

MINUTES OF MEETING – AUGUST 29, 2006

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 29th day of August 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 12:07 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle); convened at 1:41 PM and recessed at 1:41 PM.

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

The Commissioners Court recessed the Voting Session at 2:13 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle); reconvened at 2:20 PM and adjourned at 2:20 PM.

The Commissioners Court reconvened the Voting Session at 2:20 PM.

The Commissioners Court retired to Executive Session at 4:59 PM.

The Commissioners Court reconvened the Voting Session at 6:54 PM.

The Commissioners Court adjourned the Voting Session at 7:01 PM.

PUBLIC HEARINGS

1. RECEIVE COMMENTS REGARDING A PETITION FOR THE CREATION OF BASTROP-TRAVIS COUNTIES EMERGENCY SERVICES DISTRICT NO. 1. (ACTION ITEM #30) (9:19 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to Agenda Item 30 for a summary of the action item.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez 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: Dan Smith, Executive Assistant, County Judge's Office; and Matt De Ferranti, Attorney, Armbrust and Brown LLP.

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

2. RECEIVE COMMENTS 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. (ACTION ITEM #32) (9:22 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to Agenda Item 32 for a summary of the action item.

Motion by Commissioner Davis **and seconded by** Commissioner Daugherty 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: No speakers addressed the Court.

Motion by Commissioner Davis **and seconded by** Commissioner Daugherty 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: Ms. Phillip A. Dick, President, Parents of Concerned Inmates; Valerie Bristol, Nature Conservancy; Gus Peña, Travis County Resident; and Trek English, Northeast Action Group. (9:23 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C4 and Items 6, 7, 8, 9, 10, 13.A-C, 14, 15, 22.A-C, 23, 24, 25, 26, 28, 29, 30.A&B, 32, A1, A2, and A3. (9:36 AM)

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

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2. AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.
- C3. APPROVE COMMISSIONERS COURT MINUTES FOR EXECUTIVE SESSION ANNOUNCEMENT OF AUGUST 2, 2006.
- C4. APPROVE SETTING A PUBLIC HEARING ON OCTOBER 3, 2006 TO RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: REVISION OF LOTS 1-6, BLOCK V, RESERVE AT TWIN CREEKS SECTION 13 (SHORT FORM PLAT – 7 LOTS – 1.517 ACRES – TWIN CREEKS CLUB DRIVE – NO FISCAL REQUIRED – CITY OF CEDAR PARK ETJ). (COMMISSIONER DAUGHERTY)

RESOLUTIONS & PROCLAMATIONS

- 3. CONSIDER AND TAKE APPROPRIATE ACTION ON PLAN AND RESOLUTION TO END CHRONIC HOMELESSNESS. (9:39 AM)

Members of the Court heard from: John Nyfeler, Chairman, Ending Chronic Homelessness Organizing Committee (ECHO); and Gus Peña, Travis County Resident.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the Resolution in Item 3.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	abstain
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. (10:03 AM)

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

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to approve another order prohibiting outdoor burning.

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 4 to be reposted on September 5, 2006.

JUSTICE & PUBLIC SAFETY ITEMS

5. CONSIDER AND TAKE APPROPRIATE ACTION ON DESIGNATING SPACE FOR THE MENTAL HEALTH PUBLIC DEFENDERS OFFICE. (10:13 AM)

Members of the Court heard from: Caryl Colburn, Interim Criminal Justice Planning Coordinator, Criminal Justice Planning (CJP); and Kimberly Pierce, Interim Planning Manager, Criminal Justice Planning.

Discussion only. No formal action taken.

PURCHASING OFFICE ITEMS

6. APPROVE AWARD OF A CATALOG INFORMATION SYSTEMS VENDOR STATE CATALOG PURCHASE FOR REDACTION SERVICES FROM HART INTERCIVIC, INC. (COUNTY CLERK) (COMMISSIONER GÓMEZ) (9:36 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 INTERLOCAL AGREEMENT WITH TEXAS COOPERATIVE EXTENSION FOR WILDLIFE SERVICES. (HHS & VS) (COMMISSIONER GÓMEZ) (9:36 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 A SOLE SOURCE EXEMPTION AND A CONTRACT AWARD WITH SYSTEMS EVOLUTION INC. FOR MAINTENANCE SUPPORT FOR THE TRAVIS COUNTY APPOINTMENT MANAGEMENT SYSTEM FOR CIVIL AND CRIMINAL COURTS. (ITS) (COMMISSIONER GÓMEZ) (9:36 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 MODIFICATION NO. 11 TO CONTRACT NO. 04K00263JJ, C.C. CARLTON INDUSTRIES, LTD, FOR EAST METRO PARK (PHASE 1, PROJECT 1). (TNR) (COMMISSIONER DAVIS) (9:36 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. APPROVE CONTRACT AWARD FOR CONSTRUCTION SERVICES, SIDEWALK MAINTENANCE PROGRAM, IN PRECINCTS 1, 2, 3 AND 4, IFB NO. B060274-LP, TO THE LOWEST BIDDER, GG'S CONSTRUCTION. (TNR) (9:36 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.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

- 11. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM TEXAS DEPARTMENT OF TRANSPORTATION TO PARTICIPATE IN A WORK PLACE TRAVEL SURVEY OF COUNTY EMPLOYEES AND BUILDINGS AT SELECTED COUNTY SITES. (2:23 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR).

Motion by Commissioner Daugherty **and seconded by** Commissioner Sonleitner 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 yes
Precinct 4, Commissioner Margaret J. Gómez yes

12. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO RECONSIDER PROHIBITION OF METAL DETECTORS IN TRAVIS COUNTY PARKS. (11:07 AM) (4:59 PM) (6:54 PM)

Members of the Court heard from: Roy Turley, Parks Division Manager, Travis County Parks and Natural Resources, TNR; Mark Denton, Director, Archeological Division, Texas Historical Commission; Dr. Michael Strutt, Director, Texas Parks and Wildlife; Daniel Prikryl, Lower Colorado River Authority (LCRA); Charles Bergh, Division Director, Parks and Natural Resources, TNR; Tom Nuckols, Assistant County Attorney; John Kuhl, Natural Resources Program Manager, TNR; Larry Bicker, Travis County Resident; Scott Hagel, Travis County Resident; Blaine Nelson, Travis County Resident; and Roy Knowls, Travis County Resident.

Clerk's Note: Judge Biscoe announced that Item 12 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 12 to be reposted on September 19, 2006.

13. CONSIDER AND TAKE APPROPRIATE ACTION ON ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES IN: (9:36 AM)
- A. GASTON-SHELDON SECTION TWO AND GASTON-SHELDON SECTION TWO-A;
 - B. GASTON-SHELDON SECTION 3; AND
 - C. GASTON-SHELDON SECTION 4 AND GASTON SHELDON SECTION 4 AMENDED PLAT OF LOTS 19-25, BLOCK L, ALL BEING SUBDIVISIONS IN PRECINCT TWO. (COMMISSIONER SONLEITNER)

Clerk's Note: Items 13.A-C 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 APPROVAL OF ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES FOR GREENRIDGE PHASES 3 AND 6, TWO SUBDIVISIONS IN PRECINCT TWO. (COMMISSIONER SONLEITNER) (9:36 AM)

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

15. CONSIDER AND TAKE APPROPRIATE ACTION ON A PROPOSED RELEASE OF DRAINAGE EASEMENT AND ACCEPTANCE OF A REPLACEMENT DRAINAGE EASEMENT LOCATED ADJACENT TO LAKESHORE DRIVE IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:36 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 TO BOB DAIGH, TEXAS DEPARTMENT OF TRANSPORTATION REGIONAL DIRECTOR, FOR A RAMP OFF SH 45 SOUTHEAST TO A COUNTY ROAD. (9:18 AM)

Item 16 was postponed until September 12, 2006.

17. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED CONSERVATION DEVELOPMENT ORDINANCE. (9:19 AM)

Item 17 was postponed until September 5, 2006.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

AT 1:30 P.M.

18. CONDUCT INTERVIEW WITH KATHY RIDER, CANDIDATE FOR TRAVIS COUNTY HEALTHCARE DISTRICT BOARD OF MANAGERS. (1:41 PM)

Members of the Court heard from: Kathy Rider, Candidate for Travis County Healthcare District Board of Managers.

- 19. RECEIVE FOLLOW-UP REPORT FROM TRAVIS COUNTY MENTAL HEALTH STAKEHOLDERS GROUP AND TAKE APPROPRIATE ACTION. (2:26 PM)

Members of the Court heard from: Trish Young, President and Chief Executive Officer, Travis County Healthcare District; Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); and Nancy Hohengarten, Judge, County Court at Law Number Five.

Discussion only. No formal action taken.

PLANNING AND BUDGET DEPT. ITEMS

- 20. DISCUSS AND TAKE APPROPRIATE ACTION TO SET FY '07 TAX RATE, APPROVE ADVERTISEMENT AND SCHEDULE PUBLIC HEARINGS. (10:17 AM)

Clerk's Note: Items 20 & 21 are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Christian Smith, Executive Manager, Planning and Budget Office (PBO); Leroy Nellis, Budget Manager, PBO; Susan Spataro, Travis County Auditor; and Barbara Wilson, Assistant County Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez that we set the tax rate at \$.4499 per \$100.00 valuation.

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

A Substitute Motion was made by Commissioner Davis to raise the tax rate to \$.4516 per \$100.00 valuation.

Clerk's Note: The Substitute Motion died for lack of a Second.

Clerk's Note: The Court took a vote on the Standing Motion and Second at this time.

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

ITEM 21 CONTINUED

Motion by Judge Biscoe and seconded by Commissioner Gómez to advertise the tax rate increase, set a public hearing, follow the language in the draft advertisement, authorize Planning and Budget Office to look at the language indicating the tax impact, to get in just the \$3.00 tax decrease. If we think the language is sufficient, that's fine. If not, just direct Staff, consistent with our truth in taxation spirit, to make sure that it is there.

Clerk's Note: The Court agreed to a recommendation from Staff to increase the font and bold the area in the advertisement, noting the \$3.00 decrease in homestead taxes for FY'07.

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

21. RECEIVE PRESENTATION AND EXPLANATION OF COMPLETED FY '07
BUDGET AGENDA WORKSHEETS IN SUMMARY FORM. (10:17 AM)

Clerk's Note: Items 20 and 21 are associated with one another and were called for concurrent discussion. Please refer to Item 20 for a summary of the action taken by the Court.

22. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:36 AM)
- A. REQUEST TO AUTHORIZE CRIMINAL COURTS TO CONTINUE THE DRUG COURT PROGRAM THROUGH THE END OF SEPTEMBER 2006. THIS ALLOWS CONTINUATION OF THE PROGRAM UNTIL A FULLY EXECUTED CONTRACT CAN BE COMPLETED;
 - B. GRANT CONTRACT WITH TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES FOR TITLE IV-E CHILD WELFARE SERVICES WITH THE HEALTH AND HUMAN SERVICES DEPARTMENT, WHICH CONTINUES THE EXISTING PROGRAM FOR FY '07; AND
 - C. GRANT APPLICATION WITH JUNIOR LEAGUE OF AUSTIN FOR JUVENILE PROBATION DEPARTMENT FOR A NEW PROGRAM TO ASSIST IN ENHANCING PARTICIPATION IN GIRL'S RESIDENTIAL PROGRAMS.

Clerk's Note: Items 22.A-C 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 BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:36 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.

ADMINISTRATIVE OPERATIONS ITEMS

24. 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 \$251,230.27 FOR THE PERIOD OF AUGUST 11 TO AUGUST 17, 2006. (9:36 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 PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:36 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 FOR APPROVAL OF TWO TRAVIS COUNTY EMPLOYEES TO PARTICIPATE IN LEADERSHIP AUSTIN TRAINING IN ACCORDANCE WITH CHAPTER 16 OF THE TRAVIS COUNTY CODE. (9:36 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. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO CLARIFY ACTION ON PLACEMENT OF A TRAVIS COUNTY WELLNESS CLINIC AT 5501 AIRPORT BOULEVARD. (4:51 PM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Roger El Khoury, Director, Facilities Management; Dan Mansour, Risk and Benefits Manager, Human Resources Management Department (HRMD).

Discussion only. No formal action taken.

OTHER ITEMS

28. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:36 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.

29. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF JULY 2006. (9:36 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 THE FOLLOWING:
(9:36 AM)

- A. PETITION FOR CREATION OF BASTROP-TRAVIS COUNTIES EMERGENCY SERVICES DISTRICT NO. 1; AND
- B. AN ORDER CALLING AN ELECTION FOR CREATION OF BASTROP-TRAVIS COUNTIES EMERGENCY SERVICES DISTRICT NO. 1.

Clerk's Note: Item 30 is the action item for the public hearing on Agenda Item 1.

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.

31. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(10:05 AM)

- A. PETITION FOR THE CREATION OF THE EAST TRAVIS GATEWAY LIBRARY DISTRICT; AND
- B. AN ORDER CALLING AN ELECTION FOR THE CREATION OF THE EAST TRAVIS GATEWAY LIBRARY DISTRICT.

Members of the Court heard from: Dan Smith, Executive Assistant, County Judge's Office; Tamara Armstrong, Assistant County Attorney; and William B. Hilgers, Partner, Hilgers Bell & Richards, LLP.

Motion by Judge Biscoe and seconded by Commissioner Gómez to grant the Petition and order the Election for November 7, 2006.

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

- 32. CONSIDER AND TAKE APPROPRIATE ACTION ON 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. (COUNTY CLERK) (9:36 AM)

Clerk's Note: Item 32 is the action item for the public hearing on Agenda Item 2.

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 REGARDING AN ORDER TO DESIGNATE A NEW ELECTION DAY POLLING PLACE FOR THE NOVEMBER 7, 2006 JOINT GENERAL AND SPECIAL ELECTIONS. (COUNTY CLERK) (10:10 AM)

Members of the Court heard from: Dana DeBeauvoir, County Clerk; 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 33.

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.

34. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION CONCERNING SETTLEMENT OFFER IN SUIT AGAINST JOSE ESCUADRA TO RECOVER DAMAGES TO A COUNTY-OWNED GUARDRAIL.
¹ ((4:59 PM) (6:54 PM)

Clerk's Note: Judge Biscoe announced that Item 34 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 accept the offer to settle this matter for payment of \$50.00 a month until half the claim has been satisfied, and that we authorize the County Judge to execute the settlement agreement prepared for us by the County Attorney's Office.

Motion carried:

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

35. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING CLAIM BY MICHELLE RAYFORD FLOYD-JANICKE. ¹
(4:59 PM) (6:55 PM)

Clerk's Note: Judge Biscoe announced that Item 35 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 authorize Beth Devery, Chief Administrative Officer, Travis County Medical Examiner's Office and Dan Mansour, Risk and Benefits Manager, HRMD, to attend and participate as mediation representatives of Travis County for the claim by Michelle Floyd Janicke.

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 ON THE POTENTIAL PURCHASE OF REAL ESTATE IN CENTRAL AUSTIN. ² (4:59 PM) (6:55 PM)

Clerk's Note: Judge Biscoe announced that Item 36 would be considered in Executive Session pursuant to Gov't. Code Ann 551.072, Real Property.

Discussion only. No formal action taken.

Item 36 to be reposted on September 5, 2006.

37. DISCUSS AND TAKE APPROPRIATE ACTION REGARDING THE PURCHASE OF THE PROPERTY AT 10409 BURNET ROAD (PRECINCT TWO OFFICE BUILDING). ² (4:59 PM) (6:56 PM)

Clerk's Note: Judge Biscoe announced that Item 37 would be considered in Executive Session pursuant to Gov't. Code Ann 551.072, Real Property.

Discussion only. No formal action taken.

38. 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. ^{1 AND 2} (3:04 PM) (4:59 PM) (6:56 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 and Gov't. Code Ann 551.072, Real Property.

Members of the Court heard from: Juan Garza, Acting Assistant City Manager, City of Austin; Willie Conrad, Land Manager, City of Austin; Steve Coonan, Principal, Allan Plummer & Associates, Inc; Lisa O'Donnell, Biologist, City of Austin; Chris Lippe, Director, Austin Water Utility; Nancy McClintock, Assistant Director, Watershed Protection Department, City of Austin; Martha Terry, Assistant City Attorney; and Jay Ellery, Project Manager, City of Austin Public Works.

Motion by Judge Biscoe and seconded by Commissioner Gómez to indicate that in our view, the legal and/or appropriate step to take is for us to have that Chapter 26 public hearing; that it makes all the sense in the world for us to have ours after the City of Austin's public hearing; that we should give ourselves a week or two to fully consider comments that we receive; that we direct a letter to the City of Austin indicating this decision, the need for the public hearing, the timing, and indicate to them when we think we can have this back on the Court's Agenda after the public hearing for due deliberation by the Commissioners Court.

A Clarification of the previous Motion was offered by Commissioner Sonleitner that, if at all possible, the City of Austin could try to give us some kind of a drop dead date that is not backward in time. We really need to get a sense of their deadline other than two years ago.

ITEM 38 CONTINUED

An Addition to the previous Motion was made by Judge Biscoe that we would indicate what we think is appropriate, and perhaps they will respond to that offering with what they may consider to be a better date. There is a little problem in that there are notice requirements for the public hearing, the most time consuming of which is an ad in the newspaper running three consecutive weeks, so if we get that in almost immediately that really cuts into the time, so in that letter, if these dates are satisfactory and the City of Austin has earlier ones that you must meet, let us know; and that the Judge be authorized to sign the letter.

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. RECEIVE LEGAL ADVICE AND TAKE APPROPRIATE ACTION ON PILOT PROJECT FOR BARIATRIC SURGERY FOR TRAVIS COUNTY HEALTH PLAN ENROLLEES. ¹ (4:59 PM) (6:59 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.

40. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING GRIEVANCE PANEL DECISION REGARDING JO CAROL BRADSHAW. ^{1 AND 3} (4:59 PM) (6:59 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 and Gov't. Code Ann 551.074, Personnel Matters.

Motion by Judge Biscoe and seconded by Commissioner Davis to modify our offer to increase the amount to \$3,500.00; that the County Judge be authorized to place that amount in the blank left by the County Attorney's Office in the prepared settlement agreement; and that if those terms are not satisfactory by 5pm Friday, September 1, 2006, that the full amount be withdrawn and we revert back to supporting the Grievance Panel decision and an amount of zero.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	no
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

41. DISCUSS APPLICANTS FOR TRAVIS COUNTY HEALTHCARE DISTRICT BOARD OF MANAGERS AND TAKE APPROPRIATE ACTION. ³ (4:59 PM) (7:00 PM)

Clerk's Note: Judge Biscoe announced that Item 41 would be considered in Executive Session pursuant to Gov't. Code Ann 551.074, Personnel Matters.

Motion by Judge Biscoe and seconded by Commissioner Gómez to appoint Dr. Eduardo Sanchez to fill the Travis County vacancy on the Healthcare District Board of Managers.

Motion carried:

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

Clerk's Note: The Court expressed its thanks to all the applicants for their interest in this public service opportunity.

THE FOLLOWING ITEMS ARE ADDENDA:

- A1. APPROVE INTERLOCAL WITH PFLUGERVILLE INDEPENDENT SCHOOL DISTRICT FOR OUT-OF-SCHOOL PROGRAMS. (HHS & VS)
(COMMISSIONER SONLEITNER) (9:36 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 ON REQUEST TO PRINT 250,000 COPIES OF TAXPAYER NEWS FOR MAILING WITH THE 2006 TAX BILLS. (TAX ASSESSOR COLLECTOR) (9:36 AM)

Clerk's Note: Item A2 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- A3. APPROVE SETTING A PUBLIC HEARING ON SEPTEMBER 19, 2006 TO RECEIVE COMMENTS REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF A DRAINAGE EASEMENT LOCATED ON LOT 5, BLOCK A OF DECKER CREEK ESTATES SECTION 4, A SUBDIVISION IN PRECINCT ONE. (COMMISSIONER DAVIS)
(9:36 AM)

Clerk's Note: Item A3 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- A4. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE CALL DOWN OF THE FUNDS THAT WERE POSTED FOR ELROY ROAD AS REQUIRED BY THE STONEY RIDGE PHASING AGREEMENT IN REFERENCE TO STONEY RIDGE SECTIONS 5A AND 5B, TWO SUBDIVISIONS IN PRECINCT FOUR. (COMMISSIONER GÓMEZ) (2:20 PM)

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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to approve Item A4.

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 Daugherty to adjourn the Voting Session. (7:01 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

Date of Approval

Samuel T. Biscoe, Travis County Judge