

MINUTES OF MEETING – DECEMBER 14, 2004

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 14th day of December, 2004, the Commissioners' Court convened the regular Voting Session at 9:16 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 Robert Resnick.

The Commissioners Court record notes that Precinct Two Commissioner Karen Sonleitner was not present during this Voting Session.

The Commissioners Court retired to Executive Session at 11:22 AM.

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

The Commissioners Court adjourned the Voting Session at 12:06 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened at 12:06 PM and adjourned at 12:07 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 12:07 PM and adjourned at 12:07 PM.

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation, convened at 12:07 PM and adjourned at 12:08 PM.

PUBLIC HEARINGS

1. RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT TWO: RESUBDIVISION OF LOT 10, BLOCK B, FLEISCHER SUBDIVISION (SHORT FORM PLAT – 2 LOTS – 5.33 ACRES – FLEISCHER DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC – CITY OF AUSTIN ETJ). (ACTION ITEM 10) (COMMISSIONER SONLEITNER) (9:18 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 10 for the Court's Motion and Vote.

Motion by Commissioner Davis **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: Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR).

Motion by Commissioner Davis **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

CITIZENS COMMUNICATION

Clerk's Note: No speakers addressed the Court. (9:20 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C7, and Items 2, 4, 5, 6, 7, 8, 10, 11, 12, and 16. (9:20 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	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 COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF NOVEMBER 30, 2004.
- C4.** APPROVE AUTOMATIC BUDGET TRANSFERS.
- C5.** APPROVE SETTING A PUBLIC HEARING DATE OF DECEMBER 28, 2004 FOR PROPOSED STREET NAME ASSIGNMENT FOR A PRIVATE EASEMENT OFF TYLER TRAIL NEAR JONESTOWN TO "CEDAR BLUFF COURT" IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)
- C6.** APPROVE SETTING A PUBLIC HEARING DATE OF JANUARY 4, 2005 TO RECEIVE COMMENTS REGARDING REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO ABANDON A STREET DEDICATION EASEMENT (GREEN SHORES ROAD) AS RECORDED AT VOL. 8874 PAGE 886 OF THE DEED OF RECORDS OF TRAVIS COUNTY, TEXAS, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)
- C7.** APPROVE SETTING A PUBLIC HEARING DATE OF JANUARY 4, 2005 TO RECEIVE COMMENTS REGARDING REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF THE 5' PUBLIC UTILITY EASEMENT ON EITHER SIDE OF THE COMMON LOT LINE BETWEEN LOTS 23 AND 24, BLOCK N, APACHE SHORES SECTION 5, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)

PLANNING AND BUDGET DEPT. ITEMS

2. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:20 AM)

Clerk's Note: Item 2 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

3. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL AGREEMENT WITH THE TRAVIS COUNTY HOSPITAL DISTRICT REGARDING SERVICES. (10:23 AM)

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

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve the interlocal agreement in Item 3.

A Clarification of the previous Motion was made by Judge Biscoe that this agreement is through September 30, 2005.

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

ADMINISTRATIVE OPERATIONS ITEMS

4. 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 \$492,969.58 FOR THE PERIOD OF NOVEMBER 26 THROUGH DECEMBER 2, 2004. (9:20 AM)

Clerk's Note: Item 4 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

5. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED PERSONNEL AMENDMENTS. (9:20 AM)

Clerk's Note: Item 5 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

PURCHASING OFFICE ITEMS

6. APPROVE CONTRACT NO. PS050121RE WITH CARITAS OF AUSTIN TO PROVIDE UTILITY ASSISTANCE TO QUALIFIED TRAVIS COUNTY RESIDENTS. (HHS & VS) (COMMISSIONER GÓMEZ) (9:20 AM)

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

7. APPROVE CONTRACT NO. PS050127RE WITH HUSTON-TILLOTSON COLLEGE FOR WORK-STUDY PROGRAM. (HHS & VS) (COMMISSIONER GÓMEZ) (9:20 AM)

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

8. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. PS0400035MB, BECKER ENGINEERING, LTD, FOR INDOOR AIR QUALITY ASSESSMENT SERVICES. (HRMD) (COMMISSIONER GÓMEZ) (9:20 AM)

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

9. APPROVE TRAVIS COUNTY PARTICIPATION IN THE COMMON INTEGRATED JUSTICE SYSTEM PROJECT PHASE III WITH THE TEXAS CONFERENCE OF URBAN COUNTIES, INC. TO PROVIDE TECHNOLOGY FRAMEWORK. (ITS) (COMMISSIONER GÓMEZ) (9:49 AM)

Clerk's Note: The Court discussed Travis County's participation in Phase III of the Common Integrated Justice System Project (CJIS). County Staff indicated that Travis County would assist in defining the exchange of information technology standards used to buy or build the data sharing component, and that Travis County's pro-rated share of the Phase III project would cost \$61,924.00.

Members of the Court heard from: Judy Pittsford, Project Manager, Information and Telecommunications Systems (ITS); John Hille, Assistant County Attorney; and Susan Spataro, Travis County Auditor.

Motion by Commissioner Gómez **and seconded by** Commissioner Daugherty to approve Item 9.

Motion carried:

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

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

10. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PLAT FOR RECORDING IN PRECINCT TWO: RESUBDIVISION OF LOT 10, BLOCK B, FLEISCHER SUBDIVISION (SHORT FORM PLAT – 2 LOTS – 5.33 ACRES – FLEISCHER DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC – CITY OF AUSTIN ETJ). (COMMISSIONER SONLEITNER) (9:20 AM)

Clerk's Note: Item 10 is the action item for the public hearing on Agenda Item 1.

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

11. CONSIDER AND TAKE APPROPRIATE ACTION ON A CONSTRUCTION AGREEMENT AND A PLAT FOR RECORDING IN PRECINCT ONE: ELM CREEK, SECTION 2 (LONG FORM PLAT – 176 LOTS – 31.596 ACRES – U.S. HWY 290 – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY M.U.D. NO.14 – NO MUNICIPAL ETJ). (COMMISSIONER DAVIS) (9:20 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 THE ALTERNATIVE FISCAL AGREEMENT FOR SENNA HILLS SECTIONS 6 AND 7, TWO SUBDIVISIONS IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:20 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 UPDATE REGARDING CLEAN AIR COALITION AND FUTURE EFFORTS TO IMPLEMENT COUNTY EMISSION REDUCTION COMMITMENTS UNDER THE EARLY ACTION COMPACT. (10:36 AM)

Members of the Court heard from: Scheleen Walker, Travis County Air Quality Project Manager, TNR.

Discussion only. No action taken.

14. 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 14 postponed until December 21, 2004.

15. 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 15 postponed until December 21, 2004.

OTHER ITEMS

16. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:20 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 STRATEGIC PLANNING INITIATIVE FOR FY 05. (9:22 AM)

Members of the Court heard from: Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS).

Discussion only. No action taken.

Item 17 to be reposted on December 21, 2004.

18. RECEIVE BRIEFING ON UPCOMING BOND RATING TRIP. (11:20 AM)

Members of the Court heard from: Susan Spataro, Travis County Auditor.

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.

- 19.** RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL V. ORVILLE H. WHITE (RICARDO ORDONEZ RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (11:22 AM) (12:03 PM)

Clerk's Note: Judge Biscoe announced that Item 19 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 to authorize the County Judge to sign the tax resale deed to Ricardo Ordonez, who has paid to Travis County the sum of \$2,700.00 in cash.

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

20. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL V. THE HOLLOW INC. (BRIAN THOMAS MURPHY RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (11:22 AM) (12:04 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.

Motion by Judge Biscoe and seconded by Commissioner Gómez to authorize the County Judge to sign the tax resale deed to Brian Thomas Murphy, who has paid to Travis County the sum of \$5,936.09.

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

21. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL V. MERCEDES DEL VALLE VELASCO (YUN WU RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (11:22 AM) (12:04 PM)

Clerk's Note: Judge Biscoe announced that Item 21 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 to authorize the County Judge to sign, on behalf of the Commissioners Court and Travis County, the tax resale deed to Yun Wu, who has paid Travis County the sum of \$4,166.35.

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

22. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL V. THE HOLLOW INC. (SECOND BRIAN THOMAS MURPHY RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (11:22 AM) (12:04 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 Gómez to authorize the County Judge to sign a tax resale deed to Brian Thomas Murphy, who has paid Travis County, for this tract of land, the sum of \$7,384.46.

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

23. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL V. LIZZIE OVERTON ESTATE (JOHN REDDING RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (11:22 AM) (12:05 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 Judge Biscoe and seconded by Commissioner Gómez to authorize the County Judge to sign the prepared tax resale deed to John Redding, who has paid Travis County the sum of \$8,700.00 in cash.

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

24. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL V. MSI FINANCIAL GROUP (TODD L. RAYER RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (11:22 AM) (12:05 PM)

Clerk's Note: Judge Biscoe announced that Item 24 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 to authorize the County Judge to sign the tax resale deed to Todd L. Rayer, who has paid Travis County the sum of \$5,500.00 in cash.

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

25. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL V. J. PATRICK AND JULIA COLE GUERRA (JEANNE GRAVES RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (11:22 AM) (12:05 PM)

Clerk's Note: Judge Biscoe announced that Item 25 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 to authorize the County Judge to sign the prepared tax resale deed to Jeanne Graves, who has paid Travis County the sum of \$3,400.00.

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	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

26. 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 (11:22 AM) (12:05 PM)

Clerk's Note: Judge Biscoe announced that Item 26 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 to make a counter to the counter-offer to settle, for the amount of \$75,000.00; that we make this as an offer of judgment; and that we indicate that we think that this ought to get this matter settled. Otherwise, we will need to go ahead to prepare to litigate, meaning, "Go to trial."

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

Item 26 to be reposted on December 21, 2004.

ADDED ITEMS

- A1. 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} (EXECUTIVE SESSION) (9:17 AM)

Item A1 postponed until December 21, 2004.

ADJOURNMENT

Motion by Commissioner Davis **and seconded by** Commissioner Daugherty to adjourn the Voting Session. (12:06 PM)

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

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge