

MINUTES OF MEETING – AUGUST 10, 2004

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 10th day of August, 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 12:11 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened the Voting Session at 1:39 PM and adjourned at 1:41 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, convened the Voting Session at 1:42 PM and adjourned at 2:14 PM.

The Commissioners' Court reconvened the regular Voting Session at 2:14 PM.

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

The Commissioners' Court reconvened the Voting Session at 4:31 PM.

The Commissioners' Court adjourned the Voting Session at 4:37 PM.

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C6, and Items 2, 3, 5, 7, 8, 9, 10, 11.A and B, 12, 13, 14, 15, 16, 17.A and B, 20.A, 22, and 27. (9:19 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 AUTOMATIC BUDGET TRANSFERS.

- C4.** APPROVE SETTING A PUBLIC HEARING ON SEPTEMBER 14, 2004 TO DISCUSS A PLAT FOR RECORDING IN PRECINCT THREE: LAKEHURST SUBDIVISION, REVISED PLAT OF LOTS 15 & 16, TRACT 6, RESUBDIVISION OF TRACT 5, 6, 8 & 9 (SHORT FORM PLAT – 2 LOTS – 0.754 ACRES – LAKEHURST LOOP – NO FISCAL REQUIRED – ON-SITE SEPTIC SYSTEM (LCRA) – NO MUNICIPAL ETJ). (DAUGHERTY)

- C5.** APPROVE SETTING A PUBLIC HEARING ON SEPTEMBER 14, 2004 TO DISCUSS A PLAT FOR RECORDING IN PRECINCT THREE: AMENDED PLAT OF LOT 10, AMENDED PLAT OF LOTS 9 & 10, DAVENPORT WEST P.U.D. TRACT C-3, SECTION TWO, THE POINT AT ROB ROY AND LOT 11, DAVENPORT WEST P.U.D. TRACT C-3, SECTION TWO THE POINT AT ROB ROY (SHORT FORM PLAT – 2 LOTS – 3.523 ACRES – PASCAL LANE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN LIMITED PURPOSE ETJ). (DAUGHERTY)

- C6.** APPROVE SETTING A PUBLIC HEARING DATE OF SEPTEMBER 14, 2004 TO DISCUSS A PLAT FOR RECORDING IN PRECINCT THREE: RESUBDIVISION OF LOT 2 OF THE RESUBDIVISION OF LOT 1, STONE SUBDIVISION (REVISED PLAT – 2 LOTS – 0.92 ACRES – ALLEN ROAD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN EXTRATERRITORIAL JURISDICTION). (DAUGHERTY)

ADMINISTRATIVE OPERATIONS ITEMS

2. 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 \$497,989.23 FOR THE PERIOD OF JULY 23 THROUGH JULY 29, 2004. (9:19 AM)

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

3. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED PERSONNEL AMENDMENTS. (9:19 AM)

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

4. CONSIDER AND TAKE APPROPRIATE ACTION ON OPTIONS REGARDING VARIOUS TRAVIS COUNTY FACILITIES: (10:11 AM)
 - A. PHASE 2 OPTIONS AT 5501 AIRPORT;
 - B. RENOVATION AND OCCUPANCY OF THE 1101 NUECES STREET BUILDING; AND
 - C. COUNSELING AND EDUCATION SERVICES LEASE AT 205 W. 9TH STREET.

Clerk's Note: Items 4.A-C are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Roger El Khoury, Director, Facilities Management; Jim Barr, Facilities Management; Dana DeBeauvoir, Travis County Clerk; Steven Broberg, Director, Records Management Communications Resources (RMCR); and Belinda Powell, Capital Planning Coordinator, Planning and Budget Office (PBO).

Discussion Only. No action taken.

Items 4.A-C to be reposted on August 17, 2004.

PURCHASING OFFICE ITEMS

5. APPROVE CONTRACT AWARD FOR MEDICAL AND SURGICAL SUPPLIES, IFB NO. B040117OJ, TO THE LOW BIDDER, SOUTHWEST SURGICAL SUPPLIES. (SHERIFF'S OFFICE, JUVENILE COURT, MEDICAL EXAMINER'S OFFICE) (GÓMEZ) (9:19 AM)

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

6. DECLARE AIR PACKS AND BREATHING APPARATUS AS SURPLUS PROPERTY AND APPROVE SALE TO EMERGENCY SERVICES DISTRICT #4 OF TRAVIS COUNTY, TEXAS. (FIXED ASSETS) (GÓMEZ) (9:14 AM)

Item 6 pulled from the Agenda.

7. APPROVE 12-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 03T00277LD, PRECISION BUILDING MAINTENANCE, FOR JANITORIAL SERVICES, TNR SATELLITES. (TNR) (GÓMEZ) (9:19 AM)

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

8. APPROVE ISSUANCE OF JOB ORDER NO. 3, MINOR CONSTRUCTION AND RENOVATION SERVICES CONTRACT NO. 04K0203ARV, WILLIAMS AND THOMAS, INC. D.B.A. JAMAIL CONSTRUCTION, FOR RENOVATION SERVICES AT THE TRAVIS COUNTY COURTHOUSE 2ND FLOOR. (FM) (GÓMEZ) (9:19 AM)

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

9. APPROVE INTERLOCAL NO. IL040243RE WITH AUSTIN INDEPENDENT SCHOOL DISTRICT TO PROVIDE AFTER SCHOOL CARE SERVICES IN TRAVIS COUNTY. (HHS & VS) (GÓMEZ) (9:19 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 EXTENSION (MODIFICATION NO. 7) TO INTERLOCAL AGREEMENT NO. IL980092EF, AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION, FOR MENTAL HEALTH MENTAL RETARDATION SERVICES. (HHSD) (GÓMEZ) (9:19 AM)

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

11. APPROVE 12-MONTH EXTENSION (MODIFICATION NO. 2) TO THE FOLLOWING CONTRACTS FOR PAINTING AND WALL REPAIR/MINOR CONSTRUCTION (FACILITIES MANAGEMENT): (9:19 AM)
 - A. NO. 03T00016RV, HARMONY CONSTRUCTION - PRIMARY CONTRACTOR; AND
 - B. NO. 03T00017RV, SCHNURR, INC. - SECONDARY CONTRACTOR. (GÓMEZ)

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

12. APPROVE SOLE SOURCE EXEMPTION WITH COMPLETE COMMUNICATION SERVICE (CO COM) FOR GREATER AUSTIN AREA TELECOMMUNICATIONS NETWORK (GAATN) CABLING REQUIREMENTS. (ITS) (GÓMEZ) (9:19 AM)

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

13. APPROVE CONTRACT AWARD OF A DEPARTMENT OF INFORMATION RESOURCES (DIR) GO DIRECT STATE CONTRACT VENDOR, RFO NO. 0040123JR, TO SYNERGY ELECTRONICS, FOR THE PROCUREMENT OF HP COLOR LASER PRINTERS AND ASSOCIATED MAINTENANCE. (ITS) (GÓMEZ) (9:19 AM)

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

- 14.** APPROVE MODIFICATION NOS. 5 AND 6 TO CONTRACT NO. 02K00030JJ, CAPITAL EXCAVATION CO., INC., BLAKE MANOR ROAD RECONSTRUCTION PROJECT. (TNR) (DAVIS) (9:19 AM)

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

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

- 15.** CONSIDER AND TAKE APPROPRIATE ACTION ON A CONSTRUCTION AGREEMENT AND A PLAT FOR RECORDING IN PRECINCT TWO: THE VILLAGES OF HIDDEN LAKE, PHASE 3A (LONG FORM PLAT – 164 LOTS – 49.04 ACRES – KELLY LANE – FISCAL POSTED WITH TRAVIS COUNTY AND CITY OF PFLUGERVILLE – SEWAGE SERVICE TO BE PROVIDED BY CITY OF PFLUGERVILLE – CITY OF PFLUGERVILLE ETJ). (SONLEITNER) (9:19 AM)

Clerk's Note: The Court announced that approval of Item 15 would be contingent upon the City of Pflugerville's approval of this Item at their City Council meeting tonight.

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 PRELIMINARY PLAN IN PRECINCT THREE: THE WOODS OF GREENSHORES PRELIMINARY PLAN (100 LOTS – 107.88 ACRES – PEARCE ROAD – NO FISCAL IS REQUIRED FOR A PRELIMINARY PLAN – SEWAGE SERVICE TO BE PROVIDED BY OAK SHORES WATER COMPANY – CITY OF AUSTIN ETJ). (DAUGHERTY) (9:19 AM)

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

17. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING FOR AUSTIN'S COLONY SUBDIVISION: (9:19 AM)
- A. A CONSTRUCTION AGREEMENT AND A PLAT TO RECORD IN PRECINCT ONE: AUSTIN'S COLONY PHASE V SECTION 1 (FINAL PLAT – 73 LOTS – 27.25 ACRES – AUSTIN'S COLONY BOULEVARD – FISCAL POSTED WITH THE CITY OF AUSTIN – SEWAGE SERVICE TO BE PROVIDED BY HORNSBY BEND UTILITY COMPANY – CITY OF AUSTIN ETJ); AND
 - B. A CONSTRUCTION AGREEMENT AND A PLAT TO RECORD IN PRECINCT ONE: AUSTIN'S COLONY PHASE V SECTION 2 (FINAL PLAT – 86 LOTS – 12.96 ACRES – AUSTIN'S COLONY BOULEVARD – SEWAGE SERVICE TO BE PROVIDED BY HORNSBY BEND UTILITY COMPANY – CITY OF AUSTIN ETJ). (DAVIS)

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

18. CONSIDER AND TAKE APPROPRIATE ACTION ON APPLICATION TO THE TEXAS RACING COMMISSION FOR CHANGE IN RACETRACK LOCATION BY THE AUSTIN JOCKEY CLUB, LTD. IN PRECINCT TWO. (SONLEITNER) (11:29 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; and Brian Brown, CEO Retama Park, and Vice-President, Austin Racing Partners.

Discussion Only. No action taken.

- 19. A. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ALTERNATIVE ALIGNMENT OF GATTIS SCHOOL ROAD THROUGH THE FOREST CREEK ESTATES/HUNTINGTON TRAILS NEIGHBORHOOD; (11:42 AM)
- B. CONSIDER AND TAKE APPROPRIATE ACTION ON THE REQUEST TO USE ALTERNATIVE FISCAL FOR STAR RANCH SECTION 2, A SUBDIVISION IN PRECINCT TWO. (SONLEITNER)

Clerk’s Note: Items 19.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; Tim Timmerman, Developer, Star Ranch Subdivision; John Schulte, Deputy Project Manager, Halff and Associates; and Dale Herrington, Travis County Resident.

Motion by Commissioner Sonleitner **and seconded by** Judge Biscoe that under Item 19.A, that the Court formally endorse alignment 3B; that we authorize Joe Gieselman, Executive Manager, TNR, and others to enter into discussions with an appropriate interlocal with Williamson County, related to how to accomplish the entirety of this project; that we take up Mr. Timmerman on his offer related to the right of way that is necessary along Gattis School Road, for the 3 lots he owns, and take that donation; that we approve Item 19.B, the Star Ranch request; and that the end result of this then triggers Joe Gieselman, Executive Manager, TNR to prepare an appropriate amendment to take to CAMPO (Capital Area Metropolitan Planning Organization) in September that would be endorsed by Travis and Williamson Counties.

A Clarification to the previous Motion was made by Judge Biscoe that the Motion contains the understanding that Joe Gieselman, Executive Manager, TNR and Mr. Herrington would get back with the residents about the wall and to further negotiate that with Williamson County based on feed back from the residents.

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

PLANNING AND BUDGET DEPT. ITEMS

- 20.** REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:

A. A PLAN CHANGE TO AGREEMENT WITH THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES (TDFPS) FOR THE PROVISION OF TITLE IV-E FUNDS FOR REIMBURSEMENT OF ALLOWABLE EXPENDITURES IN THE DISTRICT ATTORNEY'S OFFICE. THE PURPOSE OF THE PLAN CHANGE IS TO INCORPORATE THE FY 05 COST ALLOCATION PLAN AND BUDGET. (9:19 AM)

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

- 21.** DISCUSS AND TAKE APPROPRIATE ACTION ON FY 05 ELECTED OFFICIALS SALARIES. (11:22 PM)

Members of the Court heard from: Christian Smith, Executive Manager, PBO; and Herb Evans, Justice of the Peace Precinct 5.

Discussion Only. No action taken.

Item 21 to be reposted on August 17, 2004.

- 22.** CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:19 AM)

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

- 23.** RECEIVE PRESENTATION OF FY05 PRELIMINARY BUDGET, AND TAKE APPROPRIATE ACTION. (10:57 AM)

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

Discussion Only. No action taken.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

- 24. ACCEPT A DONATION OF A VEHICLE TO TEXAS COOPERATIVE EXTENSION TRAVIS COUNTY (TRAVIS COUNTY EXTENSION SERVICE) FROM 4-H CAPITAL FUNDS FOR 4-H LIVESTOCK AND URBAN ANIMAL SCIENCE PROGRAMS. (9:14 AM)

Item 24 pulled from the Agenda.

- 25. CONSIDER AND TAKE APPROPRIATE ACTION ON POLICY AND BUDGET ISSUES RELATED TO THE RURAL MEDICAL ASSISTANCE PROGRAM (RMAP) FOR FY04. (2:48 PM)

Members of the Court heard from: Sherri Fleming, Interim Executive Manager, TCHHS&VS; and Valerie Spinelli, Budget Analyst, PBO.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to establish an earmark of \$350,000.00 on Allocated Reserves for budget shortages related to the RMAP program.

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

- 26.** CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING FOR THE TRAVIS COUNTY HOSPITAL DISTRICT: (2:50 PM)
- A.** A LIST OF OUTSTANDING ISSUES RECOMMENDED FOR CONSIDERATION BY THE BOARD OF MANAGERS;
 - B.** ISSUES RELATED TO INDEPENDENT AUDIT REQUIRED BY HEALTH AND SAFETY CODE, SECTION 281.122; AND
 - C.** OTHER MATTERS REGARDING THE IMPLEMENTATION OF THE DISTRICT.

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

Members of the Court heard from: Sherri Fleming, Interim Executive Manager, TCHHS&VS; Jim Collins, Executive Assistant County Attorney; and Christian Smith, Executive Manager, PBO.

Discussion Only. No action taken.

Items 26.A-C to be reposted on August 17, 2004.

OTHER ITEMS

- 27.** APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:19 AM)

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

- 28. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM THE NORTHRIDGE ACRES WATER SUPPLY CORPORATION AND THE TEXAS WATER DEVELOPMENT BOARD FOR ASSISTANCE WITH WATER IMPROVEMENT PLAN IN THE NORTHRIDGE ACRES SUBDIVISION. (2:36 PM)

Members of the Court heard from: Dan Smith, Executive Assistant, Travis County Judge’s Office; Don Wheeler, Division Director, Road Maintenance and Fleet Services, TNR; and Kevin Ward, Executive Director, Water Development Board.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve this strategy, and indicate Travis County’s willingness to participate as set out here; to authorize the drafting of an appropriate contract for the contract services; and also to brainstorm over a source of funding for the \$30,000.00 cash; and get with Joe Gieselman, Executive Manager, TNR and Don Wheeler, TNR and speak further about our ability to provide these in kind services.

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

- 29. RECEIVE AND TAKE APPROPRIATE ACTION ON PRESENTATION FROM THE BASIC NEEDS COALITION OF CENTRAL TEXAS. (9:22 AM)

Members of the Court heard from: Julia Spann, Executive Director, Caritas; Lyla Carl, Executive Director, Any Baby Can; Dan Pruett, Executive Director, Meals on Wheels; Lee Manford, Executive Director, Aids Services of Austin; and Sherri Fleming, Interim Executive Director, Travis County Health, Human Services, and Veterans’ Services (TCHHS&VS).

Discussion Only. No action taken.

- 30. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR INTERLOCAL COOPERATION AGREEMENT BETWEEN TRAVIS COUNTY AND SHADY HOLLOW MUNICIPAL UTILITY DISTRICT FOR TRAFFIC ENFORCEMENT SERVICES IN PRECINCT THREE. (BISCOE, DAUGHERTY) (2:14 PM)

Members of the Court heard from: Jim Connolly, Assistant County Attorney; Gary Black, President, Shady Hollow MUD; Stacy Suits, Chief Deputy, Constable Precinct 3 Office; and Mike Hemby, Research Analyst, Travis County Sheriff’s Office (TCSO).

Motion by Commissioner Daugherty **and seconded by** Commissioner Davis to approve the request for the interlocal agreement.

Clerk’s Note: The Court did not take a Vote on the Standing Motion and Second at this time.

A Substitute Motion was made by Commissioner Sonleitner **and seconded by** Commissioner Gómez to take another week and give the Court a contract that allows the exact same thing to occur, but it would be the Travis County Sheriff’s Office providing the law enforcement contracted services with the MUD.

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	no
Precinct 4, Commissioner Margaret J. Gómez	yes

Clerk’s Note: The Court took a Vote on the Standing Motion and Second at this time to approve the interlocal agreement in Item 30.

Motion carried:

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

- 31. CONSIDER AND TAKE APPROPRIATE ACTION ON PROCESS TO FILL POSITION OF EXECUTIVE MANAGER OF HEALTH AND HUMAN SERVICES AND VETERANS SERVICES. (3:07 PM)

Discussion Only. No action taken.

Item 31 to be reposted on August 17, 2004.

36. CONSIDER AND TAKE APPROPRIATE ACTION CONCERNING ACQUISITION OF RIGHT OF WAY AND EASEMENTS THROUGH CONDEMNATION PROCEEDINGS FOR THE CAMERON ROAD CONSTRUCTION PROJECT, AS FOLLOWS (GIESELMAN; CONDEMNATION)(REQUESTED BY THE COUNTY ATTORNEY): ^{1&2} (3:09 PM) (4:33 PM)

- A. PARCEL # 1 AND # 1E, RECORD OWNER: KINGS GATE, L.P.;
- B. PARCEL # 2 AND # 2EA / 2EB, RECORD OWNER: NORTH GATE, L.P.;
- C. PARCEL # 3 AND # 3EA / 3EB, RECORD OWNER: BISHOPS FIELD, L.P.

Clerk's Note: Judge Biscoe announced that Items 36.A and B 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.

Clerk's Note: Items 36.A and B are associated with one another and were called for concurrent discussion.

Motion by Commissioner Davis **and seconded by** Commissioner Sonleitner to commence the condemnation proceedings to acquire right of way and easements on the Cameron Road construction project on Item 36.A, parcel # 1 and # 1E, record owner: Kings Gate, L.P, Item 36.B, parcel # 2 and # 2EA / 2EB, record owner: North Gate, L.P., and Item 36.C, parcel # 3 and # 3EA / 3EB, record owner: Bishops Field, L.P.

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 REGARDING SETTLEMENT NEGOTIATIONS ON CLAIM RECEIVED FROM KEYSTONE CONSTRUCTION, INC. FOR WORK AT NORTHEAST METRO PARK, AND TAKE APPROPRIATE ACTION. ¹ (3:09 PM) (4:34 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.

Motion by Commissioner Sonleitner **and seconded by** to reject the claim from Keystone Construction Inc., and that we counter with a settlement offer of \$90,150.00. This amount will be addressed in the final payment that was to be paid to the Contractor. This final payment will also include deducting the Force Account work by Chasco in the amount of \$34,450.55, and a County pump claim of \$6,180.00, for a final payment on the contract amount of \$161,096.60 to Keystone Construction Inc. and its subcontractors. Travis County will not charge the accrued liquidated damages of \$66,500.00. The Commissioners Court approves the payment of \$83,970.00 from 1997 bond funds savings from the Northeast Metro Park Phase 1, Line Item #440 4945 745 8120, to meet obligations to Keystone and to Chasco. Checks should be written according to the settlement documents to be drafted as follows: \$15,000.00 to Heritage, \$22,146.28 to Avery, and \$123,950.32, the balance, to Keystone for a total of \$161,096.60.

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

- 38. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION ON FERGUSON AND TUSCANY WAY EXTENSION PROJECT. (DAVIS) ¹ (3:09 PM) (4:36 PM)**

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 to be reposted on August 17, 2004.

- 39.** RECEIVE LEGAL ADVICE AND TAKE APPROPRIATE ACTION ON IMPLEMENTATION OF TRAVIS COUNTY HOSPITAL DISTRICT. ¹ (3:09 PM) (4:36 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.

Item 39 to be reposted on August 17, 2004.

- 40.** AUTHORIZE COUNTY ATTORNEY TO CONTRACT WITH AND HIRE LOCAL COUNSEL REGARDING DESSIE MARIA ANDREWS V. COUNTY OF BURNET, ET AL. TO COMPLY WITH D.C. CIRCUIT LCvR 83.2(C); (ANDREWS; MARGO FRASIER; LAWSUIT). ¹ (3:09 PM) (4:37 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.

Motion by Judge Biscoe and seconded by Commissioner Gómez to authorize the County Attorney to execute a contract with John Henderson, an attorney in the Washington DC area, and that the amount be set at not to exceed \$15,000.00; and that the effective date be August 6, 2004, as Mr. Henderson has already been asked to do work for Travis County.

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

ADDED ITEMS

A1. CONSIDER AND TAKE APPROPRIATE ACTION ON LICENSE AGREEMENT WITH RESOLUTE PRODUCTIONS TO FILM MUSIC VIDEO ON TUESDAY, AUGUST 17, 2004 IN THE OLD COUNTY JAIL. (3:08 PM)

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the license agreement 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 Sonleitner to adjourn the Voting Session. (4:37 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