

MINUTES OF MEETING – JULY 26, 2005

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 26th day of July, 2005, the Commissioners' Court convened the regular Voting Session at 9:18 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 12:16 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened at 1:41 PM and adjourned at 1:41 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:42 PM and adjourned at 1:44 PM.

The Commissioners Court reconvened the regular Voting Session at 1:44 PM.

The Commissioners Court recessed the Voting Session at 3:34 PM.

The Commissioners Court reconvened the Voting Session at 3:41 PM.

The Commissioners Court adjourned the Voting Session at 5:50 PM.

RESOLUTIONS & PROCLAMATIONS

2. APPROVE RESOLUTION RECOGNIZING DEBORAH DRUMMOND FOR HER MANY YEARS OF SERVICE TO TRAVIS COUNTY. (JUDGE BISCOE)
(9:22 AM)

Members of the Court heard from: Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); Deborah Britton, Director, Community Services, TCHHS; and Deborah Drummond, Program Manager, Deaf Services, TCHHS.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the resolution in Item 2.

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

CITIZENS COMMUNICATION

Members of the Court heard from: Charles Williams, Conservation Coordinator, TNR; Jim Wofford, Lower Colorado River Authority (LCRA); Brian Block, Executive Director, Keep Austin Beautiful; and Bob Barstow, Owner, Windy Point Park.
(9:30 AM)

5. CONSIDER AND TAKE APPROPRIATE ACTION ON BRIEFING FROM THE AUSTIN INDEPENDENT SCHOOL DISTRICT REGARDING PERFORMANCE OF THE TRAVIS COUNTY AFTER SCHOOL CARE SERVICES CONTRACT. (11:56 AM)

Members of the Court heard from: Sherri Fleming, Executive Manager, TCHHS&VS; Shirlene Justice, Austin Independent School District (AISD); Dave Martin, Executive Director, Boys and Girls Clubs of America; and Deborah Britton, Director, Community Services, TCHHS.

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 \$435,282.86 FOR THE PERIOD OF JULY 8 THROUGH JULY 14, 2005. (9:38 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. (9:38 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 LICENSE AGREEMENT WITH BROWN DISTRIBUTING FOR ADVERTISING SIGNAGE IN THE EXPOSITION CENTER. (9:38 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.

12. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATIONS FROM THE CITIZENS BOND ADVISORY COMMITTEE ON THE FY 2005 PROPOSED BOND PROGRAM. (9:19 AM)

Item 12 postponed until August 2, 2005.

PURCHASING OFFICE ITEMS

13. APPROVE LEASE AGREEMENT FOR AN E-PROCUREMENT SOFTWARE SYSTEM TO RFP DEPOT, LLC. (PURCHASING, ITS) (COMMISSIONER GÓMEZ) (9:38 AM)

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

14. APPROVE MODIFICATION NO. 3 TO CONTRACT 04T00057RV, ADVANCED FILTRATION SYSTEMS, FOR AIR FILTER REPLACEMENT SERVICES. (FACILITIES MANAGEMENT) (COMMISSIONER GÓMEZ) (9:38 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. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REGARDING THE RENTAL OF PAGERS: (9:38 AM)
 - A. A THREE-MONTH EXTENSION (MODIFICATION NO. 8) TO CONTRACT NO. 00T0105-RG, METROCALL; AND
 - B. AN EXEMPTION ORDER FOR METROCALL FROM THE COMPETITIVE PROCUREMENT PROCESS PURSUANT TO SECTION 262.024(A)(4) OF THE COUNTY PURCHASING ACT. (ES) (COMMISSIONER GÓMEZ)

Clerk's Note: Items 15.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.

16. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 03T00276LD, MARCOR REMEDIATION, FOR ABATEMENT PROJECTS, TIME AND MATERIALS. (HHS) (COMMISSIONER GÓMEZ) (9:38 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 TWELVE-MONTH EXTENSION (MODIFICATION NO. 1) TO THE FOLLOWING CONTRACTS FOR TOOLS AND ACCESSORIES FROM THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE BUYBOARD, NO. IL030067OJ, AND TXMAS CONTRACT, NO. TXMAS-3-51V020: (9:38 AM)

A. CONTRACT NO. 04T00241LD, GRAINGER; AND

B. CONTRACT NO. 04TOO242LD, MSC INDUSTRIAL SUPPLY. (TNR) (COMMISSIONER GÓMEZ)

Clerk's Note: Items 17.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.

18. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING ISSUES REGARDING THE PURCHASE OF TWO HELICOPTERS FROM AMERICAN EUROCOPTER, LLC, THE HIGHEST RANKED PROPOSER: (9:53 AM)
- A. CONTRACT AWARD, RFP NO. P050037-BF AND APPROVAL OF CONTRACT;
 - B. EXERCISE OPTION FOR AVIONICS AND MISSION COMPLETION FOR ONE HELICOPTER UNDER CONTRACT WITH AMERICAN EUROCOPTER, LLC; AND
 - C. SOURCE OF FUNDING. (EMERGENCY SERVICES/STARFLIGHT) (COMMISSIONER GÓMEZ)

Clerk's Note: Items 18.A-C are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; Casey Ping, Program Manager, STAR Flight; Willy Culberson, Director of Aviation Operations, STAR Flight; Alan Miller, Budget Analyst, Planning and Budget Office (PBO); Barbara Wilson, Assistant County Attorney; and Mike Trimble, Criminal Justice Coordinator, Criminal Justice Planning (CJP).

Discussion Only. No formal action taken.

Item 18 to be reposted on August 2, 2005.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

19. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOTS 40 AND 41, REPLAT OF LAKECLIFF ON LAKE TRAVIS, SECTION 5 (REVISED PLAT – 2 LOTS – 3.139 ACRES – CLIFF OVERLOOK – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC – NO MUNICIPAL ETJ). (COMMISSIONER DAUGHERTY) (9:38 AM)

Clerk's Note: Item 19 is the action item for the public hearing on Agenda Item 1.

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.

- 20.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO ACCEPT THE DEDICATION OF A PORTION OF GENERAL WILLIAMSON DRIVE IN CARDINAL HILLS ESTATES UNIT 16, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:38 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 A PLAT FOR RECORDING IN PRECINCT THREE: SHADY HOLLOW GARDENS (SHORT FORM PLAT – 2 LOTS – 35.552 ACRES – FRATE BARKER RD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY THE CITY OF AUSTIN – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (5:38 PM)

Item 21 postponed until August 2, 2005.

- 22.** CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: SPANISH OAKS SECTION 5-B (SHORT FORM PLAT – 1 LOT – 4.417 ACRES – SPANISH OAKS BLVD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY LCRA – VILLAGE OF BEE CAVE ETJ). (COMMISSIONER DAUGHERTY) (9:38 AM)

Clerk’s Note: The Court announced that approval of Item 22 is conditioned upon approval by the City of Bee Cave, and we should delay the filing of the plat until such approval.

Clerk’s Note: Item 22 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 23.** CONSIDER AND TAKE APPROPRIATE ACTION ON WRITTEN RESPONSE TO REQUEST FROM THE CITY OF AUSTIN LONG RANGE SOLID WASTE PLANNING TASK FORCE FOR TRAVIS COUNTY TO DELAY ACTION ON SOLID WASTE ISSUES. (11:53 AM)

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the proposed letter to the City of Austin Long Range Solid Waste Planning Task Force.

Motion carried:

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

- 24. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERIM RULES ON WATER QUALITY, THE ENVIRONMENT, AND PROCEDURES FOR REVIEW OF APPLICATIONS SUBMITTED UNDER CHAPTER 82, TRAVIS COUNTY CODE, STANDARDS FOR CONSTRUCTION OF STREETS AND DRAINAGE IN SUBDIVISIONS. (10:28 AM)

Clerk’s Note: Items 24 and A2 are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Tom Nuckols, Assistant County Attorney; Anna Bowlin, Program Manager, Planning and Engineering, TNR; Jim Knight, President, Real Estate Council of Austin (RECA); Gene Lowenthal, Travis County Resident, LCRA NPS Stakeholder Revision Committee; Ted Stewart, Landowner, Member, Southwest Growth Dialog; Nell Penridge, Resident, Hamilton Pool Road; Pepper Morris, Resident, Lick Creek; and Brad Rockwell, Save Our Springs Alliance.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the proposed interim rules in Item 24.

A Substitute Motion was made by Commissioner Daugherty to support approval of the interim rules in Item 24, if we can omit the language regarding the bluffs and to take a better look the bluffs issue.

Clerk’s Note: The Substitute Motion died for lack of a Second.

Clerk’s Note: The Court took a Vote on the Standing Motion at this time.

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

PLANNING AND BUDGET DEPT. ITEMS

- 25.** REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
(9:38 AM)
- A.** APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR A DRUG COURT GRANT IN JUVENILE PROBATION DEPARTMENT. GRANT PROVIDES ENHANCED SERVICES FOR THE DRUG COURT PROGRAM;
 - B.** CONTRACT AMENDMENT TO THE TEXAS SECRETARY OF STATE FOR A HELP AMERICA VOTE ACT GRANT FOR THE COUNTY CLERK'S OFFICE. THE AMENDMENT PROVIDES ADDITIONAL REIMBURSEMENT FOR IMPROVED VOTING EQUIPMENT EXPENDITURES;
 - C.** CONTRACT TO THE AUTO THEFT PREVENTION AUTHORITY FOR THE SHERIFF'S COMBINED AUTO THEFT TASK FORCE. GRANT CONTINUES THE EXISTING PROGRAM FOR FY 06;
 - D.** CONTRACT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE DOE/OIL OVERCHARGE WEATHERIZATION ASSISTANCE PROGRAM GRANT IN HEALTH AND HUMAN SERVICES DEPARTMENT. GRANT CONTINUES THE EXISTING PROGRAM FOR FY 05/06;
 - E.** CONTRACT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE LIHEAP WEATHERIZATION PROGRAM IN HEALTH AND HUMAN SERVICES DEPARTMENT. GRANT CONTINUES THE EXISTING PROGRAM FOR FY 05/06; AND
 - F.** REQUEST TO AUTHORIZE HEALTH AND HUMAN SERVICES TO CONTINUE THE AMERICORPS GRANT PROGRAM THROUGH THE END OF SEPTEMBER 2005. THIS ALLOWS PROGRAM CONTINUATION UNTIL A CONTRACT COMPLETION.

Clerk's Note: Items 25.A-F approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

26. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:38 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 FY 06 ELECTED OFFICIALS' SALARIES. (5:40 PM)

Item 27 postponed until August 2, 2005.

OTHER ITEMS

28. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:38 AM)

Clerk's Note: Item 28 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

29. RECEIVE AND CONSIDER THIRD REVENUE ESTIMATE FOR FISCAL YEAR 2006 BUDGET PROCESS. (5:39 PM)

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the receipt of the third revenue estimate.

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

30. APPROVE ORDER FOR APPOINTMENT OF ELECTION JUDGES FOR A TERM OF TWO YEARS BEGINNING AUGUST 1, 2005. (9:38 AM)

Clerk's Note: Item 30 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

31. CONSIDER AND TAKE APPROPRIATE ACTION ON RESOLUTION APPROVING THE ISSUANCE OF LIMITED OBLIGATION REVENUE BONDS BY EL CAMPO HEALTH FACILITIES DEVELOPMENT CORPORATION FOR A HEALTH FACILITY LOCATED AT OR ADJACENT TO 4100 JACKSON AVENUE, AUSTIN, TEXAS, AND OWNED BY WESTMINSTER MANOR AND AUTHORIZE COUNTY JUDGE TO SIGN RELATED DOCUMENT. (5:39 PM)

Item 31 postponed until August 2, 2005.

32. CONSIDER AND TAKE APPROPRIATE ACTION ON THE APPOINTMENT OF A TRAVIS COUNTY COMMITTEE ON SECURITY ISSUES, INCLUDING APPOINTMENT OF MEMBERS AND AN APPROPRIATE CHARGE. (5:40 PM)

Item 32 postponed until August 2, 2005.

TO BE TAKE UP AT 1:45 P.M.

33. DISCUSS REPORT ON COLLECTION OF DELINQUENT TAXES. (1:50 PM)
(3:41 PM)

Members of the Court heard from: Susan Spataro, Travis County Auditor; Christian Smith, Executive Manager, PBO; Mike Wichern, Chief Assistant County Auditor, Travis County Auditor's Office; Nicki Riley, Financial Reporting and Consolidations, Travis County Auditor's Office; and David Escamilla, Travis County Attorney.

Clerk's Note: The Court recessed discussion of Item 33 at 3:34 PM, and resumed discussion of Item 33 at 3:41 PM.

Members of the Court heard from: Eliza May, President, Greater Austin Hispanic Chamber of Commerce; J.R. Gonzales, Travis County Resident; Ken Oden, Partner, Linebarger, Goggan, Blair and Sampson, LLP; Dr. Rostam Kavoussi, Economic Consultant; John Banks, Managing Attorney, Perdue, Brandon, Fielder, Collins & Mott, LLP.

Discussion Only. No formal action taken.

Item 33 to be reposted on August 16, 2005.

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.

- 34. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN ROSENBAUM V. TRAVIS COUNTY (REQUESTED BY COUNTY ATTORNEY). ¹ (5:38 PM)**

Item 34 postponed until August 2, 2005.

- 35. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING THE MATTER OF THE APPLICATION OF MAGNA-FLOW INTERNATIONAL, INC., PERMIT NO. WQ04484-000, TCEQ DOCKET NO. 2005-0199-SLG. ¹ (5:37 PM)**

Item 35 postponed until August 2, 2005.

- 36. RECEIVE LEGAL ADVICE AND TAKE APPROPRIATE ACTION ON ISSUES RELATING TO THE TRAVIS COUNTY ECONOMIC DEVELOPMENT PROGRAM POLICY AND/OR TAX ABATEMENT POLICY. ¹ (5:37 PM)**

Item 36 postponed until August 2, 2005.

- 37. CONSIDER AND TAKE APPROPRIATE ACTION ON AN AGREEMENT FOR FINANCIAL INCENTIVES FOR HOME DEPOT. ¹ (5:37 PM)**

Item 37 postponed until August 2, 2005.

ADDED ITEMS

- A1.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING A TRAVIS COUNTY PRECINCT TWO CONSTABLE OFFICE EMPLOYEE, SLOT 7. ^{1&3} (EXECUTIVE SESSION) (5:49 PM)

Members of the Court heard from: Linda Moore Smith, Director, HRMD.

Motion by Judge Biscoe and seconded by Commissioner Daugherty to authorize the County Judge to make the decision on behalf of the Commissioners Court, and sign whatever is necessary.

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

- A2.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO ADD SCIENTIFIC AND TECHNICAL EXPERTISE TO THE ONGOING WORK ON PERMANENT RULES ON WATER QUALITY, THE ENVIRONMENT, AND PROCEDURES FOR REVIEW OF APPLICATIONS SUBMITTED UNDER CHAPTER 82, TRAVIS COUNTY CODE, STANDARDS FOR CONSTRUCTION OF STREETS AND DRAINAGE IN SUBDIVISIONS. (10:28 AM) (5:49 PM)

Clerk’s Note: Items 24 and A2 are associated with one another and were called for concurrent discussion. Please refer to Item 24 for summary of the action taken by the Court.

Clerk’s Note: The Court further discussed Item A2 at 5:49pm.

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

Clerk’s Note: The Court gave directions to Staff to bring back the scientific and technical expertise, if we need them, or reach out to other experts, depending on what the subject matter is.

Discussion Only. No formal action taken.

