

MINUTES OF MEETING – NOVEMBER 23, 2004

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 23rd day of November, 2004, the Commissioners' Court convened the regular Voting Session at 9:13 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Melissa Velasquez.

The Commissioners Court recessed the Voting Session at 12:03 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened the Voting Session at 1:39 PM and adjourned at 1:40 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened the Voting Session at 1:40 PM and adjourned at 1:40 PM.

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation, convened the Voting Session at 1:40 PM and adjourned at 1:42 PM.

The Commissioners Court reconvened the regular Voting Session at 1:43 PM.

The Commissioners Court retired to Executive Session at 3:21 PM.

The Commissioners Court reconvened the Voting Session at 5:17 PM.

The Commissioners Court adjourned the Voting Session at 5:19 PM.

CITIZENS COMMUNICATION

Members of the Court heard from: Bonnie Floyd, Assistant Purchasing Agent; Kevin Fleming, Travis County Resident; Michelle Segovia, Texas Organ Sharing Alliance; Jimmy Castro, Travis County Resident; and Jennifer Gale, Travis County Resident. (9:14 AM)

Clerk's Note: Judge Biscoe noted that the deadline for the Combined Charities Campaign would be extended to December 7 or 8, 2004.

2. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST REGARDING A TRAFFIC REGULATION PROHIBITING THROUGH TRUCKS ON YAGER LANE BETWEEN CAMERON ROAD AND PARMER LANE IN PRECINCT ONE. (COMMISSIONER DAVIS) (9:34 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR); David Greear, Traffic Program Manager, TNR; Tom Nuckols, Assistant County Attorney; Joyce Best, Travis County Resident; Ron McGowan, Travis County Resident; Tommy McDaniel, Travis County Resident; and Ruben Quiñones, Travis County Resident.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve the traffic regulation prohibiting truck traffic on Yager Lane between Cameron Road and Parmer Lane, effective January 1, 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	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Clerk's Note: The Commissioners' Court directed Staff to investigate whether Travis County or the City of Austin has jurisdiction over Cameron Road between Yager Lane and Parmer Lane.

3. CONSIDER AND TAKE APPROPRIATE ACTION ON DRAFT CHARTER FOR A CITIZENS BOND ADVISORY COMMITTEE. (2:14 PM)

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

Clerk's Note: The Court noted that the deadline for Committee appointments would be December 15, 2004.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the draft charter.

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. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REQUESTS REGARDING WASTE MANAGEMENT, A SHORTFORM SUBDIVISION IN PRECINCT ONE: (10:00 AM) (11:04 AM)
 - A. A PHASING AGREEMENT BETWEEN TRAVIS COUNTY AND THE DEVELOPER, WASTE MANAGEMENT OF TEXAS; AND
 - B. A PLAT FOR RECORDING IN PRECINCT ONE – WASTE MANAGEMENT (SHORTFORM PLAT – 3 LOTS – 130.906 ACRES – SPRINGDALE ROAD – FISCAL POSTED WITH CITY OF AUSTIN – TRAVIS COUNTY OSSF – CITY OF AUSTIN ETJ).

Clerk’s Note: Items 4.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; Mark McAfee, Travis County Resident; Melanie McAfee, Travis County Resident; Tom Nuckols, Assistant County Attorney; Anna Bowlin, Program Manager, Planning and Engineering Services, TNR; and John Joseph, Attorney representing Waste Management.

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to approve Items 4.A and B, which will contain a plat note with the following language: “Approval of this subdivision plat by the Commissioners’ Court does not mean approval or endorsement of a landfill expansion on this site.”

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

5. RECEIVE STATUS REPORTS FROM WASTE MANAGEMENT, INC. AND BROWNING-FERRIS INDUSTRIES ON EFFORTS TO ACQUIRE GREENFIELD SITES FOR NEW LANDFILLS. (10:34 AM)

Members of the Court heard from: John Joseph, Attorney representing Waste Management; Steve Jacobs, Waste Management, Inc.; and Brad Dugas, General Manager, Browning Ferris Industries (BFI).

Discussion only. No action taken.

Clerk's Note: The Court requested a report from Waste Management, Inc. and Browning-Ferris Industries in 90-120 days on where they are on their search for a new greenfield site for relocation. The Court will agendaize the Item at that time if necessary.

6. CONSIDER AND TAKE APPROPRIATE ACTION ON COUNTY PARTICIPATION IN VARIOUS REGIONAL PLANNING PROCESSES. (2:29 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR.

Discussion only. No action taken.

7. CONSIDER AND TAKE APPROPRIATE ACTION ON THE CALL DOWN OF VARIOUS FISCAL POSTINGS HELD AT THE CITY OF AUSTIN FOR BOUNDARY STREET IMPROVEMENTS TO SCOFIELD RIDGE PARKWAY (HOWARD LANE) FROM IH 35 APPROXIMATELY 3400' WEST TO THE EXISTING SCOFIELD RIDGE PARKWAY AND DEPOSIT THEM IN THE 2001 CIP/BOND PROJECT FUND ACCOUNT. (COMMISSIONER DAVIS) (9:33 AM)

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

JUSTICE AND PUBLIC SAFETY ITEMS

8. CONSIDER AND TAKE APPROPRIATE ACTION ON ISSUES REGARDING THE NEED AND OPTIONS FOR NEW JAIL CONSTRUCTION AT THE DEL VALLE CORRECTIONAL COMPLEX, INCLUDING THE FOLLOWING:
(11:14 AM)
- A. A STRATEGY FOR PLANNING AND PRE-ENGINEERING NEW JAIL CONSTRUCTION, AND SOURCE OF FUNDING; AND
 - B. A STRATEGY FOR UTILIZING NEW BEDS TO PROMOTE EFFICIENCY AND REDUCE OPERATING COST.

Clerk's Note: Items 8.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); David Balagia, Major, Travis County Sheriff's Office (TCSO); and Jessica Rio, Budget Analyst, PBO.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to approve Items 8.A and B, with the strategy to be to fund the engineering and design work for the three categories of beds, which yields the total cost of approximately \$600,000.00.

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

PURCHASING OFFICE ITEMS

9. APPROVE MODIFICATION NO. 3 TO CONTRACT MA020208LC, BINDVIEW CORPORATION, FOR SECURITY PRODUCTS, SERVICE AND SUPPORT.
(ITS) (9:33 AM)

Clerk's Note: Item 9 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

10. APPROVE SOLE SOURCE EXEMPTION AND CONTRACT RENEWAL (MODIFICATION NO. 12) TO CONTRACT NO. MA010043, CERTIFIED SYSTEMS, INC. ("CSI"), FOR SUPPORT AND MAINTENANCE SERVICES OF THE AUTOMATED DROCES SYSTEM FOR THE DOMESTIC RELATIONS OFFICE. (ITS) (9:33 AM)

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

PLANNING AND BUDGET DEPT. ITEMS

11. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
 - A. GRANT CONTRACT WITH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR THE PROTECTIVE ORDER GUARDIAN AD LITEM PROGRAM IN JUVENILE PROBATION DEPARTMENT. THE CONTRACT IS FOR THE THIRD YEAR OF FUNDING; COUNTY MATCH REQUIREMENTS ARE MET THROUGH INTERNAL JUVENILE PROBATION RESOURCES. (9:33 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. (9:33 AM)

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

13. CONSIDER AND TAKE APPROPRIATE ACTION ON THE ISSUANCE OF CERTIFICATES OF OBLIGATION IN FY 05. (11:35 AM) (1:43 PM)

Clerk's Note: The Commissioners' Court discussed a list of Certificates of Obligation, which includes new and replacement capital approved in the FY 2005 Budget: Token Ring to Ethernet Infrastructure Upgrade; Planning for New Civil Courthouse; Airport Blvd. Phase II; HSB and Phase 2 Hot Water Maintenance Cable and Recirculating System; Bldg. 140/160 (Bldg. 2 and 3) Control Panel Upgrade; Fire Alarm System; and County Wide Vehicles and Heavy Equipment

Clerk's Note: The list of Certificates of Obligation for FY 2005 also includes the following potential projects not yet approved in the FY 05 Budget: Two New Helicopters; Gardner Betts Detention Shell Buildout; and Corrections Officers' Radios.

Members of the Court heard from: Jessica Rio, Budget Analyst, PBO; Alan Miller, Budget Analyst, PBO; Danny Hobby, Emergency Services Coordinator, Travis County Department of Emergency Services; Christian Smith, Executive Manager, PBO; Willie Culberson, Chief Pilot, StarFlight; and Casey Ping, Program Manager, StarFlight.

Motion by Judge Biscoe and seconded by Commissioner Davis to indicate the Court's inclination to purchase two new helicopters at a net cost of about \$8 million, and to the extent that additional, specific information can be presented to the Court between now and next Tuesday, November 30, 2004, we go with that number.

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

Motion by Judge Biscoe and seconded by Commissioner Davis to approve the rest of the list of Certificates of Obligation, as listed in the backup.

A Clarification of the previous Motion was made by Judge Biscoe that the Motion includes the list of projects that have not yet been approved.

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

HEALTH AND HUMAN SERVICES DEPT. ITEMS

14. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL AGREEMENT WITH THE TRAVIS COUNTY HOSPITAL DISTRICT REGARDING SERVICES. (2:42 PM)

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

Discussion only. No action taken.

Item 14 to be reposted on December 7, 2004.

ADMINISTRATIVE OPERATIONS ITEMS

15. 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 \$372,035.04 FOR THE PERIOD OF NOVEMBER 5 THROUGH NOVEMBER 11, 2004. (9:33 AM)

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 THE FOLLOWING PROPOSED PERSONNEL AMENDMENTS:

A. ROUTINE PERSONNEL ACTIONS. (9:33 AM)

Clerk's Note: Item 16.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 LIABILITY CLAIM RECOMMENDATION:

A. MARCO RODRIGUEZ – SETTLE. (2:38 PM)

Members of the Court heard from: Dan Mansour, Risk Manager, Human Resources Management Department (HRMD); and John Hille, Assistant County Attorney.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to approve the settlement of all three claims in this case: Marco Rodriguez - \$3,500.00, Cecelia Cruz - \$3,000.00, and Guadalupe Rodriguez - \$750.00.

Clerk's Note: Judge Biscoe noted that the settlements for Cecelia Cruz and Guadalupe Rodriguez would be ratified at the November 30, 2004 Commissioners' Court Voting Session.

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

18. CONSIDER AND TAKE APPROPRIATE ACTION ON EMPLOYEES' HOSPITAL FUND QUARTERLY REPORT FOR THE THIRD QUARTER ENDING JUNE 30, 2004. (2:42 PM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; and Cindy Purinton, Benefit Contract Administrator, HRMD.

Discussion only. No action taken.

19. APPROVE 145 JOB DESCRIPTIONS FOR APPROXIMATELY 1081 POSITIONS THAT WERE AFFECTED BY THE CLASSIFICATION AND COMPENSATION STRATEGIC PLAN (YEAR 3), FY 04 JOB ANALYSIS PROJECT. (9:33 AM)

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

OTHER ITEMS

20. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:33 AM)

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

21. RECEIVE THE FY 04 FEDERAL ANNUAL CERTIFICATION REPORT REGARDING FEDERAL FORFEITURES FROM THE DISTRICT ATTORNEY'S OFFICE AND AUTHORIZE FILING WITH THE U.S. DEPARTMENT OF JUSTICE AND THE U.S. DEPARTMENT OF THE TREASURY. (9:33 AM)

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

23. CONDUCT FOLLOW-UP DISCUSSION OF STRATEGY FOR STRATEGIC PLANNING INITIATIVE FOR FY 05. (3:06 PM)

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

Clerk's Note: The Court requested each manager to list: 1) the ten most important programs, services, projects, or challenges for his or her department for 2005; 2) put them in priority order; 3) the reasons why they are that important; 4) briefly, what is needed to address or accomplish them; and to participate in a discussion of these items with the members of the Court.

Discussion only. No action taken.

Item 23 to be reposted on November 30, 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.

- 24.** CONSIDER AND TAKE APPROPRIATE ACTION ON OFFER TO SELL NEEDED RIGHT-OF-WAY FOR THE CEDAR VALLEY/FITZHUGH ROAD BRIDGE #313 REPLACEMENT PROJECT (CIP #01B01-203BA), LOCATED IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) ^{1&2} (3:21 PM) (5:17 PM)

Clerk's Note: Judge Biscoe announced that Items 24 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: The Court requested that Staff and Commissioner Daugherty chat with Mr. Fleming, the property owner, about the project, and to repost this Item when it is ready.

Discussion only. No action taken.

- 25.** CONSIDER ACQUISITION OF LAND FOR THE DEVELOPMENT OF TRAVIS COUNTY SOUTHWEST METROPOLITAN PARK PROJECT (CIP #01-B02-31-3PA). (COMMISSIONER DAUGHERTY) ^{1&2} (3:21 PM) (5:17 PM)

Clerk's Note: Judge Biscoe announced that Items 25 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: The Court requested that Staff touch base with the property owner, see how much time the County could get to respond to some of the questions and offers that have been received, and to repost this Item when it is needed.

Discussion only. No action taken.

26. RECEIVE LEGAL ADVICE ON COUNTY RULEMAKING AUTHORITY ON MATTERS REGARDING SUBDIVISION REGULATIONS UNDER SB 873 AND OTHER STATUTES, AND TAKE APPROPRIATE ACTION. ¹ (3:21 PM) (5:17 PM)

Clerk's Note: Judge Biscoe announced that Items 26 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Item 26 postponed until November 30, 2004.

27. 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 (3:21 PM) (5:18 PM)

Clerk's Note: Judge Biscoe announced that Items 27 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Item 27 postponed until November 30, 2004.

28. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING AN OPPORTUNITY TO PURCHASE REAL ESTATE IN SOUTH CENTRAL AUSTIN. ² (3:21 PM) (5:18 PM)

Clerk's Note: Judge Biscoe announced that Items 28 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.072, Real Property.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to instruct Staff to pursue some alternatives, such as lease/purchase with first right of refusal.

Motion carried:

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

ADDED ITEMS

- A1.** APPROVE SETTING A PUBLIC HEARING DATE OF DECEMBER 21, 2004 TO RECEIVE COMMENTS REGARDING THE GRANTING OF A LICENSE AGREEMENT TO LONE STAR INFRASTRUCTURE (LSI) TO PROVIDE AN AREA WITHIN THE SOUTHEAST METRO PARK FOR TEMPORARY USE TO INSTALL AND OPERATE A GPS BASE STATION. (COMMISSIONER GÓMEZ) (9:33 AM)

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

ADJOURNMENT

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to adjourn the Voting Session. (5:19 PM)

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
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