

MINUTES OF MEETING – NOVEMBER 14, 2006

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 14th day of November 2006, the Commissioners' Court convened the Voting Session at 9:16 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Gillian Porter.

The Commissioners Court retired to Executive Session at 10:55 AM.

The Commissioners Court reconvened the Voting Session at 11:51 AM.

The Commissioners Court adjourned the Voting Session at 11:54 AM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle); convened at 11:55 AM and adjourned at 11:55 AM.

The Commissioners Court, meeting as the Travis County Bee Caves Road District #1 (Galleria); convened at 11:55 AM and adjourned at 11:56 AM.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

6. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE TWO 5 FOOT PUBLIC UTILITY EASEMENTS LOCATED ALONG EITHER SIDE OF THE COMMON LOT LINE OF LOTS 4 AND 5, BLOCK 31, AUSTIN LAKE ESTATES SECTION THREE, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:41 AM)

Clerk's Note: Item 6 is the action item for the public hearing on Agenda Item 1.

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. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE TWO 5 FOOT PUBLIC UTILITY EASEMENTS LOCATED ALONG EITHER SIDE OF THE COMMON LOT LINE OF LOTS 23 AND 24 OF APACHE SHORES FIRST INSTALLMENT, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:41 AM)

Clerk's Note: Item 7 is the action item for the public hearing on Agenda Item 2.

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. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE TWO 5 FOOT PUBLIC UTILITY EASEMENTS LOCATED ALONG EITHER SIDE OF THE COMMON LOT LINE OF LOTS 19 AND 20, BLOCK HH, VALLEY LAKE HILLS SECTION 1, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:41 AM)

Clerk's Note: Item 8 is the action item for the public hearing on Agenda Item 3.

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 REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF A DRAINAGE EASEMENT LOCATED ON LOT 10, BLOCK B, SEVEN OAKS SECTION 5, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:41 AM)

Clerk's Note: Item 9 is the action item for the public hearing on Agenda Item 4.

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. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST TO APPROVE AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A HAZARD ELIMINATION/SAFETY PROJECT CONSISTING OF THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF MCKINNEY FALLS PARKWAY AND DEE GABRIEL COLLINS ROAD. (COMMISSIONER GÓMEZ) (9:41 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. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST TO APPROVE AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A HAZARD ELIMINATION/SAFETY PROJECT CONSISTING OF GUARDRAIL IMPROVEMENTS AND RESURFACING OF DEE GABRIEL COLLINS ROAD. (COMMISSIONER GÓMEZ) (9:41 AM)

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

12. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST TO APPROVE AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A HAZARD ELIMINATION/SAFETY PROJECT CONSISTING OF RESURFACING WELLS BRANCH PARKWAY. (COMMISSIONER SONLEITNER) (9:41 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 A REQUEST TO APPROVE AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A HAZARD ELIMINATION/SAFETY PROJECT CONSISTING OF GUARDRAIL IMPROVEMENTS AND RESURFACING OF SOUTHWEST PARKWAY. (COMMISSIONER DAUGHERTY) (9:41 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. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE MEMORANDUM OF AGREEMENT BETWEEN TRAVIS COUNTY, THE TEXAS ASSOCIATION OF COMMUNITY ACTION AGENCIES, INC., HUDSON'S MEAT MARKET, INC. AND CARITAS OF AUSTIN RELATING TO PARTICIPATION IN THE HUNTERS FOR THE HUNGRY PROGRAM 2006-2007 SEASON. (COMMISSIONER DAUGHERTY) (9:41 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. DISCUSS AND TAKE APPROPRIATE ACTION ON POLICY REGARDING PROHIBITION OF METAL DETECTORS IN TRAVIS COUNTY PARKS.
(9:51 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Charles Bergh, Division Director, Parks and Natural Resources, TNR; John Hille, Assistant County Attorney; Art Tiemann, President, Austin Metal Detecting Club (AMDC); Larry Vickers, Travis County Resident; and Scott Hagel, AMDC.

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez that we open this up to all the Travis County parks, that we do come up with a way where the AMDC are able to help us, and identify the areas in the parks that we cannot allow that to take place and to move forward, and if we find that in a year that we are having issues, that we revisit this thing.

A Friendly Amendment to the previous Motion was offered by Commissioner Sonleitner to allow the words, “Travis County owned parks.”

Acceptance of the Friendly Amendment was made by Commissioner Daugherty.

A Clarification of the previous Motion was made by Judge Biscoe that this will be a direction Motion only. It will not rescind the ban in the parks as we do not have the permits ready, the education ready, or the legal standards ready.

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 15 to be reposted on November 28, 2006.

- 16. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED COMMENTS TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY REGARDING THE PERMITTING OF THREE COAL FIRED POWER PLANTS: LAKE CREEK PERMIT NO. 78751, BIG BROWN PERMIT NO. 78759 AND TRADINGHOUSE PERMIT NO. 78762. (9:16 AM)

Item 16 was postponed until November 21, 2006.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

- 17. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING RELATED TO THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT: (9:41 AM)
 - A. REVISIONS TO THE CONSOLIDATED PLAN AND YEAR ONE ACTION PLAN; AND
 - B. OTHER RELATED ITEMS.

Clerk’s Note: Items 17.A&B 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 REQUEST FOR FUNDING TO COVER MULTIPLE PROJECTS PERFORMED BY AMERICAN YOUTHWORKS PREVIOUSLY RECOMMENDED FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING. (10:51 AM)

Members of the Court heard from: Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans’ Services (TCHHS&VS).

Motion by Judge Biscoe **and seconded by** Commissioner Davis that we take \$90,000.00 from Allocated Reserve.

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

19. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:41 AM)
- A. GRANT APPLICATION TO THE AUTO THEFT PREVENTION AUTHORITY FOR A SUPPLEMENTARY GRANT FOR THE SHERIFF'S COMBINED AUTO THEFT TASK FORCE FOR ADDITIONAL FY '07 FUNDING FOR THE EXISTING PROGRAM;
 - B. GRANT CONTRACT AMENDMENT WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT EXTENDING THE TERM OF CONTRACT AND REPLACING A PROPOSED SKATE PARK WITH A SHUFFLEBOARD COURT AMENDMENT;
 - C. GRANT CONTRACT WITH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR THE VIOLENCE AGAINST WOMEN ACT PROGRAM IN THE COUNTY ATTORNEY'S OFFICE, FAMILY VIOLENCE DIVISION. THE GRANT WILL PROVIDE ONE-TIME FUNDING FOR A NEW PROSECUTION TEAM IN THE FAMILY VIOLENCE DIVISION OF THE COUNTY ATTORNEY'S OFFICE;
 - D. CONTRACT RELEASE AGREEMENT BETWEEN ONESTAR NATIONAL SERVICE COMMISSION AND TRAVIS COUNTY FOR THE AMERICORPS GRANT IN THE HEALTH AND HUMAN SERVICES DEPARTMENT FOR THE PERIOD OF SEPTEMBER 2004 TO AUGUST 2005; AND
 - E. CONTRACT RELEASE AGREEMENT BETWEEN ONESTAR NATIONAL SERVICE COMMISSION AND TRAVIS COUNTY FOR THE AMERICORPS GRANT IN THE HEALTH AND HUMAN SERVICES DEPARTMENT FOR THE PERIOD OF AUGUST 2005 TO JULY 2006.

Clerk's Note: Items 19.A-E 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 BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:41 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.

ADMINISTRATIVE OPERATIONS ITEMS

21. PAYMENT TO UNITED HEALTH CARE FOR CLAIMS PAID FOR PARTICIPANTS IN THE TRAVIS COUNTY EMPLOYEE HEALTH CARE FUND FOR PAYMENT OF \$611,618.46 FOR THE PERIOD OF OCTOBER 27 TO NOVEMBER 2, 2006. (9:41 AM)

Clerk's Note: Item 21 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 PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:41 AM)

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

25. REVIEW AND APPROVE LIST OF AUTOMATICALLY RENEWALABLE INTERLOCAL AGREEMENTS (82 TOTAL) AND CONTRACTS (164 TOTAL) FOR VARIOUS SERVICES. (COMMISSIONER GÓMEZ) (SEE ATTACHMENT A) (9:41 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.

Clerk's Note: The Court noted that Contract PS000251LB was pulled from Item 25 and will be reposted when ready.

26. DECLARE TWELVE AED DEFIBRILLATORS AS SURPLUS AND AUTHORIZE TRADE-IN FOR TWELVE NEW AED DEFIBRILLATORS, PURSUANT TO SECTION 263.152 OF THE TEXAS LOCAL GOVERNMENT CODE. (EMERGENCY SERVICES) (COMMISSIONER GÓMEZ) (9:41 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. 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) (9:41 AM)

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.

28. APPROVE MODIFICATION NO. 6 AND INTERIM SETTLEMENT AGREEMENT TO CONTRACT NO. 04K00147JJ, SCOFIELD RIDGE PARKWAY STREET AND DRAINAGE IMPROVEMENTS IN PRECINCT ONE, WITH RGM CONSTRUCTORS, LP. (TNR) (COMMISSIONER DAVIS) (THIS ITEM MAY BE CONSIDERED IN EXECUTIVE SESSION PURSUANT TO GOV'T. CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (10:50 AM) (11:51 AM)

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: John Hille, Assistant County Attorney.

Discussion only. No formal action taken.

OTHER ITEMS

- 29. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:41 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.

AT 10:00 A.M.

- 30. CONSIDER AND TAKE APPROPRIATE ACTION ON THE AMENDED AND RESTATED LEASE AGREEMENT RELATING TO BRACKENRIDGE HOSPITAL BETWEEN THE TRAVIS COUNTY HEALTHCARE DISTRICT AND DAUGHTERS OF CHARITY HEALTH SERVICES OF AUSTIN D/B/A SETON. (10:30 AM)

Members of the Court heard from: Trish Young, President and Chief Executive Officer, Travis County Healthcare District; and Dr. Donald Patrick, Board Member, Travis County Healthcare District.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 30 with the recommended changes.

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

- 31. RECEIVE THE FY ‘06 FEDERAL ANNUAL CERTIFICATION REPORT REGARDING FEDERAL FORFEITURES FROM THE DISTRICT ATTORNEY’S OFFICE AND AUTHORIZE FILING WITH THE U.S. DEPARTMENT OF JUSTICE, THE U.S. DEPARTMENT OF THE TREASURY AND THE U.S. ATTORNEY IN THE WESTERN DISTRICT OF TEXAS. (DISTRICT ATTORNEY) (9:41 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.

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.

- 32. RECEIVE STATUS REPORT AND TAKE APPROPRIATE ACTION ON PROPOSED VOLUNTARY BUYOUT PROGRAM OF CERTAIN SINGLE-FAMILY RESIDENTIAL PROPERTIES ADJACENT TO WALNUT CREEK AND LOCATED ALONG QUIETTE DRIVE IN PRECINCT ONE. ^{1 AND 2} (10:55 AM) (11:52 AM)

Clerk's Note: Judge Biscoe announced that Item 32 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 Davis to authorize Staff to continue negotiating with affected residents, and advise the Commissioners Court when this matter should be back on our Agenda.

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

- 33. RECEIVE LEGAL ADVICE AND TAKE APPROPRIATE ACTION ON GASB 45.
¹ (10:55 AM) (11:52 AM)

Clerk’s Note: Judge Biscoe announced that Item 33 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 that we authorize the County Judge and any other member of the Commissioners Court to advocate the County's position to GASB45, which is consistent with the advice given us by outside legal counsel and that we share our position with the officials and staff of The Conference of Urban Counties, The Texas Association of Counties, the Governor's Office and other State officials, State legislators, the bond rating firms and any other interested parties.

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 County Judge added that any other professionals who represent Travis County, which would be County Auditor, legal counsel and Financial Advisor, plus Lobbyists, would be included to advocate for the Commissioners Court.

ADDED ITEM:

- A1. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR USE OF THE EXPOSITION CENTER SHOW BARN FOR BLUE SANTA CHILDREN GIVING TO CHILDREN PARADE. (COMMISSIONER DAUGHERTY) (9:41 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.

