

MINUTES OF MEETING – APRIL 19, 2005

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 19th day of April, 2005, the Commissioners' Court convened the regular Voting Session at 9:14 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 12:07 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:42 PM and adjourned at 1:50 PM.

The Commissioners Court reconvened the regular Voting Session at 1:51 PM.

The Commissioners Court recessed the Voting Session at 1:54 PM.

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

The Commissioners Court retired to Executive Session at 3:08 PM.

The Commissioners Court reconvened the Voting Session at 4:54 PM.

The Commissioners Court adjourned the Voting Session at 4:58 PM.

RESOLUTIONS & PROCLAMATIONS

2. APPROVE DECLARATION OF TUESDAY, APRIL 19, 2005 AS “TRAVIS COUNTY EMPLOYEE RECOGNITION DAY” AND PRESENT EMPLOYEES CERTIFICATES AND SERVICE PINS FOR 20, 25 AND 30 YEARS OF SERVICE. (9:27 AM)

Members of the Court heard from: Karen Steitle, Human Resources Management Department (HRMD).

Clerk’s Note: Travis County employees received certificates and pins for 20, 25, and 30 years of service.

Discussion Only. No formal action taken.

CITIZENS COMMUNICATION

Members of the Court heard from: Bob Barstow, Owner, Windy Point Park. (9:20 AM)

Clerk’s Note: Judge Biscoe announced that Meals On Wheels has indicated that it is in need of volunteers, and if anyone is interested, please call 476-6325.

4. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
 - A. GRANT APPLICATION TO THE U.S. DEPARTMENT OF HEALTH FOR JUVENILE PROBATION TO PARTICIPATE IN THE NATIONAL SCHOOL LUNCH PROGRAM/SCHOOL BREAKFAST PROGRAM. THIS APPLICATION IS TO CONTINUE THE EXISTING PROGRAM FOR FY 06. (9:48 AM)

Clerk's Note: Item 4.A approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

5. RECEIVE COYOTE MANAGEMENT ACTIVITY REPORT FROM TEXAS COOPERATIVE EXTENSION – WILDLIFE SERVICES. (9:57 AM)

Members of the Court heard from: Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); Jeff Ripley, Director, Travis County Cooperative Extension; Gary McEwen, District Supervisor, Texas Cooperative Extension; and Randy Farrar, Biologist, Texas Cooperative Extension.

Discussion Only. No formal 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 \$517,037.90 FOR THE PERIOD OF APRIL 1 THROUGH APRIL 7, 2005. (9:48 AM)

Clerk's Note: Item 6 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

7. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:48 AM)

Clerk's Note: Item 7 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

8. CONSIDER AND TAKE APPROPRIATE ACTION ON ORDER ADOPTING SECURITY STANDARDS AND PROCEDURES COVERING TRAVIS COUNTY HEALTH PLAN ELECTRONIC PROTECTED HEALTH INFORMATION AS REQUIRED UNDER HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA). (9:48 AM)

Clerk's Note: Item 8 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

9. CONSIDER AND TAKE APPROPRIATE ACTION ON THE REQUEST TO AUTHORIZE HUMAN RESOURCES MANAGEMENT DEPARTMENT TO CONDUCT A CLASSIFICATION REVIEW AND ANALYSIS OF ALL JOB TITLES IN THE ADMINISTRATIVE SUPPORT JOB FAMILY. (10:12 AM)

Members of the Court heard from: Linda Moore Smith, Director, HRMD; and Alicia Perez, Executive Manager, Administrative Operations.

Motion by Commissioner Davis **and seconded by** Judge Biscoe to approve Item 9.

Clerk's Note: The Court did not take a Vote on the previous Motion.

A Substitute Motion was made by Commissioner Sonleitner **and seconded by** Commissioner Gómez to pull Item 9 and direct the Human Resources Management Department (HRMD) to let the Court know when the two major items that are on their FY05 work list – the work studies of the POPS (Peace Officers Pay Scale) schedule and the IT work – are done; and that they bring this Item back to us at the appropriate time for the Court to act on it; and not act on this today.

Withdrawal of the previous Substitute Motion was made by Commissioner Sonleitner.

ITEM 9 CONTINUED

A Substitute Motion was made by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Item 9, with the classification review and analysis of all job titles in the administrative support job family being dropped in as the priority item in the Fiscal Year 2006 work plan for HRMD.

Motion failed:

County Judge Samuel T. Biscoe	no
Precinct 1, Commissioner Ron Davis	no
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	no
Precinct 4, Commissioner Margaret J. Gómez	yes

A Restatement of the original Motion was made by Commissioner Davis **and seconded by** Judge Biscoe to approve Item 9, and ask HRMD to add it to the work plan they shared with the Court today. If they finish the work plan in late FY05, they would then start on Item 9.

A Clarification of the previous Motion was made by Commissioner Sonleitner that they finish the current work plan before starting on Item 9.

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

13. A. APPROVE CONTRACT AWARD FOR REPLACEMENT OF FITZHUGH ROAD BRIDGE AND DUNLAP ROAD BRIDGE, IFB NO. B050054-JJ, TO THE LOW BIDDERS, CACTUS CONCRETE, INC. AND SMITH CONTRACTING COMPANY RESPECTIVELY; AND (9:48 AM)
- B. REJECT THE BID FOR WIDENING OF OLD MANOR ROAD BRIDGE. (TNR) (COMMISSIONER DAVIS AND COMMISSIONER DAUGHERTY)

Clerk's Note: Items 13.A and B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

14. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 04T00219RG, DIAMOND SECURITY, FOR ON-SITE COMMISSIONED SECURITY GUARD SERVICES. (DRO AND CES) (9:48 AM)

Clerk's Note: Item 14 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

15. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 03T00238RV, ENERGY MANAGEMENT SERVICES, FOR INSULATION SERVICES. (HHS & VS) (9:48 AM)

Clerk's Note: Item 15 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

16. APPROVE MODIFICATION NO. 5 TO CONTRACT NO. 02T00005OJ, ADMINISTRATIVE SERVICES AGREEMENT, WITH UNITED HEALTHCARE INSURANCE COMPANY. (HRMD) (9:48 AM)

Clerk's Note: Item 16 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

17. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. MA980105, SHI GOVERNMENT SOLUTIONS, FOR NOVELL SOFTWARE LICENSING AND MAINTENANCE SUPPORT. (ITS) (9:48 AM)

Clerk's Note: Item 17 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

18. APPROVE MODIFICATION NO. 5 TO CONTRACT NO. 02C00118LC, FIRST DATA GOVERNMENT SOLUTIONS (FORMERLY FRANK SOLUTIONS, INC.), FOR AN INTERACTIVE VOICE RESPONSE. (DRO AND ITS) (9:48 AM)

Clerk's Note: Item 18 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

19. APPROVE FINAL REIMBURSEMENT PAYMENT FOR INTERLOCAL NO. IL010191JW, CITY OF AUSTIN, CTECC PHASE III PROFESSIONAL SERVICES AGREEMENT. (EMERGENCY SERVICES) (9:48 AM)

Clerk's Note: Item 19 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

20. CONSIDER AND TAKE APPROPRIATE ACTION ON ACCEPTING ASSIGNMENT OF A CONSERVATION EASEMENT AGREEMENT COVERING A 53-ACRE PARCEL FROM "NATIONAL FISH AND WILDLIFE FOUNDATION" (FRANZETTI TRACT) LOCATED ON CITY PARK ROAD IN WESTERN TRAVIS COUNTY TO BECOME PART OF THE BALCONES CANYONLANDS PRESERVE. (COMMISSIONER DAUGHERTY) (9:48 AM)

Clerk's Note: Item 20 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

21. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING ITEMS FOR COMANCHE CANYON RANCH, A PRELIMINARY PLAN IN PRECINCT THREE: (9:48 AM)
- A. REQUEST FOR VARIANCE TO SECTION 30-2-172(A) OF CHAPTER 30 TO ALLOW FOR PRIVATE STREETS IN A SUBDIVISION; AND
 - B. COMANCHE CANYON RANCH PRELIMINARY PLAN (158 LOTS – 468.2 ACRES – COMANCHE TRAIL – NO FISCAL POSTING IS REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY WCID # 17 – AUSTIN ETJ). (COMMISSIONER DAUGHERTY)

Clerk's Note: Items 21.A and B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

OTHER ITEMS

- 24.** APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:48 AM)

Clerk’s Note: Item 24 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 25.** CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED TRAVIS COUNTY ELECTION PRECINCT REALIGNMENTS. (9:51 AM)

Clerk’s Note: Item 25 is the action item for the public hearing on Agenda Item 1.

Members of the Court heard from: Dusty Knight, Chief Deputy, Tax Assessor Collector’s Office.

Motion by Commissioner Gómez **and seconded by** Commissioner Daugherty to approve the proposed Travis County Election Precinct Realignment.

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.** RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF MARCH 2005. (9:48 AM)

Clerk’s Note: Item 26 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 27.** CONSIDER AND TAKE APPROPRIATE ACTION ON A MEMORANDUM OF UNDERSTANDING BETWEEN TRAVIS COUNTY JUVENILE PROBATION DEPARTMENT AND TRAVIS COUNTY SHERIFF’S OFFICE FOR THE EMERGENCY EVACUATION OF TRAVIS COUNTY JUVENILE PROBATION FACILITIES. (9:48 AM)

Clerk’s Note: Item 27 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

28. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR APPROVAL OF DUES DEDUCTION OF AFSCME MEMBERS. (COMMISSIONER GÓMEZ AND COMMISSIONER DAVIS) (11:15 AM)

Members of the Court heard from: Susan Spataro, Travis County Auditor; John Hille, Assistant County Attorney; and Carol Guthrie, American Federation of State, County, and Municipal Employees (AFSCME) Representative.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 28, the request for approval of dues deduction of AFSCME members.

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

29. ACCEPT DONATION OF CERTAIN EQUIPMENT FROM WAL-MART TO CONSTABLE OF PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:48 AM)

Clerk's Note: Item 29 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 30. CONSIDER AND TAKE APPROPRIATE ACTION ON APPOINTMENT OF COMMITTEE TO EVALUATE RESPONSES TO REQUEST FOR INFORMATION (RFI) REGARDING COLLECTION OF DELINQUENT TAXES. (10:35 AM)

Members of the Court heard from: Susan Spataro, Travis County Auditor; Dusty Knight, Chief Deputy, Tax Assessor Collector’s Office; Nelda Wells Spears, Travis County Tax Assessor Collector; and Mike Wichern, Chief Assistant County Auditor, Travis County Auditor’s Office.

Clerk’s Note: The Court discussed a memo from Judge Biscoe containing recommendations on how to set up the review and evaluation process for the Request for Information (RFI) regarding the Collection of Delinquent Taxes.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the April 14, 2005 memo from Judge Biscoe entitled, “RFI Regarding Collection of Delinquent Taxes.”

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	no
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

TO BE TAKEN UP AT 11:00 A.M.

- 31. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE ISSUES AND PROPOSED BILLS BEFORE THE 79TH TEXAS LEGISLATURE. (A LIST MAY BE OBTAINED FROM ANY MEMBER OF THE TRAVIS COUNTY COMMISSIONERS COURT.) (11:21 AM)

Clerk’s Note: The Court discussed **House Bill 470 (HB470)**: Relating to local delivery of aging, disability, behavioral health, and mental retardation services.

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

Discussion Only. No formal action taken.

ITEM 31 CONTINUED

Clerk’s Note: The Court discussed **House Bill 3029 (HB3029)**: Relating to eligibility of certain rural areas for certain state assistance.

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

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to support House Bill 3029, put together a letter indicating the Commissioners Court’s support, and deliver the letter to Representative Strama and the members of the Natural Resources Committee.

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 Court discussed **House Bill 2236 (HB2236)**: Relating to restrictions on the imposition of permit fees by political subdivisions.

Members of the Court heard from: Scheleen Walker, Senior Planner, TNR; and Tom Nuckols, Assistant County Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to give directions to send a letter, signed by the Commissioners Court, to Representative Todd Baxter, indicating Travis County’s concerns about the proposed legislation, and to ask Commissioner Daugherty to meet with Representative Baxter.

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

Clerk’s Note: The Court discussed **Senate Bill 848 (SB848)**: Relating to the approval of certain permit applications by local governments.

Members of the Court heard from: Tom Nuckols, Assistant County Attorney.

Discussion Only. No formal action taken.

ITEM 31 CONTINUED

Clerk's Note: The Court discussed **House Bill 2759 (HB2759)**: Relating to providing a uniform limit on the population of a county election precinct.

Members of the Court heard from: Dana DeBeauvoir, Travis County Clerk; and Bob Kamm, Travis County Legislative Consultant.

Discussion Only. No formal action taken.

Clerk's Note: The Court received a brief status report from the Legislative Consultants on the following proposed legislation:

Senate Bill 1 (SB1): General Appropriations Bill.

House Bill 2 (HB2): Relating to public education and public school finance matters.

House Bill 3 (HB3): Relating to property tax relief and protection of taxpayers, taxes and fees, and other matters relating to the financing of public schools; providing civil and criminal penalties.

House Bill 1006 (HB1006): Relating to certain limitations on the ad valorem tax rates of certain taxing units

Senate Bill 767 (SB767): Relating to the appraisal for ad valorem tax purposes of certain land included in a habitat preserve and subject to a conservation easement.

House Bill 2666 (HB2666): Relating to the criminal and civil enforcement of the required payment of a toll for the use of certain turnpike projects.

Members of the Court heard from: Chris Shields, Travis County Legislative Consultant; and Bob Kamm, Travis County Legislative Consultant.

Discussion Only. No formal 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.

- 32. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING CLAIM AGAINST HARLEY DAVIDSON, INC. AND TAKE APPROPRIATE ACTION. ¹**
(3:08 PM) (4:54 PM)

Clerk's Note: Judge Biscoe announced that Item 32 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 authorize the County Attorney's Office to retain the services of a mechanic, and authorize the expenditure of up to \$200.00 to get these services performed.

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

- 33. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE OPPORTUNITY TO LEASE OR PURCHASE REAL ESTATE IN SOUTH CENTRAL AUSTIN. ²** (3:08 PM) (4:54 PM)

Clerk's Note: Judge Biscoe announced that Item 33 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.072, Real Property.

Discussion Only. No formal action taken.

Item 33 to be reposted on April 26, 2005.

- 34. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING COMPLIANCE BY TEXAS DISPOSAL SYSTEMS LANDFILL, INC. WITH THE TERMS OF THE LICENSE AGREEMENT FOR THE SOLID WASTE TRANSFER STATION FACILITIES AT 4001 STATE HIGHWAY 620. ^{1&2} (3:08 PM) (4:56 PM)

Clerk’s Note: Judge Biscoe announced that Item 34 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.

Motion by Judge Biscoe and seconded by Commissioner Daugherty to ask the County Attorney to prepare an appropriate letter to forward to the appropriate representatives for Texas Disposal Systems, and in that letter we request payment of the sum due for 2000 in the amount of \$37,689.12; that we request for 2004 and 2005 the amounts due for the two previous years, 2003 and 2004, the same amount paid in 2003; that we indicate to Mr. Gregory the County’s agreement to toll the running of the time set forth in the demand letter until May 15, 2005, to give us an opportunity to pursue two or three options in addition to the one mentioned in that demand letter, which basically was litigation; and to ask that the check be turned over to Travis County by Friday, April 22, 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

- 35. DISCUSS AND TAKE APPROPRIATE ACTION ON CONTRACT WITH REPUBLIC OF TEXAS BIKER RALLY FOR 2005 EVENT. ¹ (3:08 PM) (4:55 PM)

Clerk’s Note: Judge Biscoe announced that Item 35 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Discussion Only. No formal action taken.

Item 35 to be reposted on April 26, 2005.

