

MINUTES OF MEETING – NOVEMBER 2, 2004

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 2nd day of November, 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 was not present during this Voting Session.

The Commissioners Court recessed the Voting Session at 9:54 AM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened the Voting Session at 9:54 AM and adjourned at 9:55 AM.

The Commissioners Court reconvened the regular Voting Session at 10:02 AM.

The Commissioners Court adjourned the Voting Session at 10:45 AM.

PUBLIC HEARINGS

1. RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: RESUBDIVISION OF A PORTION OF LOT 5, AMENDED PAPOOSE I (REVISED PLAT – 2 LOTS – 5.18 ACRES – PALEFACE RANCH ROAD – NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY, LCRA JURISDICTION – OUTSIDE ALL ETJs). (ACTION ITEM 22) (COMMISSIONER DAUGHERTY) (9:15 AM)

Clerk’s Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 22 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	absent
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	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

6. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
(9:27 AM)
 - A. GRANT CONTRACT AMENDMENT WITH THE OFFICE OF RURAL COMMUNITY AFFAIRS TO THE KENNEDY RIDGE STEP #2 GRANT PROGRAM IN TRANSPORTATION AND NATURAL RESOURCES. THE GRANT AMENDMENT INCORPORATES AN AGREEMENT TO HAVE THE HORNSBY BEND WATER SUPPLY CORPORATION MANAGE WATER SERVICE FOR KENNEDY RIDGE AND CHANGES HOW THE WATER SERVICE IS MANAGED;
 - B. GRANT CONTRACT AMENDMENT WITH THE OFFICE OF RURAL COMMUNITY AFFAIRS TO THE KENNEDY RIDGE STEP #3 GRANT PROGRAM IN TRANSPORTATION AND NATURAL RESOURCES. THE GRANT AMENDMENT INCORPORATES AN AGREEMENT TO HAVE THE HORNSBY BEND WATER SUPPLY CORPORATION MANAGE WATER SERVICE FOR KENNEDY RIDGE AND CHANGES HOW THE WATER SERVICE IS MANAGED; AND
 - C. GRANT CONTRACT WITH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, TO CONTINUE DRUG COURT PROGRAM IN THE CRIMINAL COURTS FOR FY 05.

Clerk's Note: Items 6.A-C added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

ADMINISTRATIVE OPERATIONS ITEMS

7. 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 \$687,229.40 FOR THE PERIOD OF OCTOBER 15 THROUGH OCTOBER 21, 2004. (9:27 AM)

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

8. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED PERSONNEL AMENDMENTS. (9:27 AM)

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

9. REVIEW AND APPROVE THE FOLLOWING PROPERTY CLAIM RECOMMENDATIONS: (9:36 AM)

- A. TCSO UNIT 1952 – SETTLE;
- B. TCSO UNIT 1945 – SETTLE; AND
- C. TCSO UNIT 2281 – SETTLE.

Item 9 postponed until November 9, 2004.

10. CONSIDER AND TAKE APPROPRIATE ACTION ON LICENSE AGREEMENT WITH SOUTH AUSTIN PICTURES, INC. FOR COMMERCIAL FILM PRODUCTION IN THE HISTORIC COURTHOUSE. (9:27 AM)

Clerk's Note: Judge Biscoe noted that the County will be receiving \$500.00 plus expenses.

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

PURCHASING OFFICE ITEMS

11. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. 03T00087LD, H AND H FENCE, FOR GUARDRAIL AND BRIDGERAIL INSTALLATION. (TNR) (COMMISSIONER GÓMEZ) (9:27 AM)

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

12. REJECT ALL BIDS RECEIVED FOR IFB NO. B040065RV, WATER DAMAGE REMEDIATION, MOLD DAMAGE REMEDIATION AND DECONTAMINATION SERVICES, AND REBID. (HRMD) (COMMISSIONER GÓMEZ) (9:27 AM)

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

13. APPROVE MODIFICATION NO. 9 TO CONTRACT PS010173LC, TIBURON, INC., FOR THE FACTS COURT MANAGEMENT SYSTEM. (ITS) (COMMISSIONER GÓMEZ) (9:27 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 NO. 18 TO CONTRACT NO. MA980095, AGREEMENT FOR EXTENDED SERVICES, WITH TIBURON. (ITS) (COMMISSIONER GÓMEZ) (9:27 AM)

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

15. APPROVE RENEWAL OF INTERLOCAL AGREEMENT NO. IL030067OJ, TEXAS LOCAL GOVERNMENT PURCHASE COOPERATIVE, TO PARTICIPATE IN THE STATEWIDE PURCHASING PROGRAM OF THE COOPERATIVE. (TNR) (COMMISSIONER GÓMEZ) (9:27 AM)

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

16. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO INTERLOCAL AGREEMENT NO. IL030034EF WITH TRAVIS COUNTY EMERGENCY SERVICES DISTRICT 4 FOR FIREFIGHTER TRAINING ACADEMY. (HHS & VS) (COMMISSIONER GÓMEZ) (9:27 AM)

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

17. **A.** APPROVE ORDER EXEMPTING PROFESSIONAL GRANT DEVELOPMENT AND COORDINATION SERVICES BY GRANT DEVELOPMENT SERVICES FOR THE NORTHRIDGE ACRES WATER IMPROVEMENT PROJECT FROM THE COMPETITIVE PROCUREMENT PROCESS PURSUANT TO SECTION 262.024(a)(4) OF THE COUNTY PURCHASING ACT; (9:27 AM)
- B.** APPROVE CONTRACT AWARD TO GRANT DEVELOPMENT SERVICES FOR PROFESSIONAL GRANT DEVELOPMENT AND COORDINATION SERVICES FOR THE NORTHRIDGE ACRES WATER IMPROVEMENT PROJECT. (TNR)

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. APPROVE MODIFICATIONS NO. 2 TO CONTRACT NO. 04K0193AJJ, WHEELER COATINGS ASPHALT, INC., AND NO. 1 TO CONTRACT NO. 04K0193BJJ, ASPHALT PAVING, INC., 2004 TYPE C HMAC PROGRAM. (TNR) (9:30 AM) (9:46 AM)

Members of the Court heard from: Frank Holder, Assistant Purchasing Agent; Carol Joseph, Assistant Director, TNR; Jessica Rio, Budget Analyst, Planning and Budget Office (PBO); John Hille, Assistant County Attorney; and Cyd Grimes, Travis County Purchasing Agent.

Motion by Commissioner Daugherty **and seconded by** Commissioner Davis to approve the contract modifications in Item 18.

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	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

19. CONSIDER AND TAKE APPROPRIATE ACTION ON BIDS RECEIVED FOR EAST METRO PARK PHASE ONE, PROJECT 2, IFB NO. B040130JJ. (TNR) (COMMISSIONER DAVIS) (9:14 AM)

Item 19 postponed until November 9, 2004.

- 20.** APPROVE EXEMPTION ORDER FOR A CONTRACT TO REPAIR THE CJC VEHICULAR SALLY PORT DOORS FROM THE COMPETITIVE BIDDING REQUIREMENTS OF THE COUNTY PURCHASING ACT (V.T.C.A LOCAL GOVERNMENT CODE 262.023). (FACILITIES MANAGEMENT)
(COMMISSIONER GÓMEZ) (9:27 AM)

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

- 21.** APPROVE MODIFICATION NO. 3 TO CONTRACT NO. PS040037LB, RENEA HICKS, FOR LITIGATION SERVICES. (COUNTY ATTORNEY)
(COMMISSIONER GÓMEZ) (9:27 AM)

Clerk's Note: Judge Biscoe noted that the amount in the contract modification would be \$12,500.00, and would be used in the event that it is needed. That will bring the total in the contract to \$45,000.00, up from the \$32,500.00 that has already been approved and used.

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

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

- 22.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: RESUBDIVISION OF A PORTION OF LOT 5, AMENDED PAPOOSE I (REVISED PLAT – 2 LOTS – 5.18 ACRES – PALEFACE RANCH ROAD – NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY, LCRA JURISDICTION – OUTSIDE ALL ETJs). (COMMISSIONER DAUGHERTY)
(9:27 AM)

Clerk's Note: Item 22 is the action item for the public hearing on Agenda Item 1.

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 REQUEST REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: AMENDED PLAT OF LOTS 21 AND 22, ROUND MOUNTAIN (REVISED PLAT – 2 LOTS – 0.975 ACRES – CEDAR HURST LANE AT STONE RIDGE DRIVE – NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY, LCRA JURISDICTION – CITY OF LAKEWAY ETJ). (COMMISSIONER DAUGHERTY) (9:27 AM)

Clerk's Note: Item 23 is the action item for the public hearing on Agenda Item 2.

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

- 24.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST REGARDING TEMPORARILY CLOSING PINNACLE ROAD AND ALLEN DRIVE FROM WESTBANK DRIVE TO 200 FEET SOUTH OF RIPPLE CREEK (AUSTIN CITY LIMITS) IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:27 AM)

Clerk's Note: Item 24 is the action item for the public hearing on Agenda Item 3.

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

- 25.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST REGARDING TEMPORARY CLOSURE OF GREGG LANE IN SEPTEMBER 2005 FOR ROAD CONSTRUCTION FROM CAMERON ROAD TO A POINT APPROXIMATELY 600 FEET WEST OF CAMERON ROAD IN PRECINCT ONE. (COMMISSIONER DAVIS) (9:27 AM)

Clerk's Note: Item 25 is the action item for the public hearing on Agenda Item 4.

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 A LICENSE AGREEMENT WITH MICHAEL AND SUSAN DELL FOR LANDSCAPING IN THE RIGHT OF WAY OF TORO CANYON ROAD, A ROAD IN PRECINCT THREE, AT NO COST TO THE COUNTY. (COMMISSIONER DAUGHERTY) (9:27 AM)

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

OTHER ITEMS

27. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:27 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 TO APPOINT ADDITIONAL BOARD MEMBERS TO THE STRATEGIC HOUSING FINANCE CORPORATION OF TRAVIS COUNTY. (9:37 AM)

Discussion only. No action taken.

Item 28 to be reposted on November 9, 2004.

29. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED INTERLOCAL WITH TEXAS WILDLIFE SERVICES, A DEPARTMENT OF TEXAS COOPERATIVE EXTENSION, TO ADDRESS A COYOTE PROBLEM IN TRAVIS COUNTY BY COST SHARING A WILDLIFE MANAGEMENT SPECIALIST. (10:02 AM)

Members of the Court heard from: Jeff Ripley, Director, Texas Cooperative Extension; David Lurie, Director, Austin-Travis County Health and Human Services (A-TCHHS); Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); Mary Etta Gerhardt, Assistant County Attorney; and Donna Morstad, Travis County Resident.

Discussion only. No action taken.

Item 29 to be reposted on November 9, 2004.

30. CONSIDER AND TAKE APPROPRIATE ACTION ON ISSUES RELATED TO THE CONDUCT OF THE NOVEMBER 2004 JOINT GENERAL AND SPECIAL ELECTION, INCLUDING THE DESIGNATION OF ELECTION DAY POLLING PLACES. (9:45 AM)

Item 30 not needed.

- 31.** RECEIVE 2005 STATE FORFEITED PROPERTY ACCOUNT BUDGET FROM TRAVIS COUNTY SHERIFF AND AUTHORIZE APPROPRIATE FILING WITH THE COUNTY CLERK. (9:27 AM)

Clerk's Note: Item 31 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.

- 32.** CONSIDER AND TAKE APPROPRIATE ACTION REGARDING AN OPPORTUNITY TO PURCHASE REAL ESTATE IN SOUTH CENTRAL AUSTIN. ² (9:53 AM)

Item 32 postponed until November 9, 2004.

- 33.** RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING SETTLEMENT OFFER IN JODI MARSHALL V. TRAVIS COUNTY, ET AL, (MARSHALL; TRAVIS COUNTY; CIVIL RIGHTS) (REQUESTED BY DEFENDANT). ¹ (9:14 AM)

Item 33 postponed until November 9, 2004.

- 34.** RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING ONGOING LITIGATION IN THE CONGRESSIONAL REDISTRICTING MATTER. ¹ (9:53 AM)

Item 34 pulled from the Agenda.

