

MINUTES OF MEETING – NOVEMBER 25, 2003

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 25th 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 12:01 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened the Voting Session at 1:37 PM and adjourned at 1:37 PM.

The Commissioners' Court reconvened the Voting Session at 1:37 PM.

The Commissioners' Court retired to Executive Session at 3:46 PM.

The Commissioners' Court reconvened the Voting Session at 4:39 PM.

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

PLANNING AND BUDGET DEPT. ITEMS

2. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE: (9:36 AM)
 - A. A GRANT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR AN FY 04 FEMA PHASE XXII EMERGENCY FOOD AND SHELTER GRANT IN HEALTH AND HUMAN SERVICES DEPARTMENT. THE GRANT CONTINUES THE EXISTING PROGRAM FOR FY 04;
 - B. A GRANT CONTRACT WITH THE UNIVERSITY OF NORTH TEXAS FOR A SENIORS AND VOLUNTEERS FOR CHILDHOOD IMMUNIZATION GRANT IN HEALTH AND HUMAN SERVICES DEPARTMENT. THE GRANT CONTINUES THE EXISTING PROGRAM FOR FY 04;
 - C. A GRANT CONTRACT WITH THE OFFICE OF THE ATTORNEY GENERAL FOR AN ACCESS AND VISITATION GRANT PROGRAM IN THE JUVENILE PROBATION DEPARTMENT. THE GRANT CONTINUES THE EXISTING PROGRAM FOR FY 04.

Clerk's Note: Items 2.A, B, and C added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

3. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS AND TRANSFERS. (9:36 AM)

Clerk's Note: Item 3 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

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 \$292,794.21 FOR THE PERIOD OF NOVEMBER 7 THROUGH NOVEMBER 13, 2003. (9:36 AM)

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

5. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED PERSONNEL AMENDMENTS. (9:36 AM)

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

6. STATUS UPDATE FOR FACTS IMPLEMENTATION FOR DISTRICT CLERK, DISTRICT JUDGES, COUNTY CLERK, COUNTY JUDGES, PROBATE COURT AND JUSTICE OF THE PEACE TO PROVIDE CURRENT PROJECT ACCOMPLISHMENTS, ISSUES AND TIMELINE CONSIDERATIONS. (10:40 AM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Joe Harlow, Director, Information and Telecommunications Systems (ITS); Judy Pittsford, Project Manager, ITS; Susan Spataro, Travis County Auditor; and Tammy Hutchinson, Travis County Auditor's Office.

Discussion only. No action taken.

7. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:

A. TRAVIS COUNTY WELLNESS PROGRAM; (11:21 AM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Dan Mansour, Risk Manager, Human Resources Management Department (HRMD); Barbara Wilson, Assistant County Attorney; and Crystal Wiltz, Wellness Coordinator, Texas Cooperative Extension Agency.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the suggestion by Wellness Committee that we have a letter from the Commissioners' Court; that we have the draft letter on the Court's Agenda next Tuesday, December 2, 2003; that in that letter, we indicate the importance of wellness by all Travis County employees, and show a relationship between what we spend for employee health insurance and performance pay.

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

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the wellness survey, and have a deadline of December 20, 2003; and to ask all personnel liaisons to encourage employees in their departments to complete the survey, as the information will be used by the committee and the Commissioners' Court.

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

Motion by Judge Biscoe and seconded by Commissioner Gómez to direct Staff to proceed with the wellness newsletter.

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

8. DISCUSS AND TAKE APPROPRIATE ACTION ON THE FOLLOWING ISSUES REGARDING THE 2201 POST ROAD BUILDING: (11:16 AM)

A. REQUESTS FROM VARIOUS ENTITIES AND COUNTY DEPARTMENTS TO UTILIZE SPACE; AND

B. AUTHORIZATION FOR PLANNING AND BUDGET DEPARTMENT TO MAKE AN INTRA-DEPARTMENT TRANSFER OF \$10,000 IN FACILITIES TO MAKE IMPROVEMENTS.

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Roger El Khoury, Director, Facilities Management; and Barbara Swift; Chief Deputy, Juvenile Probation Department.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Daugherty to approve Staff’s recommendation regarding Item 8.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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Daugherty to approve Item 8.B.

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

PURCHASING OFFICE ITEMS

9. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. SL030126LC, BEARINGPOINT, INC., FOR TEXAS ONLINE SERVICE LEVEL AGREEMENT WITH EPAY ATTACHMENT FOR TRAVIS COUNTY. (ITS) (COMMISSIONER GÓMEZ) (9:14 AM)

Item 9 pulled from the Agenda.

- 14. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 03T00113RG, TESSCO INCORPORATED, FOR TWO WAY SUPPLIES AND INFRASTRUCTURE PRODUCTS. (CJP) (COMMISSIONER GÓMEZ) (9:36 AM)

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

- 15. APPROVE CONTRACT AWARD FOR ABATEMENT/DEMOLITION SERVICES – TNR, IFB NO. B040004-LD, TO THE LOW BIDDER, SOUTHWEST CONSTRUCTORS. (TNR) (COMMISSIONER GÓMEZ) (9:36 AM)

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

- 16. APPROVE CONTRACT MODIFICATION NO. 1 TO CONTRACT NO. PS9900110TS, COMMUNICATION SERVICES FOR THE DEAF, INC., FOR LANGUAGE INTERPRETER SERVICES. (HHS & VS) (COMMISSIONER GÓMEZ) (9:36 AM)

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

- 17. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. 03T000740J WITH WASTE MANAGEMENT OF TEXAS TO ADD REFUSE COLLECTION AT THREE ADDITIONAL LOCATIONS. (COUNTYWIDE) (COMMISSIONER GÓMEZ) (3:36 PM)

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the contract modification in Item 17.

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

20. APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: STEINER RANCH PHASE ONE, SECTION 6E (LONG FORM PLAT – 69 LOTS – 72.13 ACRES – COUNTRY TRAILS LANES – TRUST DEED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY WCID NO. 17 – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:36 AM)

Clerk's Note: Item 20 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

21. APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: STEINER RANCH PHASE TWO, SECTION 8 (SHORT FORM PLAT – 2 LOTS – 7.04 ACRES – QUINLAN PARK ROAD – TRUST DEED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY WCID NO. 17 – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:36 AM)

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

22. APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: CYRUS SUBDIVISION (SHORT FORM PLAT – 2 LOTS – 12.655 ACRES – R.O. DRIVE – NO FISCAL POSTING REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC (LCRA) – NO MUNICIPAL ETJ). (COMMISSIONER DAUGHERTY) (9:36 AM)

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

23. DISCUSS AMENDMENTS TO CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) JOINT POWERS AGREEMENT, AND TAKE APPROPRIATE ACTION. (COMMISSIONER SONLEITNER) (2:56 PM)

Motion by Commissioner Sonleitner **and seconded by** Commissioner Daugherty to approve the Joint Powers Agreement that has been presented by CAMPO.

Motion failed:

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

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner that the County Judge be authorized to communicate the above vote to CAMPO.

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

24. CONSIDER EMISSION REDUCTION MEASURES TO INCLUDE IN THE EARLY ACTION COMPACT’S CLEAN AIR ACTION PLAN, AND TAKE APPROPRIATE ACTION. (1:37 PM)

Members of the Court heard from: Scheleen Walker, Planner, TNR; Cathy Stephens, Capital Area Metropolitan Planning Organization (CAMPO), Chair, Early Action Compact Task Force; Bill Gill, Capital Area Planning Council (CAPCO), Member, Early Action Compact Task Force; Hazel Barber, Texas Commission on Environmental Quality (TCEQ); Robert Howard, Travis County Resident; and Vincent May, Travis County Resident.

Motion by Judge Biscoe and seconded by Commissioner Davis to approve Staff recommendations: I – Key Measures that are most likely necessary to ensure attainment of the 8-hour NAAQS by 2007; II – Regional Measures that the State will need to implement throughout the five-county region or beyond; and III – Additional Local Measures that Travis County should choose to take responsibility for implementing.

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

25. DISCUSS AND APPROVE A PRELIMINARY PLAN IN PRECINCT ONE: ROSE HILL PRELIMINARY PLAN (938) LOTS – 196.236 ACRES – U.S. HWY 290 – SEWAGE SERVICE TO BE PROVIDED BY ROSE HILL M.U.D. – NO MUNICIPAL ETJ). (COMMISSIONER DAVIS) (9:36 AM)

Clerk's Note: Item 25 added to Consent Items. Please refer to CONSENT ITEMS for the Court’s Motion and Vote.

26. DISCUSS AND GIVE APPROPRIATE DIRECTIONS ON PROPOSAL FOR CHAPTER 30, TRAVIS COUNTY CODE, JOINT TRAVIS COUNTY/CITY OF AUSTIN SUBDIVISION CODE FOR EXTRATERRITORIAL JURISDICTION. (3:07 PM)

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

Discussion only. No action taken.

Item 26 to be reposted on December 2, 2003.

27. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REQUEST REGARDING THE ESTATES OF ROWE LANE: (9:36 AM)

A. APPROVE A PRELIMINARY PLAN IN PRECINCT TWO – THE ESTATES OF ROWE LANE (PRELIMINARY PLAN – 154 LOTS – 49.373 ACRES – ROWE LANE – SEWAGE SERVICE TO BE PROVIDED BY LAKESIDE WCID #2C – CITY OF PFLUGERVILLE ETJ); AND

B. APPROVE THE USE OF ALTERNATIVE FISCAL FOR THE ESTATES OF ROWE LANE, SECTIONS 1 AND 2. (COMMISSIONER SONLEITNER)

Clerk's Note: Items 27.A and B added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

OTHER ITEMS

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

Clerk's Note: Item 28 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

29. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF OCTOBER 2003. (9:36 AM)

Clerk's Note: Item 29 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

30. REAPPOINT COMMISSIONER MARGARET J. GÓMEZ TO SERVE ON THE CONFERENCE OF URBAN COUNTIES' POLICY COMMITTEE. (COMMISSIONERS GÓMEZ AND SONLEITNER) (9:36 AM)

Clerk's Note: Item 30 added to Consent Items. Please refer to CONSENT ITEMS for 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 BRIEFING FROM COUNTY ATTORNEY AND GIVE DIRECTION AND TAKE APPROPRIATE ACTION REGARDING MOSES H. RODRIGUEZ, JR. (RODRIGUEZ, MOSES H. JR.; PEREZ; SUBROGATION).¹ (3:46 PM) (4:39 PM)**

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.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the restructuring of the debt that has been signed by Mr. Rodriguez.

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. 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 and 2} (3:46 PM) (4:40 PM)**

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, and Gov't. Code Ann. 551.072, Real Property.

No action required on Item 33.

Item 33 to be reposted on December 16, 2003.

ADDED ITEMS

- A1.** CONSIDER AND TAKE APPROPRIATE ACTION ON AN EXEMPTION ORDER FOR PROFESSIONAL SERVICES FOR A MANAGEMENT AUDIT OF THE SINGLE OFFICE AND AUTHORIZE THE PURCHASING AGENT AND THE EXECUTIVE MANAGER FOR TRANSPORTATION AND NATURAL RESOURCES TO COMMENCE CONTRACT NEGOTIATIONS WITH DELOITTE & TOUCHE LLP, PURSUANT TO COUNTY PURCHASING ACT, TEX. LOC. GOVT. CODE ANN. SEC. 262.024 (A)(4). (TNR) (3:09 PM)

Members of the Court heard from: Carol Joseph, Assistant Director, TNR; Joe Gieselman, Executive Manager, TNR; and Susan Spataro, Travis County Auditor.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to approve the exemption order, and prepare a draft contract for execution, if the pieces come together.

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 A1 to be reposted on December 2, 2003.

