

MINUTES OF MEETING – MAY 4, 2004

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 4th day of May, 2004, the Commissioners' Court convened the regular Voting Session at 9:17 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 10:11 AM.

The Commissioners' Court reconvened the Voting Session at 10:44 AM.

The Commissioners' Court recessed the Voting Session at 12:05 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened the Voting Session at 1:41 PM and adjourned at 1:42 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, convened the Voting Session at 1:42 PM and adjourned at 1:54 PM.

The Commissioners' Court reconvened the regular Voting Session at 1:54 PM.

The Commissioners' Court retired to Executive Session at 3:09 PM.

The Commissioners' Court reconvened the Voting Session at 4:18 PM.

The Commissioners' Court adjourned the Voting Session at 4:22 PM.

8. APPROVE CONTRACT AWARD FOR AVIATION FUEL, IFB NO. B040078LD, TO THE LOW BIDDER, ARROW ENERGY, INC. (EMERGENCY SERVICES, STARFLIGHT) (COMMISSIONER GÓMEZ) (9:45 AM)

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

9. APPROVE PURCHASE OF OFF-SITE RECORDS STORAGE SERVICES OFF STATE CONTRACT FROM IRON MOUNTAIN. (RECORDS MANAGEMENT) (COMMISSIONER GÓMEZ) (9:45 AM)

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

10. APPROVE 12-MONTH EXTENSIONS (MODIFICATION NO. 1) TO THE FOLLOWING CONTRACTS FOR AUTOMOTIVE PARTS: (9:45 AM)

- A. NO. 03T00251RG, O'REILLY AUTO PARTS;
- B. NO. 03T00252RG, TEXAS ALTERNATOR STARTER SERVICES;
- C. NO. 03T00253RG, CARQUEST AUTO PARTS #176;
- D. NO. 03T00254RG, ARNOLD OIL COMPANY. (TNR) (COMMISSIONER GÓMEZ)

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

11. APPROVE MODIFICATION NO. 8 TO CONTRACT NO. PS010173LC, TIBURON, INC., FOR THE FACTS COURT MANAGEMENT SYSTEM. (ITS) (COMMISSIONER GÓMEZ) (9:45 AM)

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

- 14. RECEIVE BRIEFING FROM THE TRAVIS COUNTY CONSTRUCTION TRADE ENHANCEMENT ADVISORY COMMITTEE REGARDING THE COUNTY’S HISTORICALLY UNDERUTILIZED BUSINESS PROGRAM, AND TAKE APPROPRIATE ACTION. (PURCHASING OFFICE) (11:04 AM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; Sylvia Lopez, HUB Coordinator, Travis County Purchasing Department; Carol Hadnot, Board Member, Community Mentor Protégé Initiative; James Harper, President, Austin Black Contractors Association Inc.; John Hille, Assistant County Attorney; and Marvin Brice, Construction Procurement Manager, Travis County Purchasing Department.

Motion by Judge Biscoe and seconded by Commissioner Davis to do feasibility assessment, to report back to the Court, to try to carve out the construction part, and to get an update in 60 days.

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

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

- 15. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOT 1-A RESUBDIVISION OF LOT 1 NAUMANN’S CAMP SUBDIVISION AMENDED, LOT 1-B1, LOT 1-B2 AND LOT 2A RESUBDIVISION OF LOT 1-B OF THE RESUBDIVISION OF LOT 1 NAUMANN’S CAMP SUBDIVISION AMENDED AND RESUBDIVISION OF LOT 2 OF AMENDED PLAT OF LOTS 2 AND 3 NAUMANN’S CAMP SUBDIVISION AMENDED (SHORT FORM PLAT – 2 LOTS – 6.144 ACRES – JANICE LANE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC (LCRA) – NO MUNICIPAL ETJ). (COMMISSIONER DAUGHERTY) (9:45 AM)

Clerk’s Note: Item 15 is the action item for the public hearing on Agenda Item 1.

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

16. CONSIDER AND TAKE APPROPRIATE ACTION ON A ROAD CONSTRUCTION AGREEMENT WITH CAPITAL AGGREGATES FOR THE RECONSTRUCTION OF OLD KIMBRO ROAD. (COMMISSIONER DAVIS) (9:45 AM)

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

17. CONSIDER CONVEYANCE OF FOUR TRACTS OF EXISTING RIGHT-OF-WAY TO THE TEXAS DEPARTMENT OF TRANSPORTATION AS NEEDED FOR USE IN THE DEVELOPMENT OF THE LOOP 1 NORTH AND S.H. 45 NORTH ROADWAY PROJECTS, AND TAKE APPROPRIATE ACTION. (COMMISSIONER SONLEITNER) (9:52 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; and Tom Nuckols, Assistant County Attorney.

Discussion Only. No formal action taken.

Item 17 to be reposted on May 11, 2004.

18. CONSIDER AND TAKE APPROPRIATE ACTION ON WHETHER TRAVIS COUNTY SHOULD GIVE COMMENTS TO CAMPO ON THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY AND TXDOT'S PROPOSED TOLL ROAD IMPLEMENTATION PROGRAM. (9:58 AM) (10:50 AM) (2:00 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; and John Hille, Assistant County Attorney.

Clerk's Note: The Court further discussed Item 18 at 10:50 AM.

Motion by Judge Biscoe and seconded by Commissioner Davis that over lunch, the Court review Joe Gieselman, Executive Manager's points memo with an eye toward coming in this afternoon, discussing the points, and trying to figure out whether other points ought to be added, or whether we ought to delete from the points; and basically figure out a strategy consistent with the due process notions that concern Commissioner Sonleitner, how we can do all of that and at the same time get these points across to the Capital Metropolitan Planning Organization (CAMPO) on Monday, May 10, 2004.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	abstain
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Clerk's Note: The Court further discussed Item 18 at 2:00 PM.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to approve the comments with the changes made in Court, and that the comments be presented to the Capital Metropolitan Planning Organization (CAMPO), Monday, May 10, 2004.

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

- 23. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR A CASH SECURITY AGREEMENT WITH MORRISON HOMES FOR THE PURPOSE OF POSTING SIDEWALK FISCAL FOR PART OF STEINER RANCH PHASE 1 SECTION 6D, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:45 AM)

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

- 24. **A.** CONSIDER PROPOSED AMENDMENT TO THE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR RIGHT OF WAY ACQUISITION ON STATE HIGHWAY 45 NORTH, AND TAKE APPROPRIATE ACTION; (2:30 PM)

- B.** CONSIDER PROPOSED AMENDMENT TO THE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR RIGHT OF WAY ACQUISITION ON LOOP 1 NORTH, AND TAKE APPROPRIATE ACTION.

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

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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Items 24.A and B; that the Planning and Budget Office (PBO), Transportation and Natural Resources (TNR), the County Attorney's Office, Bond Counsel, and any other appropriate Staff, move ahead with the proposed amendments as Joe Gieselman, Executive Manager, TNR, has laid out to us today, on Loop 1 and State Highway 45.

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. CONSIDER AND TAKE APPROPRIATE ACTION ON THE CITY OF AUSTIN'S COUNTER-PROPOSAL FOR THE REVIEW AND INSPECTION OF SUBDIVISIONS IN THE EXTRATERRITORIAL JURISDICTION. (2:27 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; and Tom Nuckols, Assistant County Attorney.

Discussion Only. No action taken.

Item 25 to be reposted on May 11, 2004.

PLANNING AND BUDGET DEPT. ITEMS

26. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:

- A. A GRANT APPLICATION TO THE AUTO THEFT PREVENTION AUTHORITY FOR A SHERIFF'S COMBINED AUTO THEFT TASK FORCE GRANT IN THE SHERIFF'S OFFICE. THIS APPLICATION IS TO CONTINUE THE EXISTING PROGRAM FOR FY 05. (9:45 AM)

Clerk's Note: Item 26.A added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

27. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:45 AM)

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

28. REVIEW STATUS OF THE FY 05 SALARY SETTING PROCESS FOR ELECTED OFFICIALS, AND TAKE APPROPRIATE ACTION. (2:39 PM)

Members of the Court heard from: Christian Smith, Executive Manager, PBO.

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to approve the recommendation – that we not have the Elected Officials Salary Setting Committee do additional work at this 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	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

ADMINISTRATIVE OPERATIONS ITEMS

29. 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 \$519,166.75 FOR THE PERIOD OF APRIL 16 THROUGH APRIL 22, 2004. (9:45 AM)

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

30. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED PERSONNEL AMENDMENTS. (9:45 AM)

Clerk's Note: Item 30 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

31. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING GRANTING UTILITY EASEMENTS TO THE CITY OF AUSTIN ON THE PRECINCT THREE OFFICE BUILDINGS PROPERTY. (9:45 AM)

Clerk's Note: Item 31 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

OTHER ITEMS

- 32. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:45 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 ISSUES RELATED TO THE CONDUCT OF EARLY VOTING AND ELECTION DAY. (1:55 PM)

No action necessary on Item 33.

Item 33 to be reposted on May 11, 2004.

- 34. APPOINT BILL SWINNEY TO SERVE ON THE EMERGENCY SERVICES DISTRICT BOARD #11 TO REPLACE JOHN FORADORY. (COMMISSIONER GÓMEZ) (2:53 PM)

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to appoint Bill Swinney to the Emergency Services District Board #11.

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

- 35. APPOINT THE FOLLOWING TWO CITIZEN REPRESENTATIVES TO THE CAPCO LAW ENFORCEMENT EDUCATION COMMITTEE: (9:45 AM)

- A. EMMETT EARY (PCT. 2 AND 3);
- B. PERSON TO BE NAMED (PCT. 1 AND 4).

Clerk's Note: Judge Biscoe announced that, on Item 35.B, Joe Munoz is the Precinct 1 and 4 appointment to the CAPCO Law Enforcement Education Committee.

Clerk's Note: Items 35.A and B added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

39. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN DEL VALLE ISD V. MARTIN GARCIA (HERMINIO MARTINEZ RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:09 PM) (4:19 PM)

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.

Motion by Judge Biscoe and seconded by Commissioner Gómez to authorize the County Judge to sign a resale deed to Herminio Martinez, who has paid to Travis County the sum of \$9,600.00.

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

40. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN DEL VALLE ISD V. ANNIE MAE WILSON (W. NEWMAN CASEY RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:09 PM) (4:19 PM)

Clerk's Note: Judge Biscoe announced that Item 40 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Clerk's Note: Judge Biscoe noted that when Item 40 is reposted, it show that it involves the Austin Independent School District instead of the Del Valle Independent School District.

Item 40 to be reposted on May 11, 2004.

41. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN DEL VALLE ISD V. BAILEY PINK (BENJAMIN COOPER RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:09 PM) (4:19 PM)

Clerk's Note: Judge Biscoe announced that Item 41 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Clerk's Note: Judge Biscoe noted that when Item 41 is reposted, it show that it involves the Austin Independent School District instead of the Del Valle Independent School District.

Item 41 to be reposted on May 11, 2004.

42. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REAL ESTATE OPPORTUNITY ON THE PRECINCT THREE OFFICE BUILDINGS PROPERTY. ² (3:09 PM) (4:19 PM)

Clerk's Note: Judge Biscoe announced that Item 42 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 42.

43. RECEIVE BRIEFING ON WAGE RATE DISPUTE BY EMPLOYEES OF HUTCHISON CONSTRUCTION CO. FOR SUBCONTRACTING WORK ON THE PRECINCT FOUR OFFICE BUILDING AND NORTH RURAL COMMUNITY CENTER, AND TAKE APPROPRIATE ACTION. ¹ (3:09 PM) (4:20 PM)

Clerk's Note: Judge Biscoe announced that Item 43 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action necessary on Item 43.

44. CONSIDER OPPORTUNITY TO PURCHASE REAL ESTATE IN CENTRAL AUSTIN, AND TAKE APPROPRIATE ACTION. ² (3:09 PM) (4:20 PM)

Clerk's Note: Judge Biscoe announced that Item 44 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 necessary on Item 44.

Item 44 to be reposted on May 11, 2004.

ADDED ITEMS

A1. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM THE AUSTIN WRANGLERS FOOTBALL TEAM TO NOTIFY TRAVIS COUNTY EMPLOYEES VIA EMAIL OF DISCOUNTED TICKET PRICES FOR CERTAIN WRANGLER GAMES. (3:07 PM)

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the request in Item A1.

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

ADJOURNMENT

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to adjourn the Voting Session. (4:22 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, Travis County Judge