

MINUTES OF MEETING – FEBRUARY 3, 2004

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 3rd day of February, 2004, the Commissioners' Court convened the regular Voting Session at 9:13 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 retired to Executive Session at 11:10 AM.

The Commissioners' Court reconvened the Voting Session at 11:34 AM.

The Commissioners' Court recessed the Voting Session at 11:37 AM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened the Voting Session at 11:37 AM and adjourned at 11:37 AM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, convened the Voting Session at 11:37 AM and adjourned at 11:38 AM.

The Commissioners' Court reconvened the regular Voting Session at 1:44 PM.

The Commissioners' Court adjourned the Voting Session at 3:38 PM.

INTRODUCTION OF STAFF

- 3. INTRODUCTION OF RANDY LEAVITT AND TONY NELSON TO COMMISSIONERS COURT BY COUNTY ATTORNEY’S OFFICE. (9:16 AM)

Members of the Court heard from: David Escamilla, Travis County Attorney; and Randy Leavitt, First Assistant County Attorney.

Discussion Only. No action taken.

CITIZENS COMMUNICATION

Clerk’s Note: No speakers addressed the Court. (9:22 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C4 and Items 5, 6.A and B, 7, 9, 10, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 25.A and B, 28, and 32. (9:23 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 JANUARY 13, 2004.
- C4.** APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF JANUARY 20, 2004.

PLANNING AND BUDGET DEPT. ITEMS

6. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:23 AM)
- A. APPROVE A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE BUREAU OF JUSTICE ASSISTANCE FOR A BULLETPROOF VEST PARTNERSHIP PROGRAM IN CONSTABLE PRECINCT THREE OFFICE. A NEW GRANT THROUGH THE SHERIFF'S OFFICE THAT PROVIDES FUNDS FOR BULLETPROOF VESTS;
 - B. APPROVE A GRANT CONTRACT AMENDMENT WITH THE TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES TO THE TRAVIS COUNTY TITLE IV-E REIMBURSEMENT CONTRACT IN THE DISTRICT ATTORNEY'S OFFICE. THE AMENDMENT CHANGES THE NUMBER OF THE CONTRACT FOR THE STATE.

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

7. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:14 AM) (9:23 AM)

Clerk's Note: Judge Biscoe announced that Budget Amendments and Transfers Item DS1 would be postponed until February 10, 2004.

Clerk's Note: Item 7 (except for DS1) added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

8. REVIEW GENERAL GUIDELINES FOR THE FY 05 BUDGET ENTITLED “FRAMING THE FY 05 BUDGET PROCESS,” AND TAKE APPROPRIATE ACTION. (9:32 AM)

Members of the Court heard from: Christian Smith, Executive Manager, Planning and Budget Office (PBO).

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the FY 05 budget guidelines entitled “Framing the FY 05 Budget Process.”

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	no
Precinct 4, Commissioner Margaret J. Gómez	yes

ADMINISTRATIVE OPERATIONS ITEMS

9. 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 \$466,424.00 FOR THE PERIOD OF JANUARY 16 THROUGH JANUARY 22, 2004. (9:23 AM)

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

10. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED PERSONNEL AMENDMENTS. (9:23 AM)

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

11. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATIONS RELATIVE TO THE TRAVIS COUNTY EMPLOYEE WELLNESS PROGRAM. (10:11 AM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Crystal Wiltz, Travis County Cooperative Extension; Lee McCormick, Human Resources Management Department (HRMD); Barbara Wilson, Assistant County Attorney; Nancy Goodman Gill, TCHHS&VS; Mary Loreda, Information and Telecommunications Systems (ITS); and Dan Mansour, Risk Manager, HRMD.

Discussion Only. No action taken.

Item 11 to be reposted on February 10, 2004.

PURCHASING OFFICE ITEMS

12. APPROVE PURCHASE OF ONE (1) ROUGH TERRAIN FORKLIFT FROM THE HOUSTON GALVESTON AREA COUNCIL, INTERLOCAL AGREEMENT NO. IL98-98858. (EXPO CENTER) (COMMISSIONER GÓMEZ) (9:23 AM)

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

13. APPROVE PURCHASE OF ONE (1) FRONT END LOADER AND TWO (2) MOTOR GRADERS FROM THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD), NO. IL0300670J. (TNR) (COMMISSIONER GÓMEZ) (9:23 AM)

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

14. APPROVE CONTRACT AWARD FOR PORTABLE OFFICE UNITS, IFB NO. B040042LD, TO THE SOLE BIDDER, MOBILE MINI, INC. (COUNTY CLERK) (COMMISSIONER GÓMEZ) (9:23 AM)

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

15. APPROVE PURCHASE OF SELF PROPELLED ROLLERS OFF STATE CONTRACT FROM HOLT COMPANY OF TEXAS. (TNR) (COMMISSIONER GÓMEZ) (9:23 AM)

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

16. APPROVE RENEWAL OF CONTRACT NO. 02T0021OJ, MILLIMAN USE, INC., FOR ACTUARIAL SERVICES FOR THE TRAVIS COUNTY SELF-FUNDED PLAN. (HRMD) (COMMISSIONER GÓMEZ) (9:23 AM)

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

17. APPROVE CONTRACT CHANGE ORDER NUMBER THREE TO CONTRACT NO. 03K00230DM, ABATEMENT REMEDIATION SPECIALIST, FOR COURTHOUSE WATERPROOFING. (COMMISSIONER GÓMEZ) (9:23 AM)

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

18. APPROVE MODIFICATION NO. 4 TO CONTRACT NO. 02K00145JJ, RGM CONSTRUCTORS, LITTIG ROAD RECONSTRUCTION PROJECT. (TNR) (COMMISSIONER DAVIS) (9:23 AM)

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

19. APPROVE CONTRACT AWARD FOR PRECINCT FOUR OFFICE BUILDING OFF-SITE DRAINAGE IMPROVEMENTS, IFB NO. B040039MB, TO THE LOW BIDDER, KEYSTONE CONSTRUCTION. (FM) (COMMISSIONER GÓMEZ) (9:24 AM)

Item 19 postponed until February 10, 2004.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

20. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REQUEST TO APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: TWIN CREEKS COUNTRY CLUB, SECTION 7, REPLAT OF LOT 19, BLOCK I (SHORT FORM PLAT – 1 LOT – 0.19 ACRES – TIVOLI DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY CITY OF CEDAR PARK – CITY OF CEDAR PARK ETJ). (COMMISSIONER DAUGHERTY) (9:23 AM)

Clerk's Note: Item 20 is the action item for the public hearing on Agenda Item 1.

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

21. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: AMENDED PLAT OF LOTS 11 AND 12, BLOCK A, FITZHUGH RANCH, SECTION 1 AND AMENDED PLAT OF LOT 39, BLOCK A, LONG BRANCH VALLEY (SHORT FORM PLAT – 3 LOTS – 5.73 ACRES – WINDING CREEK DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:23 AM)

Clerk's Note: Item 21 is the action item for the public hearing on Agenda Item 2.

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

22. CONSIDER INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY AND LAKE TRAVIS INDEPENDENT SCHOOL DISTRICT FOR SUPPLEMENTAL SALARY FOR SCHOOL CROSSING GUARDS, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAUGHERTY) (9:23 AM)

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

23. CONSIDER INTERLOCAL AGREEMENT WITH THE VILLAGE OF WEBBERVILLE FOR THE PERMITTING, LICENSING AND INSPECTION OF ONSITE SEWAGE SYSTEMS WITHIN THE VILLAGE, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAVIS) (10:46 AM)

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

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve the interlocal in Item 23.

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. **A.** CONSIDER PROPOSED ELEMENTS OF A TRAVIS COUNTY REAL PROPERTY ASSET DISPOSITION POLICY, AND TAKE APPROPRIATE ACTION; AND (9:14 AM)

B. CONSIDER DISPOSITION OF MAINTENANCE AND STORAGE FACILITIES AT SATELLITE THREE ON HAMILTON POOL ROAD IN PRECINCT THREE, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAUGHERTY)

Items 24.A and B postponed until February 10, 2004.

25. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING RELATED TO SHADOWGLEN PHASE ONE: (9:23 AM)

A. A CONSTRUCTION AGREEMENT AND A PLAT FOR RECORDING IN PRECINCT ONE: SHADOWGLEN PHASE ONE SECTION 1(B) (LONG-FORM PLAT – 45 LOTS – 12.820 ACRES – SHADOWGLEN TRACE – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NUMBER TWO – CITY OF MANOR ETJ); AND

B. A CONSTRUCTION AGREEMENT AND A PLAT FOR RECORDING IN PRECINCT ONE: SHADOWGLEN PHASE ONE SECTION 2(B) (LONG-TERM PLAT – 59 LOTS – 15.710 ACRES – SHADOWGLEN TRACE – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NUMBER TWO – CITY OF MANOR ETJ). (COMMISSIONER DAVIS)

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

26. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REQUESTS: (10:48 AM)

A. INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY AND THE CITY OF AUSTIN FOR THE RELOCATION AND ADJUSTMENT OF EXISTING CITY OF AUSTIN WATER UTILITY MAIN AND APPURTENANCES WITH THE ANDERSON MILL ROAD CIP PROJECT; AND

B. REQUEST FOR MODIFICATION NO. 4 TO TRAVIS COUNTY'S PROFESSIONAL CONTRACT AGREEMENT NO. 01AE601-JJ, WITH CARTER & BURGESS, INC., FOR THE DESIGN OF THE ANDERSON MILL ROAD CIP PROJECT. (COMMISSIONERS SONLEITNER AND DAUGHERTY)

Clerk's Note: Items 26.A and B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Carol Joseph, Assistant Director, TNR; and Tom Nuckols, Assistant County Attorney.

Motion by Commissioner Sonleitner **and seconded by** Judge Biscoe to approve the interlocal in Item 26.A and to request the modification in Item 26.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

27. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING SOLID WASTE MANAGEMENT ISSUES:

A. PHASE TWO ODOR STUDY RECOMMENDATIONS; (1:44 PM)

Members of the Court heard from: John Kuhl, Natural Resources Program Manager, TNR; Paul Gosselink, Attorney, BFI; Ray Schull, BFI; Lee Kuhn, District Environmental Engineer, BFI; Trek English, Travis County Resident; Unknown Male, representing State Representative Jack Stick; and Melanie McAfee, Travis County Resident.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to discontinue the odor study.

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. B. PROPOSAL BY CAPCO TO ASSIST WITH REGIONAL LANDFILL STUDY; (1:54 PM)

Members of the Court heard from: Melinda Mallia, TNR; and John Kuhl, Natural Resources Program Manager, TNR.

Motion by Judge Biscoe **and seconded by** Commissioner Davis that Travis County take the position that we appreciate CAPCO’s assistance, and we accept the \$11,000.00, and spend it as they see fit, first; but secondly, that we request that the approximately \$10,000.00 left over be used to help Travis County acquire professional expertise, to do parts of a regional landfill locating study that we don’t believe their part will cover; third, that Travis County be the administrator of that contract; and fourth, that we would, basically, assume responsibility for generating an additional \$30,000.00 or so, to give us about \$40,000.00, and actually, to ask Browning Ferris Industries (BFI) and Waste Management Incorporated (WMI) to contribute about \$15,000.00 apiece. The thinking would be that, on the regional landfill study, we are doing it, basically, for the benefit of Travis County government, Travis County residents, and the two northeast Travis County landfills.

ITEM 27 CONTINUED

A Friendly Amendment to the previous Motion was offered by Commissioner Davis that within the study, having it placed on the table to suggest that there are other counties, especially adjacent within the CAPCO area, that have host fee capabilities, and that may be an incentive for someone that may need the revenue.

Acceptance of the Friendly Amendment was made by Judge Biscoe.

A Friendly Amendment to the previous Motion was offered by Commissioner Daugherty to ask Texas Disposal Systems (TDS) to share in the cost of the study, even though they are not northeast. This is a regional issue.

Acceptance of the Friendly Amendment was made by Judge Biscoe and Commissioner Davis.

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. C. A TRAVIS COUNTY SITING ORDINANCE FOR TYPE 1 LANDFILLS;
(2:21 PM)**

Members of the Court heard from: Tom Nuckols, Assistant County Attorney; Joe Gieselman, Executive Manager, TNR; Paul Gosselink, Attorney, BFI; Ray Schull, BFI; John Joseph, Attorney, Waste Management; and Steve Jacobs, Waste Management.

Discussion Only. No action taken.

ITEM 27 CONTINUED

27. D. REQUEST FOR TRAVIS COUNTY TO ASSIST WITH ACQUISITION OF SITES FOR NEW LANDFILLS; (2:55 PM)

Members of the Court heard from: John Kuhl, Natural Resources Program Manager, TNR; Paul Gosselink, Attorney, BFI; John Joseph, Attorney, Waste Management; Steve Jacobs, Waste Management; Trek English, Travis County Resident; Mark McAfee, Travis County Resident; and Melanie McAfee, Travis County Resident.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 27.D, and try to come up with a memorandum of understanding, which includes the specifics on what each side is going to do.

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 27.D to be reposted on February 24, 2004.

27. E. OTHER RELATED MATTERS. (3:37 PM)

Discussion only. No action necessary.

31. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM THE TEXAS ASSOCIATION OF COUNTIES TO IMPLEMENT A PUBLIC AWARENESS PROGRAM REGARDING UNFUNDED MANDATES IMPOSED ON COUNTIES. (11:08 AM)

Discussion Only. No action taken.

Item 31 to be reposted on February 10, 2004.

32. CONSIDER AND TAKE APPROPRIATE ACTION ON LEASE AGREEMENT FOR THE USE OF NORTHCROSS MALL AS AN EARLY VOTING POLLING PLACE. (9:23 AM)

Clerk's Note: Item 32 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

33. CONSIDER AND TAKE APPROPRIATE ACTION ON ORDER DESIGNATING MAIN EARLY VOTING POLLING PLACE AND TEMPORARY BRANCH EARLY VOTING POLLING PLACES AND HOURS FOR EARLY VOTING ON WEEKDAYS. (11:00 AM)

Members of the Court heard from: Dana DeBeauvoir, Travis County Clerk; and Tamara Armstrong, Assistant County Attorney.

Discussion Only. No action taken.

Item 33 to be reposted on February 10, 2004.

36. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. PRINCE ALBERT HILL AND ERNESTINE HILL (CHAUTAUQUA FOUNDATION RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹
(11:10 AM) (11:37 AM)

Clerk's Note: Judge Biscoe announced that Item 36 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Item 36 was not discussed. No action taken on Item 36.

37. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. PRINCE ALBERT HILL AND ERNESTINE HILL (CHAUTAUQUA FOUNDATION RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹
(11:10 AM) (11:37 AM)

Clerk's Note: Judge Biscoe announced that Item 37 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Item 37 was not discussed. No action taken on Item 37.

38. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. PAUL WATROUS (CHAUTAUQUA FOUNDATION RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (11:10 AM) (11:37 AM)

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.

Item 38 was not discussed. No action taken on Item 38.

39. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. J.D.C.B. INC. AND AKA UNIVERSAL TRADING AND BROKERAGE CO. AND AKA UNIVERSITY TRADING CO. (CHAUTAUQUA FOUNDATION RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (11:10 AM) (11:37 AM)

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.

Item 39 was not discussed. No action taken on Item 39.

