

MINUTES OF MEETING – APRIL 20, 2004

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 20th day of April, 2004, the Commissioners' Court convened the regular Voting Session at 9:18 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 record notes that Precinct Three Commissioner Gerald Daugherty was not present during this Voting Session.

The Commissioners' Court retired to Executive Session at 10:47 AM.

The Commissioners' Court reconvened the Voting Session at 11:16 AM.

The Commissioners' Court adjourned the Voting Session at 11:18 AM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, convened the Voting Session at 11:18 AM and adjourned at 11:18 AM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation, convened the Voting Session at 11:18 AM and adjourned at 11:19 AM.

PUBLIC HEARINGS

- 1. DISCUSS REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE THE 5' PUBLIC UTILITY EASEMENTS ON BOTH SIDES OF THE COMMON LOT LINE OF LOTS 7 AND 17, BLOCK B, LAKE RIDGE ESTATES SECTION 1, A SUBDIVISION IN PRECINCT THREE. (ACTION ITEM 19) (COMMISSIONER DAUGHERTY) (9:18 AM) (9:42 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 19 for the Court's Motion and Vote.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez 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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

Members of the Court heard from: Carol Joseph, Assistant Director, Transportation and Natural Resources (TNR); and Martin Oakes, Travis County Resident.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to recess 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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to reconvene the public hearing.

Clerk's Note: The Court did not take a Vote on the previous Motion and Second, and, without objection, reconvened the Public Hearing.

ITEM 1 CONTINUED

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to close 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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

- 2. DISCUSS REQUEST FOR APPROVAL OF PROPOSED STREET NAME CHANGES FOR PORTIONS OF DIES RANCH ROAD TO “ANDERSON MILL ROAD” AND “TIMBERWOLF TRAIL” IN PRECINCT THREE. (ACTION ITEM 20) (COMMISSIONER DAUGHERTY) (9:21 AM)

Clerk’s Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 20 for the Court’s Motion and Vote.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez 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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to close 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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

RESOLUTIONS & PROCLAMATIONS

4. APPROVE PROCLAMATION RECOGNIZING APRIL 19 THROUGH APRIL 23, 2004 AS “PIPELINE SAFETY AWARENESS WEEK” IN TRAVIS COUNTY. (JUDGE BISCOE) (9:23 AM)

Members of the Court heard from: Pete Baldwin, Emergency Management Coordinator, Department of Emergency Services; Peter Esposito, Danielle Dawn Smalley Foundation; and Mr. Danny Smalley, Founder, Danielle Dawn Smalley Foundation.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the resolution in Item 4.

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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

5. APPROVE RESOLUTION HONORING PODER (PEOPLE ORGANIZED IN DEFENSE OF EARTH AND HER RESOURCES) ON ITS 13TH YEAR ANNIVERSARY AND RECOGNIZE APRIL 22, 2004 AS EARTH DAY. (COMMISSIONER GÓMEZ) (9:28 AM)

Members of the Court heard from: Susana Almanza, People Organized in Defense of Earth and Her Resources (PODER); Dr. Sylvia Herrera, Health Coordinator, PODER; and Erica Gonzales, Youth Program Coordinator, PODER.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the resolution in Item 5.

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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

SPECIAL RESOLUTION

- 7. CONSIDER AND TAKE APPROPRIATE ACTION ON RESOLUTION ADDRESSING VARIOUS ISSUES RELATED TO THE CREATION OF A TRAVIS COUNTY HOSPITAL DISTRICT. (JUDGE BISCOE) (9:18 AM)

Item 7 postponed until April 27, 2004.

PLANNING AND BUDGET DEPT. ITEMS

- 8. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
 - A. GRANT APPLICATION TO UNITED STATES FISH AND WILDLIFE SERVICE (USFWS) THROUGH THE TEXAS PARKS AND WILDLIFE DEPARTMENT (TPWD) FOR THE BALCONES CANYONLANDS PRESERVE PROGRAM IN THE TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT. THE GRANT PROVIDES FOR \$34 MILLION IN ADDITIONAL FEDERAL FUNDS AND HAS AN UP TO \$11.50 MILLION DOLLAR MATCH REQUIREMENT THAT IS ANTICIPATED TO BE MET BY THE BCP TIF AND MITIGATION FEES AS NEEDED; (9:50 AM)

Members of the Court heard from: Melinda Mallia, Natural Resources Program, TNR.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the grant application in 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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

ITEM 8 CONTINUED

- 8. B. AMENDMENT TO INTERLOCAL AGREEMENT WITH THE TPWD FOR GRANT FUNDS TO ACQUIRE LAND FOR THE BALCONES CANYONLANDS PRESERVE IN THE TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT. THE GRANT INCREASES THE CURRENT PROGRAM AND PROVIDES FOR \$7.7 MILLION IN ADDITIONAL FEDERAL FUNDS AND HAS AN UP TO \$1.94 MILLION DOLLAR MATCH REQUIREMENT THAT IS ANTICIPATED TO BE MET BY THE BCP TIF AND MITIGATION FEES AS NEEDED; (9:52 AM)

Members of the Court heard from: Melinda Mallia, Natural Resources Program, TNR.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the amendment in 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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

- 8. C. GRANT CONTRACT WITH THE CAPITAL AREA PLANNING COUNCIL FOR A SOLID WASTE ENFORCEMENT GRANT IN THE TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT. A NEW GRANT PROGRAM TO PROVIDE AN INVESTIGATOR AND SUPPLIES FOR SIX MONTHS. (9:45 AM)

Members of the Court heard from: Melinda Mallia, Natural Resources Program, TNR; and Bill Derryberry, Senior Budget Analyst, Planning and Budget Office (PBO).

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to approve the contract in Item 8.C.

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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

9. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:40 AM)

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

ADMINISTRATIVE OPERATIONS ITEMS

10. 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 \$478,896.50 FOR THE PERIOD OF APRIL 2 THROUGH APRIL 8, 2004. (9:40 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 PROPOSED PERSONNEL AMENDMENTS. (9:40 AM)

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

PURCHASING OFFICE ITEMS

12. APPROVE 12-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 03T00205DR FOR RESIDENTIAL ROOF REPAIR/REPLACEMENT TO VALDEZ REMODELING AND WEATHERIZATION, INC. (HHS) (COMMISSIONER GÓMEZ) (9:40 AM)

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

13. APPROVE 12-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 03T00213DR FOR PAINT AND PAINT SUPPLIES TO MONARCH PAINT. (FAC. MGMT.) (COMMISSIONER GÓMEZ) (9:40 AM)

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

14. APPROVE 12-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 03T00228LD, IRON AGE CORP. FOR PROTECTIVE FOOTWEAR. (TNR) (COMMISSIONER GÓMEZ) (9:40 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 OF A CATALOG INFORMATION SYSTEM VENDER STATE CATALOG PURCHASE, RFO NO. 0040054SP, FOR THE PROCUREMENT OF MICROFILM SCANNING SYSTEM EQUIPMENT, TO LASON, INC. (COUNTY CLERK/RECORDS MANAGEMENT) (COMMISSIONER GÓMEZ) (9:40 AM)

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

16. APPROVE 12-MONTH EXTENSION TO CONTRACT NO. MA030233SP WITH LEXISNEXIS FOR ONLINE LEGAL RESEARCH SUBSCRIPTION SERVICES. (RMCR) (COMMISSIONER GÓMEZ) (9:40 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 AWARD FOR SOLAR AND ALUMINUM SCREENS, IFB NO. B040074DR, TO THE SOLE BIDDER, AUSTIN CUSTOM SCREENS. (HHS) (COMMISSIONER GÓMEZ) (9:40 AM)

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

- 18. APPROVE CONTRACT AWARD FOR WATER TREATMENT SERVICES, IFB NO. B040070JT, TO THE LOW BIDDER, SCALE FREE COMPANY. (FAC. MGMT.) (COMMISSIONER GÓMEZ) (9:53 AM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the contract in Item 18.

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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

- 19. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE THE 5' PUBLIC UTILITY EASEMENTS ON BOTH SIDES OF THE COMMON LOT LINE OF LOTS 7 AND 17, BLOCK B, LAKE RIDGE ESTATES SECTION 1, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:43 AM)

Clerk's Note: Item 19 is the action item for the public hearing on Agenda Item 1.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Item 19.

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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

20. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE PROPOSED STREET NAME CHANGES FOR PORTIONS OF DIES RANCH ROAD TO “ANDERSON MILL ROAD” AND “TIMBERWOLF TRAIL” IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:40 AM)

Clerk's Note: Item 20 is the action item for the public hearing on Agenda Item 2.

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 FOR A TEMPORARY CLOSURE OF PFLUGERVILLE LOOP ROAD IN PRECINCT TWO FROM EDGEMERE DRIVE TO NIMBUS DRIVE, BEGINNING APRIL 25, 2004 AND ENDING APRIL 30, 2004. (COMMISSIONER SONLEITNER) (9:40 AM)

Clerk's Note: Item 21 is the action item for the public hearing on Agenda Item 3.

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

22. A. APPROVE A CASH SECURITY AGREEMENT FOR THE CONSTRUCTION OF GRAND OAKS LOOP IN THE RESERVE AT TWIN CREEKS, SECTION 12; (9:40 AM)

- B. APPROVE A CONSTRUCTION AGREEMENT AND A PLAT FOR RECORDING IN PRECINCT THREE: THE RESERVE AT TWIN CREEKS, SECTION 12 (LONG FORM PLAT – 1 CONDOMINIUM LOT – 13.735 ACRES – TWIN CREEKS CLUB DRIVE – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY WILLIAMSON/TRAVIS COUNTY WCID 1G – CITY OF CEDAR PARK ETJ). (COMMISSIONER DAUGHERTY)

Clerk's Note: Items 22.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 ISSUES RELATED TO THE IMPLEMENTATION OF FACTS AND OTHER RESPONSIBILITIES RELATED TO COUNTY COURT FUNCTIONS. (9:59 AM)

Item 26 postponed until April 27, 2004.

- 27. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:

- A. LEASE NO. 04-6770-00631 AND CONTRACT AGREEMENT FORM BETWEEN TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION, CITY OF AUSTIN AND TRAVIS COUNTY FOR LEASE SPACE AT AUSTIN STATE HOSPITAL FOR THE SHERIFF'S OFFICE CRISIS INTERVENTION UNIT FOR THE 2004-2005 CONTRACT TERM. (9:59 AM)

Members of the Court heard from: Mike Hemby, Research Analyst, Travis County Sheriff's Office (TCSO); and Jim Connolly, Assistant County Attorney.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the lease and contract agreement in Item 27.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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

- 27. B. INTERLOCAL AGREEMENT BETWEEN THE CITY OF AUSTIN AND TRAVIS COUNTY FOR SHARING OF EXPENSES UNDER LEASE OF SPACE AT AUSTIN STATE HOSPITAL. (10:02 AM)

Members of the Court heard from: Mike Hemby, Research Analyst, TCSO; and Jim Connolly, Assistant County Attorney.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the interlocal agreement in Item 27.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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

ITEM 27 CONTINUED

27. C. REQUEST FOR PAYMENT TO AUSTIN/TRAVIS COUNTY MENTAL HEALTH AND MENTAL RETARDATION FOR RENTAL OF SPACE AT 56 EAST AVENUE, AUSTIN, TEXAS THAT WAS OCCUPIED BY TRAVIS COUNTY SHERIFF'S OFFICE CRISIS INTERVENTION UNIT. (10:04 AM)

Members of the Court heard from: Doyne Bailey, Chief Deputy, TCSO; Jim Connolly, Assistant County Attorney; Cyd Grimes, Travis County Purchasing Agent; and Mike Hemby, Research Analyst, TCSO.

Discussion only. No action taken.

Item 27.C to be reposted on April 27, 2004.

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.

- 28. RECEIVE BRIEFING AND CONSIDER AND TAKE APPROPRIATE ACTION ON EXTENSION OF LEAVE WITH PAY FOR JUVENILE PROBATION DEPARTMENT EMPLOYEE. ^{1&3} (10:47 AM) (11:16 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, and Gov't. Code Ann. 551.074, Personnel Matters.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to authorize an additional two days of leave with pay for this employee.

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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

- A2.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM THE TEXAS HOUSE OF REPRESENTATIVES TO BROADCAST THE SPECIAL SESSION OF THE 78TH LEGISLATURE ON TCTV CHANNEL 17. (10:20 AM)

Members of the Court heard from: Steven Broberg, Director, Records Management and Communications Resources (RMCR); and Al Jackson, Manager, Travis County Television (TCTV).

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez that we, basically, communicate to the State of Texas, that Travis County will free up space on Channel 17 when the Commissioners' Court is not in session, as it is necessary for them to utilize us; and to defer to live coverage when Commissioners' Court is in replay.

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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

- A3.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR MODIFICATION NO. 5 TO CONTRACT NO. MA960322 WITH EASY ACCESS INC. FOR PROGRAMMING SERVICES ON EZ-VOTE FOR THE MAY ELECTION ON TAX OFFICE COMPUTER SYSTEM. (ITS, TAX OFFICE) (9:40 AM)

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

