

MINUTES OF MEETING – SEPTEMBER 14, 2004

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 14th day of September, 2004, the Commissioners' Court convened the regular Voting Session at 9:15 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 11:56 AM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened the Voting Session at 1:37 PM and adjourned at 1:45 PM.

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation, convened the Voting Session at 1:45 PM and adjourned at 1:46 PM.

The Commissioners Court reconvened the regular Voting Session at 1:46 PM.

The Commissioners Court retired to Executive Session at 4:05 PM.

The Commissioners Court reconvened the Voting Session at 5:42 PM.

The Commissioners Court adjourned the Voting Session at 5:44 PM.

PUBLIC HEARINGS

1. RECEIVE COMMENTS REGARDING 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). (ACTION ITEM 29) (COMMISSIONER DAUGHERTY) (9:17 AM)

Clerk’s Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 29 for the Court’s Motion and Vote.

Motion by Commissioner Daugherty **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 yes
 Precinct 4, Commissioner Margaret J. Gómez yes

Members of the Court heard from: Carol Joseph, Assistant Director, Transportation and Natural Resources (TNR).

Motion by Commissioner Daugherty **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 yes
 Precinct 4, Commissioner Margaret J. Gómez yes

- 2. RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: AMENDED PLAT OF LOT 10, AMENDED PLAT OF LOTS 9 AND 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 WCID NO. 10 – CITY OF AUSTIN LIMITED PURPOSE ETJ). (ACTION ITEM 30) (COMMISSIONER DAUGHERTY) (9:18 AM)

Clerk’s Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 30 for the Court’s Motion and Vote.

Motion by Commissioner Daugherty **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 yes
 Precinct 4, Commissioner Margaret J. Gómez yes

Members of the Court heard from: Carol Joseph, Assistant Director, TNR; and Kent Hubbard, TNR.

Motion by Commissioner Daugherty **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 yes
 Precinct 4, Commissioner Margaret J. Gómez yes

3. RECEIVE COMMENTS REGARDING 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). (ACTION ITEM 31) (COMMISSIONER DAUGHERTY) (9:20 AM)

Clerk’s Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 31 for the Court’s Motion and Vote.

Motion by Commissioner Daugherty **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	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

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

Motion by Commissioner Daugherty **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	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

4. RECEIVE COMMENTS REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE TWO PORTIONS OF SELMA HUGHES PARK ROAD AND ACCEPT THE DEDICATION OF ADDITIONAL RIGHT OF WAY. (ACTION ITEM 32) (COMMISSIONER DAUGHERTY) (9:22 AM)

Clerk’s Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 32 for the Court’s Motion and Vote.

Motion by Commissioner Daugherty **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 yes
 Precinct 4, Commissioner Margaret J. Gómez yes

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

Motion by Commissioner Daugherty **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 yes
 Precinct 4, Commissioner Margaret J. Gómez yes

- 5. RECEIVE COMMENTS ON RECOMMENDATION FROM AUSTIN/TRAVIS COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT TO AMEND TRAVIS COUNTY POLICIES, PROCEDURES AND REGULATIONS MANUAL, CHAPTER 61, TO INCLUDE THE REGULATION OF PERMITTING OF PUBLIC SWIMMING POOLS, IMPLEMENT A FEE TABLE FOR PERMITTING AND REVIEW OF PLANS FOR CONSTRUCTION. (ACTION ITEM 13) (9:24 AM)

Clerk’s Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 13 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 yes
 Precinct 4, Commissioner Margaret J. Gómez yes

Members of the Court heard from: Sherri Fleming, Interim Executive Manager, Travis County Health, Human Services, and Veterans’ Services (TCHHS&VS); and David Lurie, Director, Austin-Travis County Health and Human Services.

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

RESOLUTIONS & PROCLAMATIONS

6. APPROVE PROCLAMATION RECOGNIZING SEPTEMBER AS THE AUSTIN/TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER'S "DESTINATION DIGNITY MONTH." (JUDGE BISCOE) (9:26 AM)

Members of the Court heard from: Beverly Scarbrough, Austin-Travis County Mental Health and Mental Retardation (MHMR); and Michelle Brinkman, Chief Deputy, Travis County District Clerk's Office.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the proclamation in Item 6.

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

Clerk's Note: No speakers addressed the Court. (9:28 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C6, and Items 11.A, 12, 13, 16, 17.A, 18, 20, 21, 22.A-D, 23.A-F, 24, 25, 26, 29, 30, 32, 35, 37, A1, A2, A3, A4, A5, and A6. (9:29 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 OCTOBER 5, 2004 TO RECEIVE COMMENTS REGARDING THE TOTAL VACATION OF RANDALL RIDGE SUBDIVISION (AS RECORDED IN BOOK 92, PAGE 265). (COMMISSIONER GÓMEZ)
- C5.** APPROVE SETTING A PUBLIC HEARING ON OCTOBER 5, 2005 TO RECEIVE COMMENTS REGARDING AN ORDER OF REJECTION OF DEDICATION OF PUBLIC STREETS AND ACCEPT THE SECOND AMENDMENT TO DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE RAVINE PHASE 1, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)
- C6.** APPROVE SETTING A PUBLIC HEARING ON OCTOBER 19, 2004 TO RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: AMENDED PLAT OF LOTS 6 & 7, DAVENPORT WEST P.U.D. TRACT C-3, SECTION TWO, THE POINT AT ROB ROY (SHORT FORM PLAT – 2 LOTS – 6.551 ACRES – PASCAL LANE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY WCID NO. 10 – CITY OF AUSTIN LIMITED PURPOSE ETJ). (COMMISSIONER DAUGHERTY)

PLANNING AND BUDGET DEPT. ITEMS

7. APPROVE PROPOSED CHANGE TO COUNTY TAX RATE FOR FY 05 BUDGET AND SET DATE AND TIME FOR PUBLIC HEARING ON PROPOSED TAX RATE. (9:34 AM)

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

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to approve the advertisement of the proposed tax rate.

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

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to hold the public hearing on the tax rate Wednesday, September 22, 2004, at 6:00 pm, in the Commissioners' Court meeting room in the Ned Granger Administration Building.

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

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to set the proposed tax rate at .4872 in the advertisement for 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 yes
 Precinct 4, Commissioner Margaret J. Gómez yes

8. CONSIDER AND TAKE APPROPRIATE ACTION ON REMAINING FY 05 BUDGET MARK-UP ITEMS. (9:42 AM)

Members of the Court heard from: Christian Smith, Executive Manager, PBO; Leroy Nellis, Budget Manager, PBO; Chris Broussard, Business System Consultant, PBO; Norman McRee, Financial Analyst, Human Resources Management Department (HRMD); and Sherri Fleming, Interim Executive Manager, TCHHS&VS.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the budget mark-up corrections list.

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

9. CONSIDER AND TAKE APPROPRIATE ACTION ON ORDER SETTING FEES FOR SERVICES BY THE SHERIFF AND CONSTABLES IN FY 05. (9:33 AM)

Members of the Court heard from: Leroy Nellis, Budget Manager, PBO.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the order setting fees for services by the Sheriff and Constables in Fiscal Year 2005.

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

10. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED CHANGES TO BUDGET RULES FOR FY05. (3:53 PM)

Members of the Court heard from: Alan Miller, Budget Analyst, PBO; and Christian Smith, Executive Manager, PBO.

Motion by Judge Biscoe and seconded by Commissioner Davis to approve the proposed changes to the Fiscal Year 2005 Budget Rules, and ask Staff to work on any necessary definitions to carry out the Budget Rules.

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 REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:

- A. GRANT CONTRACT WITH THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES FOR A TITLE IV - E REIMBURSEMENT GRANT PROGRAM IN HEALTH AND HUMAN SERVICES DEPARTMENT. THE CONTRACT CONTINUES THE EXISTING PROGRAM FOR FY 05. (9:29 AM)

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

12. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:29 AM)

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

HEALTH AND HUMAN SERVICES DEPT. ITEMS

- 13. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATION FROM AUSTIN/TRAVIS COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT TO AMEND TRAVIS COUNTY POLICIES, PROCEDURES AND REGULATIONS MANUAL, CHAPTER 61, TO INCLUDE THE REGULATION OF PERMITTING OF PUBLIC SWIMMING POOLS, IMPLEMENT A FEE TABLE FOR PERMITTING AND REVIEW OF PLANS FOR CONSTRUCTION. (9:29 AM)

Clerk’s Note: Item 13 is the action item for the public hearing on Agenda Item 5.

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

TAKE UP AT 1:40 P.M.

- 14. RECEIVE AND TAKE APPROPRIATE ACTION ON PRESENTATION OF BUDGET FOR THE TRAVIS COUNTY HOSPITAL DISTRICT FROM THE BOARD OF MANAGERS. (1:55 PM)

Members of the Court heard from: Clarke Heidrick, Chair, Travis County Hospital District; Tom Young, Manager, Travis County Hospital District; Rose Lancaster, Manager, Travis County Hospital District; Jim Collins, Executive Assistant County Attorney; John Hille, Assistant County Attorney; David Escamilla, Travis County Attorney; Donald Patrick, Manager, Travis County Hospital District; Carl Richie, Vice Chair, Travis County Hospital District; Susan Spataro, Travis County Auditor; and Christian Smith, Executive Manager, PBO.

Motion by Judge Biscoe and seconded by Commissioner Davis to approve the budget of the Hospital District, subject to receipt of documentation of the cash reserve by Tuesday, September 21, 2004, at which time this matter will be on the Commissioners’ Court Agenda again; and approval of an interlocal agreement between the City of Austin and the Hospital District.

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

15. CONSIDER AND TAKE APPROPRIATE ACTION ON ISSUES REGARDING THE IMPLEMENTATION OF THE TRAVIS COUNTY HOSPITAL DISTRICT, INCLUDING THE FOLLOWING:

A. TAX RATE VERIFICATION FROM MAXWELL, LOCKE AND RITTER;
(1:47 PM)

Clerk’s Note: Prior to discussion of Item 15.A, Commissioner Davis noted that his wife works for Seton Hospital.

Members of the Court heard from: John Hille, Assistant County Attorney; Earl Maxwell, Leading Partner, Maxwell, Locke, and Ritter; and Sharon Smith, Senior Associate, Maxwell, Locke, and Ritter.

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to formally receive the statutorily required tax rate verification study from the accounting firm of Maxwell, Locke and Ritter.

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

15. CONSIDER AND TAKE APPROPRIATE ACTION ON ISSUES REGARDING THE IMPLEMENTATION OF THE TRAVIS COUNTY HOSPITAL DISTRICT, INCLUDING THE FOLLOWING:

B. CERTAIN INTERLOCAL AGREEMENTS WITH VARIOUS LOCAL HOSPITAL AND GOVERNMENTAL ENTITIES. (1:47 PM)

Item 15.B postponed until September 21, 2004.

ADMINISTRATIVE OPERATIONS ITEMS

- 16. 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 \$339,352.17 FOR THE PERIOD OF AUGUST 27 THROUGH SEPTEMBER 2, 2004. (9:29 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 PROPOSED PERSONNEL AMENDMENTS:
 - A. ROUTINE PERSONNEL ACTIONS – FY 04 JOB ANALYSIS REPORT (FINAL REPORT), JOB TITLES, PAY GRADES, FLSA DESIGNATIONS FOR ASSORTED TRAINING AND EDUCATION TITLES, COURT REPORTERS AND EMERGENCY SYSTEMS ANALYST, SR.; (9:29 AM)

Clerk's Note: Item 17.A 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 PROPOSED PERSONNEL AMENDMENTS:
 - B. NON-ROUTINE PERSONNEL ACTIONS – TEMPORARY PAY INCREASES FOR (1) JUSTICE OF THE PEACE PRECINCT TWO; AND (2) RECORDS MANAGEMENT & COMMUNICATION RESOURCES. (11:15 AM)

Members of the Court heard from: Luanne Shull, Compensation Manager, HRMD.

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to approve the Justice of the Peace Precinct 2 personnel amendment on temporary pay increases.

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

ITEM 17 CONTINUED

Motion by Commissioner Davis **and seconded by** Commissioner Daugherty to approve the Records Management Communication Resources personnel amendments on temporary pay increases.

Motion failed:

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

- 18.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR FUNDS FOR ONE TRAVIS COUNTY EMPLOYEE TO PARTICIPATE IN LEADERSHIP AUSTIN TRAINING IN ACCORDANCE WITH CHAPTER 16 OF THE TRAVIS COUNTY CODE. (9:29 AM)

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

JUSTICE AND PUBLIC SAFETY ITEMS

19. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING ITEMS RELATED TO THE JAIL OPERATIONS STUDY: (10:49 AM)

A. PHYSICAL PLANT REDEVELOPMENT CONCEPTS;

B. NEXT STEPS FOR IMPLEMENTATION OF STUDY RECOMMENDATIONS.

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: Mike Trimble, Criminal Justice Coordinator, Criminal Justice Planning (CJP); Belinda Powell, Capital Planning Coordinator, PBO; and Jessica Rio, Budget Analyst, PBO.

Clerk's Note: The Court gave directions to Staff to look at Physical Plant Redevelopment Concept C2; and determine how to go about building enough beds to cover the variance beds that the state requires, and adding another 500; or returning to the state its variance beds, and adding another 1,000. The Court also directed the County Attorney's Office and the Planning and Budget Office to identify sources of funding.

Discussion Only. No formal action taken.

Items 19.A and B to be reposted on September 28, 2004.

PURCHASING OFFICE ITEMS

20. APPROVE CONTRACT MODIFICATION NO. 2 TO CONTRACT NO. PS030175MB, DOMESTIC HOT WATER MAINTENANCE CABLE ASSESSMENT AT THE TRAVIS COUNTY CORRECTIONAL COMPLEX, JOSE I. GUERRA, INC. (FM/SHERIFF'S OFFICE) (COMMISSIONER GÓMEZ) (9:29 AM)

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

21. DECLARE CERTAIN PROPERTY AS SURPLUS AND AUTHORIZE PROPERTY TO BE DISPOSED OF THROUGH DELL, INC., PURSUANT TO SECTION 263.152 OF THE TEXAS LOCAL GOVERNMENT CODE. (PURCHASING) (COMMISSIONER GÓMEZ) (9:29 AM)

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

22. APPROVE 12-MONTH EXTENSION (MODIFICATION NO. 2) TO THE FOLLOWING CONTRACTS FOR TITLE SERVICES: (9:29 AM)

- A. NO. PS000175JG, STEWART TITLE OF AUSTIN, INC.;
- B. NO. PS000176JG, CHICAGO TITLE INSURANCE COMPANY;
- C. NO. PS000177JG, COMMONWEALTH LAND TITLE COMPANY; AND
- D. NO. PS000178JG, ALAMO TITLE COMPANY. (TNR/FM)
(COMMISSIONER GÓMEZ)

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

23. APPROVE 12-MONTH EXTENSION (MODIFICATION NO. 2) TO THE FOLLOWING CONTRACTS FOR APPRAISAL AND APPRAISAL REVIEW SERVICES: (9:29 AM)

- A. NO. PS000345DM, NATIONAL VALUATION GROUP;
- B. NO. PS000346DM, AUSTIN VALUATION CONSULTANTS, INC.;
- C. NO. PS000347DM, PAUL HORNSBY AND COMPANY;
- D. NO. PS000348DM, KOKEL-OBERRENDER-WOOD APPRAISAL, INC.;
- E. NO. PS000349DM, THE AEGIS GROUP, INC.;
- F. NO. PS000350DM, ATRIUM REAL ESTATE SERVICES. (TNR/FM)
(COMMISSIONER GÓMEZ)

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

24. APPROVE ASSIGNMENT OF CONTRACT (MODIFICATION NO. 2) FOR CONTRACT NO. 03T00132RV, YOUNG AND PRATT SERVICE, INC. (FAC. MGMT.) (COMMISSIONER GÓMEZ) (9:29 AM)

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

25. APPROVE 12-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 03T00010LD, FUELMAN OF AUSTIN, FOR FLEET FUEL CARD SERVICES. (TNR) (COMMISSIONER GÓMEZ) (9:29 AM)

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

26. APPROVE MODIFICATION NO. 6 TO CONTRACT NO. PS960146LB, MEDICAL STAFFING NETWORK, INC. FOR PROVISION OF PROFESSIONAL TEMPORARY MEDICAL SERVICES. (SHERIFF'S OFFICE) (COMMISSIONER GÓMEZ) (9:29 AM)

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

27. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. PS040324EF, DAUGHTERS OF CHARITY HEALTH SERVICE, FOR TRAVIS COUNTY MEDICAL ASSISTANCE PROGRAM. (HHS & VS) (COMMISSIONER GÓMEZ) (11:54 AM)

Clerk's Note: Prior to the discussion of Item 27, Commissioner Davis disclosed that his wife works for Seton Hospital.

Members of the Court heard from: John Hille, Assistant County Attorney.

Motion by Commissioner Gómez **and seconded by** Commissioner Daugherty to approve the contract modification in Item 27.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	abstain
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 THE FOLLOWING PILOT PROGRAM FOR THE COLLECTION OF COURT FINES AND FEES:
(10:03 AM)

- A. THE FEASIBILITY OF A PILOT PROGRAM IN PRECINCT THREE;
- B. EXEMPTION ORDER FOR A COLLECTION OF COURT FINES AND FEES CONTRACT, PURSUANT TO SECTION 262.024(A)(4) OF THE COUNTY PURCHASING ACT;
- C. CONTRACT NO. PS040272ML FOR THE COLLECTION OF COURT FINES AND FEES WITH GILA CORPORATION DOING BUSINESS AS MUNICIPAL SERVICES BUREAU (MSB). (JUSTICE OF THE PEACE, PRECINCT 3) (COMMISSIONER DAUGHERTY)

Clerk’s Note: Items 28.A-C are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; Melissa Goodwin, Justice of the Peace Precinct 3; Jordan Freitag, Municipal Services Bureau; Mike Wichern, Chief Assistant County Auditor, Travis County Auditor’s Office; Barbara Wilson, Assistant County Attorney; and Diana Ramirez, Budget Analyst, PBO.

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez to go forward with Items 28.A, B, and C.

A Friendly Amendment was offered by Judge Biscoe that two things ought to be measured a year from now: First, the performance of the vendor, and to determine that, we should look at the number of letters sent, the number of phone calls made, the total amount of money collected, and the amount of money that comes to Travis County. Category 2 would be the impact on our system, and in that we would look at the increase in collections in cases within 60 days of due date, the number of cases cleared, the number of days served in jail on Justice of the Peace warrants, and the amount of money written off due to time served.

Acceptance of the Friendly Amendment was made by Commissioner Daugherty and Commissioner Gómez.

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

- 29. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING 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). (COMMISSIONER DAUGHERTY) (9:29 AM)

Clerk’s Note: Item 29 is the action item for the public hearing on Agenda Item 1.

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 REGARDING 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). (COMMISSIONER DAUGHERTY) (9:29 AM)

Clerk’s Note: Item 30 is the action item for the public hearing on Agenda Item 2.

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 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). (COMMISSIONER DAUGHERTY) (9:17 AM) (9:22 AM)

Clerk’s Note: Item 31 is the action item for the public hearing on Agenda Item 3.

Item 31 pulled from the Agenda.

32. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE TWO PORTIONS OF SELMA HUGHES PARK ROAD AND ACCEPT THE DEDICATION OF ADDITIONAL RIGHT OF WAY. (COMMISSIONER DAUGHERTY) (9:29 AM)

Clerk's Note: Item 32 is the action item for the public hearing on Agenda Item 4.

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

33. A. CONSIDER ADOPTION OF AMENDMENT #3 TO THE INTERLOCAL AGREEMENT WITH THE CITY OF AUSTIN RELATING TO THE PLATTING OF SUBDIVISIONS WITHIN THE EXTRATERRITORIAL JURISDICTION (ETJ), AND TAKE APPROPRIATE ACTION; (11:18 AM)
- B. CONSIDER AMENDMENT TO FY 05 GENERAL FUND BUDGET AND THE ADOPTION OF THE FY 05 FEE SCHEDULE FOR THE REVIEW AND INSPECTION OF SUBDIVISIONS WITHIN THE ETJ OF THE CITY OF AUSTIN, AND TAKE APPROPRIATE ACTION.

Clerk's Note: Items 33.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; Tom Nuckols, Assistant County Attorney; Carol Joseph, Assistant Director, TNR; and Blain Keith, Chief Assistant County Auditor, Travis County Auditor's Office.

Discussion Only. No action taken.

Items 33.A and B to be reposted on September 28, 2004.

- 34. A. CONSIDER INTERLOCAL AGREEMENT WITH THE LOWER COLORADO RIVER AUTHORITY TO CONDUCT A PLANNING PROCESS FOR THE DEVELOPMENT OF SOUTHWEST TRAVIS COUNTY, AND TAKE APPROPRIATE ACTION; (11:38 AM)
- B. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR \$25,000 TO FUND TRAVIS COUNTY’S SHARE OF THE COST OF THE PLANNING PROCESS FOR DEVELOPMENT STANDARDS IN SOUTHWEST TRAVIS COUNTY. (COMMISSIONER DAUGHERTY)

Clerk’s Note: Items 34.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; and Joe Lessard, Project Manager, Southwest Travis County Growth Dialog Process.

Motion by Commissioner Daugherty **and seconded by** Commissioner Davis to approve the interlocal agreement in Item 34.A and the funding request in Item 34.B, and to authorize the County Judge to sign the agreement on behalf of the Commissioners’ Court.

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

OTHER ITEMS

- 35. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:29 AM)

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

- 36.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO PLACE A PUBLIC RECOGNITION PLAQUE IN HONOR OF HEMAN SWEATT VS. PAINTER LAWSUIT IN THE 126TH JUDICIAL DISTRICT COURT IN THE OLD HISTORIC COURTHOUSE. (11:09 AM)

Members of the Court heard from: Eric Sheppard, Assistant County Attorney; and Malcolm Greenstein, Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve placing the plaque in the Old Historic Courthouse.

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.** CONSIDER AND TAKE APPROPRIATE ACTION ON CONTRACT AMENDMENT TO INTERLOCAL COOPERATION AGREEMENT BETWEEN TRAVIS COUNTY AND THE EANES ISD FOR THE 2004-2005 SCHOOL YEAR FOR LAW ENFORCEMENT SERVICES TO BE PROVIDED BY THE TRAVIS COUNTY SHERIFF’S OFFICE. (9:29 AM)

Clerk's Note: Item 37 added to Consent Items. Please refer to CONSENT ITEMS for the Court’s Motion and Vote.

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.

- 38.** CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE OPPORTUNITY TO PURCHASE REAL ESTATE IN SOUTH CENTRAL AUSTIN. ² (4:05 PM) (5:42 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, and Gov't. Code Ann. 551.072, Real Property.

No action required on Item 38.

Item 38 to be reposted on September 28, 2004.

- 39.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING OUTSIDE COUNSEL REPRESENTATION ISSUES IN JESSIE BISHOP V. MARGO FRASIER, ET AL. (BISHOP; FRASIER; CIVIL RIGHTS). ¹ (4:05 PM) (5:42 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 pulled from the Agenda.

40. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION ON SETTLEMENT OFFER RECEIVED IN JODI MARSHALL V. TRAVIS COUNTY ET AL (MARSHALL, TRAVIS COUNTY; CIVIL RIGHTS) (REQUESTED BY DEFENDANT). ¹ (4:05 PM) (5:42 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.

Item 40 pulled from the Agenda.

41. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING SETTLEMENT NEGOTIATIONS IN RICHARD MCCAIN V. TRAVIS COUNTY. ¹ (9:17 AM)

Item 41 postponed until September 21, 2004.

42. CONSIDER AND TAKE APPROPRIATE ACTION ON REPLY FROM PASTOR STERLING LANDS TO COUNTY'S RESPONSE TO REQUEST FOR INVESTIGATION OF VARIOUS MATTERS IN THE MEDICAL EXAMINER'S OFFICE. ¹ (4:05 PM) (5:42 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.

Discussion only. No action taken.

Item 42 to be reposted on October 12, 2004.

43. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN HCI EQUITY PARTNERS, LP V. TRAVIS COUNTY ET AL. ¹ (9:17 AM)

Item 43 postponed until September 21, 2004.

44. RECEIVING BRIEFING AND TAKE APPROPRIATE ACTION IN ANNELL RAYMOND CANTRELL V. TRAVIS COUNTY ET AL (FRASIER; MEDICAL MALPRACTICE; PERSONAL INJURY). ¹ (4:05 PM) (5:43 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.

No action taken on Item 44.

Item 44 to be reposted on September 21, 2004.

45. RECEIVE BRIEFING FROM COUNTY ATTORNEY ON TEXAS LOCAL GOVERNMENT CODE CHAPTER 262, PURCHASING AND CONTRACTING AUTHORITY OF COUNTIES, SUBCHAPTER B, AND TAKE APPROPRIATE ACTION. ¹ (4:05 PM) (5:43 PM)

Clerk's Note: Judge Biscoe announced that Item 45 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No action taken.

Item 45 to be reposted on September 28, 2004.

46. RECEIVE LEGAL ADVICE AND TAKE APPROPRIATE ACTION ON IMPLEMENTATION OF TRAVIS COUNTY HOSPITAL DISTRICT. ¹ (4:05 PM)

Item 46 not needed.

Item 46 postponed until September 21, 2004.

ADDED ITEMS

- A1. APPROVE MODIFICATION NO. 7 (WORK ORDER NO. 7) TO INTERLOCAL AGREEMENT WITH AUSTIN ENERGY, NO. IL000106JG, FOR ENERGY SERVICES. (FAC. MGMT.) (9:29 AM)

Clerk's Note: Item A1 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- A2.** APPROVE MODIFICATION NO. 1 (ORIGINAL PURCHASE APPROVED JULY 6, 2004) TO STATE CONTRACT FOR PURCHASE OF MODULAR SYSTEMS FURNITURE FROM THE SHELTON KELLER GROUP. (FAC. MGMT.) (9:29 AM)

Clerk's Note: Item A2 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- A3.** APPROVE CONTINUATION OF CONTRACT BETWEEN DOMESTIC RELATIONS AND OFFICE OF THE ATTORNEY GENERAL FOR DOMESTIC RELATIONS TO SUPERVISE ATTORNEY GENERAL CHILD SUPPORT PROBATIONERS. (9:29 AM)

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

- A4.** APPROVE MODIFICATION NO. 8 TO CONTRACT NO. PS960075KW, AUSTIN-TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION, FOR FAMILY PRESERVATION PROGRAM SERVICES TO JUVENILE OFFENDERS. (JUVENILE PROBATION) (9:29 AM)

Clerk's Note: Item A4 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- A5.** APPROVE MODIFICATION NO. 2 TO INTERLOCAL NO. IL010019JW, AUSTIN/TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION, FOR CHILDREN'S BEHAVIORAL HEALTH SERVICES THROUGH REFERRALS BY THE CHILDREN'S PARTNERSHIP. (JUVENILE PROBATION) (9:29 AM)

Clerk's Note: Item A5 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- A6.** APPROVE MODIFICATION NO. 8 TO CONTRACT NO. PS960012JW, SOUTHWEST KEY PROGRAM, FOR INTENSIVE SUPERVISION SERVICES OF JUVENILE OFFENDERS. (JUVENILE PROBATION) (9:29 AM)

Clerk's Note: Item A6 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

ADJOURNMENT

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to adjourn the Voting Session. (5:44 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