

MINUTES OF MEETING – JULY 27, 2004

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 27th day of July, 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 recessed the Voting Session at 12:03 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, convened the Voting Session at 1:39 PM and adjourned at 2:26 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation, the Travis County Cultural Education Facilities Finance Corporation, the Travis County Development Authority, the Capital Industrial Development Corporation, and the Capital Health Facilities Development Corporation, convened the Voting Sessions at 2:26 PM and adjourned at 2:27 PM.

The Commissioners' Court reconvened the regular Voting Session at 2:29 PM.

The Commissioners' Court retired to Executive Session at 2:31 PM.

The Commissioners' Court reconvened the Voting Session at 3:47 PM.

The Commissioners' Court adjourned the Voting Session at 3:59 PM.

RESOLUTIONS & PROCLAMATIONS

3. APPROVE PROCLAMATION FROM TRAVIS COUNTY SHERIFF'S OFFICE RECOGNIZING TUESDAY, AUGUST 3, 2004 AS "NATIONAL NIGHT OUT" IN TRAVIS COUNTY. (9:51 AM)

Members of the Court heard from: Mary Rodriguez, Travis County Sheriff's Office (TCSO).

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the proclamation in Item 3.

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

CITIZENS COMMUNICATION

Members of the Court heard from: Karen Cox, Executive Director, CASA Travis County; Bob Vann, Constable, Precinct Two; and Sergeant George Reynolds, Deputy Constable, Precinct Two. (9:55 AM)

PLANNING AND BUDGET DEPT. ITEMS

4. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:58 AM)

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

HEALTH AND HUMAN SERVICES DEPT. ITEMS

5. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING FOR THE TRAVIS COUNTY HOSPITAL DISTRICT: (11:40 AM) (2:31 PM) (3:52 PM)
 - A. TRAVIS COUNTY PROGRAMS AND SERVICES TO TRANSFER TO THE HOSPITAL DISTRICT;
 - B. TRAVIS COUNTY FACILITIES TO TRANSFER TO THE HOSPITAL DISTRICT;
 - C. TRAVIS COUNTY FUNDS TO TRANSFER TO THE HOSPITAL DISTRICT;
 - D. ISSUES RELATED TO INDEPENDENT AUDIT REQUIRED BY HEALTH AND SAFETY CODE, SECTION 281.122;
 - E. OTHER MATTERS REGARDING THE IMPLEMENTATION OF THE DISTRICT.

Clerk's Note: Items 5.A-E are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Sherri Fleming, Interim Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); Leroy Nellis, Budget Manager, Planning and Budget Office (PBO); Christian Smith, Executive Manager, PBO; Jim Collins, Executive Assistant County Attorney; and Barbara Wilson, Assistant County Attorney.

- 8. REVIEW AND APPROVE THE FOLLOWING LIABILITY CLAIM RECOMMENDATION: (9:58 AM)

- A. NICK ROBERTS

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

JUSTICE AND PUBLIC SAFETY ITEMS

- 9. CONSIDER AND TAKE APPROPRIATE ACTION ON CENTRAL BOOKING INTERLOCAL COMMITTEE ANALYSIS AND RECOMMENDATIONS. (10:38 AM)

Members of the Court heard from: Mike Trimble, Criminal Justice Coordinator, Criminal Justice Planning (CJP); and Bill Derryberry, Senior Budget Analyst, PBO.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Staff recommendations and to direct Staff to negotiate with the City of Austin.

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

- 10. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AUTHORIZE FEES FOR SERVICES PROVIDED BY THE COUNSELING AND EDUCATION SERVICES DEPARTMENT. (10:44 AM)

Members of the Court heard from: Caryl Colburn, Director, Counseling and Education Services (TCCES).

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to approve Item 10.

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

11. REVIEW AND APPROVE INTERLOCAL WITH CAPITAL AREA PLANNING COUNCIL FOR PUBLIC SERVICE ANSWERING POINT MAINTENANCE, EQUIPMENT UPGRADE AND TRAINING. (9:58 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 CONTRACT AWARD FOR THE TRAVIS COUNTY EXPOSITION CENTER EQUESTRIAN ARENA FENCE, IFB NO. B040116-SI, TO THE LOW BIDDER, VOELKER WELDING & CONSTRUCTION, INC. (FACILITIES MANAGEMENT) (COMMISSIONER DAVIS) (10:00 AM)

Item 12 postponed until August 3, 2004.

13. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. IL010050EF, AUSTIN/TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER, FOR YOUTH AND FAMILY SERVICES. (HHSD) (COMMISSIONER GOMEZ) (9:58 AM)

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

14. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING HEALTH AND HUMAN SERVICES AND VETERANS SERVICES' RECOMMENDATION REGARDING SOCIAL SERVICE CONTRACTS WITH PAST DUE AUDITS. (HHS & VS) (COMMISSIONER GOMEZ) (9:58 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 UNIFORM RENTAL AND RELATED SERVICES, IFB #B040114-LD, TO THE LOW, RESPONSIVE BIDDER, ARAMARK UNIFORM SERVICES. (TNR, COUNTYWIDE) (COMMISSIONER GOMEZ) (9:58 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 AWARD FOR VEHICLE MAINTENANCE SERVICES, IFB NO. B040106-JT, TO THE SOLE BIDDER, HEARTLAND AUTOMOTIVE, DBA JIFFY LUBE. (TRANSPORTATION AND NATURAL RESOURCES) (COMMISSIONER GOMEZ) (9:58 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 EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 02T00294OJ, EVERCOM SYSTEMS, INC., FOR INMATE AND PAY PHONE SERVICES. (ITS & SHERIFF'S OFFICE) (COMMISSIONER GOMEZ) (9:58 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 TCJ ELEVATORS REFURBISHMENT PROJECT, IFB NO. B040043-MB, TO THE LOW BIDDER, TEJAS ELEVATOR. (FACILITIES MANAGEMENT) (COMMISSIONER GOMEZ) (9:58 AM)

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

- 19. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING HEALTH AND HUMAN SERVICES AND VETERANS SERVICES' RECOMMENDATION REGARDING SOCIAL SERVICES CONTRACT WITH PUSH UP FOUNDATION, ARC OF THE CAPITAL AREA AND CASA OF TRAVIS COUNTY, INC. (HHS & VS) (COMMISSIONER GOMEZ) (10:06 AM)

Members of the Court heard from: Frank Holder, Assistant Purchasing Agent; Karen Cox, CASA of Travis County; Sherrie Fleming, Interim Executive Manager, TCHHS&VS; and Cyd Grimes, Travis County Purchasing Agent.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the Health and Human Services recommendation in Item 19, and to ask that Cyd Grimes, Travis County Purchasing Agent, be allowed to sign the contract modification that makes all of this happen.

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

- 20. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: RESUBDIVISION OF LOTS 1 AND 2, GOMILLION'S SUBDIVISION (REVISED PLAT – 3 LOTS – 4.3318 ACRES – STONEBRIDGE ROAD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ONSITE WASTEWATER FACILITY – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:31 AM)

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

Item 20 postponed until August 3, 2004.

- 21. CONSIDER AND TAKE APPROPRIATE ACTION ON THE REQUEST TO USE ALTERNATIVE FISCAL FOR ELM CREEK SECTIONS 2 AND 3, TWO SUBDIVISIONS IN PRECINCT 1. (COMMISSIONER DAVIS) (9:58 AM)

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

22. CONSIDER AND TAKE APPROPRIATE ACTION ON THE REQUEST TO USE ALTERNATIVE FISCAL FOR FOREST BLUFF SUBDIVISION SECTION 5, A SUBDIVISION IN PRECINCT 1. (COMMISSIONER DAVIS) (9:58 AM)

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

23. CONSIDER AND TAKE APPROPRIATE ACTION ON A PRELIMINARY PLAN IN PRECINCT ONE: THE WOODLANDS PRELIMINARY PLAN (609 LOTS – 155.06 ACRES – FM 969 – NO FISCAL IS REQUIRED FOR A PRELIMINARY PLAN – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN ETJ). (COMMISSIONER DAVIS) (11:29 AM)

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

Motion by Commissioner Davis **and seconded by** Commissioner Sonleitner to approve 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. CONSIDER AND TAKE APPROPRIATE ACTION ON THE REQUEST TO USE ALTERNATIVE FISCAL FOR STONEY RIDGE PHASE B, SECTION ONE, A SUBDIVISION IN PRECINCT 4. (COMMISSIONER GOMEZ) (9:58 AM)

Clerk's Note: Item 24 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

25. APPROVE THE HOWARD LANE WEST ROAD AND DRAINAGE IMPROVEMENTS INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF AUSTIN. (9:58 AM)

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

- 26. CONSIDER AND TAKE APPROPRIATE ACTION ON RELOCATION AND ADJUSTMENT OF WATER AND WASTEWATER UTILITY LINES WITHIN TRAVIS COUNTY RIGHT-OF-WAY ON SCOFIELD RIDGE PARKWAY. (COMMISSIONER DAVIS) (9:58 AM)

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

- 27. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING RELATED TO THE SHADOWGLEN SUBDIVISION:
 - A. A CONSTRUCTION AGREEMENT AND A PLAT FOR RECORDING IN PRECINCT ONE: SHADOWGLEN SECTION 5 (LONG-FORM PLAT – 39 LOTS – 9.055 ACRES – HOLLY CREST TERRANCE – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NUMBER 2 – CITY OF MANOR ETJ). (11:30 AM)

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

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

ITEM 27 CONTINUED

27. **B.** A CONSTRUCTION AGREEMENT AND A PLAT FOR RECORDING IN PRECINCT ONE: SHADOWGLEN SECTION 6 (LONG-FORM PLAT – 35 LOTS – 8.448 ACRES – OWLING WAY – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NUMBER 2 – CITY OF MANOR ETJ). (11:32 AM)

27. **C.** A CONSTRUCTION AGREEMENT AND A PLAT FOR RECORDING IN PRECINCT ONE: SHADOWGLEN SECTION 8 (LONG-FORM PLAT – 35 LOTS – 12.580 ACRES – TERCEL TRACE – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NUMBER 2 – CITY OF MANOR ETJ). (COMMISSIONER DAVIS)

Clerk’s Note: Items 27.B and C are associated with one another and were called for concurrent discussion.

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

Motion by Commissioner Davis **and seconded by** Commissioner Sonleitner to approve Items 27.B and 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	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

28. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO GRANT BLUEBONNET ELECTRIC COOPERATIVE UTILITY EASEMENTS WITHIN AND SERVING THE TRAVIS COUNTY EAST METRO PARK. (COMMISSIONER DAVIS) (9:58 AM)

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

OTHER ITEMS

- 29.** APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:58 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 APPROVE CONTRACT AMENDMENT OF INTERLOCAL COOPERATION AGREEMENT BETWEEN TRAVIS COUNTY AND THE LAKE TRAVIS ISD FOR 2004-2005 SCHOOL YEAR FOR LAW ENFORCEMENT SERVICES TO BE PROVIDED BY THE TRAVIS COUNTY SHERIFF'S OFFICE. (9:58 AM)

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

- 31.** RECEIVE AND DISCUSS THE THIRD REVENUE ESTIMATE FOR THE FY 2005 BUDGET PROCESS. (11:33 AM)

Members of the Court heard from: Blain Keith, Chief Assistant County Auditor, Travis County Auditor's Office; and Carolyn Damron, Senior Financial Analyst, Travis County Auditor's Office.

Discussion Only. No action taken.

- 34.** CONSIDER AND TAKE APPROPRIATE ACTION ON THE APPOINTMENT OF ADDITIONAL DIRECTORS TO THE BOARD OF DIRECTORS OF THE STRATEGIC HOUSING FINANCE CORPORATION OF TRAVIS COUNTY. (9:13 AM)

Item 34 postponed until August 3, 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.

- 35.** RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION ON FERGUSON AND TUSCANY WAY EXTENSION PROJECT. (COMMISSIONER DAVIS) ¹ (9:13 AM)

Item 35 postponed until August 3, 2004.

36. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION IN; CAUSE NO. GNI-03498; HCI EQUITY PARTNERS, L.P. ET AL V. TRAVIS COUNTY, ET AL. ¹ (2:31 PM) (3:47 PM)

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.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the settlement offer, indicating Travis County's agreement to pay 1) reimbursement of claims, not to exceed \$143,351.33, at a rate of \$10.00 per claim; 2) cost for publication and implementation of claims process. The Court further directs the Travis County Attorney's Office to structure means for the claims process, consistent with settlement amounts, in cooperation with appropriate County departments; and that we authorize the County Judge to sign the settlement agreement upon completion by the County Attorney and the attorney for the other side. If there are issues, we will bring this back to Court for further consideration.

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

37. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION IN; STEPHEN KUHNS V. TRAVIS COUNTY AND TRAVIS COUNTY COURT AT LAW NO. 7. ¹ (2:31 PM) (3:49 PM)

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.

Discussion only.

No action required on Item 37.

38. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN JODI MARSHALL V. TRAVIS COUNTY, ET AL. (MARSHALL, TRAVIS COUNTY; CIVIL RIGHTS) (REQUESTED BY DEFENDANT). ¹ (9:13 AM)

Item 38 postponed until August 3, 2004.

A3. EXECUTIVE SESSION ITEM

CONSIDER AND TAKE APPROPRIATE ACTION ON NEED TO ACQUIRE REAL PROPERTY FOR TRAVIS COUNTY INDIGENT BURIALS. ² (2:31 PM) (3:50 PM)

Clerk’s Note: Judge Biscoe announced that Item A3 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.072, Real Property.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to direct Staff to continue to do due diligence in 1) ascertaining the owners and claimants of land immediately adjacent to the International Cemetery; 2) that we determine which steps, if any, would be needed, including costs, for us to acquire any adjacent property that may be owned by others, which includes determining the suitability of tracts of land, taking into account slope, drainage, and other matters that have been called to our attention historically; and 3) dealing with any other matters relevant to this issue, to put this Court in a position to make a determination in 60-90 days.

A Friendly Amendment to the previous Motion was offered by Commissioner Sonleitner that we check with how other large urban counties are dealing with this exact same issue, that we know is out there.

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

