# MINUTES OF MEETING – DECEMBER 7, 2004 TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 7<sup>th</sup> day of December, 2004, the Commissioners' Court convened the regular Voting Session at 9:15 AM in the Commissioners' Courtroom, 1<sup>st</sup> Floor of the Ned Granger Administration Building, 314 West 11<sup>th</sup> Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Melissa Velasquez.

The Commissioners Court record notes that Precinct Four Commissioner Margaret J. Gómez was not present during this Voting Session.

The Commissioners Court retired to Executive Session at 10:43 AM.

The Commissioners Court reconvened the Voting Session at 12:02 PM.

The Commissioners Court recessed the Voting Session at 12:08 PM.

The Commissioners Court, meeting as the Capital Industrial Development Corporation, convened the Voting Session at 12:08 PM and adjourned at 12:10 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened the Voting Session at 1:52 PM and adjourned at 1:53 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened the Voting Session at 1:53 PM and adjourned at 1:58 PM.

The Commissioners Court reconvened the regular Voting Session at 1:59 PM.

The Commissioners Court adjourned the Voting Session at 3:22 PM.

# CITIZENS COMMUNICATION

**Clerk's Note:** Judge Biscoe announced that Brown Santa T-shirts are available for sale today in the lobby of the Ned Granger Administration Building.

Members of the Court heard from: Cecelia Burke, Director, Domestic Relations; Cheryl Brown, Executive Assistant, Travis County Judge's Office; Danny Hobby, Emergency Services Coordinator, Travis County Emergency Services; Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); Dawn Kovar, Travis County Emergency Services; Josie Matthias, Travis County Sheriff's Office (TCSO); Kristy Vargas, Criminal Justice Planning (CJP); Mike Trimble, Criminal Justice Coordinator, CJP; and John Carlson, Attorney, Travis County Resident. (9:16 AM)

### **CONSENT ITEMS**

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C5, and Items 1, 6.A&B, 7, 9, 10, 11, 14, 15, 16, 17, A1, and A2. (9:30 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 absent

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- **C2.** AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.
- **C3.** APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF NOVEMBER 23, 2004.
- **C4.** APPROVE AUTOMATIC BUDGET TRANSFERS.

# **CONSENT ITEMS CONTINUED**

C5. APPROVE SETTING A PUBLIC HEARING DATE OF DECEMBER 28, 2004 TO RECEIVE COMMENTS REGARDING THE PARTIAL VACATION OF A PLAT IN PRECINCT THREE: VACATION OF LOTS 115-127, 132-168, 195-228, ALL OF BUMBLE BEE COURT, BEEKEEPER DRIVE, HONEYCOMB DRIVE, HONEY BEE LANE, HONEY BEE COURT, AND THAT PORTION OF BUMBLE BEE DRIVE WEST OF BEE HIVE LANE, BEE CREEK HILL SECTION TWO, (PARTIAL PLAT VACATION – 84 LOTS AND APPROXIMATELY 2700 FEET ROW – 30.742 ACRES – BEE CREEK ROAD – NO FISCAL REQUIRED – NO SEWAGE SERVICE PROVISION INVOLVED IN VACATION – OUTSIDE ALL MUNICIPAL EXTRA-TERRITORIAL JURISDICTIONS). (COMMISSIONER DAUGHERTY)

### TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

 CONSIDER AND TAKE APPROPRIATE ACTION ON A CONSTRUCTION AGREEMENT AND A PLAT FOR RECORDING IN PRECINCT TWO: SPRINGBROOK INDUSTRIAL PARK, SECTION TWO (LONG FORM PLAT – 12 LOTS – 23.306 ACRES – PICADILLY DRIVE – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE TO BE PROVIDED BY WINDEMERE UTILITY CO. – CITY OF PFLUGERVILLE ETJ). (COMMISSIONER SONLEITNER) (9:30 AM)

**Clerk's Note:** Item 1 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

2. CONSIDER AND TAKE APPROPRIATE ACTION ON THE APPOINTMENT OF A CITY OF PFLUGERVILLE AND TRAVIS COUNTY SUBCOMMITTEE OF ELECTED OFFICIALS TO COORDINATE INTERGOVERNMENTAL ISSUES. (COMMISSIONER SONLEITNER) (9:31 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR).

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Daugherty to appoint Commissioner Sonleitner and Judge Biscoe to the Travis County/Pflugerville subcommittee of elected officials.

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 absent

3. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT WITH THE CITY OF AUSTIN FOR THE CONSTRUCTION OF CAMERON ROAD. (COMMISSIONER DAVIS) (9:43 AM)

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

**Motion by** Commissioner Davis **and seconded by** Commissioner Sonleitner to approve the amendment to the Interlocal in Item 3.

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	absent

4. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT NO. 1 TO THE ROAD CONSTRUCTION AGREEMENT WITH RINGGOLD PARTNERS AND CATOOSA SPRINGS PARTNERS FOR THE CONSTRUCTION OF HOWARD LANE. (COMMISSIONER DAVIS) (9:16 AM)

Item 4 postponed until December 14, 2004.

5. APPROVE CONTRACT, CONTRACT MODIFICATION, AND MAKING OF CONTRACT FOR THE SCOFIELD RIDGE PARKWAY IMPROVEMENTS PROJECT, IFB NO. B040087JJ, TO THE LOW BIDDER, RGM CONSTRUCTORS, L.P. (TNR) (9:16 AM)

Item 5 postponed until December 14, 2004.

## PLANNING AND BUDGET DEPT. ITEMS

- **6.** REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:30 AM)
  - A. GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR A RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM IN JUVENILE PROBATION DEPARTMENT. THE APPLICATION IS TO CONTINUE THE EXISTING PROGRAM FOR FY 05;
  - **B.** GRANT APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE COMPREHENSIVE ENERGY ASSISTANCE PROGRAM (CEAP) IN THE HEALTH AND HUMAN SERVICES DEPARTMENT. THIS APPLICATION IS TO CONTINUE THE EXISTING PROGRAM FOR FY05.

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

7. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:30 AM)

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

# **HEALTH AND HUMAN SERVICES DEPT. ITEMS**

8. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL AGREEMENT WITH THE TRAVIS COUNTY HOSPITAL DISTRICT REGARDING SERVICES. (9:15 AM)

Item 8 postponed until December 14, 2004.

## ADMINISTRATIVE OPERATIONS ITEMS

9. 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 \$719,818.25 FOR THE PERIOD OF NOVEMBER 19 THROUGH NOVEMBER 25, 2004. (9:30 AM)

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

**10.** CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED PERSONNEL AMENDMENTS. (9:30 AM)

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

# **JUSTICE AND PUBLIC SAFETY ITEMS**

11. CONSIDER AND TAKE APPROPRIATE ACTION ON APPLICATION FOR TECHNICAL ASSISTANCE TO THE NATIONAL INSTITUTE OF CORRECTIONS FOR AN ASSESSMENT OF THE TRAVIS COUNTY CRIMINAL JUSTICE SYSTEM. (9:30 AM)

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

**12.** CONSIDER AND TAKE APPROPRIATE ACTION ON AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF AUSTIN AND TRAVIS COUNTY FOR USE AND MANAGEMENT OF STAR FLIGHT. (9:49 AM)

**Clerk's Note:** Items 12 and 13 are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Danny Hobby, Emergency Services Coordinator, Travis County Emergency Services; and Barbara Wilson, Assistant County Attorney.

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Sonleitner to approve the interlocal agreements in Items 12 and 13.

A Clarification of the previous Motion was made by Commissioner Davis that the Motion includes directions to Staff to produce a quarterly report of performance measures.

A Clarification of the previous Motion was made by Commissioner Sonleitner that the Motion also includes directions to Staff to transmit the quarterly reports to the Commissioners Court for the Court to review.

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 absent

**13.** CONSIDER AND TAKE APPROPRIATE ACTION ON AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF AUSTIN AND TRAVIS COUNTY FOR EMERGENCY MEDICAL SERVICES. (9:49 AM)

**Clerk's Note:** Items 12 and 13 are associated with one another and were called for concurrent discussion. Please refer to Item 12 for a summary of the Court's action.

# **PURCHASING OFFICE ITEMS**

**14.** APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 03T00113RG, TESSCO INCORPORATED, FOR TWO WAY SUPPLIES AND INFRASTRUCTURE PRODUCTS. (CJP) (COMMISSIONER GÓMEZ) (9:30 AM)

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

**15.** APPROVE CONTRACT AWARD FOR JURY IMPANELMENT SESSIONS, CONTRACT NO. LA050119ML, WITH NORRIS CONFERENCE CENTER. (DISTRICT CLERK) (COMMISSIONER GÓMEZ) (9:30 AM)

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

## **OTHER ITEMS**

**16.** APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:30 AM)

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

17. REAPPOINT CAROLYN LEWIS TO COMMISSIONER OF EMERGENCY SERVICES DISTRICT #4, TERM ENDING DECEMBER 31, 2006. (COMMISSIONER SONLEITNER) (9:30 AM)

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

18. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUESTS FROM CITY OF AUSTIN FOR WAIVER OF 60-DAY NOTICE OF PUBLIC HEARING REGARDING ESTABLISHMENT OF REINVESTMENT ZONE AT FORMER ROBERT MUELLER MUNICIPAL AIRPORT SITE, DESIGNATION OF A COUNTY REPRESENTATIVE FOR INVESTMENT ZONE FINANCIAL PLANNING, AND RELATED MATTERS. (10:09 AM)

**Members of the Court heard from:** Vicki Schubert, Deputy Chief Financial Officer, City of Austin; Christian Smith, Executive Manager, Planning and Budget Office (PBO); and Pat Ford, Real Estate Manager, Facilities Management.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to waive the 60-day notice requirement of a public hearing, and that we authorize the County Judge to sign a resolution.

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	absent

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to designate Christian Smith, Executive Manager, PBO as the Travis County representative for the Investment Zone Financial Planning group, whenever that position is needed.

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	absent

**19.** CONSIDER AND TAKE APPROPRIATE ACTION ON STRATEGIC PLANNING INITIATIVE FOR FY 05. (1:59 PM)

**Members of the Court heard from:** Alicia Perez, Executive Manager, Administrative Operations; Mike Trimble, Criminal Justice Coordinator, CJP; Danny Hobby, Emergency Services Coordinator, Travis County Emergency Services; Joe Gieselman, Executive Manager, TNR; and Christian Smith, Executive Manager, PBO.

Discussion only. No action taken.

## **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.

20. 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) 18.2 (10:43 AM) (12:02 PM)

**Clerk's Note:** Judge Biscoe announced that Item 20 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.

Item 20 was not discussed and is to be reposted on December 21, 2004.

21. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING SETTLEMENT OFFER IN JODI MARSHALL V. TRAVIS COUNTY, ET AL (MARSHAL; TRAVIS COUNTY; CIVIL RIGHTS) (REQUESTED BY DEFENDANT). 1 (9:16 AM)

Item 21 postponed until December 14, 2004.

22. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION IN PAUL KOEN V. MARGO FRASIER, ET AL (KOEN; FRASIER; CIVIL RIGHTS) (REQUESTED BY PLAINTIFF). 1 (10:43 AM) (12:02 PM)

**Clerk's Note:** Judge Biscoe announced that Item 22 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 Davis to renew the County's offer to settle this matter for \$15,000.00; and that we have the matter back on the court's agenda, December 21st, 2004, for either withdrawal of the offer of settlement or any other appropriate action.

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 absent

Item 22 to be reposted on December 21, 2004.

23. 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 (10:43 AM) (12:03 PM)

**Clerk's Note:** Judge Biscoe announced that Item 23 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Davis to authorize the County Attorney to prepare the appropriate final settlement documents. This would involve the release of all claims against Travis County; and the amounts involved are the following: \$15,000.00, which would be paid directly to Heritage; \$22,146.28, which would be paid directly to Avery; and \$180,862.32, which would be paid directly to Keystone. All of these would be handled as final change orders. Further, that the County Judge be authorized to sign the settlement documents; and that checks be expedited upon the appropriate signing of all the releases.

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 absent

24. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE DONATION OF PROPERTY AND THE NEED TO ACQUIRE REAL PROPERTY FOR THE TRAVIS COUNTY INTERNATIONAL CEMETERY. <sup>2</sup> (10:43 AM) (12:04 PM)

**Clerk's Note:** Judge Biscoe announced that Item 24 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.072, Real Property.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Davis to accept the donation of .48 acres from American Youth Works; that the County Attorney's Office and Transportation and Natural Resources be authorized to continue the due diligence related to the securing of the donation of 1.421 acres across the street. That would include Transportation and Natural Resources specifically working on plans for that land; and that the County Judge be authorized to sign the deed 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 absent

### **ADDED ITEMS**

**A1.** REAPPOINT CAROLINA SARABIA TO EMERGENCY SERVICES DISTRICT BOARD #11, TERM TO EXPIRE DECEMBER 2006. (COMMISSIONER GÓMEZ) (9:30 AM)

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

**A2.** APPOINT SHELLY GRAMMER TO EMERGENCY SERVICES DISTRICT BOARD #11, TERM TO EXPIRE DECEMBER, 2006. (COMMISSIONER GÓMEZ) (9:30 AM)

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

A3. RECEIVE BRIEFING FROM COUNTY ATTORNEY RE: SOAH DOCKET NO. 582-04-2700, STYLED "IN RE THE APPLICATION OF CAP-TEX, INC. FOR A BENEFICIAL USE SLUDGE REGISTRATION (TCEQ REGISTRATION NO. 710855)" AND TAKE APPROPRIATE ACTION ON (1) PARTIES' CONSENT TO WITHDRAWAL OF CAP-TEX, INC.'S REGISTRATION APPLICATION WITHOUT PREJUDICE; AND (2) PAYMENT OF ADDITIONAL COSTS INCURRED IN PREPARATION FOR HEARING ON ABOVE. 1 (EXECUTIVE SESSION) (10:43 AM) (12:05 PM)

**Clerk's Note:** Judge Biscoe announced that Item A3 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 Davis to agree to withdrawal of the administrative matter in question without prejudice; subject to the following conditions, which are similar to abatement of this proceeding: The filing date of any new application relates back to the original filing. Travis County and all other parties remain party to the matter. We agree to a contested hearing in the future, if one becomes necessary. Travis County maintains its ability to comment on and protest any additional technical concerns raised by any new application. Also, the record of any future contested hearing includes all filings and orders thus far; and Travis County has the right to bring any additional evidence pertinent to an inquiry, under Health and Safety Code Chapter 361.089, whether the incident occurred before the withdrawal or after. And, we require withdrawal, with prejudice, of the sludge permit application and the composting registration application.

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 absent

# **ADJOURNMENT**

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to adjourn the Voting Session. (3:22 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 absent

# MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval
Samuel T. Biscoe, Travis County Judge