

MINUTES OF MEETING – JANUARY 4, 2005

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 4th day of January, 2005, the Commissioners' Court convened the regular Voting Session at 9:15 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 Four Margaret J. Gómez was not present during this Voting Session.

The Commissioners Court recessed the Voting Session at 12:24 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened at 1:51 PM and adjourned at 1:51 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:51 PM and adjourned at 2:04 PM.

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation, the Capital Industrial Development Corporation, the Capital Health Facilities Development Corporation, the Travis County Development Authority, and the Travis County Cultural Education Facilities Finance Corporation, convened at 2:04 PM and adjourned at 2:05 PM.

The Commissioners Court reconvened the regular Voting Session at 2:05 PM.

The Commissioners Court retired to Executive Session at 2:32 PM.

The Commissioners Court reconvened the Voting Session at 3:06 PM.

The Commissioners Court adjourned the Voting Session at 3:06 PM.

PUBLIC HEARINGS

1. RECEIVE COMMENTS REGARDING REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO ABANDON A STREET DEDICATION EASEMENT (GREENSHORES DRIVE) AS RECORDED AT VOL. 8874 PAGE 886 OF THE DEED OF RECORDS OF TRAVIS COUNTY, TEXAS, IN PRECINCT THREE. (ACTION ITEM 10) (COMMISSIONER DAUGHERTY) (9:17 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 Daugherty **and seconded by** Commissioner Sonleitner to open the public hearing.

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

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

Motion by Commissioner Daugherty **and seconded by** Commissioner Sonleitner to close the public hearing.

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

2. 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. (ACTION ITEM 11) (COMMISSIONER DAUGHERTY) (9:18 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 11 for the Court's Motion and Vote.

Motion by Commissioner Daugherty **and seconded by** Commissioner Davis to open the public hearing.

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

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

Motion by Commissioner Daugherty **and seconded by** Commissioner Davis to close the public hearing.

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. RECEIVE COMMENTS REGARDING TEMPORARILY CLOSING OF KILLINGSWORTH ROAD AND GREGG LANE BETWEEN IMMANUEL ROAD AND CAMERON ROAD FOR UTILITY CONSTRUCTION IN PRECINCT TWO. (ACTION ITEM 12) (COMMISSIONER SONLEITNER) (9:19 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 12 for the Court's Motion and Vote.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to open the public hearing.

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

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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to close the public hearing.

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

CITIZENS COMMUNICATION

Members of the Court heard from: Jimmy Castro, Travis County Resident. (9:25 AM)

CONSENT ITEMS

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C3, and Items 7, 8, 9.A, 10, 11, 12, 13, 16, 17.B, 18, 19, 21.A-E, 22, 24 and 25. (9:25 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 AUTOMATIC BUDGET TRANSFERS.

JUSTICE AND PUBLIC SAFETY ITEMS

- 4. RECEIVE BRIEFING FROM FIRE MARSHAL AND TAKE APPROPRIATE ACTION ON ADOPTION OF A NEW FIRE CODE FOR TRAVIS COUNTY. (2:05 PM)

Members of the Court heard from: Simon Broussard, Travis County Fire Marshall; and Barbara Wilson, Assistant County Attorney.

Clerk's Note: The Court announced that a public hearing would be held on January 11, 2005 at 9:00 am in the Commissioners Court Courtroom to receive input on the adoption of a new Fire Code for Travis County.

Discussion Only. No action taken.

Item 4 to be reposted on January 11, 2005.

PURCHASING OFFICE ITEMS

5. DISCLOSE RELATIONSHIP WITH KEY CONTRACTING PERSON (SPOUSE) AND APPROVE ORDER WAIVING THE REQUIREMENTS OF DISCRETIONARY CONTRACTS PURSUANT TO SECTION 32.004(F) OF THE TRAVIS COUNTY ETHICS POLICY FOR THE PURPOSE OF APPROVING CONTRACTS DURING 2005 BETWEEN TRAVIS COUNTY AND AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION. (JUDGE BISCOE) (2:26 PM)

Clerk's Note: Judge Biscoe announced that his spouse is an employee of Austin Travis County Mental Health Mental Retardation, and that this item is to disclose a relationship with a key contracting person.

Discussion Only. No action taken.

Item 5 to be reposted on January 11, 2005.

6. DISCLOSE RELATIONSHIP WITH KEY CONTRACTING PERSON (SPOUSE) AND APPROVE ORDER WAIVING THE REQUIREMENTS OF DISCRETIONARY CONTRACTS PURSUANT TO SECTION 32.004(F) OF THE TRAVIS COUNTY ETHICS POLICY FOR THE PURPOSE OF APPROVING CONTRACTS DURING 2005 BETWEEN TRAVIS COUNTY AND DAUGHTERS OF CHARITY HEALTH SERVICES OF AUSTIN. (COMMISSIONER DAVIS) (2:27 PM)

Clerk's Note: Commissioner Davis announced that his spouse is an employee of the Seton Daughters of Charity Health Services of Austin, and that this item is to disclose a relationship with a key contracting person.

Discussion Only. No action taken.

Item 6 to be reposted on January 11, 2005.

7. APPROVE CONTRACT AWARD FOR PEST CONTROL SERVICES, IFB NO. 050010RG, TO THE QUALIFIED LOW BIDDER, BEETLES PEST CONTROL. (FACILITIES MANAGEMENT) (9:25 AM)

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

8. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. 05T00118RG, TRANSPORT OF CADAVERS, WITH CELESTIAL SERVICES, INC. (MEDICAL EXAMINERS) (9:25 AM)

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

9. APPROVE CONTRACT AWARDS FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF FOUR ROADWAY PROJECTS, RFQ NO. Q040113JJ, TO THE FOLLOWING FIRMS:

- A. AXIOM-BLAIR ENGINEERING, INC. – MCGREGOR PARK SERVICE ROAD IMPROVEMENTS. (COMMISSIONER DAUGHERTY) (9:25 AM)

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

9. APPROVE CONTRACT AWARDS FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF FOUR ROADWAY PROJECTS, RFQ NO. Q040113JJ, TO THE FOLLOWING FIRMS:

- B. EARTH TECH, INC. – SERENE HILLS ROAD EXTENSION. (COMMISSIONER DAUGHERTY) (TNR) (9:26 AM)

Item 9.B postponed until January 11, 2005.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

10. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO ABANDON A STREET DEDICATION EASEMENT (GREENSHORES DRIVE) AS RECORDED AT VOL. 8874 PAGE 886 OF THE DEED OF RECORDS OF TRAVIS COUNTY, TEXAS, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:25 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 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) (9:25 AM)

Clerk's Note: Item 11 is the action item for the public hearing on Agenda Item 2.

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 REGARDING TEMPORARILY CLOSING OF KILLINGSWORTH ROAD AND GREGG LANE BETWEEN IMMANUEL ROAD AND CAMERON ROAD FOR UTILITY CONSTRUCTION IN PRECINCT TWO. (COMMISSIONER SONLEITNER) (9:25 AM)

Clerk's Note: Item 12 is the action item for the public hearing on Agenda Item 3.

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 ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES IN LAKE POINTE SECTION 7, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:25 AM)

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

14. CONSIDER AND TAKE APPROPRIATE ACTION ON PRESENTATION BY ENVISION CENTRAL TEXAS. (9:28 AM)

Members of the Court heard from: Bill McLellan, Chairman, Envision Central Texas; and Sally Campbell, Executive Director, Envision Central Texas.

Discussion Only. No action taken.

Item 14 to be reposted on January 11, 2005.

PLANNING AND BUDGET DEPT. ITEMS

15. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:27 AM)

Item 15 not needed.

ADMINISTRATIVE OPERATIONS ITEMS

16. 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 \$409,619.52 FOR THE PERIOD OF DECEMBER 17 THROUGH DECEMBER 23, 2004. (9:25 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 THE FOLLOWING PROPOSED PERSONNEL AMENDMENTS:

A. ROUTINE PERSONNEL ACTIONS; (2:29 PM)

Members of the Court heard from: Doyne Bailey, Chief Deputy, Travis County Sheriff's Office (TCSO).

Motion by Commissioner Davis **and seconded by** Commissioner Sonleitner to approve the routine personnel actions in Item 17.A.

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

17. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING PROPOSED PERSONNEL AMENDMENTS:

B. NON-ROUTINE PERSONNEL ACTION – PURCHASING AND INVENTORY MANAGEMENT – PROMOTION – TRAVIS COUNTY CODE SECTION 10.03008. (9:25 AM)

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

OTHER ITEMS

18. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:25 AM)

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

- 19. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AUTHORIZE A CHANGE FUND IN THE AMOUNT OF \$300.00 FOR PRETRIAL SERVICES. (9:25 AM)

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

AT 10:15 A.M.

- 20. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO ADOPT AN ORDINANCE REQUIRING OWNERS TO RESTRAIN CERTAIN PETS IN UNINCORPORATED AREAS OF TRAVIS COUNTY. (10:33 AM)

Members of the Court heard from: Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); Dorinda Pulliam, Director, Town Lake Animal Shelter, City of Austin; John Hille, Assistant County Attorney; Jim Von Wolske, Travis County Resident; Grace Lehto, Travis County Resident; Judy Grigsby, Travis County Resident; Nancy Callahan, Travis County Resident; Mike Santivenere, Travis County Resident; Larry Wells, Travis County Resident; Bruce Hlusko, Travis County Resident; Gail Atwater, Travis County Resident; Paul Meisler, Property Manager, Apache Shores Subdivision; Donny Miller, President, Invisible Fence of Austin; Marjorie Whitehead, Travis County Resident; and Judy Felps, Travis County Resident.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner that between now and January 18, 2005, we have a small committee which would include the Sheriff's Office, Dorinda Pulliam of the Town Lake Animal Shelter, the County Attorney, and two members of the Commissioners Court - Commissioner Sonleitner and Commissioner Daugherty; to draft appropriate language for the Court to consider adopting.

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 20 to be reposted on January 18, 2005.

21. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE THE REAPPOINTMENT OF THE FOLLOWING INDIVIDUALS TO THE TRAVIS COUNTY HISTORICAL COMMISSION EFFECTIVE JANUARY, 2005 THROUGH DECEMBER 31, 2006: (9:25 AM)

A. DAVID A. WHITE;

B. ERNESTINE L. THOMPSON;

C. PATTI B. HALL HANSEN;

D. J
ANE MANASTER;

E. WILLIAM H. BEARE JR. (JUDGE BISCOE)

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

22. RECEIVE NOTICE OF APPOINTMENT OF BARBARA HANKINS, CHAIRPERSON OF TRAVIS COUNTY HISTORICAL COMMISSION, AS LOCAL PRESERVATION OFFICER, PURSUANT TO STATE REQUIREMENT FOR CERTIFIED LOCAL GOVERNMENT COMMITTEE. (9:25 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 REQUEST FOR LEGISLATION TO AUTHORIZE CREATION OF NEW COUNTY COURT AT LAW NO. 8. (9:17 AM)

Item 23 postponed until January 11, 2005.

24. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE AND CONFIRM, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE, SECTION 86.011, OF CERTAIN DEPUTY CONSTABLES IN PRECINCT TWO. (9:25 AM)

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

25. APPROVE BOND FOR ESTELA P. MEDINA, CHIEF JUVENILE PROBATION OFFICER. (9:25 AM)

Clerk's Note: Item 25 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.

26. RECEIVE BRIEFING FROM FIRE MARSHAL AND TAKE APPROPRIATE ACTION REGARDING SALARY NEGOTIATIONS WITH APPLICANTS FOR THE FOLLOWING POSITIONS: DEPUTY FIRE MARSHAL SLOT #21, DEPUTY FIRE MARSHAL SLOT # 37, DEPUTY FIRE MARSHAL SLOT # 38, AND DEPUTY FIRE MARSHAL SLOT # 39. ³ (2:32 PM) (3:06 PM)

Clerk's Note: Judge Biscoe announced that Item 26 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.074, Personnel Matters.

Discussion Only. No action necessary.

Item 26 to be reposted on January 11, 2005.

ADJOURNMENT

Motion by Commissioner Davis **and seconded by** Commissioner Sonleitner to adjourn the Voting Session. (3:06 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