

## **MINUTES OF MEETING – JUNE 29, 2004**

### **TRAVIS COUNTY COMMISSIONERS' COURT**

On Tuesday, the 29<sup>th</sup> day of June, 2004, the Commissioners' Court convened the regular Voting Session at 9:17 AM in the Commissioners' Courtroom, 1<sup>st</sup> Floor of the Ned Granger Administration Building, 314 West 11<sup>th</sup> Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Melissa Velasquez.

The Commissioners' Court retired to Executive Session at 11:45 AM.

The Commissioners' Court reconvened the Voting Session at 12:06 PM.

The Commissioners' Court recessed the Voting Session at 12:19 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened the Voting Session at 1:38 PM and adjourned at 1:38 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, convened the Voting Session at 1:38 PM and adjourned at 1:38 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation, convened the Voting Session at 1:39 PM and adjourned at 1:39 PM.

The Commissioners' Court, meeting as the Capital Industrial Development Corporation, and the Capital Health Facilities Development Corporation, convened the Voting Sessions at 1:39 PM and adjourned at 1:39 PM.

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

The Commissioners' Court retired to Executive Session at 4:01 PM.

The Commissioners' Court reconvened the Voting Session at 4:56 PM.

The Commissioners' Court adjourned the Voting Session at 4:59 PM.

**PUBLIC HEARINGS**

1. DISCUSS REQUEST TO APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOTS 69, 70 AND 71, BLOCK H, HIGHLAND CREEK LAKES SECTION ONE (REVISED PLAT – 2 LOTS – 0.58 ACRES – LAKE PARK DRIVE AT PANORAMA DRIVE – NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY – OUTSIDE ALL ETJs). (ACTION ITEM 15) (COMMISSIONER DAUGHERTY) (9:19 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 15 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	yes

**Members of the Court heard from:** Carol Joseph, Assistant Director, Transportation and Natural Resources (TNR).

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez 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	yes

## RESOLUTIONS & PROCLAMATIONS

2. APPROVE RESOLUTION RECOGNIZING STEPHEN L. WILLIAMS FOR SERVICE TO TRAVIS COUNTY AS EXECUTIVE MANAGER OF TRAVIS COUNTY HEALTH AND HUMAN SERVICES AND VETERANS SERVICES DEPARTMENTS. (JUDGE BISCOE) (9:21 AM)

**Members of the Court heard from:** Stephen Williams, Outgoing Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); and Francis Kitana, Project Director, Travis County Children's Mental Health Partnership.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis 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:** Judge Julie Kocurek, 390<sup>th</sup> District Court; and Estella Medina, Chief Probation Officer, Juvenile Probation Department. (9:47 AM)

**CONSENT ITEMS**

**Motion by** Commissioner Gómez **and seconded by** Commissioner Daugherty to approve the following Consent Items: C1-C7, and Items 3, 4, 9, 10, 11, 12, 13, 14, 15, 16.A and B, 17, 18, 20, 23.A-C, 24, 25, 26, 29, 31, 33.A and B, and A4.  
(9:54 AM)

<b>Motion carried:</b> 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 JUNE 8, 2004.
- C4.** APPROVE COMMISSIONERS' COURT MINUTES FOR SPECIAL VOTING SESSION OF JUNE 10, 2004.
- C5.** APPROVE COMMISSIONERS' COURT MINUTES FOR VOTING SESSION OF JUNE 15, 2004.
- C6.** APPROVE AUTOMATIC BUDGET TRANSFERS.
- C7.** APPROVE SETTING A PUBLIC HEARING ON AUGUST 3, 2004 TO DISCUSS REQUEST REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: SLAUGHTER CREEK ACRES, REPLAT OF LOT 6B, BLOCK E (SHORT FORM PLAT – 2 LOTS – 2.4792 ACRES – PENION DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC SYSTEMS – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY)

### ADMINISTRATIVE OPERATIONS ITEMS

3. 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 \$414,343.84 FOR THE PERIOD OF JUNE 11 THROUGH JUNE 17, 2004. (9:54 AM)

**Clerk's Note:** Item 3 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

4. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED PERSONNEL AMENDMENTS. (9:54 AM)

**Clerk's Note:** Item 4 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

5. DISCUSS AND TAKE APPROPRIATE ACTION ON RECOMMENDATIONS FROM EMPLOYEE BENEFITS COMMITTEE ON COUNTY FY 2005 EMPLOYEE, DEPENDENT AND RETIREE GROUP BENEFITS AND PREMIUMS, INCLUDING: (3:30 PM)

**Clerk's Note:** Items 5.A-G are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Alicia Perez, Executive Manager, Administrative Operations; Dan Mansour, Risk Manager, Human Resources Management Department (HRMD); and Cindy Purinton, Benefit Contract Administrator, HRMD.

5. A. RATE PLAN IN OPTION THREE AS THE HEALTH CARE PLAN FOR FY 2005;

**Clerk's Note:** The Court discussed Option 3 of the proposed FY 05 Health Care Plan rates, which is that premiums for all other EPO, PPO and Co-insured EPO tiers increase by 13.23%, plus increases as follows:

- a. An increase of an additional \$20 in the EPO tiers with adults.
- b. An increase of an additional \$10 in PPO and Co-insured EPO tiers with adult dependents.

**Motion by** Commissioner Davis **and seconded by** Commissioner Daugherty to approve Item 5.A.

<b>Motion carried:</b> 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

5. B. THE CO-INSURED EPO PLAN AS THE DEFAULT COVERAGE FOR EMPLOYEES WHO DO NOT COMPLETE OPEN ENROLLMENT;

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve Item 5.B.

<b>Motion carried:</b> 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

## ITEM 5 CONTINUED

5. C. A 30-DAY WAITING PERIOD FOR HEALTH INSURANCE COVERAGE FOR ALL NEW HIRES BEGINNING OCTOBER 1, 2004;

**Clerk's Note:** Judge Biscoe noted that the waiting period is a minimum of 30-days. The waiting period would begin on the first of the next month after an employee is hired.

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Item 5.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

5. D. ADDITION OF NURSELINE AND OPTION 2 OF THE VISION PLAN TO THE COUNTY'S BENEFITS PACKAGE AT ZERO COST TO COUNTY;

**Motion by** Commissioner Gómez **and seconded by** Commissioner Daugherty to approve Item 5.D.

**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

5. E. RENEWAL OF CONTRACT WITH SAFEGUARD DENTAL THROUGH SEPTEMBER OF 2007 WITH A THREE PERCENT RATE INCREASE IN FY 2005 ONLY;

**Motion by** Commissioner Gómez **and seconded by** Commissioner Daugherty to approve Item 5.E.

**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

## ITEM 5 CONTINUED

- 5. F. EXTENSION OF BASIC LIFE INSURANCE CONTRACT WITH UNUM AND AMENDMENT OF CONTRACT TO ELIMINATE WAIVER OF PREMIUM; AND**

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Item 5.F.

<b>Motion carried:</b>	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

5. **G. A THREE-YEAR CONTRACT WITH UNUM FOR:**
  1. SUPPLEMENTAL LIFE, DEPENDENT LIFE AND RETIREE LIFE;
  2. SHORT TERM DISABILITY; AND
  3. LONG TERM DISABILITY ON THE SAME TERMS AS CURRENT CONTRACT EXCEPT FOR TERM, WAIVER OF PREMIUM ON LIFE COVERAGES AND RATES.

**Motion by Commissioner Gómez and seconded by Commissioner Daugherty** to approve Items 5.G.1-3.

<b>Motion carried:</b>	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



## JUSTICE AND PUBLIC SAFETY ITEMS

6. CONSIDER AND TAKE APPROPRIATE ACTION TO APPOINT SIMON C. BROUSSARD AS TRAVIS COUNTY FIRE MARSHAL FOR A TERM OF TWO YEARS, COMMENCING JULY 6, 2004. (3:23 PM)

**Members of the Court heard from:** Dan Mansour, Risk Manager, HRMD.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the appointment of Simon C. Broussard as the Travis County Fire Marshal, and authorize a bond, paid for by the Risk Management Fund, in the amount of \$10,000.00.

**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

## HEALTH AND HUMAN SERVICES DEPT. ITEMS

7. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING FOR THE TRAVIS COUNTY HOSPITAL DISTRICT: (3:25 PM) (4:01 PM) (4:56 PM)
  - A. PROCESS FOR DETERMINING TRAVIS COUNTY PROGRAMS AND SERVICES TO TRANSFER TO THE HOSPITAL DISTRICT;
  - B. PROCESS FOR DETERMINING TRAVIS COUNTY FACILITIES TO TRANSFER TO THE HOSPITAL DISTRICT;
  - C. DETERMINATION OF TRAVIS COUNTY FUNDS TO TRANSFER TO THE HOSPITAL DISTRICT;
  - D. ISSUES RELATED TO INDEPENDENT AUDIT REQUIRED BY HEALTH AND SAFETY CODE SECTION 281.122;
  - E. STATUS REPORT ON APPLICATIONS FOR MEMBERSHIP ON THE BOARD OF MANAGERS; AND
  - F. OTHER MATTERS REGARDING THE IMPLEMENTATION OF THE DISTRICT.

**Clerk's Note:** Items 7.A-F are associated with one another and were called for concurrent discussion.

**Clerk's Note:** Judge Biscoe announced that Items 7.A-D would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No action taken.

8. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO ADOPT AN AD VALOREM TAX EXEMPTION FOR TAXPAYERS OF THE TRAVIS COUNTY HOSPITAL DISTRICT, PURSUANT TO TEXAS TAX CODE, SECTION 11.13(n) (2004), AND TEXAS HEALTH AND SAFETY CODE, SECTION 281.096 (a)(1) (2004). (3:56 PM)

**Members of the Court heard from:** Barbara Cille, Executive Assistant, Travis County Commissioner Precinct 3 Office.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to set the ad valorem tax exemption at the same rate as the current Travis County ad valorem tax exemption.

**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	abstain

## PURCHASING OFFICE ITEMS

9. APPROVE THE SOLE SEALED BID RECEIVED FOR THE SALE OF 16 SURPLUS/SALVAGED USED LIGHT BARS. (FIXED ASSETS) (COMMISSIONER GÓMEZ) (9:54 AM)

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

10. APPROVE ONE-MONTH EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. 01T0187RG, TONER PLUS, FOR REMANUFACTURED TONER CARTRIDGES. (TNR) (COMMISSIONER GÓMEZ) (9:54 AM)

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

11. APPROVE ASSIGNMENT OF CONTRACT (MODIFICATION NO. 3) TO CONTRACT NO. 03T00058OJ, EMPLOYEE ASSISTANCE PROGRAM, FROM WORKERS ASSISTANCE PROGRAM, TO ALLIANCE WORK PARTNERS. (HRMD) (COMMISSIONER GÓMEZ) (9:54 AM)

**Clerk's Note:** Item 11 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

12. APPROVE 12-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 03T00001DR, CAPITAL CITY CONTAINER CORPORATION, FOR RECORDS STORAGE BOXES. (REC. MGMT) (COMMISSIONER GÓMEZ) (9:54 AM)

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

13. APPROVE MODIFICATION NO. 4 TO CONTRACT NO. 01AE601JJ, CARTER & BURGESS, INC., PROFESSIONAL ENGINEERING SERVICES FOR THE ANDERSON MILL ROAD DESIGN PROJECT. (TNR) (COMMISSIONER SONLEITNER) (9:54 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 REQUEST FOR ORDER EXEMPTING THE PURCHASE OF PROFESSIONAL LEGISLATIVE ADVOCACY SERVICES FROM ROBERT R. KAMM AND CHRISTOPHER S. SHIELDS, P.C. FROM THE COMPETITIVE PROCUREMENT PROCESS, PURSUANT TO SECTION 262.024(A)(4) OF THE COUNTY PURCHASING ACT. (COMMISSIONERS COURT) (COMMISSIONER GÓMEZ) (9:54 AM)

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

**TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS**

15. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOTS 69, 70 AND 71, BLOCK H, HIGHLAND CREEK LAKES SECTION ONE (REVISED PLAT – 2 LOTS – 0.58 ACRES – LAKE PARK DRIVE AT PANORAMA DRIVE – NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY – OUTSIDE ALL ETJs). (COMMISSIONER DAUGHERTY) (9:54 AM)

**Clerk's Note:** Item 15 is the action item for the public hearing on Agenda Item 1.

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

16. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REQUESTS REGARDING COLLINGS SUBDIVISION, A SUBDIVISION IN PRECINCT THREE: (9:54 AM)
- A. A VARIANCE TO CHAPTER 30-2-171 OF AUSTIN/TRAVIS COUNTY SUBDIVISION REGULATIONS TO ALLOW FOR A LOT IN A SUBDIVISION THAT DOES NOT ABUT A DEDICATED PUBLIC STREET; AND
  - B. A PLAT FOR RECORDING: COLLINGS SUBDIVISION (1 LOT – 13.077 ACRES – US 290 – NO FISCAL IS REQUIRED – ON-SITE SEPTIC SYSTEMS – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY)

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

17. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: THE ESTATES AT EDGEWATER BEACH (SHORT FORM PLAT – 12 LOTS – 14.974 ACRES – THURMAN BEND ROAD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC (LCRA) – NO MUNICIPAL ETJ). (COMMISSIONER DAUGHERTY) (9:54 AM)

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

18. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: SPANISH OAKS, SECTION III (LONG FORM PLAT – 24 LOTS – 19.9246 ACRES – SPANISH OAKS CLUB BLVD. – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY LCRA – VILLAGE OF BEE CAVES ETJ). (COMMISSIONER DAUGHERTY) (9:54 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 SERVICE CONTRACT BETWEEN THE HORNSBY BEND UTILITY COMPANY AND THE KENNEDY RIDGE WATER SUPPLY CORPORATION TO FACILITATE THE COMPLETION OF TWO WATER GRANTS FROM THE OFFICE OF RURAL COMMUNITY AFFAIRS. (COMMISSIONER DAVIS) (2:37 PM)

**Members of the Court heard from:** Melinda Mallia, TNR.

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to approve the contract in Item 19.

**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

20. CONSIDER AND TAKE APPROPRIATE ACTION ON A PROPOSED LICENSE AGREEMENT WITH RAVINE HOMEOWNERS ASSOCIATION FOR LANDSCAPING IN THE RIGHT-OF-WAY OF WESTLAKE DRIVE IN THE RAVINE PHASE 1, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:54 AM)

**Clerk's Note:** Item 20 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

21. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REQUESTS REGARDING SWEETWATER RANCH, A SUBDIVISION IN PRECINCT THREE: (10:12 AM) (11:45 AM) (12:06 PM) (4:57 PM)

A. A PHASING AGREEMENT BETWEEN TRAVIS COUNTY AND THE DEVELOPER, SWEETWATER AUSTIN, LLP, WILLIAM GUNN, PARTNER; AND

B. A PRELIMINARY PLAN: SWEETWATER RANCH, SECTION ONE PRELIMINARY PLAN (568 LOTS – 271.0 ACRES – HWY 71 – NO FISCAL IS REQUIRED FOR A PRELIMINARY PLAN – SEWAGE SERVICE TO BE PROVIDED BY LAZY NINE MUD – NO MUNICIPAL ETJ). (COMMISSIONER DAUGHERTY)

**Clerk's Note:** Items 21.A and B are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Carol Joseph, Assistant Director, TNR; Fred Dennick, Division Director, Planning and Engineering Services, TNR; Tom Nuckols, Assistant County Attorney; Bill Gunn, Developer; Rick Wheeler, Development Engineer, Malone & Wheeler Engineering; Christie Muse, Travis County Resident; Shawn Nash, Travis County Resident; Jerrie Brown, Travis County Resident; Laura Broke, Travis County Resident; Trey Angley, Travis County Resident; Karen Miller, Travis County Resident; John Salazar, Travis Settlement Home Owners' Association; Carrie Huebner, Travis County Resident; Colin Clark, Save Our Springs Alliance (SOS); Richard Scroggins, Travis County Resident; and Joe Gieselman, Executive Manager, TNR.

**Clerk's Note:** Judge Biscoe announced that Items 21.A and B 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 Daugherty** to approve the Phase I preliminary plan before us, conditioned upon the developer's agreement to apply, to subsequent phases (that would be 2, 3, etc.), any new standards that the Commissioners' Court adopts between now and when Phase II and subsequent phases are filed.

## ITEM 21 CONTINUED

**A Clarification of the previous Motion was made by Judge Biscoe that the previous Motion includes the phasing agreement under Item 21.A.**

<b>Motion carried:</b>	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:** At 4:57 PM, the Commissioners' Court further discussed Item 21.

**Motion by Judge Biscoe and seconded by Commissioner Sonleitner** to reconsider Items 21.A and B.

<b>Motion carried:</b>	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

**Motion by** Judge Biscoe **and seconded by** Commissioner Daugherty to approve Item 21.A and the preliminary plan in Item 21.B, including the new provisions to the phasing agreement.

<b>Motion carried:</b>	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

- 22.** CONSIDER AND TAKE APPROPRIATE ACTION ON CITY OF AUSTIN AND TRAVIS COUNTY EFFORTS TO IMPLEMENT HB 1445 FOR THE REVIEW AND INSPECTION OF SUBDIVISIONS IN THE EXTRATERRITORIAL JURISDICTION, INCLUDING NECESSITY FOR ANY ADJUSTMENTS TO FY 05 REVIEW AND INSPECTION FEES. (3:40 PM)

**Members of the Court heard from:** Carol Joseph, Assistant Director, TNR; and Tom Nuckols, Assistant County Attorney.

Discussion only. No action taken.



**PLANNING AND BUDGET DEPT. ITEMS**

- 23.** REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:54 AM)

- A.** A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR A JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT PROGRAM IN JUVENILE PROBATION. THE APPLICATION SEEKS PERMISSION TO EXTEND THE GRANT END DATE FROM JULY TO THE END OF SEPTEMBER;
- B.** A GRANT APPLICATION TO THE TEXAS DEPARTMENT ON AGING (THROUGH THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE) FOR A RETIRED SENIOR VOLUNTEER PROGRAM GRANT IN HEALTH AND HUMAN SERVICES DEPARTMENT. THE GRANT CONTINUES THE EXISTING PROGRAM FOR FY 05; AND
- C.** A GRANT CONTRACT WITH TEXAS CENTER FOR SERVICE-LEARNING OF REGION 14 EDUCATION SERVICE CENTER FOR A TITLE IV COMMUNITY SERVICE LEARNING GRANT PROGRAM IN JUVENILE PROBATION. THE GRANT CONTINUES THE EXISTING PROGRAM FOR FY 05.

**Clerk's Note:** Items 23.A-C added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 24.** CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:54 AM)

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

- 25.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE ORDER AMENDING CHAPTER 23 (INVESTMENT POLICY AND PROCEDURES) OF THE TRAVIS COUNTY CODE. (9:54 AM)

**Clerk's Note:** Item 25 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

## OTHER ITEMS

26. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:54 AM)

**Clerk's Note:** Item 26 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

27. RECEIVE PRESENTATION FROM ENVISION CENTRAL TEXAS. (9:56 AM)

**Members of the Court heard from:** Mark Hazelwood, Interim Co-Chair, Envision Central Texas Board of Directors; and Jim Walker, Interim Co-Chair, Envision Central Texas Board of Directors.

**Clerk's Note:** The Commissioners' Court received a presentation from Envision Central Texas.

Discussion only. No action taken.

28. RECEIVE AND DISCUSS THE SECOND REVENUE ESTIMATE FOR THE FY 2005 BUDGET PROCESS. (3:26 PM)

**Members of the Court heard from:** Blain Keith, Chief Assistant County Auditor, Travis County Auditor's Office.

Discussion only. No action taken.

29. CONSIDER AND TAKE APPROPRIATE ACTION ON ACCEPTANCE OF A DONATION OF \$10,000 FROM THE DOWNTOWN AUSTIN ALLIANCE FOR THE DISTRICT ATTORNEY'S OFFICE. (9:54 AM)

**Clerk's Note:** Item 29 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

**30. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING TAX OFFICE INTERNET SERVICES, INCLUDING: (3:18 PM)**

**A. CONTINUED USE OF BEARING POINT OR USE OF ANOTHER PROVIDER; AND**

**B. CONSISTENT PRESENTATION OF INTERNET SITE ON A REAL TIME BASIS.**

**Clerk's Note:** Items 30.A and B are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Dusty Knight, Chief Deputy, Tax Office.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to continue motor vehicle renewal through the Bearing Point site.

**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 the following request from the Tax Office: To approve the Tax Office using the following features offered in EZ ACCESS' standard maintenance contract at no cost:

- a. Tax Office Internet home page
- b. Motor Vehicle Site
- c. Real time Internet Property Tax site
- d. Real time Internet Voter site
- e. Real time Interactive Voice Response system

**Motion by Judge Biscoe and seconded by Commissioner Davis** to authorize the County Attorney, the Tax Office, and the Purchasing Department, to work together to come up with a contract, get with EZ ACCESS, and deliver it to the Court sometime in the future.

**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

31. APPOINT DEBORAH ANN RISОВI TO SERVE ON THE TRAVIS COUNTY CHILDREN'S PROTECTIVE SERVICES BOARD AS A PRECINCT THREE APPOINTEE, TERM EFFECTIVE THROUGH JUNE 2007. (COMMISSIONER DAUGHERTY) (9:54 AM)

**Clerk's Note:** Item 31 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

32. CONSIDER ISSUES RAISED BY BOB BARSTOW IN THE COUNTY'S MANAGEMENT OF BOB WENTZ PARK IN RELATION TO WINDY POINT PARK, INC. EASEMENT. (2:42 PM)

**Members of the Court heard from:** Bob Barstow, Owner, Windy Point Park.

Discussion only. No action taken.

33. A. RECEIVE FY '03 AUDIT REPORTS FOR THE FOLLOWING EMERGENCY SERVICES DISTRICTS: ESD #5, ESD #6, ESD #7 AND ESD #14; AND  
B. RECEIVE FY '02 AUDIT REPORT FOR EMERGENCY SERVICES DISTRICT #11. (9:54 AM)

**Clerk's Note:** Items 33.A and B added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

34. RECEIVE STATUS REPORT ON WATER IMPROVEMENTS AND GRANT OPPORTUNITIES IN THE NORTHRIDGE ACRES SUBDIVISION. (2:14 PM)

**Members of the Court heard from:** Patrick King, Court-Appointed Receiver for the Northridge Water Supply Corporation; Dan Smith, Executive Assistant, Office of Travis County Judge; Kevin Ward, Executive Administrator, Texas Water Development Board; Nettie Brown, President, Northridge Acres Homeowners Association; Bob Moore, Executive Assistant, Commissioner Precinct 3 Office; and Kenneth Snyder, Northridge Acres Resident.

**Clerk's Note:** The Court received the Status Report on Water Improvements and Grant Opportunities in the Northridge Acres Subdivision.

Discussion only. No 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.

- 35. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION IN DEBBIE MERGELE, AS REPRESENTATIVE OF THE ESTATE OF JOHN FRUMP V. MARGO FRASIER, ET. AT, (FRUMP, MARGO FRASIER; WRONGFUL DEATH) (REQUESTED BY DEFENDANT). <sup>1</sup> (4:01 PM) (4:56 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.

**Motion by Judge Biscoe and seconded by Commissioner Sonleitner** to settle this matter for the amount of \$64,000.00; that we approve the settlement agreement that has been presented to us; and that we request the County Auditor and Treasurer to expedite release of the check in this amount to settle this case.

<b>Motion carried:</b> 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

- 36. CONSIDER AND TAKE APPROPRIATE ACTION ON OPPORTUNITY TO PURCHASE REAL ESTATE IN CENTRAL AUSTIN. <sup>2</sup> (4:01 PM)**

Item 36 pulled from the Agenda.

37. CONSIDER AND TAKE APPROPRIATE ACTION ON OPPORTUNITY TO PURCHASE REAL ESTATE IN SOUTH CENTRAL AUSTIN. <sup>2</sup> (4:01 PM)

Item 37 pulled from the Agenda.

38. RECEIVE LEGAL ADVICE AND TAKE APPROPRIATE ACTION ON IMPLEMENTATION OF TRAVIS COUNTY HOSPITAL DISTRICT. <sup>1</sup> (4:01 PM)  
(4:57 PM)

**Clerk's Note:** Judge Biscoe announced that Item 38 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Item 38 postponed until July 6, 2004.

39. RECEIVE LEGAL BRIEFING AND TAKE APPROPRIATE ACTION ON FERGUSON AND TUSCANY WAY EXTENSION PROJECT. <sup>1</sup> (4:01 PM)  
(4:57 PM)

**Clerk's Note:** Judge Biscoe announced that Item 39 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action necessary on Item 39.

Item 39 to be reposted on July 6, 2004.

40. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN JANE DOE V. CITY OF AUSTIN AND FREDDY URIAS. <sup>1</sup> (4:01 PM)  
(4:57 PM)

**Clerk's Note:** Judge Biscoe announced that Item 40 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No action taken on Item 40.

## ADDED ITEMS

- A1.** APPROVE SETTING A PUBLIC HEARING DATE OF JUNE 29, 2004 TO DISCUSS REQUEST REGARDING APPROVAL OF A TEMPORARY ROAD CLOSURE OF SADDLE MOUNTAIN TRAIL AND A PORTION OF CAPISTRANO DRIVE FOR A SHADY HOLLOW HOA PARADE ON JULY 4, 2004, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:20 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item A4 for the Court's Motion and Vote.

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

<b>Motion carried:</b>	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

**Members of the Court heard from:** Carol Joseph, Assistant Director, TNR.

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

<b>Motion carried:</b>	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 FOR INCENTIVES FOR HOME DEPOT – DATA CENTER PROJECT. (1:40 PM)**

**Members of the Court heard from:** Gary Farmer, President, Greater Austin Economic Development Corporation; Jim Fisher, Vice President of Operations, Home Depot; and John Torigian, Attorney.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to approve Item A2, subject to an appropriate contract.

**Clerk's Note:** Judge Biscoe stated that, in his view, two members of the Commissioners' Court ought to serve as a subcommittee to work with legal counsel, to look at the State and City contracts, in putting the County's contract together; and get those to Home Depot and the Austin Chamber of Commerce expeditiously, which probably means ten days to two weeks.

**An Addition to the previous Motion was made by Judge Biscoe** that the subcommittee should be made up of Judge Biscoe and Commissioner Gómez.

<b>Motion carried:</b> 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

**A3. APPROVE RESOLUTION HONORING CHARLES GILDON ON HIS RETIREMENT FROM THE ROAD MAINTENANCE DIVISION OF THE TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT AFTER 29 YEARS OF SERVICE TO TRAVIS COUNTY. (COMMISSIONER DAVIS) (9:32 AM)**

**Members of the Court heard from:** Charles Gildon, TNR; Don Wheeler, Division Director, Road Maintenance and Fleet Services, TNR; Joe Gieselman, Executive Manager, TNR; Marcella Gildon, wife of Charles Gildon; and Vernell Daniels, TNR.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to approve the resolution in Item A3.

<b>Motion carried:</b> 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



- A4.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR APPROVAL OF A TEMPORARY ROAD CLOSURE OF SADDLE MOUNTAIN TRAIL AND A PORTION OF CAPISTRANO DRIVE FOR A SHADY HOLLOW HOA PARADE ON JULY 4, 2004, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:54 AM)

**Clerk's Note:** Item A4 is the action item for the public hearing on Agenda Item A1.

**Clerk's Note:** Item A4 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

## ADJOURNMENT

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Davis to adjourn the Voting Session. (4:59 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

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**Date of Approval**

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**Samuel T. Biscoe, Travis County Judge**