

MINUTES OF MEETING – DECEMBER 21, 2004

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 21st day of December, 2004, the Commissioners' Court convened the regular Voting Session at 9:15 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 12:02 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened at 1:39 PM and adjourned at 1:40 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:40 PM and adjourned at 1:45 PM.

The Commissioners Court, meeting as the Capital Health Facilities Development Corporation, and the Capital Industrial Development Corporation, convened at 1:45 PM and adjourned at 1:46 PM.

The Commissioners Court, meeting as the Travis County Cultural Education Facilities Finance Corporation, and the Travis County Development Authority, convened at 1:46 PM and adjourned at 1:46 PM.

The Commissioners Court reconvened the regular Voting Session at 1:47 PM.

The Commissioners Court retired to Executive Session at 3:14 PM.

The Commissioners Court reconvened the Voting Session at 4:21 PM.

The Commissioners Court adjourned the Voting Session at 4:28 PM.

PUBLIC HEARINGS

1. RECEIVE COMMENTS REGARDING THE GRANTING OF A LICENSE AGREEMENT TO LONE STAR INFRASTRUCTURE TO PROVIDE AN AREA WITHIN THE SOUTHEAST METRO PARK FOR TEMPORARY USE TO INSTALL AND OPERATE A GLOBAL POSITIONING SYSTEM BASE STATION. (ACTION ITEM 21) (COMMISSIONER GÓMEZ) (9:16 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 21 for the Court's Motion and Vote.

Motion by Commissioner Gómez **and seconded by** Commissioner Daugherty 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: Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR).

Motion by Commissioner Gómez and seconded by Commissioner Daugherty 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

2. RECEIVE COMMENTS REGARDING THE PROPOSED ISSUANCE BY THE INDIANA HEALTH FACILITY FINANCING AUTHORITY OF ITS REVENUE BONDS, A PORTION OF THE PROCEEDS OF WHICH WILL BE USED TO FINANCE OR REFINANCE THE ACQUISITION, CONSTRUCTION, RENOVATION AND EQUIPPING OF CAPITAL IMPROVEMENTS ON THE RESPECTIVE CAMPUSES OF THE HOSPITALS AND OTHER HEALTH CARE FACILITIES OF THE DAUGHTERS OF CHARITY HEALTH SERVICES OF AUSTIN. (ACTION ITEM 37) (9:18 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 37 for the Court's Motion and Vote.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez 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: Harvey Davis, Manager, Travis County Corporations; Angela Koke, Naman Howell Smith & Lee, Attorney for the Corporations; Michael Regier, Vice President, Legal Affairs & General Counsel, Seton Healthcare Network; and Douglas Waite, Senior Vice President and Chief Financial Officer for Seton Healthcare Network.

Motion by Commissioner Sonleitner **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

3. APPROVE PROCLAMATION RECOGNIZING THE TRAVIS COUNTY WELLNESS SUBCOMMITTEE FOR COORDINATION OF THE BROWN SANTA FIRST ANNUAL 5K RACE. (JUDGE BISCOE) (9:25 AM)

Members of the Court heard from: Dan Mansour, Risk Manager, Human Resources Management Department (HRMD); and Bonnie Floyd, Assistant Purchasing Agent.

Clerk's Note: The Travis County Wellness Subcommittee for the coordination of the Brown Santa First Annual 5K race presented Brown Santa with a check in the amount of \$6,040.67.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to approve the proclamation in Item 3.

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

4. APPROVE PROCLAMATION HONORING MEDIC JESSICA BARNETT UPON RECEIVING THE STATE OF TEXAS 2004 "TELECOMMUNICATOR OF THE YEAR" AWARD. (COMMISSIONERS SONLEITNER & DAUGHERTY) (9:31 AM)

Members of the Court heard from: Jessica Barnett, Medic, Austin-Travis County Emergency Medical Services; and Dr. Ed Racht, Medical Director, Austin-Travis County Emergency Medical Services.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Daugherty to approve the proclamation in Item 4.

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: Cheryl Brown, Executive Assistant, Travis County Judge's Office; Cyd Grimes, Travis County Purchasing Agent; and Melissa Hanson, Travis County Purchasing Department. (9:38 AM)

Clerk's Note: The Court considered a Resolution extending special thanks to Melissa Hanson for her years of dedicated service to Travis County.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the Resolution recognizing Melissa Hanson.

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: Judge Biscoe announced that the final total for contributions to the Travis County Combined Charities was approximately \$130,000.00.

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Daugherty to approve the following Consent Items: C1-C6, and Items 6, 7.A&B, 9.A&B, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.A-L, 21, 22, 26, 27, 29, 35.A-C, 36, 40, and 43.A-O. (9:45 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.

CONSENT ITEMS CONTINUED

- C3. APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF DECEMBER 7, 2004.
- C4. APPROVE AUTOMATIC BUDGET TRANSFERS.
- C5. APPROVE SETTING A PUBLIC HEARING DATE OF JANUARY 4, 2005 TO RECEIVE COMMENTS REGARDING TEMPORARILY CLOSING KILLINGSWORTH ROAD AND GREGG LANE BETWEEN IMMANUEL ROAD AND CAMERON ROAD (BOTH IN PRECINCT TWO) FOR UTILITY CONSTRUCTION. (COMMISSIONER SONLEITNER)
- C6. APPROVE SETTING A PUBLIC HEARING DATE OF JANUARY 11, 2005 TO RECEIVE COMMENTS REGARDING REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF THE DRAINAGE, PUBLIC UTILITY AND WATER QUALITY EASEMENT AND AN ELECTRIC EASEMENT ON LOT 6 BLOCK J, BERDOLL FARMS PHASE ONE SECTION 1, A SUBDIVISION IN PRECINCT FOUR. (COMMISSIONER GÓMEZ)

HEALTH AND HUMAN SERVICES DEPT. ITEMS

- 5. RECEIVE UPDATE AND TAKE APPROPRIATE ACTION ON THE TRAVIS COUNTY HEALTH AND HUMAN SERVICES AND VETERANS SERVICE DEPARTMENT'S 2004 SOCIAL SERVICES PROVIDER SURVEY. (9:51 AM)

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

Discussion Only. No 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 \$168,246.16 FOR THE PERIOD OF DECEMBER 3 THROUGH DECEMBER 9, 2004. (9:45 AM)

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

7. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING PROPOSED PERSONNEL AMENDMENTS: (9:45 AM)

A. ROUTINE PERSONNEL ACTIONS; AND

B. NON-ROUTINE PERSONNEL ACTION – COUNTY ATTORNEY'S OFFICE – PEACE OFFICER PAY SCALE (POPS) – TRAVIS COUNTY CODE SECTION 10.0295, INVESTIGATOR III, PG 66. (EXECUTIVE SESSION DISCUSSION)³

Clerk's Note: Judge Biscoe announced that Item 7.B is approved assuming that the County Attorney has the money in the budget.

Clerk's Note: Items 7.A and B added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

8. CONSIDER AND TAKE APPROPRIATE ACTION ON MODIFICATION TO 457b DEFERRED COMPENSATION PLAN TO INCLUDE A PARTICIPANT LOAN PROVISION. (COMMISSIONER DAVIS) (10:10 AM)

Members of the Court heard from: Dan Mansour, Risk Manager, HRMD; William Sawyer, Program Director, Nationwide Retirement Solutions; Kimberly Wilder, Representative, Nationwide Retirement Solutions; and Barbara Wilson, Assistant County Attorney.

Clerk's Note: The Court discussed modifying the deferred compensation plan to allow plan participants to borrow against their account up to one half of its value at 1% over the prime interest rate.

Motion by Judge Biscoe and seconded by Commissioner Davis to approve the modification in Item 8, subject to the Commissioners Court final approval of a description of the program for County employees.

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

PURCHASING OFFICE ITEMS

9. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO THE FOLLOWING CONTRACTS FOR EROSION CONTROL MATERIALS: (9:45 AM)

A. NO. 03T00091RV, AFS ENVIRONMENTAL, INC.; AND

B. NO. 03T00092RV, FUQUAY, INC. (TNR) (COMMISSIONER GÓMEZ)

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

10. APPROVE MODIFICATION NO. 19 TO CONTRACT NO. MA980095, AGREEMENT FOR EXTENDED SERVICES WITH TIBURON. (ITS) (COMMISSIONER GÓMEZ) (9:45 AM)

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

11. APPROVE MODIFICATION NO. 1 TO CORRECT SCRIVENER'S ERRORS ON CONTRACT NO. PS040265RE WITH AIDS SERVICES OF AUSTIN. (HHS & VS) (COMMISSIONER GÓMEZ) (9:45 AM)

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

12. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 03T00106RV, ENVIRONMENTAL SURVEY CONSULTING, FOR NATIVE HARVEST SEEDING AND PLANTING SERVICES. (TNR) (COMMISSIONER GÓMEZ) (9:45 AM)

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

13. APPROVE CONTRACT NO. PS050042JW WITH CHRISTIE KREMER FOR SEXUAL ASSAULT NURSE EXAMINER SERVICES. (SHERIFF'S OFFICE) (COMMISSIONER GÓMEZ) (9:45 AM)

Clerk's Note: Item 13 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

14. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. 03C00078SP, MARK III SYSTEMS, FOR IBM COMPUTER PRODUCTS AND SERVICES. (ITS) (COMMISSIONER GÓMEZ) (9:45 AM)

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

15. DECLARE CERTAIN EQUIPMENT AS SURPLUS AND SELL AT PUBLIC AUCTION, PURSUANT TO SECTION 263.151 OF TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (COMMISSIONER GÓMEZ) (9:45 AM)

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

16. APPROVE MODIFICATION NO. 8 TO CONTRACT NO. PS000307JJ, DONALD R. WARD AND ASSOCIATES, PROFESSIONAL BUYOUT GRANT SERVICES FOR THE FEMA ONION CREEK BUYOUT PROJECT. (TNR) (COMMISSIONER GÓMEZ) (9:45 AM)

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

17. APPROVE MODIFICATION NO. 2 TO INTERLOCAL NO. IL030285LC, CITY OF AUSTIN, FOR THE OPERATION AND MAINTENANCE OF THE COMBINED TRANSPORTATION, EMERGENCY & COMMUNICATIONS CENTER (CTECC). (EMERGENCY SERVICES) (COMMISSIONER GÓMEZ) (9:45 AM)

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

18. APPROVE MODIFICATION NO. 1 TO INTERLOCAL IL040167LC, CITY OF AUSTIN, FOR THE OPERATION AND MAINTENANCE OF THE REGIONAL RADIO SYSTEM (RRS). (EMERGENCY SERVICES) (COMMISSIONER GÓMEZ) (9:45 AM)

Clerk's Note: Item 18 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

19. APPROVE A THREE-MONTH EXTENSION (MODIFICATION NO. 6) TO CONTRACT NO. MA010046, AFFILIATED TELEPHONE AUSTIN, INC., FOR MAINTENANCE OF PBX TELECOMM NETWORK. (ITS) (COMMISSIONER GÓMEZ) (9:45 AM)

Clerk's Note: Item 19 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

20. APPROVE THE FOLLOWING FY05 CRIME VICTIMS FUND CONTRACTS FOR CRIME VICTIMS SERVICES, RFS NO. S040121JW: (9:45 AM)
- A. NO. PS050099JW - TRAVIS COUNTY SHERIFF'S OFFICE;
 - B. NO. PS050100JW - TRAVIS COUNTY JUVENILE PROBATION SERVICES DEPARTMENT;
 - C. NO. PS050101JW - COMMUNITIES IN SCHOOLS - CENTRAL TEXAS, INC.;
 - D. NO. PS050102JW - AUSTIN TRAVIS COUNTY MHMR;
 - E. NO. PS050103JW - CASA OF TRAVIS COUNTY, INC.;
 - F. NO. PS050104JW - FOR THE LOVE OF CHRISTI;
 - G. NO. PS050105JW - YOUTH & FAMILY ALLIANCE, INC., DBA LIFEWORKS;
 - H. NO. PS050106JW - VOLUNTEER LEGAL SERVICES OF CENTRAL TEXAS;
 - I. NO. PS050107JW - CENTER FOR CHILD PROTECTION;
 - J. NO. PS050108JW - AUSTIN ACADEMY;
 - K. NO. PS050109JW – SAFEPLACE; AND
 - L. NO. PS050110JW - TEXAS RIO GRANDE LEGAL AID, INC. (COMMISSIONER GÓMEZ)

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

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

21. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST REGARDING THE GRANTING OF A LICENSE AGREEMENT TO LONE STAR INFRASTRUCTURE TO PROVIDE AN AREA WITHIN THE SOUTHEAST METRO PARK FOR TEMPORARY USE TO INSTALL AND OPERATE A GLOBAL POSITIONING SYSTEM BASE STATION. (COMMISSIONER GÓMEZ) (9:45 AM)

Clerk's Note: Item 21 is the action item for the public hearing on Agenda Item 1.

Clerk's Note: Item 21 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

22. CONSIDER AND TAKE APPROPRIATE ACTION ON A LICENSE AGREEMENT WITH STRAWN PROPERTIES, LTD. FOR LANDSCAPING IN THE RIGHT OF WAY OF ASHLEY WORTH BOULEVARD IN STRAWN SUBDIVISION, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:45 AM)

Clerk's Note: Item 22 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

23. CONSIDER AND TAKE APPROPRIATE ACTION ON THE 2004 PAVEMENT CONDITION SURVEY PREPARED BY FUGRO CONSULTANTS, LP. (2:00 PM)

Clerk's Note: Items 23 and 24 are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Tim Martin, Fugro Consultants; and Don Wheeler, Division Director, Road Maintenance and Fleet Services, TNR.

Discussion Only. No action taken.

Item 24 to be reposted on the January 13, 2005 Work Session.

24. CONSIDER AND TAKE APPROPRIATE ACTION ON THE STRATEGIC PLAN 2005-2009 COUNTY ROAD AND BRIDGE MAINTENANCE. (2:00 PM)

Clerk's Note: Items 23 and 24 are associated with one another and were called for concurrent discussion. Please refer to Item 23 for a summary of the Court's action.

25. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES IN TWIN CREEKS COUNTRY CLUB SECTION 10B, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (1:48 PM)

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

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to approve Item 25.

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. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: RIO VISTA, PARCEL 3A (SHORT FORM PLAT – 2 LOTS – 18.54 ACRES – SELMA HUGHES PARK ROAD – NO FISCAL POSTING REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC [CITY OF AUSTIN JURISDICTION] – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:45 AM)

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

27. CONSIDER AND TAKE APPROPRIATE ACTION ON ALTERNATIVE FISCAL AGREEMENT FOR STONEWATER SUBDIVISION PHASE ONE, A SUBDIVISION IN PRECINCT ONE. (DAVIS) (9:45 AM)

Clerk's Note: Item 27 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

28. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY AND THE CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY FOR BUILD CENTRAL TEXAS (BCT) PROGRAM. (COMMISSIONER SONLEITNER) (1:49 PM)

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

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to approve the agreement in Item 28.

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. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THREE SEPARATE LICENSE AGREEMENTS TO ASSIST TRAVIS COUNTY STAFF WITH TRAPPING AND CONTROLLING THE FERAL HOG POPULATION ON TRAVIS COUNTY'S BALCONES CANYONLANDS PRESERVE LAND WITH THESE INDIVIDUALS: MATT LUCAS, HOWARD JENKINS AND CHUCK CLINTON. (COMMISSIONER DAUGHERTY) (9:45 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 ON A PRELIMINARY PLAN IN PRECINCT ONE: VILLAGE AT NORTHTOWN PRELIMINARY PLAN (35 LOTS – 322.72 ACRES – HOWARD LANE – SEWAGE TO BE PROVIDED BY NORTHTOWN MUD – CITY OF AUSTIN ETJ). (COMMISSIONER DAVIS) (11:47 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; and Jim Nias, representing the applicant.

Motion by Commissioner Davis **and seconded by** Commissioner Sonleitner to approve the preliminary plan in Item 30.

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. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT NO. 1 TO THE ROAD CONSTRUCTION AGREEMENT WITH RINGGOLD PARTNERS AND CATOOSA SPRINGS PARTNERS FOR THE CONSTRUCTION OF HOWARD LANE. (COMMISSIONER DAVIS) (11:53 AM)

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

Motion by Commissioner Davis **and seconded by** Commissioner Sonleitner to approve Item 31.

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

32. APPROVE CONTRACT, CONTRACT MODIFICATION, AND MAKING OF CONTRACT FOR THE SCOFIELD RIDGE PARKWAY IMPROVEMENTS PROJECT, IFB NO. B040087JJ, TO THE LOW BIDDER, RGM CONSTRUCTORS, L.P. (TNR) (11:56 AM)

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

Motion by Commissioner Davis **and seconded by** Commissioner Sonleitner to approve Item 32.

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. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. 04K00147JJ, RGM CONSTRUCTORS, L.P., SCOFIELD RIDGE PARKWAY IMPROVEMENTS PROJECT. (TNR) (11:57 AM)

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

Motion by Commissioner Davis **and seconded by** Commissioner Sonleitner to approve Item 33.

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

34. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (11:41 AM)

Members of the Court heard from: Jessica Rio, Budget Analyst, Planning and Budget Office (PBO); and Joe Gieselman, Executive Manager, TNR.

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the budget amendments and transfers in Item 34.

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

- 35.** REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
(9:45 AM)
- A.** GRANT CONTRACT AMENDMENT TO THE FY 04 AMERICORPS GRANT PROGRAM IN HEALTH AND HUMAN SERVICES DEPARTMENT. THE AMENDMENT RETROACTIVELY EXTENDS THE TERMINATION DATE OF THE GRANT TO 09/15/04;
 - B.** GRANT CONTRACT TO THE TEXAS WATER DEVELOPMENT BOARD FOR THE ACQUISITION OF 8 REPETITIVE LOSS PROPERTIES THROUGH THE FLOOD MITIGATION ASSISTANCE GRANT PROGRAM. THE GRANT REQUIRES A 25% MATCH OF \$185,843 THAT IS AVAILABLE IN THE FY00 CERTIFICATE OF OBLIGATION BUDGET; AND
 - C.** REQUEST TO AUTHORIZE HHS TO CONTINUE THE COMPREHENSIVE ENERGY ASSISTANCE PROGRAM IN HEALTH AND HUMAN SERVICES THROUGH THE END OF MARCH 2005. THIS ALLOWS THE CONTINUATION OF THE PROGRAM UNTIL A CONTRACT IS EXECUTED.

Clerk's Note: Items 35.A-C added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

OTHER ITEMS

- 36.** APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:45 AM)

Clerk's Note: Item 36 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

37. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR RESOLUTION APPROVING A TAX EXEMPT BOND FINANCING BY THE INDIANA HEALTH FACILITY FINANCING AUTHORITY FOR DAUGHTERS OF CHARITY HEALTH SERVICES OF AUSTIN. (9:22 AM)

Clerk's Note: Item 37 is the action item for the public hearing on Agenda Item 2.

Members of the Court heard from: Douglas Waite, Senior Vice President and Chief Financial Officer for Seton Healthcare Network; and Michael Regier, Vice President, Legal Affairs & General Counsel, Seton Healthcare Network.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 37.

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

38. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR LEGISLATION TO AUTHORIZE CREATION OF NEW COUNTY COURT AT LAW NO. 8. (10:35 AM)

Members of the Court heard from: David Crain, Judge, County Court at Law 3; Elisabeth Earle, Judge, County Court at Law 7; Betty Blackwell, Defense Attorney; David Sheppard, Defense Attorney; and Mike Denton, Judge, County Court at Law 4.

Discussion Only. No action taken.

Item 38 to be reposted on January 4, 2005.

- 39.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE ACCEPTANCE OF DONATION OF 25 FOOT PONTOON BOAT TO THE TRAVIS COUNTY SHERIFF'S OFFICE LAKE PATROL FLEET FROM JUST FOR FUN WATERCRAFT RENTAL. (11:59 AM)

Members of the Court heard from: Mike Hemby, Research Analyst, Travis County Sheriff's Office (TCSO).

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve the donation in Item 39.

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

- 40.** RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF NOVEMBER, 2004. (9:45 AM)

Clerk's Note: Item 40 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 41.** CONSIDER AND TAKE APPROPRIATE ACTION ON STRATEGIC PLANNING INITIATIVE FOR TRAVIS COUNTY COMMISSIONERS COURT IN FY 05. (3:12 PM)

Clerk's Note: The Court announced that the Strategic Planning Initiative retreat was tentatively scheduled for January 14th and 15th, 2004 at the WorkSource Conference Center Facility.

Discussion Only. No action taken.

Item 41 to be reposted on December 28, 2004.

42. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR RELEASE OF EASEMENT TO FACILITATE CLOSING OF THE PURCHASE OF BCCP LAND FROM NOOTSIE, LTD. (1:58 PM) (4:25 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; and Tom Nuckols, Assistant County Attorney.

Motion by Commissioner Sonleitner and seconded by Commissioner Daugherty to approve Item 42.

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: Item 42 was further discussed at 4:25 PM.

Motion by Commissioner Sonleitner and seconded by Commissioner Gómez to reconsider the action taken on Item 42.

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: John Hille, Assistant County Attorney.

Clerk's Note: John Hille, Assistant County Attorney announced to the Court that the Court would actually be approving two releases of easements in Item 42.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Daugherty to approve both of the easements, and that a ratification item be placed on next week's agenda to clean up any question about singular or plural.

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 42 to be reposted on December 28, 2004.

43. APPROVE ELECTED OFFICIALS' BONDS FOR THE FOLLOWING: (9:45 AM)

- A. RON DAVIS, COMMISSIONER, PRECINCT 1;**
- B. GERALD DAUGHERTY, COMMISSIONER, PRECINCT 3;**
- C. DAVID ESCAMILLA, COUNTY ATTORNEY;**
- D. NELDA WELLS SPEARS, TAX ASSESSOR-COLLECTOR;**
- E. GREG HAMILTON, SHERIFF;**
- F. LUKE MERCER, CONSTABLE, PRECINCT 1;**
- G. WILLIE MADISON, CHIEF DEPUTY CONSTABLE, PRECINCT 1;**
- H. ROBERT VANN, CONSTABLE, PRECINCT 2;**
- I. CAROL BUESING, CHIEF DEPUTY CONSTABLE, PRECINCT 2;**
- J. RICHARD MCCAIN, CONSTABLE, PRECINCT 3;**
- K. STACY SUITS, CHIEF DEPUTY CONSTABLE, PRECINCT 3**
- L. MARIA CANCHOLA, CONSTABLE, PRECINCT 4;**
- M. ROBERT ELLER, CHIEF DEPUTY CONSTABLE, PRECINCT 4;**
- N. BRUCE ELFANT, CONSTABLE, PRECINCT 5;**
- O. CARLOS LOPEZ, CHIEF DEPUTY CONSTABLE, PRECINCT 5.**

Clerk's Note: Items 43.A-O added to Consent Items. Please refer to CONSENT ITEMS for 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.

- 44.** RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION IN PAUL KOEN V. MARGO FRASIER, ET AL (KOEN; FRASIER; CIVIL RIGHTS) (REQUESTED BY PLAINTIFF). ¹ (3:14 PM) (4:21 PM)

Clerk's Note: Judge Biscoe announced that Item 44 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 that we authorize the County Judge to prepare the settlement documents as soon as they are ready, for settlement in this matter in the amount of \$15,000.00.

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

45. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING TERMINATION OF BROKERAGE SERVICES AGREEMENT BETWEEN TRAVIS COUNTY AND BULS HODGE CONSULTING. ¹ (3:14 PM) (4:21 PM)

Clerk's Note: Judge Biscoe announced that Item 45 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 Gómez that on the grounds that we have not appropriated money to purchase the real property in question, we terminate this agreement and authorize the Purchasing Agent to sign on behalf of the Commissioners Court.

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

46. CONSIDER AND TAKE APPROPRIATE ACTION ON ACQUISITION OF LAND FOR THE DEVELOPMENT OF TRAVIS COUNTY SOUTHWEST METROPOLITAN PARK PROJECT (CIP #01-B02-31-3PA). (COMMISSIONER DAUGHERTY) ^{1 & 2} (3:14 PM) (4:22 PM)

Clerk's Note: Judge Biscoe announced that Item 46 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 Commissioner Daugherty **and seconded by** Commissioner Gómez to continue our due diligence with moving forward with talking with certain parties, and looking into seeing what we are going to do with the Southwest Metropolitan Park project; and to bring this Item back in 2 or 3 weeks to give the Court an update.

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

47. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING SETTLEMENT NEGOTIATIONS ON CLAIM RECEIVED FROM KEYSTONE CONSTRUCTION, INC., FOR WORK AT NORTHEAST METROPOLITAN PARK, AND TAKE APPROPRIATE ACTION. ¹ (3:14 PM) (4:22 PM)

Clerk's Note: Judge Biscoe announced that Item 47 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to approve settlement with Keystone Construction for work at the Northeast Metro Park, in the amount of \$218,008.60 for the release of all claims; and this constitutes the resolution of all final change orders; that the County Judge be authorized to sign all appropriate settlement and release documents; and to authorize the expedited release of funds upon the receipt of all proper releases.

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

48. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE RELOCATION OF COUNSELING AND EDUCATION SERVICES FROM LEASE SPACE AT 4920 NORTH IH 35. ² (3:14 PM) (4:23 PM)

Clerk's Note: Judge Biscoe announced that Item 48 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.072, Real Property.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis that we authorize County Staff to act on the relocation of CES (Counseling and Education Services), which means trying to find suitable alternative space in the appropriate price range at another location, as described by the CES managers, at the end of this contract at this property, and the contract expires August, 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

49. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING SETTLEMENT OFFER IN JODI MARSHALL V. TRAVIS COUNTY, ET AL (MARSHAL; TRAVIS COUNTY; CIVIL RIGHTS) (REQUESTED BY DEFENDANT). ¹ (3:14 PM) (4:24 PM)

Clerk's Note: Judge Biscoe announced that Item 49 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 Gómez that we authorize the County Judge to sign the appropriate settlement papers in the amount of \$75,000.00, and that we authorize County Staff to keep negotiating with the attorney for Jodi Marshall on some recommendations that she has for Travis County, and try to figure out an appropriate way to get those to the appropriate Managers or Officials at Travis County.

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 Davis **and seconded by** Commissioner Daugherty to adjourn the Voting Session. (4:28 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