

MINUTES OF MEETING – DECEMBER 6, 2005

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 6th day of December, 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 11:37 AM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened at 11:37 AM and adjourned at 11:37 AM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 11:37 AM and adjourned at 12:05 PM.

The Commissioners Court reconvened the regular Voting Session at 1:40 PM.

The Commissioners Court retired to Executive Session at 1:41 PM.

The Commissioners Court reconvened the Voting Session at 3:05 PM.

The Commissioners Court adjourned the Voting Session at 3:18 PM.

CITIZENS COMMUNICATION

Clerk's Note: No speakers addressed the Court. (9:15 AM)

SPECIAL ITEMS

- 1. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:15 AM)

Members of the Court heard from: Simon Broussard, Travis County Fire Marshall.

Discussion Only. No formal action taken.

Item 1 to be reposted on December 13, 2005.

- 2. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF THE SALE OR USE OF RESTRICTED FIREWORKS IN THE UNINCORPORATED AREA OF TRAVIS COUNTY. (9:16 AM)

Members of the Court heard from: Simon Broussard, Travis County Fire Marshall; and Pete Baldwin, Emergency Management Coordinator, Travis County Emergency Services.

Motion by Commissioner Gómez **and seconded by** Commissioner Daugherty to approve the order prohibiting the sale or use of restricted fireworks.

Motion carried:

County Judge Samuel T. Biscoe	absent
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. CONSIDER IMPACT OF CONSTRUCTION PRICE INCREASES ON COUNTY CAPITAL PROJECTS, CIP PROJECT BUDGETS, PURCHASING AND CIP MANAGEMENT PROCESSES AND BID LETTING SCHEDULES, AND TAKE APPROPRIATE ACTION. (PBO & TNR DEPT) (10:13 AM)

Clerk's Note: Items 4 and 5 are associated with one another and were called for concurrent discussion. Please refer to Item 5 for a summary of the Court's action.

5. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUESTED DEBT ISSUANCE SCHEDULE AND CAPITAL PROJECTS, INCLUDING APPROVAL OF FUNDING AND FISCAL IMPACT RELATED TO THE FOLLOWING PROJECTS: (10:13 AM) (1:41 PM) (3:05 PM)

A. 2005 BOND AUTHORIZATION

1. PROPOSITION ONE: ROADS, ROAD-RELATED DRAINAGE, AND RIGHT-OF-WAY;
2. PROPOSITION TWO: PARKS AND OPEN SPACE PARKLAND; AND
3. PROPOSITION THREE: JAIL FACILITY REPLACEMENT BEDS AND RENOVATIONS.

B. 2001 BOND AUTHORIZATION FOR ROADS AND PARKS

C. CERTIFICATES OF OBLIGATION FOR JAIL RENOVATION (RELATED TO PROPOSITION THREE OF 2005 BOND AUTHORIZATION)

ITEM 5 CONTINUED

D. CERTIFICATES OF OBLIGATION FOR THE FOLLOWING:

1. GARDNER-BETTS JUVENILE JUSTICE CENTER RENOVATION, 2006 PHASE 1 (FACILITIES MGT.);
2. SOUTH AUSTIN BUILDING, ADA IMPROVEMENTS (FACILITIES MGT.);
3. POST ROAD BUILDING RENOVATION – DESIGN PHASE (FACILITIES MGT.);
4. EASTSIDE SERVICE CENTER (FACILITIES MGT.);
5. PURCHASE OF THE SOUTH AUSTIN BUILDING (FACILITIES MGT.);
6. PURCHASE OF OTHER BUILDINGS IN AUSTIN (FACILITIES MGT.)
7. HOT MIX, F MIX - (TNR DEPT.);
8. DRAINAGE STUDY – (TNR DEPT.);
9. PARKING LOT PROJECTS – (TNR DEPT.);
10. ARTERIALS AND COLLECTORS – (TNR DEPT.);
11. COST OVERRUNS ON PARK/TRANSPORTATION RELATED PROJECTS;
12. FLINT ROCK ROAD EXTENSION;
13. OTHER PARK/TRANSPORTATION RELATED PROJECTS;
14. MOBILE DATA COMPUTERS FOR CONSTABLES;
15. AIRPORT BOULEVARD PHASE II PROJECT;
16. PRECINCT 2 BUILDING RENOVATION PROJECT; AND
17. OTHER FACILITIES MANAGEMENT RENOVATION PROJECTS

Clerk’s Note: Items 4 and 5 are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Christian Smith, Executive Manager, Planning and Budget Office (PBO); Jessica Rio, Budget Analyst, PBO; Joe Gieselman, Executive Manager, TNR; John Hille, Assistant County Attorney; and Roger El Khoury, Director, Facilities Management.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve, from Jessica Rio, Budget Analyst, PBO’s memo, Item 5.D.1) Gardner-Betts Juvenile Justice Center Renovation, 5.D.2) South Austin Building ADA Improvements, 5.D.4) East Side Service Center, 5.D.5) Purchase of South Austin Building, 5.D.14) Mobile Data Computers for Constables, and 5.D.15) Airport Boulevard Phase II.

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

TO BE TAKEN UP AT 2:00 PM.

6. CONSIDER AND TAKE APPROPRIATE ACTION ON CERTAIN SPACE PLANNING ASSUMPTIONS INCLUDING: (9:42 AM)
 - A. ELECTED OFFICIALS REQUESTS REGARDING REALLOCATING SPACE IN THE BLACKWELL-THURMAN CRIMINAL JUSTICE CENTER AND THE USE OF EXISTING RESOURCES FOR FURTHER PLANNING EFFORTS FOR COURT NEEDS; AND
 - B. THE CURRENT APPROVED STRATEGY TO DEVELOP A GENERAL GOVERNMENT CAMPUS.

Items 6.A and B postponed until December 13, 2005.

7. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:44 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.

HEALTH AND HUMAN SERVICES DEPT ITEMS

8. RECEIVE REPORT FROM COPIA CONSULTING, LLC REGARDING AUSTIN NETWORKS PROJECT. (9:19 AM)

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

Discussion Only. No formal action taken.

PURCHASING OFFICE ITEMS

- 9. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. PS030055EF, TEXAS CLOSED CAPTIONING REPORTERS, FOR CLOSED AND OPEN CAPTIONING SERVICES. (HHS & VS) (9:44 AM)

Clerk’s Note: Item 9 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

ADMINISTRATIVE OPERATIONS ITEMS

- 10. 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 \$235,281.00 FOR THE PERIOD OF NOVEMBER 18 THROUGH NOVEMBER 24, 2005. (9:44 AM)

Clerk’s Note: Item 10 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 11. DISCUSS THREE-YEAR MARKET SALARY SURVEY STRATEGIC PLAN AND TAKE APPROPRIATE ACTION. (10:11 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; and Linda Moore Smith, Director, Human Resources Management Department (HRMD).

Motion by Judge Biscoe and seconded by Commissioner Davis to approve Item 11.

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

12. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM URS CORPORATION FOR RIGHT OF ENTRY TO EXPOSITION CENTER GROUNDS TO PERFORM GROUND WATER MONITORING AND AUTHORIZE DIRECTOR OF FACILITIES MANAGEMENT TO SIGN LETTER OF APPROVAL. (3:18 PM)

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

Discussion Only. No formal action taken.

Item 12 to be reposted on December 13, 2005.

13. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:44 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.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

14. CONSIDER AND TAKE APPROPRIATE ACTION ON ALTERNATE FISCAL AGREEMENTS FOR SHADOWGLEN PHASE 2, SECTION 14A, SHADOWGLEN PHASE 2, SECTION 15A AND SHADOWGLEN PHASE 2 – SHADOWGLEN TRACE BOULEVARD, A SUBDIVISION IN PRECINCT ONE. (COMMISSIONER DAVIS) (9:44 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 "FIRST AMENDMENT TO CONSERVATION EASEMENT AGREEMENT" FOR THE STEINER RANCH CONSERVATION EASEMENT AGREEMENT BETWEEN TAYLOR WOODROW COMMUNITIES, ET AL. AND TRAVIS COUNTY FOR ACREAGE IN THE BALCONES CANYON PRESERVE (BCP) WHICH REPLACES THE ORIGINAL FOUR (4) INFRASTRUCTURE AREAS WITH SEVEN (7) STORM DRAIN LOCATIONS IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:44 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. CONSIDER AND TAKE APPROPRIATE ACTION ON RENEWAL OF INTERLOCAL AGREEMENT WITH THE LOWER COLORADO RIVER AUTHORITY (LCRA) TO PROVIDE CULTURAL RESOURCE SERVICES TO TRAVIS COUNTY. (9:44 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.

REVISED LANGUAGE:

17. CONSIDER AND TAKE APPROPRIATE ACTION ON A YMCA LEASE AGREEMENT FOR EAST METROPOLITAN PARK POOL COMPLEX. (COMMISSIONER DAVIS) (9:46 AM)

Item 17 not needed.

18. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: THE PRESERVE AT LOST GOLD CAVE PHASE 2 (SHORT FORM PLAT – 11 LOTS – 12.205 ACRES – STONERIDGE ROAD - NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN/ON-SITE - CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:46 AM)

Item 18 not needed.

19. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING: (9:47 AM)

- A. AGREEMENT WITH MILTON REIMERS (ET. AL.) FOR PURCHASE OF LAND IN SOUTHWEST TRAVIS COUNTY;
- B. AGREEMENT WITH JOHN HOGGE (ET. AL) FOR PURCHASE OF LAND IN SOUTHWEST TRAVIS COUNTY;

Clerk's Note: Items 19.A and B are associated with one another and were called for concurrent discussion.

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

Discussion Only. No formal action taken.

OTHER ITEMS

- 20. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:44 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 CONTRACT MODIFICATION OF INTERLOCAL COOPERATION AGREEMENT BETWEEN TRAVIS COUNTY AND THE LAKE TRAVIS INDEPENDENT SCHOOL DISTRICT FOR 2005-2006 FOR LAW ENFORCEMENT SERVICES TO BE PROVIDED BY THE TRAVIS COUNTY SHERIFF’S OFFICE. (9:44 AM)

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

- 22. CONSIDER AND TAKE APPROPRIATE ACTION TO APPROVE RESOLUTION REGARDING SECTION 147(f) APPROVAL FOR DELIVERY OF LOAN FOR THE FINANCING OF EDUCATION FACILITIES WITHIN TRAVIS COUNTY, TEXAS FOR ST. EDWARD’S UNIVERSITY. (11:23 AM)

Members of the Court heard from: Harvey Davis, Manager, Travis County Corporations; Edward McCoy, St. Edwards University; Mary Mayes, Assistant Manager, Travis County Corporations; and John Hille, Assistant County Attorney.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the resolution regarding section 147(f) for delivery of loan for the financing of education facilities within Travis County, by St. Edward’s University.

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

- 23. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR PAYMENT FOR ASSESSMENT AND COLLECTIONS COURSES TAKEN BY TAX OFFICE EMPLOYEES THAT WERE NOT ENCUMBERED PREVIOUSLY ON A TIMELY BASIS. (9:44 AM)

Clerk’s Note: Item 23 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of 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.

- 24. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING SETTLEMENT OFFER IN TRAVIS COUNTY MEDICAL EXAMINER’S FACILITY CASE; SUBROGATION. ¹ (1:41 PM) (3:06 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 Davis to approve the proposed settlement agreement, and the bottom line is that Travis County will end up receiving \$104,190.00.

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

- 27. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING SETTLEMENT DEMAND IN THE CASE OF JAMES THORNTON V. SHERIFF'S OFFICE. ^{1 AND 3} (1:41 PM) (3:08 PM)

Clerk's Note: Judge Biscoe announced that Item 27 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.074, Personnel Matters.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve the recommendation set forth in the letter from the Travis County Sheriff, dated December 5, 2005, which reinstates Mr. Thornton to a Security Coordinator position, and the recommendation is that he be placed at the maximum salary in the Security Coordinator position that is vacant.

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

- 28. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING LEASE/PURCHASE AGREEMENT FOR THE JP/CONSTABLE PCT. 2 OFFICES AT 10409 BURNET ROAD. ² (1:41 PM)

Item 28 postponed until December 13, 2005.

- 29. CONSIDER AND TAKE APPROPRIATE ACTION FOR THE POTENTIAL PURCHASE OF REAL ESTATE IN CENTRAL AUSTIN. ² (1:41 PM)

Item 29 postponed until December 13, 2005.

30. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION ON TAX REBATE AGREEMENT WITH SAMSUNG AUSTIN SEMICONDUCTOR L.L.C. ¹
 (1:41 PM) (3:09 PM)

Clerk’s Note: Judge Biscoe announced that Item 30 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from: Mary Etta Gerhardt, Assistant County Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve the proposed agreement that legal counsel and counsel for Samsung have been working on, including the following specific language: The required documentation as to compliance as follows: Certified by the Chief Financial Officer, provide at Austin-Travis County location in a format easily reviewed by the Court, tapes are not acceptable, any and all documentation utilized by the Chief Financial Officer and making the certification as to the number of employees, the average salary, and the amount of investment; provide additional information as needed to document these items as requested by County, subject to withholding of approval of the agreements benefits notice; and the importance of this is that we need it to document the number of jobs, average salary, set forth in the contract; to authorize the County Judge to sign the agreement if this change is acceptable to Samsung representatives, and to do cleanup wording things that go along with that, with the understanding that it only be brought back to Court if there are substantive changes requested by either party. Otherwise, the Judge would be authorized to sign.

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. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION ON REQUEST FOR INFORMATION FROM PROJECT DUAL REGARDING FINANCIAL INCENTIVES UNDER COUNTY FINANCIAL INCENTIVES PROGRAM POLICY. ¹ (1:41 PM) (3:17 PM)

Clerk’s Note: Judge Biscoe announced that Item 33 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Discussion Only. No formal action taken.

ADJOURNMENT

Motion by Commissioner Davis **seconded by** Commissioner Daugherty to adjourn the Voting Session. (3:18 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	yes

MINUTES APPROVED BY THE COMMISSIONERS’ COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge