

MINUTES OF MEETING – JUNE 24, 2003

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 24th day of June, 2003, the Commissioners' Court convened the regular Voting Session at 9:15 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Melissa Velasquez.

The Commissioners' Court recessed the Voting Session at 12:11 PM.

The Commissioners' Court reconvened the regular Voting Session at 1:42 PM.

The Commissioners' Court retired to Executive Session at 2:03 PM.

The Commissioners' Court reconvened the Voting Session at 3:20 PM.

The Commissioners' Court adjourned the Voting Session at 4:35 PM.

CONSENT ITEMS CONTINUED

- C5.** APPROVE SETTING A PUBLIC HEARING DATE OF JULY 15, 2003 TO DISCUSS AND APPROVE THE PARTIAL VACATION OF GREENRIDGE PHASE 6 AND A PLAT FOR RECORDING IN PRECINCT TWO: CORRECTION PLAT – REPLAT OF LOT 27, BLOCK L, GREENRIDGE PHASE 6 (REVISED PLAT – 2 LOTS – 2.9922 ACRES – BOONE VALLEY DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY WINDERMERE UTILITY COMPANY – CITY OF PFLUGERVILLE ETJ). (COMMISSIONER SONLEITNER)

- C6.** APPROVE SETTING A PUBLIC HEARING DATE OF JULY 29, 2003 TO DISCUSS AND APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOTS 38 & 39, BLOCK O, MOUNTAIN CREEK LAKES SECTION ONE (REVISED PLAT – 1 LOT – 0.67 ACRES – LAKE BEACH DRIVE AT LAKE WOOD CIRCLE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY – OUTSIDE ALL ETJs). (COMMISSIONER DAUGHERTY)

- C7.** APPROVE SETTING A PUBLIC HEARING DATE OF JULY 29, 2003 TO DISCUSS AND APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: APACHE SHORES SECTION 7 AMENDED PLAT OF LOTS 44 & 45, BLOCK G (SHORT FORM PLAT – 1 LOT – 1.413 ACRES – FT. SMITH TRAIL – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY)

- C8.** APPROVE RESOLUTION RECOMMENDING THE APPOINTMENT OF JOBAID KABIR TO THE LOWER COLORADO RIVER AUTHORITY’S REGIONAL WATER PLANNING GROUP. (9:33 AM)

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the resolution in Item C8.

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 TRAVIS COUNTY EMPLOYEES AND DEPENDENTS COVERED BY THE HOSPITAL AND INSURANCE FUND FOR PAYMENT OF \$397,482.37 FOR THE PERIOD OF JUNE 6, 2003 THROUGH JUNE 12, 2003. (9:30 AM)

Clerk's Note: Item 4 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

5. APPROVE AMENDMENT NO. 2 TO LICENSE AGREEMENT BETWEEN TRAVIS COUNTY AND THE TRAVIS COUNTY EMPLOYEES' CREDIT UNION FOR PLACEMENT OF ATM IN TRAVIS COUNTY TAX ASSESSOR-COLLECTOR'S OFFICE. (9:30 AM)

Clerk's Note: Item 5 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

6. APPROVE PERSONNEL AMENDMENTS. (9:30 AM)

Clerk's Note: Item 6 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

PURCHASING OFFICE ITEMS

7. APPROVE MODIFICATIONS TO THE FOLLOWING RESIDENTIAL TREATMENT PROGRAM CONTRACTS: (9:30 AM)
 - A. THE BURKE FOUNDATION, PS000101KW;
 - B. KIDS AT THE CROSSROADS, PS000113KW; AND
 - C. LIFEWORKS PS000183KW. (COMMISSIONER GÓMEZ)

Clerk's Note: Items 7.A, B, and C added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 8. REJECT ALL BIDS RECEIVED FOR AMMUNITION, IFB NO. B030104-RG. (SHERIFF) (COMMISSIONER GÓMEZ) (9:30 AM)

Clerk's Note: Item 8 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 9. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. 01T0183-MP, CAPTEX, INC., FOR SEPTIC AND HOLDING TANK SERVICES. (TNR) (COMMISSIONER GÓMEZ) (3:31 PM)

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the contract modification in Item 9.

Motion carried:

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

- 10. APPROVE SOLE SOURCE EXEMPTION FOR LEXIS NEXIS FOR ONLINE SUBSCRIPTION SERVICES. (RMCR) (COMMISSIONER GÓMEZ) (9:30 AM)

Clerk's Note: Item 10 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 11. APPROVE CONTRACT AWARD FOR INSULATION SERVICES, IFB NO B030078-RV, TO THE LOW BIDDER, ENERGY MANAGEMENT SERVICES. (HOUSING SERVICES) (COMMISSIONER GÓMEZ) (9:30 AM)

Clerk's Note: Item 11 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

12. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR A TEMPORARY ROAD CLOSURE OF BRODIE LANE ON JULY 4, 2003 DURING THE SHADY HOLLOW HOMEOWNERS PARADE IN PRECINCT 3.
(COMMISSIONER DAUGHERTY) (9:30 AM)

Clerk's Note: Item 12 is the action item for the public hearing on Agenda Item 1.

Clerk's Note: Item 12 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

13. APPROVE A CONSTRUCTION AGREEMENT AND A PLAT FOR RECORDING IN PRECINCT THREE: RANCH AT DEER CREEK, PHASE THREE, SECTION TWO (LONG FORM PLAT – 21 LOTS – 22.51 ACRES – ANDERSON MILL ROAD – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY WCID #10 – CITY OF CEDAR PARK ETJ.)
(COMMISSIONER DAUGHERTY) (9:30 AM)

Clerk's Note: Item 13 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

14. APPROVE A CONSTRUCTION AGREEMENT AND A PLAT FOR RECORDING IN PRECINCT FOUR: MEADOWS AT BERDOLL, PHASE ONE, SECTION 3 (LONG FORM PLAT – 18.062 ACRES – 85 RESIDENTIAL LOTS – 1 PARK LOT ALOMAR COVE – FISCAL POSTED WITH THE CITY OF AUSTIN – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN ETJ).
(COMMISSIONER GÓMEZ) (9:30 AM)

Clerk's Note: Item 14 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

15. APPROVE A CONSTRUCTION AGREEMENT AND APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: STEINER RANCH PHASE ONE, SECTION 6D (LONG FORM PLAT – 90 LOTS – 56.70 ACRES – QUINLAN PARK ROAD – TRUST DEED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY WCID NO. 17 – AUSTIN ETJ).
(COMMISSIONER DAUGHERTY) (9:30 AM)

Clerk's Note: Item 15 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

16. APPROVE ALTERNATIVE FISCAL AGREEMENT FOR FOREST CREEK SECTION 34, A SUBDIVISION IN PRECINCT TWO. (COMMISSIONER SONLEITNER) (9:30 AM)

Clerk's Note: Item 16 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

17. APPROVE A PRELIMINARY PLAN IN PRECINCT TWO: PRELIMINARY PLAT FOR THE FOREST CREEK SECTIONS 34, 38 AND 39 (PRELIMINARY PLAN – 166 LOTS – 62.88 ACRES – GATTIS SCHOOL ROAD – FISCAL TO BE POSTED WITH PLAT RECORDATION – SEWAGE SERVICE TO BE PROVIDED BY WILLIAMSON COUNTY WATER, SEWER, IRRIGATION AND DRAINAGE DISTRICT NO. 3 – CITY OF HUTTO ETJ.) (COMMISSIONER SONLEITNER) (9:30 AM)

Clerk's Note: Item 17 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

18. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR APPROVAL OF A PRELIMINARY PLAN IN PRECINCT THREE: GARZA BRODIE SUBDIVISION (LOWES HOME CENTER IN SUNSET VALLEY) (PRELIMINARY PLAN – 2 LOTS – 31.40 ACRES – BRODIE LANE). (COMMISSIONER DAUGHERTY) (9:35 AM) (1:42 PM) (2:03 PM) (3:21 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Anna Bowlin, Planner, TNR; Tom Nuckols, Assistant County Attorney; Lisa Gordon, Assistant City Manager, City of Austin; David Lloyd, Assistant City Attorney, City of Austin; Martha Terry, Assistant City Attorney, City of Austin; Doug Young, City Attorney, City of Sunset Valley; Terry Cowan, Mayor, City of Sunset Valley; Cat Quintanilla, Mayor Pro Tem, City of Sunset Valley; Mickey Powers, City Council Member, City of Sunset Valley; Terry Irion, Attorney representing Lowes; Dan Wheelus, Attorney representing Ely Garza; Bruce Todd, representing Lowes and Ely Garza; Mark Mellis, Site Director, Lowes; Brad Rockwell, Deputy Director and Attorney for Save Our Springs Alliance; Roann Draker, Sunset Valley Resident; Helen Bessey, Sunset Valley Resident; Craig Smith, Director, Precinct 5, Edwards Aquifer Conservation District; Judy Fife, Treasurer, Save Barton Creek Association.; Scott Draker, Council Member, City of Sunset Valley; and Steve Beers, Travis County Resident.

ITEM 18 CONTINUED

Clerk’s Note: Judge Biscoe announced that Item 18 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 indicate the Court’s intention to postpone this Item until July 22, 2003. Hopefully, that will give the parties an opportunity to continue to negotiate. Hopefully, that will give the City Council an opportunity to hear any settlement proposal. It will give us an opportunity to look further at House Bill 1204, to make sure we understand the legal ramifications and implications for us. It will give the County Attorney’s Office an opportunity to do a bit more fact finding on the completeness of the application at different stages, and it will give the Commissioners’ Court an additional opportunity to learn more about the background of this project. One way or the other, this Motion says the Commissioners’ Court will take action on July 22, 2003, when the matter comes back to us.

A Friendly Amendment to the previous Motion was offered by Commissioner Davis that, if the City of Austin needs one more week to finalize this, if they are right at the door, and they just need to open it, and pass through, to add another additional week to this.

Clerk’s Note: The Friendly Amendment was not accepted.

Clerk’s Note: Judge Biscoe indicated that it would be more possible to add an additional week on July 22, 2003, if there are three votes to support it. If the City of Austin has gone 99% of the way, we shouldn’t deny them the other 1%. The intention of the Motion is that we take final action on July 22, 2003.

Clerk’s Note: Commissioner Gómez indicated that her intention in seconding the Motion is that it gets the Commissioners’ Court some additional time to research the new law, House Bill 1204, so that we will know for sure where we stand, and the County Attorney’s Office needs that 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

- 19. A. RECEIVE UPDATE ON ACTIONS TAKEN BY VARIOUS POLITICAL JURISDICTIONS IN THE AUSTIN-ROUND ROCK MSA REGARDING THE PURCHASE OF TEXAS LOW EMISSION DIESEL THIS SUMMER AND OTHER ACTIONS TAKEN TO REDUCE EMISSIONS AND IMPROVE AIR QUALITY; AND (3:32 PM)

- B. CONSIDER ACTIONS TAKEN BY TRAVIS COUNTY TO COMPLY WITH EARLY ACTION COMPACT AND ADDITIONAL RECOMMENDATIONS, AND TAKE APPROPRIATE ACTION.

Clerk’s Note: Items 19.A and B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Scheleen Walker, TNR; Cyd Grimes, Travis County Purchasing Agent; and Tommy Ingram, Travis County Resident.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to authorize the Purchasing Agent to work with TNR staff to execute the purchase in Item 19.A.

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 discussed issues, and comments that had been previously been sent, to the Texas Commission on Environmental Quality (TCEQ), regarding compliance with air quality requirements.

Motion by Judge Biscoe and seconded by Commissioner Gómez to authorize the County Judge to work with Joe Gieselman, Executive Manager, TNR, to put together amended comments.

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

Items 19.A and B to be reposted on July 1, 2003.

OTHER ITEMS

20. DISCUSS AND TAKE APPROPRIATE ACTION ON WORKLOAD ISSUES IN THE COUNTY CLERK'S RECORDING DIVISION. (4:04 PM)

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

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

Discussion only. No action taken.

21. DISCUSS AND TAKE APPROPRIATE ACTION ON REQUEST TO PURCHASE AN ANTHEM/ AUTOMATED INDEXING SOFTWARE UPGRADE. (4:11 PM)

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 Court's action on this Item.

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

Discussion only. No action taken.

22. RECEIVE AND DISCUSS THE SECOND REVENUE ESTIMATE FOR THE FY 2004 BUDGET PROCESS. (4:18 PM)

Members of the Court heard from: Blain Keith, Chief Assistant County Auditor, Travis County Auditor's Office; Susan Spataro, Travis County Auditor; and Carolyn Damron, Senior Financial Analyst, Travis County Auditor's Office.

Discussion only. No action taken.

23. RECEIVE FY '02 AUDIT REPORTS FOR THE FOLLOWING EMERGENCY SERVICES DISTRICTS: ESD #1, ESD #2, ESD #3, ESD #4, ESD #5, ESD #6, ESD #7, ESD #9 AND ESD #12. (9:30 AM)

Clerk's Note: Item 23 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

24. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:30 AM)

Clerk's Note: Item 24 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

25. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED AMENDMENT TWO ON PRICING TO THE DEPOSITORY BANK CONTRACT WITH BANK ONE TRAVIS COUNTY EFFECTIVE JULY 1, 2003. (4:26 PM)

Members of the Court heard from: Mary Mayes, Investment Manager, Cash/Investment Management; and Barbara Wilson, Assistant County Attorney.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Daugherty to approve proposed Amendment Two, as recommended by Staff.

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

26. CONSIDER AND SET PARCEL RATE FOR TAX YEAR 2003 (FY 04) FOR OTHER GOVERNMENTAL ENTITIES. (4:33 PM)

Members of the Court heard from: Dusty Knight, Chief Deputy, Tax Office; and Christian Smith, Executive Manager, Planning and Budget Office (PBO).

Motion by Commissioner Sonleitner **and seconded by** Judge Biscoe to set the parcel rate at \$1.04, and that the draft letter that we have attached to our backup be changed to reflect \$1.04 per parcel, and actual costs of \$1.24.

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

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

- 27.** RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY V. DAISY BELL, MARIE TOWNSEND AND GEORGE BOYD, JR. (TODD RAYER RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (9:35 AM)

Item 27 pulled from the Agenda.

- 28.** RECEIVE BRIEFING FROM COUNTY ATTORNEY ON LAWS RELATED TO UNMARKED GRAVES WITHIN COUNTY ROAD RIGHTS OF WAY, ISSUES RELATED TO LOCKWOOD ROAD AND LOCKWOOD ROAD CEMETERY, AND TAKE APPROPRIATE ACTION. ¹ (2:03 PM) (4:35 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.

No action required on Item 28.

Item 28 to be reposted on July 1, 2003.

- 29. CONSIDER REQUEST TO THE TEXAS TURNPIKE AUTHORITY TO DESIGN AND CONSTRUCT AN INTERCHANGE AT THE PROPOSED HOWARD LANE ARTERIAL DURING THE INITIAL CONSTRUCTION OF STATE HIGHWAY 130, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAVIS) ^{1 & 2}
(2:03 PM) (4:35 PM)

Clerk’s Note: Judge Biscoe urged the property owners to treat this matter with urgency, and stated that the Court would appreciate their expeditious response, so the Court can let the Texas Turnpike Authority (TTA) know whether the matter has been resolved or not.

Clerk’s Note: Judge Biscoe announced that Item 29 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.

No action required on Item 29.

Item 29 to be reposted on July 1, 2003.

ADJOURNMENT

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to adjourn the Voting Session. (4:35 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