

MINUTES OF MEETING – OCTOBER 5, 2004

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 5th day of October, 2004, the Commissioners' Court convened the regular Voting Session at 9:14 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Melissa Velasquez.

The Commissioners Court record notes that Precinct Two Commissioner Karen Sonleitner and Precinct Three Commissioner Gerald Daugherty were not present during this Voting Session.

The Commissioners Court retired to Executive Session at 10:00 AM.

The Commissioners Court reconvened the Voting Session at 10:35 AM.

The Commissioners Court adjourned the Voting Session at 10:39 AM.

RESOLUTIONS & PROCLAMATIONS

4. APPROVE PROCLAMATION RECOGNIZING OCTOBER 2004 AS “AUSTIN PARTNERS IN EDUCATION MONTH” IN TRAVIS COUNTY. (JUDGE BISCOE) (9:21 AM)

Members of the Court heard from: Ben Ornelas, Chair, Coordinating Board, Partners In Education; Catherine Brewer, Executive Director, Partners In Education; and Leroy Nellis, Budget Manager, Planning and Budget Office (PBO).

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

Motion carried:

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

5. APPROVE PROCLAMATION RECOGNIZING NOVEMBER 2004 AS “OFFICIAL HOME CARE AND HOSPICE MONTH” IN TRAVIS COUNTY. (JUDGE BISCOE) (9:27 AM)

Members of the Court heard from: Jason Earl, Girling Hospice; Eve Carson, Visiting Angels Personal Assistant Services, Representative/Officer, Austin Area Home Health Council; Ann Hatfield, Texas Association for Homecare; and Sherry Cummings, Outreach Health Services.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve both of the proclamations in Item 5.

Motion carried:

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

SPECIAL ITEM

6. RECOGNIZE TRAVIS COUNTY FOR RECEIVING THE “TOP INNOVATION BY A COUNTY GOVERNMENT AWARD” FROM THE NATIONAL INSTITUTE OF GOVERNMENTAL PURCHASING FOR HISTORICALLY UNDERUTILIZED BUSINESS (HUB) PROGRAM. (9:33 AM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; Jorge Talavera, Travis County Purchasing Office; and Sylvia Lopez, HUB Coordinator, Travis County Purchasing Office.

Discussion Only. No action taken.

CITIZENS COMMUNICATION

Members of the Court heard from: Nettie Brown, Northridge Acres; Joyce Thoresen, Walnut Place Neighborhood Association; John Hutchinson, Walnut Place Neighborhood Association; and Kristina Kubek, Walnut Place Neighborhood Association. (9:40 AM)

8. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED PERSONNEL AMENDMENTS. (9:52 AM)

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

9. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATIONS FROM THE TRAVIS COUNTY EMPLOYEE BENEFITS COMMITTEE REGARDING 457 DEFERRED COMPENSATION PLAN MODIFICATIONS: (9:14 AM)
 - A. COST FOR PASSAGE SERIES FUNDS;
 - B. PARTICIPANT LOAN PROVISION;
 - C. QUALIFIED DOMESTIC RELATIONS ORDERS (QDRO);
 - D. FIXED ACCOUNT TRANSFER RESTRICTION; AND
 - E. SELF-DIRECTED BROKERAGE ACCOUNT.

Items 9.A-E pulled from the Agenda.

PURCHASING OFFICE ITEMS

10. APPROVE TWELVE-MONTH RENEWALS OF 17 PROFESSIONAL SERVICE CONTRACTS WITH CERTAIN CONTRACTORS FOR HEALTH AND HUMAN SERVICES. (COMMISSIONER GÓMEZ) (9:52 AM)

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

11. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. 02T002920J, SAFE GUARD HEALTH PLANS, INC. AND SAFE HEALTH LIFE INS. CO., FOR THE PROVISION OF DENTAL COVERAGE FOR TRAVIS COUNTY EMPLOYEES. (HRMD) (COMMISSIONER GÓMEZ) (9:52 AM)

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

12. APPROVE CONTRACT AWARD FOR THE WELLS BRANCH PARKWAY ROAD AND DRAINAGE IMPROVEMENTS PROJECT, IFB NO. B040124JJ, TO THE LOW BIDDER, CASH CONSTRUCTION CO. OF TEXAS, INC. (TNR) (COMMISSIONER SONLEITNER) (9:52 AM)

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

13. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 1) TO THE FOLLOWING CONTRACTS FOR ASPHALTIC ROAD MATERIALS, FOB PLANT: (9:52 AM)

- A. CONTRACT NO. 04T00052LD, INDUSTRIAL ASPHALT, INC.;
- B. CONTRACT NO. 04T00053LD, CAPITOL AGGREGATES AUSTIN, LTD.;
- C. CONTRACT NO. 04T00054LD, R. T. I. HOT MIX, INC. (TNR) (COMMISSIONER GÓMEZ)

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

14. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 04T00057RV, ADVANCED FILTRATION SYSTEMS, FOR AIR FILTER REPLACEMENT SERVICES. (FM) (COMMISSIONER GÓMEZ) (9:52 AM)

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

15. APPROVE ISSUANCE OF JOB ORDER NO. 6, MINOR CONSTRUCTION AND RENOVATION SERVICES CONTRACT NO. 04K0203ARV, WILLIAMS AND THOMAS, INC. D.B.A. JAMAIL CONSTRUCTION, FOR ASBESTOS AND MOLD ABATEMENT SERVICES AT 1101 NUECES. (FM) (COMMISSIONER GÓMEZ) (9:55 AM)

Members of the Court heard from: Dan Mansour, Risk Manager, Human Resources Management Department (HRMD); and Cyd Grimes, Travis County Purchasing Agent.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve Item 15.

Motion carried:

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

16. APPROVE CONTRACT AWARD FOR AUTO BODY REPAIR, IFB NO. B040126JT, TO THE LOW RESPONSIVE BIDDERS: (9:52 AM)

A. GROUP I - CARS AND LIGHT TRUCKS

1. AR CUSTOM BODY PAINT SHOP - FOR THE NORTHEAST AREAS;
2. H & R AUTO BODY, INC. - FOR THE NORTHWEST AND NORTHEAST AREAS; AND
3. TWO-DAY AUTO PAINT & BODY - FOR THE NORTHEAST AND SOUTHEAST AREAS.

**B. GROUP II – HEAVY TRUCKS – REJECT ALL BIDS. (TNR)
(COMMISSIONER GÓMEZ)**

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

17. APPROVE MODIFICATION NO. 2 TO INTERLOCAL AGREEMENT NO. IL010007DR WITH AUSTIN INDEPENDENT SCHOOL DISTRICT FOR REIMBURSEMENT OF JANITORIAL SUPPLIES. (COUNSELING AND EDUCATION SERVICES) (COMMISSIONER GÓMEZ) (9:52 AM)

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

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

18. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE TOTAL VACATION OF RANDALL RIDGE SUBDIVISION (AS RECORDED IN BOOK 92, PAGE 265). (COMMISSIONER GÓMEZ) (9:52 AM)

Clerk's Note: Item 18 is the action item for the public hearing on Agenda Item 1.

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 ON A PLAT FOR RECORDING IN PRECINCT FOUR: MORRIS SUBDIVISION – SHORT FORM PLAT – 2 LOTS – 14.5276 ACRES – STATE HWY 71 – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC SYSTEMS – CITY OF AUSTIN ETJ). (COMMISSIONER GÓMEZ) (9:52 AM)

Clerk's Note: Item 19 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

20. CONSIDER AND TAKE APPROPRIATE ACTION 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) (9:52 AM)

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

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

21. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: ANDERSON MILL WEST, SECTION 19, AMENDED PLAT OF LOT 25, BLOCK K (AMENDED PLAT – 1 LOT – 0.661 ACRES – BRIONA WOOD LANE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED WILLIAMSON/TRAVIS COUNTY MUD NO. 1 – CITY OF CEDAR PARK ETJ). (COMMISSIONER DAUGHERTY) (9:52 AM)

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

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

22. APPROVE ALTERNATIVE FISCAL AGREEMENTS FOR THE MEADOWS OF BLACKHAWK SECTION 7A-2, A SUBDIVISION IN PRECINCT TWO. (COMMISSIONER SONLEITNER) (9:52 AM)

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

PLANNING AND BUDGET DEPT. ITEMS

23. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:52 AM)

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

24. APPROVE ORDER TO DIRECT DEPOSITING SALARY FUNDS INTO THE GENERAL FUND OF TRAVIS COUNTY. (9:52 AM)

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

OTHER ITEMS

- 25.** APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:52 AM)

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

- 26.** APPOINT TOMMY NOBLES AS PRECINCT TWO REPRESENTATIVE TO THE TRAVIS COUNTY HOUSING AUTHORITY, EFFECTIVE IMMEDIATELY, TERM TO EXPIRE DECEMBER 31, 2006. (9:52 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 REQUEST TO FILL VACANCIES FOR UNEXPIRED TERM OF PRESIDING ELECTION JUDGES AND ALTERNATE PRESIDING ELECTION JUDGES. (9:52 AM)

Item 27 postponed until October 12, 2004.

- 28.** CONSIDER AND TAKE APPROPRIATE ACTION ON ISSUES RELATED TO THE CONDUCT OF THE NOVEMBER 2004 JOINT GENERAL AND SPECIAL ELECTION. (9:14 AM)

Item 28 postponed until October 12, 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.

- 29. CONSIDER AND TAKE APPROPRIATE ACTION ON SECURITY ISSUES RELATED TO THE CONDUCT OF THE NOVEMBER 2004 JOINT GENERAL AND SPECIAL ELECTION. ⁴ (10:00 AM) (10:35 AM)**

Clerk's Note: Judge Biscoe announced that Item 29 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.076, Security.

Motion by Judge Biscoe and seconded by Commissioner Davis to authorize the construction of necessary electrical panels and switches at a cost of \$23,500.00; that we approve the rental of a generator for the election, which will cost \$806.00 weekly; and that we identify a source of funding next week, October 12, 2004.

Motion carried:

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

30. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION ON FERGUSON AND TUSCANY WAY EXTENSION PROJECT. (COMMISSIONER DAVIS) ¹ (10:00 AM) (10:35 AM)

Clerk's Note: Judge Biscoe announced that Item 30 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Commissioner Davis **and seconded by** Judge Biscoe to discontinue negotiations with Mr. Nalle; that we have Staff proceed with the traffic calming devices in that area; that we ask Staff to stay in touch with the residents of the neighborhood; and that Staff draft something in writing to the Sheriff's Department to look at unauthorized truck traffic going through the neighborhood.

Motion carried:

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

31. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE OPPORTUNITY TO PURCHASE REAL ESTATE IN SOUTH CENTRAL AUSTIN. ² (9:15 AM)

Item 31 postponed until October 12, 2004.

32. CONSIDER OFFERS TO SELL AND TAKE APPROPRIATE ACTION REGARDING DRAINAGE EASEMENT NEEDED BY TRAVIS COUNTY FOR INSTALLATION OF STORMWATER FACILITIES AS PART OF THE ANDERSON MILL ROAD IMPROVEMENT PROJECT (CIP # 01-B01-01-3CA) IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) ^{1&2} (10:00 AM) (10:37 AM)

Clerk's Note: Judge Biscoe announced that Item 32 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.

Motion by Judge Biscoe and seconded by Commissioner Davis to approve the offers to sell from the following property owners in the following estimated amounts: Akin-\$40,000.00, Jackson-\$8,325.00, and Andrus-\$4,296.00.

Motion carried:

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

33. RECEIVE LEGAL ADVICE AND TAKE APPROPRIATE ACTION ON IMPLEMENTATION OF TRAVIS COUNTY HOSPITAL DISTRICT. ¹ (10:00 AM)

Item 33 postponed until October 12, 2004.

34. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION ON SETTLEMENT IN RICHARD MCCAIN V. TRAVIS COUNTY. ¹
(10:00 AM) (10:38 AM)

Clerk’s Note: Judge Biscoe announced that Item 34 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 that we authorize settlement of this matter in the amount of \$55,250.00, of which \$40,000.00 will come from salary savings from the Constable Precinct 4 Fiscal Year 2004 budget, and the other \$15,250.00 from the Fiscal Year 2005 Allocated Reserve; and indicate the Court’s desire to try to identify salary savings over the next 12 months to reimburse the Allocated Reserve.

Motion carried:

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

35. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING SALARY FOR EXECUTIVE MANAGER OF HEALTH AND HUMAN SERVICES. ³ (9:15 AM)

Item 35 postponed until October 12, 2004.

36. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO HIRE CONSULTING EXPERT(S) REGARDING VELMA POWE V. TRAVIS COUNTY, ET. AL (FRASIER; TRAVIS COUNTY; ADA CLAIM). ^{1&3}
(10:00 AM) (10:38 AM)

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, and Gov’t Code Ann. 551.074, Personnel Matters.

Motion by Judge Biscoe and seconded by Commissioner Gómez to authorize the County Attorney to hire appropriate consulting experts and spend up to \$15,000.00.

Motion carried:

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

ADDED ITEMS

A1. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO TRANSFER FUNDS TO TRAVIS COUNTY HOSPITAL DISTRICT PURSUANT TO CHAPTER 281 OF THE HEALTH AND SAFETY CODE. (9:57 AM)

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

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve the order transferring funds to the Travis County Hospital District.

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

ADJOURNMENT

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to adjourn the Voting Session. (10:39 AM)

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

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge