

MINUTES – NOVEMBER 26, 2002

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 26th day of November, 2002, 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 recessed the Voting Session at 12:04 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) called to order the Voting Session at 1:40 PM and adjourned the Voting Session at 1:41 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, called to order the Voting Session at 1:41 PM and adjourned at 1:54 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation, the Capital Health Facilities Development Corporation, and the Capital Industrial Development Corporation, called to order the Voting Sessions at 1:55 PM and adjourned at 1:55 PM.

The Commissioners' Court, meeting as the Travis County Development Authority, and the Travis County Cultural Education Facilities Finance Corporation, called to order the Voting Sessions at 1:55 PM and adjourned at 1:56 PM.

The Commissioners' Court reconvened the regular Voting Session at 1:56 PM.

The Commissioners' Court retired to Executive Session at 3:50 PM.

The Commissioners' Court reconvened the Voting Session at 6:22 PM.

The Commissioners' Court adjourned the Voting Session at 6:34 PM.

PUBLIC HEARINGS

- 1. DISCUSS ORDER TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF THE 5' PUBLIC UTILITY EASEMENT ON EITHER SIDE OF THE COMMON LOT LINE BETWEEN LOTS 1010 AND 1090, APACHE SHORES SECTION 2, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (ACTION ITEM # 8) (9:17 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 8 for the Court's Motion and Vote.

Motion by Commissioner Daugherty **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: Carol Joseph, Assistant Director, Transportation and Natural Resources (TNR).

Motion by Judge Biscoe **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

CITIZENS COMMUNICATION

Members of the Court heard from: Gus Peña, President, East Austin Concerned Hispanics; and Kenneth Snyder, Resident, Northridge Acres. (9:19 AM)

JUSTICE AND PUBLIC SAFETY DEPARTMENT ITEMS

- 2. APPROVE RESOLUTION ESTABLISHING AN INTER-JURISDICTIONAL EMERGENCY MANAGEMENT PROGRAM WITH THE VILLAGE OF THE HILLS. (9:27 AM)

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

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

- 3. DISCUSS NORTHEAST METRO PARK PHASE II, PROJECT II – BASEBALL COMPLEX MASTER PLAN AND TAKE APPROPRIATE ACTION. (COMMISSIONER SONLEITNER) (9:31 AM)

Members of the Court heard from: Charles Bergh, Division Director, Parks and Natural Resources, TNR; Roy Turley, Parks Program Manager, TNR; Roger El Khoury, Director, Facilities Management; and Carol Joseph, Assistant Director, TNR.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the master plan, which will allow everyone to move forward in terms of construction documents and bringing forward this project to the Court.

Maker and Second accept the Friendly Amendment by Commissioner Davis to look into the possible investment in the capital to offset FTE’s, and anything that Commissioner Daugherty can offer as far as reducing costs.

Acceptance of the Friendly Amendment was made by Commissioner Sonleitner and Commissioner Gómez.

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.
 - A. APPROVE ALTERNATIVE FISCAL AGREEMENT FOR TWIN CREEKS COUNTRY CLUB SECTION 6C, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:27 AM)
 - B. APPROVE A CASH SECURITY AGREEMENT FOR TWIN CREEKS COUNTRY CLUB SECTION 6C, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)

Clerk's Note: Items 4.A and B added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

5.
 - A. APPROVE ALTERNATIVE FISCAL AGREEMENT FOR BELLA VISTA SECTION 5, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:27 AM)
 - B. APPROVE A CASH SECURITY AGREEMENT FOR BELLA VISTA SECTION 5, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)

Clerk's Note: Items 5.A and B added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

6. APPROVE A PRELIMINARY PLAN IN PRECINCT TWO – VILLAGES OF HIDDEN LAKE (PRELIMINARY PLAN – 1,191 LOTS – 374.287 – KELLY LANE – SEWAGE SERVICE TO BE PROVIDED BY THE CITY OF PFLUGERVILLE – PFLUGERVILLE ETJ). (COMMISSIONER SONLEITNER) (9:27 AM)

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

7. DISCUSS AND APPROVE A PLAT FOR RECORDING IN PRECINCT ONE: RESUBDIVISION OF LOT 1, BLOCK C WELLS BRANCH PHASE N - (SHORT FORM PLAT – 2 LOTS – 2.637 ACRES – OWEN TECH – NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY WELLS BRANCH MUNICIPAL UTILITY DISTRICT – CITY OF AUSTIN ETJ). (COMMISSIONER DAVIS) (9:17 AM)

Item 7 pulled from the Agenda.

- 8. APPROVE AN ORDER TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF THE 5' PUBLIC UTILITY EASEMENT ON EITHER SIDE OF THE COMMON LOT LINE BETWEEN LOTS 1010 AND 1090, APACHE SHORES SECTION 2, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:27 AM)

Clerk's Note: Item 8 is the action item for the public hearing on Agenda Item 1.

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

- 9. REVIEW APPLICATIONS FOR CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY BOARD MEMBERS, AND TAKE APPROPRIATE ACTION. (9:57 AM)

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

Motion by Judge Biscoe and seconded by Commissioner Sonleitner that we ask 3 Executive Managers, Joe Gieselman, Executive Manager, TNR, Alicia Perez, Executive Manager, Administrative Operations, and Christian Smith, Executive Manager, PBO, to work with Commissioner Sonleitner and Commissioner Gómez to review the list of 19 applicants for the Regional Mobility Authority Board; and that you meet tomorrow and try to short-list the applicants down to 8 or less by 5:00pm, November 27, 2002. At that time, the Committee will notify the County Judge of the short-listed pool, and the County Judge's Office will take responsibility for notifying those individuals of the time for interviews on Tuesday afternoon, December 3, 2002; and that we indicate our intention to start conducting interviews at 1:30pm on Tuesday, December 3, 2002.

Maker and Second accept the Friendly Amendment by Commissioner Davis that individual Commissioners may look at the short-list and see that there may need to be an additional applicant for board member placed on that list.

Acceptance of the Friendly Amendment was made by Judge Biscoe and Commissioner Sonleitner.

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 9 to be reposted on December 3, 2002.

PLANNING AND BUDGET DEPT. ITEMS

- 10.** REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE:
(9:27 AM)
- A.** APPROVE GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR THE VICTIMS OF CRIME ACT (VOCA) GRANT IN THE SHERIFF'S OFFICE. THE GRANT CONTINUES THE PROGRAM INTO FY 04.

 - B.** APPROVE GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR THE VIOLENCE AGAINST WOMEN ACT (VAWA) GRANT IN THE SHERIFF'S OFFICE. THE GRANT CONTINUES THE PROGRAM INTO FY 04.

 - C.** APPROVE GRANT APPLICATION TO THE TEXAS TASK FORCE ON INDIGENT DEFENSE FOR A DISCRETIONARY INDIGENT DEFENSE GRANT PROGRAM OPERATED COOPERATIVELY BY THE CRIMINAL COURTS AND JUVENILE PROBATION. THIS IS A NEW GRANT PROGRAM THAT WILL DEVELOP AND IMPLEMENT TECHNOLOGY FOR STREAMLINING THE INTAKE AND ATTORNEY APPOINTMENT PROCESS OF INDIGENT CLIENTS, AND ALLOW FOR ACCURATE AND TIMELY REPORT SUBMISSIONS AS REQUIRED BY SENATE BILL 7.

Clerk's Note: Items 10.A, B, and C added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

11. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (9:27 AM)

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

ADMINISTRATIVE OPERATIONS ITEMS

12. 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 \$266,601.43 FOR THE PERIOD OF NOVEMBER 8, 2002 THROUGH NOVEMBER 14, 2002. (9:27 AM)

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

13. A. DISCUSS PROGRAM AND TIME SCHEDULE FOR THE NEW PRECINCT FOUR OFFICE BUILDING. (10:41 AM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Roger El Khoury, Director, Facilities Management; Leslie Stricklan, Project Manager, Facilities Management; and Cyd Grimes, Travis County Purchasing Agent.

Discussion Only. No action was taken.

B. APPROVE CONTRACT AWARD FOR CONSTRUCTION OF NEW PRECINCT FOUR OFFICE BUILDING, IFB NO. B020161-MB, TO THE LOW BIDDER, HUTCHINSON CONSTRUCTION, INC. (FACILITIES MGMT) (COMMISSIONER GOMEZ) (11:06 AM) (3:50 PM) (6:23 PM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; Alicia Perez, Executive Manager, Administrative Operations; Roger El Khoury, Director, Facilities Management; Leslie Stricklan, Project Manager, Facilities Management; Tenley Aldredge, Assistant County Attorney; Ben Warmat, Chairman, Austin Metropolitan United Black Contractors Association; Mr. Hutchinson, Hutchinson Construction Inc.; Mr. Brown, Concrete Subcontractor; and John Hille, Assistant County Attorney.

Clerk’s Note: Judge Biscoe announced that Item 13.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 Sonleitner to approve the contract award to the low bidder, Hutchinson Construction.

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

14. APPROVE PERSONNEL AMENDMENTS. (9:27 AM)

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

PURCHASING OFFICE ITEMS

15. APPROVE CONTRACT AWARD TO BOON CHAPMAN FOR HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT COMPLIANCE. (HRMD) (9:27 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. 5 (WORK ORDER NO. 5) TO INTERLOCAL AGREEMENT WITH AUSTIN ENERGY, NO. IL000106JG FOR ENERGY SERVICES. (FACILITIES MGMT) (COMMISSIONER GOMEZ) (9:27 AM)

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

17. APPROVE CONTRACT AWARD FOR SMOKE EVACUATION DUCTWORK REPLACEMENT (BLDG 130 – TRAVIS COUNTY CORRECTIONAL COMPLEX), IFB NO. B020110-SI, TO THE LOW BIDDER, RAINTREE CONSTRUCTION, INC. (T.C.S.O.) (COMMISSIONER GOMEZ) (9:27 AM)

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

18. APPROVE A ONE-MONTH EXTENSION (MODIFICATION NO. 4) TO CONTRACT NO. 01T0009-EH, SAFETY SHOE DISTRIBUTORS, INC., FOR WORK AND SAFETY SHOES AND BOOTS. (TNR) (COMMISSIONER GOMEZ) (9:27 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 12-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 01T0030-MP, ECOLAB, INC., FOR DISHWASHING AND LAUNDRY CHEMICALS. (TCSO AND GARDNER BETTS) (COMMISSIONER GOMEZ) (9:27 AM)

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

OTHER ITEMS

- 24. A. RECEIVE REPORT ON IMPACT OF 24-HOUR MAGISTRATION PILOT PROJECT AND TAKE APPROPRIATE ACTION. (11:46 AM) (1:56 PM)**

Members of the Court heard from: Kati Broderick, Manager, Research and Planning, Justice and Public Safety (JPS); Margo Frasier, Travis County Sheriff; Evelyn McKee, Presiding Judge, Municipal Court; David Balagia, Major, Travis County Sheriff's Office (TCSO); and Irma Guerrero, Pretrial Services.

Discussion Only. No action was taken.

- B. REVIEW DRAFT PLAN ADDRESSING STATE VARIANCE BEDS, AS REQUESTED BY THE TEXAS COMMISSION ON JAIL STANDARDS, AND TAKE APPROPRIATE ACTION. (2:39 PM)**

Members of the Court heard from: Margo Frasier, Travis County Sheriff; and Bill Derryberry, Senior Budget Analyst, Planning and Budget Office (PBO).

Discussion Only. No action was taken.

Item 24.B to be reposted on December 3, 2002.

- C. DISCUSS SCOPE OF WORK ON COUNTY JAIL OVERCROWDING ISSUES FOR POTENTIAL OUTSIDE CONSULTANTS, AND TAKE APPROPRIATE ACTION. (2:55 PM)**

Members of the Court heard from: Kati Broderick, Manager, Research and Planning, JPS; and Margo Frasier, Travis County Sheriff.

Discussion Only. No action was taken.

25. CONSIDER COUNTY STRATEGY FOR UPCOMING LEGISLATIVE SESSION, INCLUDING APPOINTMENT OF COMMISSIONERS COURT LIAISON, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (3:10 PM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent.

Clerk's Note: The Court, without objection, appointed Commissioners Sonleitner and Gómez as the Legislative Liaisons, and requested that Item 25 be reposted during a Work Session on December 5, 2002.

Discussion Only. No action was taken.

26. DISCUSS AND APPROVE APPOINTMENT OF DANNY HOBBY AS VOTING MEMBER ON THE REGION 49 REGIONAL REVIEW COMMITTEE REPLACING CHIEF DAN T. RICHARDS, AND APPOINT TERRY PICKERING AS A PROXY MEMBER. (9:27 AM)

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

27. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF OCTOBER 2002. (AUDITOR'S OFFICE) (9:27 AM)

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

28. APPOINT COMMISSIONER GERALD DAUGHERTY TO REPLACE COMMISSIONER MARGARET MOORE AS DIRECTOR OF THE FOLLOWING CORPORATIONS: (9:27 AM)

- A. TRAVIS COUNTY HOUSING FINANCE CORPORATION;
- B. TRAVIS COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION;
- C. CAPITAL HEALTH FACILITIES DEVELOPMENT CORPORATION;
- D. CAPITAL INDUSTRIAL DEVELOPMENT CORPORATION;
- E. TRAVIS COUNTY DEVELOPMENT AUTHORITY; AND
- F. TRAVIS COUNTY CULTURAL EDUCATION FACILITIES FINANCE CORPORATION.

Clerk's Note: Items 28.A-F added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

- 29. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:27 AM)

Clerk’s Note: Item 29 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

- 30. A. DISCUSS, APPROVE OR TAKE ANY APPROPRIATE ACTION REGARDING COUNTY CLERK ELECTIONS AND RECORDING FACILITY NEEDS AND OTHER RELATED PROGRAMS. ² (3:50 PM) (6:26 PM)
- B. DISCUSS, APPROVE OR TAKE ANY APPROPRIATE ACTION REGARDING NEED FOR APPROPRIATE RECORD STORAGE FACILITY. ² (3:50 PM)

Clerk’s Note: Judge Biscoe announced that Items 30.A and B would be considered in Executive Session.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner that we authorize Facilities Management to work with appropriate brokers to identify appropriate buildings already constructed that are available for sale; over the next 30 to 45 days, to work with the County Clerk and try to bring back to the Court a list of such properties; that in the mean time, Facilities Management work with the County Clerk to put in place an interim strategy to address all Election equipment needs, starting with the availability of additional space at 9th Street and Lavaca, where we currently lease some space from the owner; and to do other steps necessary to achieve these 2 projects.

Motion carried:

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

31. DISCUSS, APPROVE OR TAKE ANY APPROPRIATE ACTION REGARDING THE LEASE SPACE FOR JUSTICE OF THE PEACE PRECINCT 3 AND CONSTABLE PRECINCT 3. ² (3:50 PM) (6:27 PM)

Clerk's Note: Judge Biscoe announced that Item 31 would be considered in Executive Session.

Item 31 to be reposted on December 10, 2002.

32. CONSIDER REQUEST FROM TRAVIS COUNTY JUDGES REGARDING WORKPLACE SAFETY ISSUES AT 1622 E. RIVERSIDE DRIVE, AUSTIN, TEXAS, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) ^{1 and 2} (3:50 PM) (6:28 PM)

Clerk's Note: Judge Biscoe announced that Item 32 would be considered in Executive Session.

Item 32 to be reposted on December 3, 2002.

33. DISCUSS, APPROVE OR TAKE ANY APPROPRIATE ACTION FOR THE REMODEL OF THE 5TH FLOOR LOBBY OF THE GRANGER ADMINISTRATION BUILDING TO IMPROVE SECURITY. (COMMISSIONER DAVIS) ⁴ (3:50 PM) (6:28 PM)

Clerk's Note: Judge Biscoe announced that Item 33 would be considered in Executive Session.

Item 33 to be reposted on December 3, 2002.

34. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION IN TERESA SHIELDS V. TRAVIS COUNTY, TEXAS. ¹ (9:17 AM)

Item 34 postponed until December 3, 2002.

- 35. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION REGARDING POSSIBLE SETTLEMENT OFFER IN SANDRA SMITH, ET AL. V. TRAVIS COUNTY, ET AL.). ¹ (3:50 PM) (6:29 PM)

Clerk’s Note: Judge Biscoe announced that Item 35 would be considered in Executive Session.

Members of the Court heard from: Eric Shepperd, Assistant County Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner that we make an offer of judgement in this case for the amount of \$25,000.00 to include attorney’s fees and costs in the offer of judgement; that we further designate Commissioner Daugherty to represent the Court in mediation, which is to be set, a time certain on December 11, 2002.

Motion carried:

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

- 36. RECEIVE LEGAL ADVICE ON REQUEST FROM MR. LEE BASS TO WAIVE PENALTY AND INTEREST ON TAXES DUE, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) ¹ (3:50 PM)

Item 36 postponed until December 3, 2002.

- 37. **A.** RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL. V. JAMES CLIFFORD ROSS, SR. (JAMES S. BUMPOUS RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:50 PM) (6:30 PM)
- B.** RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL. V. SARAH A. MCELHENNEY (CAROL ANNE CHANCELLOR RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹
- C.** RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL. V. G. CANALES (WALTER WENDLANDT RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹
- D.** RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL. V. MANUEL J. AND JOANNE M. STAMOS (MIGUEL MORALES RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹

ITEM 37 CONTINUED

- E. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL. V. EVELYN SMITH (VICKI C. MERRIWETHER RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹

- F. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL. V. ODESSA BERRY (MONICA GREEN RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹

- G. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL. V. DOUGLAS R. BRACKIN (TONY CERNOSEK RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹

- H. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL. V. NORRIS CARR (AMP LIMITED PARTNERSHIP RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹

Clerk’s Note: Judge Biscoe announced that Items 37.A-H would be considered in Executive Session.

Clerk’s Note: Items 37.A-H are associated with one another and were called for concurrent discussion.

Members of the Court agreed to consider one Motion for Items 37.A-H.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to approve, in Item 37.A, a tax resale deed to James S. Bumpous in the amount of \$22,510.00, that we have in hand already; Item 37.B, a resale deed to Carol Anne Chancellor in exchange for the amount of \$5,000.00 in cash which she has delivered to Travis County; Item 37.C, there is a tax resale deed to Walter Wendlandt in exchange for the amount of \$6,000.00 that he has paid to Travis County, in cash; Item 37.D, there is a resale deed to Miguel Morales for the amount of \$5,850.00 in cash that he has delivered to Travis County; Item 37.E, a resale deed to Vicki C. Merriwether for the amount of \$13,495.00 that she has delivered to Travis County; Item 37.F, a resale deed to Monica Green for the amount of \$7500.00 that she has already delivered to Travis County; Item 37.G, a resale deed to Tony Cernosek for the \$3,000.00 that he has already paid to Travis County; and Item 37.G is a resale deed to Amp Limited Partnership for \$13,932.77 that he has delivered to Travis County; and to authorize the County Judge to sign on behalf of the Commissioners' Court.

Motion carried:

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

38. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND ACCEPT, REJECT OR COUNTER OFFER OF SETTLEMENT AND/OR TAKE APPROPRIATE ACTION IN THE MATTER OF MERLIN “SPANKY” HANDLEY V. TRAVIS COUNTY, TEXAS, ET AL., CAUSE NO. A02 CA 606 JN, IN THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION. ¹
(3:50 PM) (6:32 PM)

Clerk’s Note: Judge Biscoe announced that Item 38 would be considered in Executive Session.

No action required on Item 38.

Item 38 to be reposted on December 10, 2002.

39. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND CONSIDER EXTENDED PERIOD OF ADMINISTRATIVE LEAVE WITH PAY FOR EMPLOYEE OF CONSTABLE PRECINCT ONE, AND TAKE APPROPRIATE ACTION. ^{1 AND 3} (3:50 PM) (6:33 PM)

Clerk’s Note: Judge Biscoe announced that Item 39 would be considered in Executive Session.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner that we authorize extending the administrative leave with pay an additional 10 working days, which should get us through December 15, 2002.

Motion carried:

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

40. CONSIDER EXTENSION OF ADMINISTRATIVE LEAVE WITH PAY FOR EMPLOYEE OF CONSTABLE PRECINCT FIVE, AND TAKE APPROPRIATE ACTION. ^{1 AND 3} (3:50 PM) (6:33 PM)

Clerk's Note: Judge Biscoe announced that Item 40 would be considered in Executive Session.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner that we authorize the Precinct 5 Constable to add the 2 administrative leave with pay days to the leave already granted; and they have indicated the specific days that they need that leave for.

Motion carried:

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

41. CONDUCT HEARING ON APPEAL OF ELBERT WALKER (FACILITIES MANAGEMENT EMPLOYEE) OF GRIEVANCE PANEL DECISION OF SEPTEMBER 20, 2002, AND TAKE APPROPRIATE ACTION. ^{1 AND 3} (3:50 PM) (6:33 PM)

Clerk's Note: Judge Biscoe announced that Item 41 would be considered in Executive Session.

Item 41 to be reposted on December 3, 2002 at 11:00am.

THE FOLLOWING ITEM IS AN ADDENDUM:

- A1. CONSIDER COUNTY ACTIONS NECESSARY TO COMPLETE DRAFT LEGISLATION ON HOSPITAL DISTRICT, REQUEST FOR FUNDING AND RELATED MATTERS, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (3:17 PM)

Members of the Court heard from: David Escamilla, First Assistant County Attorney.

Motion by Commissioner Sonleitner **and seconded by** Judge Biscoe that the Court officially endorse the idea that on the Hospital Board makeup, that it would be 4 Travis County appointments, with 2 of the Travis County appointments being City of Austin residents; 4 City of Austin appointments, and 1 consensus appointment.

Clerk’s Note: The Court did not Vote on the Standing Motion at this time.

A Substitute Motion was made by Commissioner Davis **and seconded by** Commissioner Gómez that the 9 board members of the Hospital Board be elected positions, and voted on by the citizens of Travis County.

A Withdrawal of the previous Second was made by Commissioner Gómez.

Clerk’s Note: The Substitute Motion by Commissioner Davis died for lack of a second.

Clerk’s Note: The Court Voted on the previous Standing Motion at this time.

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

Item A1 to be reposted on December 3, 2002.

