

## **MINUTES OF MEETING – AUGUST 8, 2006**

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

On Tuesday, the 8<sup>th</sup> day of August 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 12:08 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation; convened at 1:40 PM and adjourned at 1:41 PM.

The Commissioners Court reconvened the Voting Session at 1:41 PM.

The Commissioners Court retired to Executive Session at 2:19 PM.

The Commissioners Court reconvened the Voting Session at 4:41 PM.

The Commissioners Court adjourned the Voting Session at 4:48 PM.



2. RECEIVE COMMENTS REGARDING A REQUEST TO TEMPORARILY CLOSE COUNTY LINE ROAD SOUTH OF U.S. 290 EAST IN PRECINCT ONE FOR CULVERT REPAIRS STARTING AUGUST 9, 2006 AND CONTINUING FOR ONE WEEK OR UNTIL CONSTRUCTION IS COMPLETED. (COMMISSIONER DAVIS) (ACTION ITEM #18) (9:21 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to Agenda Item 18 for a summary of the action item.

**Motion by** Commissioner Davis **and seconded by** Commissioner Sonleitner to open the public hearing.

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

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

**Motion by** Commissioner Davis **and seconded by** Commissioner Sonleitner to close the public hearing.

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

### **CITIZENS COMMUNICATION**

**Members of the Court heard from:** Jimmy Castro, Travis County Resident; Ms. Phillip A. Dick, President, Parents of Concerned Inmates. (9:22 AM)



**SPECIAL ITEMS**

- 3. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY AND RELATED MATTERS. (1:41 PM)

**Members of the Court heard from:** Brad Beauchamp, Acting Travis County Fire Marshal.

**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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

**Clerk’s Note:** Judge Biscoe noted that the previous vote was to take no action, and that by taking no action the Prohibition on outdoor burning will remain in place.

**HEALTH AND HUMAN SERVICES DEPT. ITEMS**

- 4. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED INTERLOCAL COOPERATION AGREEMENT WITH CITY OF AUSTIN FOR PUBLIC HEALTH HUMAN SERVICES. (9:17 AM)

Item 4 to be reposted on August 15, 2006.

- 5. CONSIDER AND TAKE APPROPRIATE ACTION ON BRIEFING FROM THE TRAVIS COUNTY COLLABORATIVE AFTER SCHOOL PARTNERSHIP REGARDING PERFORMANCE OF THE TRAVIS COUNTY AFTER SCHOOL CARE SERVICES CONTRACT. (10:48 AM)

**Members of the Court heard from:** Deborah E. Britton, Director, Community Services Division, Travis County Health and Human Services and Veteran Services (TCHHS&VS); and Shirlene Justice, Austin Independent School District (AISD).

Discussion only. No formal action taken.

### PLANNING AND BUDGET DEPT. ITEMS

6. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:29 AM)
  - A. GRANT CONTRACT WITH THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES FOR TITLE IV-E LEGAL SERVICES CONTRACT IN THE DISTRICT ATTORNEY'S OFFICE THAT CONTINUES THE EXISTING PROGRAM FOR FY '07.

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

7. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:29 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.

### ADMINISTRATIVE OPERATIONS ITEMS

8. 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 \$663,933.90 FOR THE PERIOD OF JULY 21 TO JULY 27, 2006. (9:29 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 ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:29 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.

**JUSTICE & PUBLIC SAFETY ITEMS**

10. CONSIDER AND TAKE APPROPRIATE ACTION ON THE RE-APPOINTMENT OF CURTIS CLINE AND WILLIAM WISKO TO THE TRAVIS COUNTY BOARD OF REVIEW PURSUANT TO CHAPTER 71.015, FIRE CODE. (1:42 PM)

**Members of the Court heard from:** Brad Beauchamp, Acting Fire Marshal, Travis County Fire Department.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve Item 10.

**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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

**Clerk’s Note:** The Court noted that each term will be for four years.

11. CONSIDER AND TAKE APPROPRIATE ACTION ON THE CENTRAL BOOKING INTERLOCAL AGREEMENT BETWEEN THE CITY OF AUSTIN AND TRAVIS COUNTY. (2:14 PM)

**Members of the Court heard from:** Caryl Colburn, Interim Criminal Justice Planning Coordinator, Criminal Justice Planning (CJP); and Jim Connolly, Assistant County Attorney.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Davis to approve Item 11.

**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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

**PURCHASING OFFICE ITEMS**

12. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE ISSUANCE OF REQUEST FOR QUALIFICATIONS (RFQ) NO. Q060268-RV, PROFESSIONAL CONSULTING SERVICES FOR MASTER PLAN DEVELOPMENT FOR A NEW TRAVIS COUNTY CIVIL COURTS BUILDING. (FM) (COMMISSIONER GÓMEZ) (9:35 AM)

**Members of the Court heard from:** Cyd Grimes, Travis County Purchasing Agent; Alicia Perez, Executive Manager, Administrative Operations; Roger El Khoury, Director, Facilities Management; Jim Barr, Senior Project Manager, TNR; and the Honorable John K. Dietz, Judge, 250<sup>th</sup> District Court.

Discussion only. No formal action taken.

Item 12 to be reposted on August 15, 2006.

13. DECLARE CERTAIN SURPLUS PROPERTY AND AUTHORIZE SAME TO BE DISPOSED OF THROUGH DELL, INC., PURSUANT TO SECTION 263.152 OF THE TEXAS LOCAL GOVERNMENT CODE. (PURCHASING) (COMMISSIONER GÓMEZ) (9:29 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. DECLARE CERTAIN EQUIPMENT AS SURPLUS AND SELL AT PUBLIC AUCTION PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (COMMISSIONER GÓMEZ) (9:29 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. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. 06K00105LP, WHEELER COATINGS ASPHALT, LP., FOR FY 2006 TYPE C, HOT MIX OVERLAY CONSTRUCTION SERVICES. (TNR) (COMMISSIONER GÓMEZ) (9:29 AM)

**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.



- 16. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR MODIFICATION NO. 1 TO CONTRACT NO. PS040282JW WITH ROBERT R. KAMM AND CHRISTOPHER S. SHIELDS, P.C., FOR PROFESSIONAL LEGISLATIVE ADVOCACY SERVICES. (COMMISSIONERS COURT) (1:44 PM)

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

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that the amount in the Modification be \$87,000.00, and that we ask the Purchasing Agent to make that change for us.

**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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

**Clerk’s Note:** Judge Biscoe noted that the amount is \$87,000.00 plus \$1,000.00 in expenses per year, for a not-to-exceed amount of \$88,000.00 per year.

**TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS**

- 17. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF THE OLD BEE CAVE ROAD RIGHT OF WAY IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:29 AM)

**Clerk’s Note:** Item 17 is the action item for the public hearing on Agenda Item 1.

**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 REGARDING A REQUEST TO TEMPORARILY CLOSE COUNTY LINE ROAD SOUTH OF U.S. 290 EAST IN PRECINCT ONE FOR CULVERT REPAIRS STARTING AUGUST 9, 2006 AND CONTINUING FOR ONE WEEK OR UNTIL CONSTRUCTION IS COMPLETED. (COMMISSIONER DAVIS) (9:29 AM)

**Clerk's Note:** Item 18 is the action item for the public hearing on Agenda Item 2.

**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 REGARDING SPANISH OAKS SECTION 8 (51 TOTAL LOTS – 53.723 ACRES, 44 SINGLE-FAMILY LOTS, 1 PRIVATE STREET LOT AND 6 OPEN SPACE LOTS – SPANISH OAKS BOULEVARD): (9:29 AM)
  - A. A PRELIMINARY PLAN IN PRECINCT THREE – NO FISCAL IS REQUIRED WITH TRAVIS COUNTY WITH THIS PRELIMINARY PLAN – SEWAGE SERVICE TO BE PROVIDED BY THE LOWER COLORADO RIVER AUTHORITY – VILLAGE OF BEE CAVE ETJ); AND
  - B. A FINAL PLAT IN PRECINCT THREE – FISCAL HAS BEEN POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY THE LOWER COLORADO RIVER AUTHORITY – VILLAGE OF BEE CAVE ETJ). (COMMISSIONER DAUGHERTY)

**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 ON THE FOLLOWING REGARDING SPANISH OAKS IIIC (12 TOTAL LOTS – 9.173 ACRES, 10 SINGLE-FAMILY LOTS, 1 PRIVATE STREET LOT AND 1 OPEN SPACE LOT – SPANISH OAKS BOULEVARD): (9:29 AM)
- A. A PRELIMINARY PLAN IN PRECINCT THREE – NO FISCAL IS REQUIRED WITH TRAVIS COUNTY WITH THIS PRELIMINARY PLAN – SEWAGE SERVICE TO BE PROVIDED BY THE LOWER COLORADO RIVER AUTHORITY – VILLAGE OF BEE CAVE ETJ);
  - B. A FINAL PLAT IN PRECINCT THREE – FISCAL HAS BEEN POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY THE LOWER COLORADO RIVER AUTHORITY – VILLAGE OF BEE CAVE ETJ); AND
  - C. APPROVAL OF CONSTRUCTION AGREEMENT FOR SPANISH OAKS IIIC FINAL PLAT. (COMMISSIONER DAUGHERTY)

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

21. A. CONSIDER AND TAKE APPROPRIATE ACTION ON A REVISED PRELIMINARY PLAN IN PRECINCT ONE: REVISED PRELIMINARY PLAN, PRESIDENTIAL MEADOWS (REVISION IS FOR 1 LOT – 4.651 ACRES, 1 AMENITY LOT – DWIGHT EISENHOWER STREET – NO FISCAL IS REQUIRED FROM TRAVIS COUNTY WITH THIS PRELIMINARY PLAN – SEWAGE SERVICE TO BE PROVIDED BY COTTONWOOD CREEK MUNICIPAL DISTRICT NO. 1 – CITY OF MANOR ETJ); AND
- B. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT ONE: PRESIDENTIAL MEADOWS, SECTION 4-A (SHORT FORM PLAT – 1 LOT – 4.651 ACRES, 1 AMENITY LOT - DWIGHT EISENHOWER STREET – FISCAL HAS BEEN POSTED WITH TRAVIS COUNTY - SEWAGE SERVICE TO BE PROVIDED BY COTTONWOOD CREEK MUNICIPAL DISTRICT NO. 1 – CITY OF MANOR ETJ). (COMMISSIONER DAVIS) (9:29 AM)

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

22. A. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: RIVER DANCE, PHASE 4 (LONG FORM PLAT – 153 LOTS – 58.122 ACRES, 151 SINGLE-FAMILY AND 2 GREENBELT LOTS – QUINLAN PARK ROAD – TRUST DEED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY WCID NO. 17 – CITY OF AUSTIN ETJ); AND
- B. APPROVE CONSTRUCTION AGREEMENT FOR RIVER DANCE, PHASE 4. (COMMISSIONER DAUGHERTY) (9:29 AM)

**Clerk's Note:** Items 22.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

23. A. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: RIVER DANCE, PHASE 5 (LONG FORM PLAT – 94 LOTS – 66.183 ACRES, 92 SINGLE-FAMILY AND 2 DRAINAGE AND GREENBELT LOTS – QUINLAN PARK ROAD – TRUST DEED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY WCID NO. 17 – CITY OF AUSTIN ETJ); AND
- B. APPROVE CONSTRUCTION AGREEMENT FOR RIVER DANCE, PHASE 5. (COMMISSIONER DAUGHERTY) (9:29 AM)

**Clerk's Note:** Items 23.A&B 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 ON A PLAT FOR RECORDING IN PRECINCT THREE: COLDWATER, SECTION 4, PHASE A (SHORT FORM PLAT – 5 TOTAL LOTS, 4 SINGLE-FAMILY AND 1 PRIVATE STREET LOT, APPLICANT HAS CONSTRUCTED A PRIVATE STREET – 26.66 ACRES – COLD WATER CANYON DRIVE – NO FISCAL IS REQUIRED – SEWAGE SERVICE BY PRIVATE ONSITE SEWAGE SYSTEM – CITY OF AUSTIN 2-MILE ETJ). (COMMISSIONER DAUGHERTY) (9:29 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. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: COLDWATER, SECTION 4, PHASE B (SHORT FORM PLAT – 1 SINGLE-FAMILY LOT, APPLICANT HAS CONSTRUCTED A PRIVATE STREET – 22.01 ACRES – COLD WATER CANYON DRIVE – NO FISCAL IS REQUIRED – SEWAGE SERVICE BY PRIVATE ONSITE SEWAGE SYSTEM – CITY OF AUSTIN 2-MILE ETJ). (COMMISSIONER DAUGHERTY) (9:29 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. CONSIDER AND TAKE APPROPRIATE ACTION ON THE REQUEST TO USE ALTERNATIVE FISCAL FOR SWEETWATER SECTION 1 – PEDERNALES SUMMIT PARKWAY, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (1:47 PM)

**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   abstain  
                                   Precinct 2, Commissioner Karen Sonleitner   yes  
                                   Precinct 3, Commissioner Gerald Daugherty   absent  
                                   Precinct 4, Commissioner Margaret J. Gómez   yes

- 27. RECEIVE UPDATE AND TAKE APPROPRIATE ACTION ON AN AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION TO FUND RIGHT-OF-WAY FOR SH 45 NORTH. (9:32 AM)

**Clerk’s Note:** The Court noted that by approving Item 27, previous directions given to Staff remain in place.

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 27.

**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

28. RECONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO RECONSIDER PROHIBITION OF METAL DETECTORS IN TRAVIS COUNTY PARKS. (11:14 AM) (2:19 PM) (4:41 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.

**Members of the Court heard from:** Roy Turley, Parks Division Manager, TNR; Mark Denton, Director, Archeological Division, Texas Historical Commission; Charles Bergh, Division Director, Parks and Natural Resources, TNR; Larry Bicker, Travis County Resident; Blaine Nelson, Travis County Resident; Art Teman, Travis County Resident; Randy Cornell, Travis County Resident; Roy Knowls, Travis County Resident; and John Kuhl, Natural Resources Program Manager, TNR.

Discussion only. No formal action taken.

Item 28 to be reposted on August 29, 2006.

29. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING ISSUES INVOLVING THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY: (10:24 AM)

A. DESIGNATE TERMS OF DIRECTORS; AND

B. APPROVE APPOINTMENT PROCESS FOR NEW BOARD MEMBER.

**Members of the Court heard from:** Mike Heiligenstein, Executive Director, Central Texas Regional Mobility Authority (CTRMA); Carol Joseph, Assistant Director, TNR; and Tom Nuckols, Assistant County Attorney.

**Motion by Judge Biscoe and seconded by Commissioner Sonleitner** to approve the recommended appointment process for a new Board Member. We advertise the basic opportunity, we receive the applications, we short-list those and the Court interviews them in open Court.

**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

**Clerk’s Note:** The Court noted that applications for Board Members will be due between August 15, 2006 and August 25, 2006 in the Judge’s Office. The dates can be extended by the Court if it is thought necessary.

**Motion by Judge Biscoe and seconded by Commissioner Sonleitner** to designate the vacancy as Place Number Three, and the two incumbent places as One and Two, and that we designate One and Two to be two-year terms and Three to be a one-year term without addressing who fills them.

**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

30. 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. (1:48 PM)

**Members of the Court heard from:** John Langmore, Pate Engineering; Carl Urban, Travis County Resident; and Joe Gieselman, Executive Manager, TNR.

Discussion only. No formal action taken.

Item 30 to be reposted on August 22, 2006

### OTHER ITEMS

31. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:29 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 ASSESSMENT AND COLLECTION SERVICES AGREEMENT BETWEEN TRAVIS COUNTY AND LAKESIDE WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2D. (9:29 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 ASSESSMENT AND COLLECTION SERVICES AGREEMENT BETWEEN TRAVIS COUNTY AND BELVEDERE MUNICIPAL UTILITY DISTRICT. (9:29 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 SET A PUBLIC HEARING ON AUGUST 29, 2006 TO DISCUSS THE ANNUAL WRITTEN PLANS FOR THE 028 RECORDS MANAGEMENT PRESERVATION FUND AND 057 COUNTY CLERK'S RECORDS ARCHIVAL FUND AND PUBLISH THE APPROPRIATE NOTICE AS REQUIRED BY 118.025 OF THE LOCAL GOVERNMENT CODE. (9:29 AM)

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

- 35. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR THE FOLLOWING: (11:06 AM)
  - A. PRINTING OF FLIERS TO INFORM ELIGIBLE TRAVIS COUNTY RESIDENTS ABOUT THE TEXAS BENEFITS EVENT ON AUGUST 26, 2006 TO INCREASE ENROLLMENT IN THE CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP) AND OTHER TEXAS BENEFITS IN PARTNERSHIP WITH INSURE-A-KID, CHILDREN'S DEFENSE FUND TEXAS, TRAVIS COUNTY LEGISLATIVE DELEGATION, CITY OF AUSTIN AND TRAVIS COUNTY; AND
  - B. OTHER ACTIONS TO INCREASE PARTICIPATION IN THE TEXAS BENEFITS EVENT.

**Members of the Court heard from:** Dan Smith, Executive Assistant, County Judge's Office; and Kit Abney, Director, Insure-a-Kid.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the list we have been provided, setting out ways Travis County can help the effort.

**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

36. CONSIDER AND TAKE APPROPRIATE ACTION TO SET PUBLIC HEARING ON AUGUST 29, 2006, AT 9:00 A.M. AND APPROVE ORDER ESTABLISHING ROAD DISTRICT FOR HILL COUNTRY GALLERIA L.P. AFTER SUCH HEARING. (2:18 PM)

**Members of the Court heard from:** Carol Joseph, Assistant Director, TNR.

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner to approve Item 36.

**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	absent
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.**

- 37. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING GRIEVANCE PANEL DECISION REGARDING A FORMER TRANSPORTATION AND NATURAL RESOURCE EMPLOYEE, SLOT NO. 109. <sup>1 AND 3</sup> (2:19 PM) (4:41 PM)

**Clerk's Note:** Judge Biscoe announced that Item 37 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 Sonleitner** to postpone the hearing on this matter for two weeks, until August 22, 2006; that we encourage County staff to meet with the employee's legal representative to try to achieve a satisfactory settlement of this matter; and that we authorize Transportation and Natural Resources to post and fill this position.

**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

- 38. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING VARIOUS PERSONNEL RELATED MATTERS WITH DR. DAVID DOLINAK, CHIEF MEDICAL EXAMINER. <sup>3</sup> (2:19 PM) (4:42 PM)

**Clerk’s Note:** Judge Biscoe announced that Item 38 would be considered in Executive Session pursuant to Gov’t. Code Ann 551.074, Personnel Matters.

No action necessary on Item 38.

- 39. CONSIDER AND TAKE APPROPRIATE ACTION ON OFFERS FROM JAMES RYAN JONES FOR TAX RESALE DEEDS IN THE FOLLOWING TAX FORECLOSURE SALE PROPERTIES: (2:19 PM) (4:43 PM)

- A. TRAVIS COUNTY, ET. AL. V. JAMES E. HAYNES;
- B. TRAVIS COUNTY, ET. AL. V. CHARLES E. AND MARY MCNABB;
- C. TRAVIS COUNTY, ET. AL. V. GARY GRAHAM; AND
- D. TRAVIS COUNTY, ET. AL. V. PHILIP A. HELFRICH, JR. <sup>1</sup>

**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.

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner to authorize the County Judge to execute, to sign the tax resale deed to James Ryan Jones, and this one deed covers several pieces of property, and it covers:

- 39.A) which involves a tract of land that the County has received \$4,320.00 in cash for;
- 39.B) for which the County has received \$4,600.00 in cash;
- 39.C) for which the County has received \$5,595.00 in cash, and
- 39.D) for which the County has received \$5,330.00 in cash.

**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

- 40. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET. AL. V. BOB CLARK BUILDERS OF TEXAS, INC. (H. HUNE AND ROSS RICHARD-CROW RESALE DEED). <sup>1</sup> (2:19 PM) (4:44 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.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to sign the prepared tax resale deed to H. Hune and Ross Richard-Crow, who have paid Travis County the sum of \$32,000.00.

**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

- 41. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET. AL. V. WILLIAM T. PLEDGER, II AND DELFINA A. PLEDGER (MARIA G. DELGADO RESALE DEED). <sup>1</sup> (2:19 PM) (4:45 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 Sonleitner to authorize the County Judge to sign the prepared tax resale deed to Maria G. Delgado, who has paid Travis County the sum of \$8,500.00.

**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

42. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET. AL. V. O.J. WADE, JR. AND ANN D. WADE (MOUNT LAGO VISTA, LLC RESALE DEED). <sup>1</sup> (2:19 PM) (4:45 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.

**Motion by Judge Biscoe and seconded by Commissioner Sonleitner** to authorize the County Judge to sign the prepared tax resale deed to Mount Lago Vista LLC., which has paid Travis County the sum of \$3,650.00.

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

43. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, ET. AL. V. ROBERT F. NELSON (ROBERT W. RUGGIERO RESALE DEED). <sup>1</sup> (2:19 PM) (4:46 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.

**Motion by Judge Biscoe and seconded by Commissioner Sonleitner** to authorize the County Judge to sign the prepared tax resale deed to Robert W. Ruggiero, who has paid Travis County the sum of \$9,375.00 in cash.

**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. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION IN CONGRESSIONAL REDISTRICTING LITIGATION. <sup>1</sup> (2:19 PM) (4:46 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.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to authorize an additional \$5,000.00 from the Allocated Reserve, against which this legal representative should do billing in the future for services and expenses.

**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

45. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION ON SETTLEMENT OFFER IN FREDRICK PLUET, (DECEASED) V. MARGO FRASIER, ET. AL. (PLUET; FRASIER; CIVIL RIGHTS) (REQUESTED BY PLAINTIFF) <sup>1</sup> (2:19 PM) (4:47 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.

**Motion by Commissioner Sonleitner and seconded by Commissioner Gómez** that we reject the settlement offer and offer no counter at this point.

**Motion carried:**

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

- 46. RECEIVE LEGAL BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING: (2:19 PM) (4:47 PM)
  - A. GENERAL LIABILITY CLAIM FILED BY OPHELIA MELICIA FOR WATER DAMAGE TO HER RESIDENCE AT 1405 CANTERBURY, AUSTIN, TEXAS; AND
  - B. LITIGATION AGAINST COUNTY CONTRACTOR AND INSURANCE CARRIER. <sup>1</sup>

**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 Gómez to

- A) Authorize County Staff to proceed with the necessary repairs and remediation to Ms. Melicia's home;
- B) Authorize the County Attorneys' Office to initiate appropriate claims and litigation against the County Contractor and Insurance Carrier.

**A Friendly Amendment to the previous Motion was offered by** Commissioner Gómez to add a not-to-exceed amount of \$70,000.00 in Item 46.A.

**Acceptance of the Friendly Amendment was made by** Judge Biscoe and Commissioner Davis.

**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



47. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING CONSTABLE PRECINCT 5 EMPLOYEE SLOT NO. 12.<sup>1</sup>  
<sup>AND 3</sup> (2:10 PM) (4:48 PM)

**Clerk's Note:** Judge Biscoe announced that Item 47 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann 551.074, Personnel Matters.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to reject the counter offer.

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

**THE FOLLOWING ARE ADDED ITEMS:**

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR TRAVIS COUNTY TO GIVE ITS CONSENT AS LAND OWNER FOR THE LAKE TRAVIS EDUCATION EXTENSION ASSOCIATION TO APPLY TO THE TEXAS HISTORICAL COMMISSION FOR A GRANT FOR A PRESERVATION PROJECT ON THE NAMELESS SCHOOL TRACT. (COMMISSIONER DAUGHERTY) (9:29 AM)

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

- A2. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING RESOLUTION OF CONTRACT ISSUES WITH C.C. CARLTON INDUSTRIES, LTD. FOR WORK AT EAST METRO PARK PHASE I, CONTRACT NO. 04K00263. (THIS ITEM MAY BE TAKEN INTO EXECUTIVE SESSION PURSUANT TO GOV'T. CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (2:19 PM)  
(4:48 PM)

**Clerk's Note:** Judge Biscoe announced that Item A2 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 approve terms of a settlement agreement. A specific one will be prepared, and as long as it is consistent with the conditions/terms that we discussed we authorize Precinct One Commissioner Davis to execute the settlement agreement.

**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

**ADJOURNMENT**

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to adjourn the Voting Session. (4:48 PM)

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

**MINUTES APPROVED BY THE COMMISSIONERS' COURT**

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**Date of Approval**

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