, ET. AL. V. RICK PERRY, GOVERNOR OF TEXAS, ET. AL., CIVIL NO. 2:03-CV-354 CONSOLIDATED. (EXECUTIVE SESSION ALSO, PURSUANT TO GOV'T. CODE ANN. 551.071, CONSULTATION WITH ATTORNEY.) (2:09 PM) (4:27 PM)

Clerk's Note: Judge Biscoe announced that Item A.3 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Clerk's Note: The Court gave Staff directions as to follow up action. For public information Friday, July 28, 2006 is the deadline to file any final comments to any party's map. The hearing will be on August 3, 2006 at the Federal Courthouse.

A.4 RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION ON PERSONNEL GRIEVANCE OF SHARON MASLON AND RELATED ISSUES. (EXECUTIVE SESSION ALSO, PURSUANT TO GOV'T. CODE ANN. 551.071, CONSULTATION WITH ATTORNEY AND 551.074, PERSONNEL MATTERS.) (2:09 PM) (4:28 PM)

Clerk's Note: Judge Biscoe announced that Item A.4 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 authorize the County Judge to communicate with Ms. Maslon in response to a promise the Judge made after a telephone conversation.

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

