

MINUTES OF MEETING – NOVEMBER 18, 2003

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 18th day of November, 2003, the Commissioners' Court convened the regular Voting Session at 9:14 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 12:06 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened the Voting Session at 1:42 PM and adjourned at 1:43 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, convened the Voting Session at 1:43 PM and adjourned at 2:07 PM.

The Commissioners' Court reconvened the Voting Session at 2:07 PM.

The Commissioners' Court retired to Executive Session at 2:28 PM.

The Commissioners' Court reconvened the Voting Session at 3:14 PM.

The Commissioners' Court adjourned the Voting Session at 3:16 PM.

PUBLIC HEARINGS

- 1. RECEIVE TESTIMONY REGARDING THE FOLLOWING: (9:17 AM)
 - A. IMPACT OF PROPOSED REDISTRICTING ON THE FRAGMENTATION AND ISOLATION OF AFRICAN-AMERICAN VOTERS IN TRAVIS COUNTY AND REGARDING ITS IMPACT UPON THE HISPANIC VOTERS' COMMUNITY OF INTEREST IN TRAVIS COUNTY; AND
 - B. IMPACT OF CHANGES TO PRECINCT POLLING LINES AND PRECINCT POLLING LOCATIONS ON COUNTY VOTERS, ESPECIALLY AFRICAN AMERICAN AND HISPANIC VOTERS. (ACTION ITEM 25)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 25 for the Court's Motion and Vote.

Clerk's Note: Items 1.A and B are associated with one another and were called for concurrent discussion.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis 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: Gus Garcia, Travis County Resident; Harriett Murphy, Travis County Resident; Ora Houston, Travis County Resident; Akwasi Evans, NOKOA newspaper, Travis County Resident; Clint Smith, Travis County Resident; Melissa Gonzales, Travis County Resident; Willie Lewis, Travis County Resident; Alfred Stanley, Travis County Resident; Sonia Santana, Travis County Resident; Cheryl Robinson, Travis County Resident; Barry Hall, 2nd Vice President, Local NAACP, Travis County Resident; Louie White, Travis County Resident; Lyndon Phelps, Rizome Collective, Travis County Resident; Vera Roland Givens, Travis County Resident; Dolores Lopez, Director, Voters Registration; Kevin Morse, Assistant County Attorney; Tamara Armstrong, Assistant County Attorney; and Gail Fisher, Elections Division Manager, Travis County Clerk's Office.

CITIZENS COMMUNICATION

Clerk's Note: Commissioner Sonleitner displayed a check that had been presented to the Commissioners' Court and the City of Austin, symbolizing the amount of pro bono work performed by volunteers for Family Eldercare.

Members of the Court heard from: Karen Sonleitner, Travis County Commissioner, Precinct 2; and Dusty Knight, Chief Deputy, Tax Assessor Collector's Office. (10:47 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C4 and Items 4, 5, 6, 7, 8.A, 9, 10, 11, 12, 14, 15.A and B, 16, 17.A and B, 18, 19, 21, 22, 23, A2, and A3. (9:14 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 VOTING SESSION OF OCTOBER 28, 2003.
- C4.** APPROVE COMMISSIONERS' COURT MINUTES FOR VOTING SESSION OF NOVEMBER 4, 2003.

6. NOTIFY COURT OF SATISFACTORY CONSTRUCTION OF THE PRIVATE STREET FOR 11505 TX. 71 W. (SPANISH OAKS, SECTION 2 – PRIVATE), PHASE 2, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:14 AM)

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

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

7. APPROVE ACCEPTANCE OF STREET AND DRAINAGE FACILITIES IN BERDOLL FARMS, PHASE ONE, SECTIONS 1, 2 AND 3, THREE SUBDIVISIONS IN PRECINCT FOUR. (COMMISSIONER GÓMEZ) (9:14 AM)

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

PLANNING AND BUDGET DEPT. ITEMS

8. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE:
 - A. GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR A VICTIM'S OF CRIME ACT (VOCA) GRANT IN THE SHERIFF'S OFFICE. THE GRANT APPLICATION IS TO CONTINUE THE EXISTING PROGRAM FOR FY 04. (9:14 AM)

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

9. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS AND TRANSFERS. (9:14 AM)

Clerk's Note: Item 9 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

10. RECEIVE AND TAKE APPROPRIATE ACTION ON 2002 INDIRECT COST RATE STUDY RESULTS FROM MAXIMUS. (9:14 AM)

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

ADMINISTRATIVE OPERATIONS ITEMS

11. 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 \$643,890.71 FOR THE PERIOD OF OCTOBER 31 THROUGH NOVEMBER 6, 2003. (9:14 AM)

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

12. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED PERSONNEL AMENDMENTS. (9:14 AM)

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

13. DISCUSS AND TAKE APPROPRIATE ACTION ON THE FOLLOWING ISSUES REGARDING THE 2201 POST ROAD BUILDING:

A. REQUESTS FROM VARIOUS ENTITIES AND COUNTY DEPARTMENTS TO UTILIZE SPACE; (10:52 AM)

Members of the Court heard from: Roger El Khoury, Director, Facilities Management; Steven Jackobs, Executive Director, Capital Idea; Mark Melliar Smith, Board Chair, Capital Idea; Mary Etta Gerhardt, Assistant County Attorney; Errol Summerlin, Texas Rural Legal Aid; Pat Ford, Real Estate Manager, Facilities Management; Stephen Williams, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); Estella Medina, Chief Probation Officer, Juvenile Probation Department; and Barbara Swift, Chief Deputy, Juvenile Probation Department.

Discussion Only. No action taken.

Item 13.A to be reposted on November 25, 2003.

13. B. PROCUREMENT OF A REAL ESTATE APPRAISAL; (11:35 AM)

Members of the Court heard from: Roger El Khoury, Director, Facilities Management.

Clerk's Note: The Court announced that this issue would be taken off the table and that no appraisal of the county building at 2201 Post Road would occur.

Discussion Only. No action taken.

13. C. AUTHORIZATION FOR PLANNING AND BUDGET DEPARTMENT TO MAKE AN INTRA-DEPARTMENT TRANSFER OF \$15,500 IN FACILITIES TO MAKE IMPROVEMENTS AND SECURE APPRAISAL. (11:39 AM)

Members of the Court heard from: Roger El Khoury, Director, Facilities Management and Jessica Rio, Budget Analyst, Planning and Budget Office (PBO).

Discussion Only. No action taken.

Item 13.C to be reposted on November 25, 2003.

PURCHASING OFFICE ITEMS

14. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 02T00093EH, VULCAN CONSTRUCTION MATERIALS, FOR TRAP ROCK, GRADE 5T. (COUNTYWIDE) (COMMISSIONER GÓMEZ) (9:14 AM)

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

15. APPROVE EIGHT (8) MONTH EXTENSION, WITH OPTION TO CONTINUE ON A MONTH-TO-MONTH BASIS, TO THE FOLLOWING CONTRACTS WITH UNISYS CORPORATION: (9:14 AM)
- A. NO. MA000042, FOR SYSTEM HARDWARE AND SOFTWARE MAINTENANCE SUPPORT SERVICES; AND
 - B. NO. 95C0150-CG, FOR UNISYS SYSTEM LICENSES. (ITS) (COMMISSIONER GÓMEZ)

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

16. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 03T00106RV, ENVIRONMENTAL SURVEY CONSULTING, FOR NATIVE HARVEST SEEDING AND PLANTING SERVICES. (COUNTYWIDE) (COMMISSIONER GÓMEZ) (9:14 AM)

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

17. APPROVE TWELVE (12) MONTH EXTENSIONS (MODIFICATION NO. 1) TO THE FOLLOWING CONTRACTS FOR ASSORTED CONSTRUCTION SANDS: (9:14 AM)
- A. NO. 03T00097EH, CAPITOL AGGREGATES; AND
 - B. NO. 03T00098EH, CENTEX MATERIALS, LP. (TNR) (GÓMEZ)

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

18. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT 03T00111EH FOR HOME REPAIR MATERIALS TO LOWE'S HOME IMPROVEMENT. (HHS) (COMMISSIONER GÓMEZ) (9:14 AM)

Clerk's Note: Item 18 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

19. APPROVE AWARD OF A CATALOG INFORMATION SYSTEMS VENDOR STATE CATALOG PURCHASE, RFO # 0040003-LC, FOR DELL COMPUTER EQUIPMENT FROM VINTAGE IT SERVICES. (COUNTY CLERK) (COMMISSIONER GÓMEZ) (9:14 AM)

Clerk's Note: Item 19 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

20. APPROVE QUANTUM MERUIT CLAIM FOR SOUTHWEST KEY PROGRAM, INC. IN THE AMOUNT OF \$26,053.00. (JUVENILE PROBATION) (COMMISSIONER GÓMEZ) (9:14 AM)

Item 20 pulled from the Agenda.

OTHER ITEMS

21. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:14 AM)

Clerk's Note: Item 21 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

22. REAPPOINT REGGIE WILLIAMS AND FLO SOLIZ AS FIRE COMMISSIONERS TO THE BOARD OF ESD #4 FOR THE TERM OF JANUARY 1, 2004 TO DECEMBER 31, 2005. (COMMISSIONER DAVIS) (9:14 AM)

Clerk's Note: Item 22 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

23. REQUEST COMMISSIONERS COURT APPROVAL FOR A POOL VEHICLE TO BE PERMANENTLY ASSIGNED TO THE AIRPORT BOULEVARD LOCATION.
(9:14 AM)

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

24. CONSIDER ISSUES AND TAKE APPROPRIATE ACTION ON STRATEGY TO IMPROVE THE FOLLOWING MAJOR INTERLOCAL AGREEMENTS WITH CITY OF AUSTIN:

A. AUSTIN-TRAVIS COUNTY CENTRAL BOOKING; (11:42 AM)

Members of the Court heard from: Susan Spataro, Travis County Auditor; Mike Trimble, Criminal Justice Coordinator, Criminal Justice Planning (CJP); Jim Connolly, Assistant County Attorney; and Bill Derryberry, Budget Analyst, PBO.

Discussion Only. No action taken.

24. B. AUSTIN-TRAVIS COUNTY EMERGENCY MEDICAL SERVICES (EMS);
(11:59 AM)

Members of the Court heard from: Caryl Colburn, Director, Travis County Counseling and Education Services (TCCES); and Danny Hobby, Emergency Services Coordinator, Travis County Department of Emergency Services.

Discussion Only. No action taken.

ITEM 24 CONTINUED

24. C. AUSTIN-TRAVIS COUNTY SOCIAL SERVICES CONTRACTS; (2:07 PM)

D. AUSTIN-TRAVIS COUNTY HEALTH CARE SERVICES CONTRACTS.

Clerk's Note: Items 24.C and D are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Stephen Williams, Executive Manager, TCHHS&VS.

Discussion Only. No action taken.

25. CONSIDER AND TAKE APPROPRIATE ACTION ON SUBMISSION TO U.S. JUSTICE DEPARTMENT, INCLUDING COMMENTS GIVEN DURING NOVEMBER 18 PUBLIC HEARING. (2:22 PM) (2:28 PM) (3:14 PM)

Members of the Court heard from: Kevin Morse, Assistant County Attorney; and Melissa Gonzalez, Travis County Resident.

Clerk's Note: Judge Biscoe announced that Item 25 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action taken on Item 25.

Item 25 to be reposted on November 25, 2003.

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.

- 26. CONSIDER APPROVAL OF PURCHASE CONTRACT(S) WITH TOMEN-PARKE ASSOCIATED, LTD. FOR THE ACQUISITION OF APPROXIMATELY 96.2133 ACRES AND 43.843 ACRES OF LAND IN CONNECTION WITH THE BALCONES CONSERVATION PLAN, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAUGHERTY) ^{1&2} (2:28 PM) (3:14 PM)

Clerk's Note: Judge Biscoe announced that Item 26 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 Commissioner Daugherty **and seconded by** Commissioner Sonleitner to authorize the purchasing of the Tomen-Parke Associated, Ltd. tract, for the total sum of \$4,017,000.00; and the closing would be by December 15, 2003.

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

27. DISCUSS ACQUISITION OF 319.709 ACRES OF LAND OWNED BY CHARLES RIBELIN, MARTHA RIBELIN, THOMAS FRANCIS, LUCIA FRANCIS AND RIBELIN RANCH PARTNERSHIP, LTD. IN CONNECTION WITH THE BALCONES CANYONLANDS CONSERVATION PLAN, AND TAKE APPROPRIATE ACTION. ^{1&2} (2:28 PM) (3:16 PM)

Clerk's Note: Judge Biscoe announced that Item 27 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 taken on Item 27.

Item 27 to be reposted on November 25, 2003.

28. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, COUNTER OFFER OR SETTLEMENT OFFER AND TAKE APPROPRIATE ACTION IN CAUSE NO. GN-300127; AUSTIN 1825 FORTVIEW, INC. V. TRAVIS COUNTY, TEXAS, IN THE 353RD DISTRICT COUNTY OF TRAVIS COUNTY, TEXAS. ¹ (2:28 PM) (3:16 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.

Item 28 pulled from the Agenda.

ADDED ITEMS

- A1. DISCUSS AND GIVE APPROPRIATE DIRECTIONS ON PROPOSAL FOR CHAPTER 30, TRAVIS COUNTY CODE, JOINT TRAVIS COUNTY/CITY OF AUSTIN SUBDIVISION CODE FOR EXTRATERRITORIAL JURISDICTION. (2:27 PM)

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

Discussion only. No action taken.

Item A1 to be reposted on November 25, 2003.

- A2. APPROVE THE USE OF ALTERNATIVE FISCAL FOR CHAPPELL HILL SUBDIVISION, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:14 AM)

Clerk's Note: Item A2 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- A3. APPROVE SETTING A PUBLIC HEARING ON TUESDAY, NOVEMBER 25, 2003, TO APPROVE A TEMPORARY ROAD CLOSURE OF MCKINNEY FALLS PARKWAY IN PRECINCT 4, BETWEEN THE ENTRANCE STATION TO MCKINNEY FALLS STATE PARK AND PARKS AND WILDLIFE ROAD, FROM DECEMBER 3, 2003 THROUGH DECEMBER 19, 2003 FOR THE PURPOSE OF FILM PRODUCTION. (COMMISSIONER GÓMEZ) (9:14 AM)

Clerk's Note: Item A3 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- A4. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING EXTENSION OF LEAVE WITH PAY FOR EMPLOYEE THOMAS WASHINGTON FOR NOVEMBER 12, 2003, AND TAKE APPROPRIATE ACTION. (EXECUTIVE SESSION ^{1 & 3}) (2:28 PM) (3:14 PM)

Clerk's Note: Judge Biscoe announced that Item A4 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney, and Gov't. Code Ann. 551.074 Personnel Matters.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the extension of leave with pay for one day, namely, November 13, 2003.

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

