

## **MINUTES OF MEETING – DECEMBER 21, 2004**

### **TRAVIS COUNTY COMMISSIONERS' COURT**

On Tuesday, the 21<sup>st</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 recessed the Voting Session at 12:02 PM.

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

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:40 PM and adjourned at 1:45 PM.

The Commissioners Court, meeting as the Capital Health Facilities Development Corporation, and the Capital Industrial Development Corporation, convened at 1:45 PM and adjourned at 1:46 PM.

The Commissioners Court, meeting as the Travis County Cultural Education Facilities Finance Corporation, and the Travis County Development Authority, convened at 1:46 PM and adjourned at 1:46 PM.

The Commissioners Court reconvened the regular Voting Session at 1:47 PM.

The Commissioners Court retired to Executive Session at 3:14 PM.

The Commissioners Court reconvened the Voting Session at 4:21 PM.

The Commissioners Court adjourned the Voting Session at 4:28 PM.





## RESOLUTIONS & PROCLAMATIONS

3. APPROVE PROCLAMATION RECOGNIZING THE TRAVIS COUNTY WELLNESS SUBCOMMITTEE FOR COORDINATION OF THE BROWN SANTA FIRST ANNUAL 5K RACE. (JUDGE BISCOE) (9:25 AM)

**Members of the Court heard from:** Dan Mansour, Risk Manager, Human Resources Management Department (HRMD); and Bonnie Floyd, Assistant Purchasing Agent.

**Clerk's Note:** The Travis County Wellness Subcommittee for the coordination of the Brown Santa First Annual 5K race presented Brown Santa with a check in the amount of \$6,040.67.

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner to approve the proclamation 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	yes

4. APPROVE PROCLAMATION HONORING MEDIC JESSICA BARNETT UPON RECEIVING THE STATE OF TEXAS 2004 "TELECOMMUNICATOR OF THE YEAR" AWARD. (COMMISSIONERS SONLEITNER & DAUGHERTY) (9:31 AM)

**Members of the Court heard from:** Jessica Barnett, Medic, Austin-Travis County Emergency Medical Services; and Dr. Ed Racht, Medical Director, Austin-Travis County Emergency Medical Services.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Daugherty 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	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes



## CONSENT ITEMS CONTINUED

- C3. APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF DECEMBER 7, 2004.
- C4. APPROVE AUTOMATIC BUDGET TRANSFERS.
- C5. APPROVE SETTING A PUBLIC HEARING DATE OF JANUARY 4, 2005 TO RECEIVE COMMENTS REGARDING TEMPORARILY CLOSING KILLINGSWORTH ROAD AND GREGG LANE BETWEEN IMMANUEL ROAD AND CAMERON ROAD (BOTH IN PRECINCT TWO) FOR UTILITY CONSTRUCTION. (COMMISSIONER SONLEITNER)
- C6. APPROVE SETTING A PUBLIC HEARING DATE OF JANUARY 11, 2005 TO RECEIVE COMMENTS REGARDING REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF THE DRAINAGE, PUBLIC UTILITY AND WATER QUALITY EASEMENT AND AN ELECTRIC EASEMENT ON LOT 6 BLOCK J, BERDOLL FARMS PHASE ONE SECTION 1, A SUBDIVISION IN PRECINCT FOUR. (COMMISSIONER GÓMEZ)

## HEALTH AND HUMAN SERVICES DEPT. ITEMS

- 5. RECEIVE UPDATE AND TAKE APPROPRIATE ACTION ON THE TRAVIS COUNTY HEALTH AND HUMAN SERVICES AND VETERANS SERVICE DEPARTMENT'S 2004 SOCIAL SERVICES PROVIDER SURVEY. (9:51 AM)

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

Discussion Only. No action taken.

## ADMINISTRATIVE OPERATIONS ITEMS

6. 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 \$168,246.16 FOR THE PERIOD OF DECEMBER 3 THROUGH DECEMBER 9, 2004. (9:45 AM)

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

7. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING PROPOSED PERSONNEL AMENDMENTS: (9:45 AM)

**A.** ROUTINE PERSONNEL ACTIONS; AND

**B.** NON-ROUTINE PERSONNEL ACTION – COUNTY ATTORNEY'S OFFICE – PEACE OFFICER PAY SCALE (POPS) – TRAVIS COUNTY CODE SECTION 10.0295, INVESTIGATOR III, PG 66. (EXECUTIVE SESSION DISCUSSION)<sup>3</sup>

**Clerk's Note:** Judge Biscoe announced that Item 7.B is approved assuming that the County Attorney has the money in the budget.

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

8. CONSIDER AND TAKE APPROPRIATE ACTION ON MODIFICATION TO 457b DEFERRED COMPENSATION PLAN TO INCLUDE A PARTICIPANT LOAN PROVISION. (COMMISSIONER DAVIS) (10:10 AM)

**Members of the Court heard from:** Dan Mansour, Risk Manager, HRMD; William Sawyer, Program Director, Nationwide Retirement Solutions; Kimberly Wilder, Representative, Nationwide Retirement Solutions; and Barbara Wilson, Assistant County Attorney.

**Clerk's Note:** The Court discussed modifying the deferred compensation plan to allow plan participants to borrow against their account up to one half of its value at 1% over the prime interest rate.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to approve the modification in Item 8, subject to the Commissioners Court final approval of a description of the program for County employees.

**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 TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO THE FOLLOWING CONTRACTS FOR EROSION CONTROL MATERIALS: (9:45 AM)

- A. NO. 03T00091RV, AFS ENVIRONMENTAL, INC.; AND  
B. NO. 03T00092RV, FUQUAY, INC. (TNR) (COMMISSIONER GÓMEZ)

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

10. APPROVE MODIFICATION NO. 19 TO CONTRACT NO. MA980095, AGREEMENT FOR EXTENDED SERVICES WITH TIBURON. (ITS) (COMMISSIONER GÓMEZ) (9:45 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. 1 TO CORRECT SCRIVENER'S ERRORS ON CONTRACT NO. PS040265RE WITH AIDS SERVICES OF AUSTIN. (HHS & VS) (COMMISSIONER GÓMEZ) (9:45 AM)

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

12. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 03T00106RV, ENVIRONMENTAL SURVEY CONSULTING, FOR NATIVE HARVEST SEEDING AND PLANTING SERVICES. (TNR) (COMMISSIONER GÓMEZ) (9:45 AM)

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

13. APPROVE CONTRACT NO. PS050042JW WITH CHRISTIE KREMER FOR SEXUAL ASSAULT NURSE EXAMINER SERVICES. (SHERIFF'S OFFICE) (COMMISSIONER GÓMEZ) (9:45 AM)

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

14. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. 03C00078SP, MARK III SYSTEMS, FOR IBM COMPUTER PRODUCTS AND SERVICES. (ITS) (COMMISSIONER GÓMEZ) (9:45 AM)

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

15. DECLARE CERTAIN EQUIPMENT AS SURPLUS AND SELL AT PUBLIC AUCTION, PURSUANT TO SECTION 263.151 OF TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (COMMISSIONER GÓMEZ) (9:45 AM)

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

16. APPROVE MODIFICATION NO. 8 TO CONTRACT NO. PS000307JJ, DONALD R. WARD AND ASSOCIATES, PROFESSIONAL BUYOUT GRANT SERVICES FOR THE FEMA ONION CREEK BUYOUT PROJECT. (TNR) (COMMISSIONER GÓMEZ) (9:45 AM)

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

17. APPROVE MODIFICATION NO. 2 TO INTERLOCAL NO. IL030285LC, CITY OF AUSTIN, FOR THE OPERATION AND MAINTENANCE OF THE COMBINED TRANSPORTATION, EMERGENCY & COMMUNICATIONS CENTER (CTECC). (EMERGENCY SERVICES) (COMMISSIONER GÓMEZ) (9:45 AM)

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

18. APPROVE MODIFICATION NO. 1 TO INTERLOCAL IL040167LC, CITY OF AUSTIN, FOR THE OPERATION AND MAINTENANCE OF THE REGIONAL RADIO SYSTEM (RRS). (EMERGENCY SERVICES) (COMMISSIONER GÓMEZ) (9:45 AM)

**Clerk's Note:** Item 18 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

19. APPROVE A THREE-MONTH EXTENSION (MODIFICATION NO. 6) TO CONTRACT NO. MA010046, AFFILIATED TELEPHONE AUSTIN, INC., FOR MAINTENANCE OF PBX TELECOMM NETWORK. (ITS) (COMMISSIONER GÓMEZ) (9:45 AM)

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

- 20.** APPROVE THE FOLLOWING FY05 CRIME VICTIMS FUND CONTRACTS FOR CRIME VICTIMS SERVICES, RFS NO. S040121JW: (9:45 AM)
- A.** NO. PS050099JW - TRAVIS COUNTY SHERIFF'S OFFICE;
  - B.** NO. PS050100JW - TRAVIS COUNTY JUVENILE PROBATION SERVICES DEPARTMENT;
  - C.** NO. PS050101JW - COMMUNITIES IN SCHOOLS - CENTRAL TEXAS, INC.;
  - D.** NO. PS050102JW - AUSTIN TRAVIS COUNTY MHMR;
  - E.** NO. PS050103JW - CASA OF TRAVIS COUNTY, INC.;
  - F.** NO. PS050104JW - FOR THE LOVE OF CHRISTI;
  - G.** NO. PS050105JW - YOUTH & FAMILY ALLIANCE, INC., DBA LIFEWORKS;
  - H.** NO. PS050106JW - VOLUNTEER LEGAL SERVICES OF CENTRAL TEXAS;
  - I.** NO. PS050107JW - CENTER FOR CHILD PROTECTION;
  - J.** NO. PS050108JW - AUSTIN ACADEMY;
  - K.** NO. PS050109JW – SAFEPLACE; AND
  - L.** NO. PS050110JW - TEXAS RIO GRANDE LEGAL AID, INC. (COMMISSIONER GÓMEZ)

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

## **TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS**

- 21.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST REGARDING THE GRANTING OF A LICENSE AGREEMENT TO LONE STAR INFRASTRUCTURE TO PROVIDE AN AREA WITHIN THE SOUTHEAST METRO PARK FOR TEMPORARY USE TO INSTALL AND OPERATE A GLOBAL POSITIONING SYSTEM BASE STATION. (COMMISSIONER GÓMEZ) (9:45 AM)

**Clerk's Note:** Item 21 is the action item for the public hearing on Agenda Item 1.

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

- 22.** CONSIDER AND TAKE APPROPRIATE ACTION ON A LICENSE AGREEMENT WITH STRAWN PROPERTIES, LTD. FOR LANDSCAPING IN THE RIGHT OF WAY OF ASHLEY WORTH BOULEVARD IN STRAWN SUBDIVISION, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)  
(9:45 AM)

**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 THE 2004 PAVEMENT CONDITION SURVEY PREPARED BY FUGRO CONSULTANTS, LP.  
(2:00 PM)

**Clerk's Note:** Items 23 and 24 are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; Tim Martin, Fugro Consultants; and Don Wheeler, Division Director, Road Maintenance and Fleet Services, TNR.

Discussion Only. No action taken.

Item 24 to be reposted on the January 13, 2005 Work Session.

- 24.** CONSIDER AND TAKE APPROPRIATE ACTION ON THE STRATEGIC PLAN 2005-2009 COUNTY ROAD AND BRIDGE MAINTENANCE. (2:00 PM)

**Clerk's Note:** Items 23 and 24 are associated with one another and were called for concurrent discussion. Please refer to Item 23 for a summary of the Court's action.

25. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES IN TWIN CREEKS COUNTRY CLUB SECTION 10B, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (1:48 PM)

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner to approve Item 25.

**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

26. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: RIO VISTA, PARCEL 3A (SHORT FORM PLAT – 2 LOTS – 18.54 ACRES – SELMA HUGHES PARK ROAD – NO FISCAL POSTING REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC [CITY OF AUSTIN JURISDICTION] – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:45 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 ALTERNATIVE FISCAL AGREEMENT FOR STONEWATER SUBDIVISION PHASE ONE, A SUBDIVISION IN PRECINCT ONE. (DAVIS) (9:45 AM)

**Clerk's Note:** Item 27 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.







- 35.** REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:  
(9:45 AM)
- A.** GRANT CONTRACT AMENDMENT TO THE FY 04 AMERICORPS GRANT PROGRAM IN HEALTH AND HUMAN SERVICES DEPARTMENT. THE AMENDMENT RETROACTIVELY EXTENDS THE TERMINATION DATE OF THE GRANT TO 09/15/04;
  - B.** GRANT CONTRACT TO THE TEXAS WATER DEVELOPMENT BOARD FOR THE ACQUISITION OF 8 REPETITIVE LOSS PROPERTIES THROUGH THE FLOOD MITIGATION ASSISTANCE GRANT PROGRAM. THE GRANT REQUIRES A 25% MATCH OF \$185,843 THAT IS AVAILABLE IN THE FY00 CERTIFICATE OF OBLIGATION BUDGET; AND
  - C.** REQUEST TO AUTHORIZE HHS TO CONTINUE THE COMPREHENSIVE ENERGY ASSISTANCE PROGRAM IN HEALTH AND HUMAN SERVICES THROUGH THE END OF MARCH 2005. THIS ALLOWS THE CONTINUATION OF THE PROGRAM UNTIL A CONTRACT IS EXECUTED.

**Clerk's Note:** Items 35.A-C added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

## **OTHER ITEMS**

- 36.** APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:45 AM)

**Clerk's Note:** Item 36 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.



- 39.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE ACCEPTANCE OF DONATION OF 25 FOOT PONTOON BOAT TO THE TRAVIS COUNTY SHERIFF'S OFFICE LAKE PATROL FLEET FROM JUST FOR FUN WATERCRAFT RENTAL. (11:59 AM)

**Members of the Court heard from:** Mike Hemby, Research Analyst, Travis County Sheriff's Office (TCSO).

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve the donation in Item 39.

**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

- 40.** RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF NOVEMBER, 2004. (9:45 AM)

**Clerk's Note:** Item 40 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 41.** CONSIDER AND TAKE APPROPRIATE ACTION ON STRATEGIC PLANNING INITIATIVE FOR TRAVIS COUNTY COMMISSIONERS COURT IN FY 05. (3:12 PM)

**Clerk's Note:** The Court announced that the Strategic Planning Initiative retreat was tentatively scheduled for January 14<sup>th</sup> and 15<sup>th</sup>, 2004 at the WorkSource Conference Center Facility.

Discussion Only. No action taken.

Item 41 to be reposted on December 28, 2004.



**43.** APPROVE ELECTED OFFICIALS' BONDS FOR THE FOLLOWING: (9:45 AM)

- A.** RON DAVIS, COMMISSIONER, PRECINCT 1;
- B.** GERALD DAUGHERTY, COMMISSIONER, PRECINCT 3;
- C.** DAVID ESCAMILLA, COUNTY ATTORNEY;
- D.** NELDA WELLS SPEARS, TAX ASSESSOR-COLLECTOR;
- E.** GREG HAMILTON, SHERIFF;
- F.** LUKE MERCER, CONSTABLE, PRECINCT 1;
- G.** WILLIE MADISON, CHIEF DEPUTY CONSTABLE, PRECINCT 1;
- H.** ROBERT VANN, CONSTABLE, PRECINCT 2;
- I.** CAROL BUESING, CHIEF DEPUTY CONSTABLE, PRECINCT 2;
- J.** RICHARD MCCAIN, CONSTABLE, PRECINCT 3;
- K.** STACY SUITS, CHIEF DEPUTY CONSTABLE, PRECINCT 3
- L.** MARIA CANCHOLA, CONSTABLE, PRECINCT 4;
- M.** ROBERT ELLER, CHIEF DEPUTY CONSTABLE, PRECINCT 4;
- N.** BRUCE ELFANT, CONSTABLE, PRECINCT 5;
- O.** CARLOS LOPEZ, CHIEF DEPUTY CONSTABLE, PRECINCT 5.

**Clerk's Note:** Items 43.A-O added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.









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