

MINUTES OF MEETING – DECEMBER 30, 2003

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 30th day of December, 2003, the Commissioners' Court convened the regular Voting Session at 9:16 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 retired to Executive Session at 11:02 AM.

The Commissioners' Court reconvened the Voting Session at 11:51 AM.

The Commissioners' Court adjourned the Voting Session at 11:52 AM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened the Voting Session at 11:53 AM and adjourned at 11:53 AM.

CITIZENS COMMUNICATION

Members of the Court heard from: Gus Peña, Travis County Resident (9:20 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Judge Biscoe to approve the following Consent Items: C1-C5 and Items 1.A and B, 2, 5, 6, 8, 9, 10, 12, 14, 15.A and B, 16.A and B, and 17. (9:30 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	yes

- C1.** RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2.** AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.
- C3.** APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF DECEMBER 16, 2003.
- C4.** APPROVE SETTING A PUBLIC HEARING DATE OF JANUARY 20, 2004, TO APPROVE THE VACATION OF A 15' ACCESS EASEMENT IN NORTHTOWN PARK SECTION THREE AND SECTION FIVE, TWO SUBDIVISIONS IN PRECINCT ONE. (COMMISSIONER DAVIS)
- C5.** APPROVE SETTING A PUBLIC HEARING DATE ON FEBRUARY 4, 2004 TO DISCUSS AND APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: TWIN CREEKS COUNTRY CLUB, SECTION 7, REPLAT OF LOT 19, BLOCK I (SHORT FORM PLAT – 1 LOT – 0.19 ACRES – TIVOLI DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY CITY OF CEDAR PARK – CITY OF CEDAR PARK ETJ). (COMMISSIONER DAUGHERTY)

PLANNING AND BUDGET DEPT. ITEMS

1. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE:
 - A. A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR A JUVENILE BATTERER'S INTERVENTION-PREVENTION PROGRAM IN JUVENILE PROBATION DEPARTMENT. THE APPLICATION IS FOR THE THIRD YEAR OF FUNDING; COUNTY MATCH REQUIREMENTS ARE MET THROUGH INTERNAL JUVENILE PROBATION RESOURCES; (9:30 AM)

Clerk's Note: Item 1.A added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

1. B. A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR A JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT FUNDS GRANT IN JUVENILE PROBATION DEPARTMENT. A NEW GRANT APPLICATION TO EXPAND THE IN-HOME SERVICES OFFERED BY THE SUBSTANCE ABUSE UNIT OF JUVENILE PROBATION; (9:30 AM)

Clerk's Note: Item 1.B added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

ITEM 1 CONTINUED

1. C. AUTHORIZE THE USE OF COUNTY FUNDS AS AN ADVANCE OF UP TO \$30,000 TO ALLOW THE CHILDREN'S PARTNERSHIP GRANT IN HEALTH AND HUMAN SERVICES DEPARTMENT TO CONTINUE UNTIL THE END OF MARCH 2004. THIS PERMISSION TO CONTINUE IS REQUESTED DUE TO THE TIMING OF THE RECEIPT OF A FULLY EXECUTED AGREEMENT WITH THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION. (9:33 AM)

Members of the Court heard from: Valerie Spinelli, Budget Analyst, Planning and Budget Office (PBO); and Stephen Williams, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS).

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 1.C.

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

2. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:30 AM)

Clerk's Note: Item 2 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

3. CONSIDER AND TAKE APPROPRIATE ACTION ON HEALTH AND HUMAN SERVICES DEPARTMENT'S RECOMMENDATIONS REGARDING FIVE (5) SOCIAL SERVICES AGENCIES WITH OUTSTANDING CONTRACT ISSUES. (9:40 AM)

Members of the Court heard from: Stephen Williams, Executive Manager, TCHHS&VS; and Mary Etta Gerhardt, Assistant County Attorney.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to extend the contracts for two months, through February 29, 2004, and that a corrective action plan be in place, and that a transition plan also might be brought back to us at that time, and then we will go with the recommendation.

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	no
Precinct 4, Commissioner Margaret J. Gómez	yes

4. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR AMENDMENT NO. 6 OF THE INTERLOCAL COOPERATION AGREEMENT BETWEEN TRAVIS COUNTY AND THE TEXAS AGRICULTURAL EXTENSION SERVICE ("TEXAS COOPERATIVE EXTENSION"), A COMPONENT OF THE TEXAS A&M UNIVERSITY SYSTEM AND PRAIRIE VIEW A&M UNIVERSITY. (10:49 AM)

Item 4 pulled from the Agenda.

ADMINISTRATIVE OPERATIONS ITEMS

5. 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 \$256,967.96 FOR THE PERIOD OF DECEMBER 12 THROUGH DECEMBER 18, 2003. (9:30 AM)

Clerk's Note: Item 5 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 6. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED PERSONNEL AMENDMENTS. (9:30 AM)**

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

PURCHASING OFFICE ITEMS

7. APPROVE CONTRACT AWARD FOR TRANSPORTATION AND EXTRADITION SERVICES, RFS NO. S0301560J, TO THE QUALIFIED PROPONENT, TRANSCOR AMERICA. (SHERIFF) (COMMISSIONER GÓMEZ) (10:49 AM)

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the contract in Item 7.

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

8. APPROVE TERMINATION OF CONTRACT NO. 04T00015RV WITH QUALITY MANAGEMENT SERVICES FOR WASTEWATER TREATMENT PLANT SERVICES. (FACILITIES MANAGEMENT) (COMMISSIONER GÓMEZ) (9:30 AM)

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

9. APPROVE SOLE SOURCE EXEMPTION WITH METROPLEX CONTROL SYSTEMS FOR THE PURCHASE AND INSTALLATION OF ADDITIONAL CAMERAS AND INTERCOMS. (GARDNER BETTS) (COMMISSIONER GÓMEZ) (9:30 AM)

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

10. FIRST OF TWO PUBLIC NOTICES: CONSIDER ORDER WAIVING SECTION 32.004(C) OF TRAVIS COUNTY CODE, CHAPTER 32, SUBCHAPTER A ETHICS POLICY IN RELATION TO CONTRACT WITH BANK ONE N.A. FOR COMMERCIAL CARD SERVICES. (TCSO) (COMMISSIONER GÓMEZ) (9:30 AM)

Clerk's Note: Item 10 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

11. APPROVE CONTRACT AWARD FOR PRECINCT FOUR OFFICE BUILDING OFF-SITE DRAINAGE IMPROVEMENTS, IFB NO. B040039MB, TO THE LOW BIDDER, KEYSTONE CONSTRUCTION. (FM) (COMMISSIONER GÓMEZ) (9:16 AM)

Item 11 postponed until January 6, 2004.

12. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. PS030128EF, AMERICAN YOUTHWORKS, FOR TRAIL AND PARK IMPROVEMENTS. (HHS&VS) (JUDGE BISCOE) (9:30 AM)

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

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

13. DISCUSS AND APPROVE A CONSTRUCTION AGREEMENT AND A PLAT FOR RECORDING IN PRECINCT FOUR: STONEY RIDGE 5-B (LONG-FORM PLAT – 72 LOTS – 14.21 ACRES – ARROWMOUND PASS – FISCAL POSTED WITH TRAVIS COUNTY AND CITY OF AUSTIN – SEWAGE SERVICES TO BE PROVIDED BY MOORE'S CROSSING MUNICIPAL UTILITY DISTRICT – CITY OF AUSTIN ETJ). (COMMISSIONER GÓMEZ) (9:16 AM)

Item 13 pulled from the Agenda.

14. APPROVE ALTERNATE FISCAL AGREEMENTS FOR THE PARK AT BLACKHAWK II SECTION 1, A SUBDIVISION IN PRECINCT TWO. (COMMISSIONER SONLEITNER) (9:30 AM)

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

15. DISCUSS AND APPROVE THE FOLLOWING RELATED TO SHADOWGLEN PHASE ONE: (9:30 AM)
- A. A CONSTRUCTION AGREEMENT AND A PLAT FOR RECORDING IN PRECINCT ONE: SHADOWGLEN PHASE ONE SECTION 3(B) (LONG-FORM PLAT - 57 LOTS - 14.342 ACRES - SHADOWGLEN TRACE - FISCAL POSTED WITH TRAVIS COUNTY - SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NUMBER 2 - CITY OF MANOR ETJ);
 - B. A CONSTRUCTION AGREEMENT AND A PLAT FOR RECORDING IN PRECINCT ONE: SHADOWGLEN PHASE ONE SECTION 4(B) (LONG-FORM PLAT - 52 LOTS - 13.008 ACRES - SHADOWGLEN TRACE - FISCAL POSTED WITH TRAVIS COUNTY - SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NUMBER 2 - CITY OF MANOR ETJ). (COMMISSIONER DAVIS)

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

16. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE FOLLOWING REQUESTS FOR PRESIDENTIAL MEADOWS SECTIONS 1 AND 2, TWO SUBDIVISIONS IN PRECINCT ONE: (9:30 AM)
- A. APPROVAL OF ALTERNATE FISCAL; AND
 - B. APPROVAL OF CASH SECURITY AGREEMENT. (DAVIS)

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

OTHER ITEMS

17. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:30 AM)

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

18. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF THE SALE OR USE OF RESTRICTED FIREWORKS IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:17 AM)

Clerk's Note: Items 18 and 19 are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Pete Baldwin, Emergency Management Coordinator, Department of Emergency Services.

Clerk's Note: Judge Biscoe announced that by taking no action on Items 18 and 19 the burn ban and prohibition of the sale or use of restricted fireworks would remain in place until January 7, 2004.

Discussion Only. No action taken.

Items 18 and 19 to be reposted on January 6, 2004.

19. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:17 AM)

Clerk's Note: Items 18 and 19 are associated with one another and were called for concurrent discussion. Please refer to Item 18 for a summary of the Court's actions.

20. CONSIDER DARE PROGRAM AND ITS SUCCESSOR PROGRAM, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAUGHERTY) (10:00 AM)

Members of the Court heard from: Debra Turner, Travis County Resident; and Terry Pickering, Major, Travis County Sheriff's Office (TCSO).

Discussion only. No action taken.

- 21. TRANSFER OF EXISTING FUNDS FROM REGULAR SALARIES – TEMPORARY TO REGULAR SALARIES – PERMANENT IN DISTRICT CLERK'S OFFICE. (9:17 AM)**

Clerk's Note: Judge Biscoe noted that Item 21 is a duplicate of a Budget Amendments and Transfers request from Item 2, and that no action was necessary on Item 21.

- 22.** CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REQUEST TO APPROVE AMENDMENT NO. TWO TO AGREEMENT FOR TRUANCY COURT PILOT PROJECT. (10:50 AM)

Members of the Court heard from: Judge Leonard Saenz, Truancy Court Judge; and Estella Medina, Chief Juvenile Probation Officer, Juvenile Probation Department.

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the amendment in Item 22.

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 TO INCREASE RETURNED CHECK FEE FOR THE DISTRICT CLERK'S OFFICE. (11:00 AM)**

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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to affirm the fee increase, and place the public on notice, that if you write the County a bad check, the return check fee has increased to \$30.00, which is the same amount charged by the County Clerk.

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

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, APPOINT COMMISSIONERS COURT REPRESENTATIVE FOR MEDIATION AND/OR TAKE APPROPRIATE ACTION IN AUSTIN 1825 FORTVIEW, INC. V. TRAVIS COUNTY. ¹ (11:02 AM) (11:51 AM)

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 Sonleitner to reject the offer for mediation, and renew our offer to settle this matter for \$45,000.00, and that we would be happy to get this behind us on those terms.

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

25. RECEIVE BRIEFING FROM COUNTY ATTORNEY, GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION REGARDING LEASE FOR 2919 MANCHACA ROAD PREMISES. ^{1 & 2} (11:02 AM) (11:51 AM)

Clerk's Note: Judge Biscoe announced that Item 25 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 authorize appropriate County Staff to pay the landlord the sum of \$3,018.21, as the landlord has requested. And, secondly, that we advise the landlord that we plan to take a comprehensive look at this matter, and get with him on an offer to resolve outstanding issues, but it will take us until January 13, 2004 to get this work done, but he can expect a communication from us immediately after that meeting. And, that we authorize the release of this check immediately.

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 BRIEFING AND TAKE APPROPRIATE ACTION REGARDING ONGOING LITIGATION IN CONGRESSIONAL REDISTRICTING MATTER. ¹ (9:17 AM)

Item 26 postponed until January 6, 2004.

27. RECEIVE BRIEFING, CONSIDER SETTLEMENT OFFER, AND TAKE APPROPRIATE ACTION IN CLAIM RE: IAN TAYLOR V. MARGO FRASIER, ET AL., (TAYLOR; FRASIER; CIVIL RIGHTS) (REQUESTED BY PLAINTIFF). ¹ (11:02 AM)

Item 27 postponed until January 6, 2004.

ADDED ITEMS

- A1.** APPROVE OR REJECT PROPOSED FARMERS' MARKET LEASE AGREEMENT WITH CYNTHIA MARION, PRESIDENT, LARRY FICK, VICE PRESIDENT OF ASTOUND GROUP, INC., d/b/a B.B.Q. WORLD HEADQUARTERS. (EXECUTIVE SESSION ²) (11:02 AM) (11:52 AM)

Clerk's Note: Judge Biscoe announced that Item A1 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.072, Real Property.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the proposed lease that has been presented to us.

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

ADJOURNMENT

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to adjourn the Voting Session. (11:52 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	yes

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge