

## **MINUTES – DECEMBER 10, 2002**

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

On Tuesday, the 10<sup>th</sup> day of December, 2002, the Commissioners' Court convened the regular Voting Session at 9:11 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 recessed the Voting Session at 12:01 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) called to order the Voting Session at 1:39 PM and adjourned the Voting Session at 1:40 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, called to order the Voting Session at 1:40 PM and adjourned at 1:49 PM.

The Commissioners' Court reconvened the regular Voting Session at 1:49 PM.

The Commissioners' Court retired to Executive Session at 1:52 PM.

The Commissioners' Court reconvened the Voting Session at 5:35 PM.

The Commissioners' Court adjourned the Voting Session at 5:45 PM.

**PUBLIC HEARINGS**

1. DISCUSS THE PROPOSED STREET NAME CHANGES FOR A PORTION OF ROYSTON LANE TO PICADILY DRIVE AND ANOTHER PORTION OF ROYSTON LANE TO CENTRAL COMMERCE DRIVE IN PRECINCT TWO. (COMMISSIONER SONLEITNER) (ACTION ITEM #13) (11:31 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 13 for the Court's Motion and Vote.

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

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| <b>Motion carried:</b> County Judge Samuel T. Biscoe | yes    |
| Precinct 1, Commissioner Ron Davis                   | yes    |
| Precinct 2, Commissioner Karen Sonleitner            | absent |
| 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 Davis to close the public hearing.

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

**2. RECEIVE INPUT ON THE PETITION TO INCORPORATE THE COMMUNITY OF VOLENTE AS A TYPE B GENERAL LAW MUNICIPALITY. (JUDGE BISCOE) (ACTION ITEM #14) (9:24 AM)**

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 14 for the Court's Motion and Vote.

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

**Motion carried:**

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| 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:** Elaine Wray, Planning/Engineering Services, TNR; Alan Bojorquez, Attorney, Save Our Volente; Merry Mattie Adams, Chair, Save Our Volente; Bob Freeman, Owner, VJ's Café and Grocery; Allison Thrash, Volente Resident; Tom Nuckols, Assistant County Attorney; Walt Thompson, President, Volente Neighborhood Association; Woody Wood, Volente Resident; David Springer, Volente Resident; Martha Norris, Volente Resident; Lee Bass, Volente Resident; Erica Mott, Volente Resident; Tim Davis, Travis County Resident; Susan Broderick, Volente Resident; Dan Fost, Volente Resident; Bob Mott, Volente Resident; Nancy Carufel, Volente Resident; Mary Pomplun, Volente Resident; and Bob Tintson, Volente Resident.

**Clerk's Note:** The Commissioners' Court directed that the Transportation and Natural Resources Department make a determination of the petition by Friday, December 13, 2002, at 12:00 PM.

**Motion by Commissioner Davis and seconded by Judge Biscoe** to close the public hearing.

**Motion carried:**

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| County Judge Samuel T. Biscoe              | yes    |
| Precinct 1, Commissioner Ron Davis         | yes    |
| Precinct 2, Commissioner Karen Sonleitner  | absent |
| 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; Kenneth Snyder, Resident, Northridge Acres; and Jim Von Wolske, Travis County Resident. (11:19 AM)

## CONSENT ITEMS

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C4, and Items 9, 10, 11.A and B, 12, 13, 15.A-D, 18, 19, 22, 23, 24, 25, 26, 27.A-D, and 32. (11:30 AM) (11:32 AM)

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| <b>Motion carried:</b> County Judge Samuel T. Biscoe | yes    |
| Precinct 1, Commissioner Ron Davis                   | yes    |
| Precinct 2, Commissioner Karen Sonleitner            | absent |
| 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 NOVEMBER 26, 2002.
- C4.** APPROVE SETTING A PUBLIC HEARING DATE OF DECEMBER 31, 2002 TO DISCUSS AND APPROVE AN ORDER AUTHORIZING THE FILING OF AN INSTRUMENT TO VACATE THE 10' PUBLIC UTILITY EASEMENT RUNNING DIAGONALLY ACROSS LOT 16B, RESUBDIVISION OF LOTS 11, 12, 13, 15, 16, AND 17, BARTON VALLEY, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)

**TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS**

3. CONSIDER APPOINTMENT OF THREE (3) MEMBERS TO REPRESENT TRAVIS COUNTY ON THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY BOARD, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (9:14 AM)

**Members of the Court heard from:** Tom Nuckols, Assistant County Attorney.

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner to appoint Henry Gilmore, Lowell Lebermann, and Johanna Zmud, to the Central Regional Mobility Authority Board.

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| <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 3 to be reposted on December 17, 2002.

4. CONSIDER REQUEST FOR TRAVIS COUNTY TO APPROVE EARLY ACTION COMPACT (EAC) FOR CENTRAL TEXAS REGION, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (11:34 AM)

**Members of the Court heard from:** Scheleen Walker, TNR.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve Item 4.

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

5. CONSIDER REPROGRAMMING OF SURPLUS 1984 BOND FUNDS TO CONDUCT SURVEYING, GEOMETRIC DESIGN, AND RIGHT-OF-WAY PLANS FOR CAMERON ROAD BETWEEN GREGG LANE AND SH 130, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAVIS) (11:38 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; and Mr. Stone, Gregg Neighborhood Association.

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to approve the necessary surveying, the geometric design, and the right-of-way acquisition for Cameron Road between Gregg Lane and State Highway 130; and the intent is to do the footprint for the two lane arterial and the four lane situation in the future; and that the \$300,000.00 be reprogrammed from the 1984 bond money and added to the other existing funds, for the amount of \$750,000.00, to do just that.

**Motion carried:**

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

6. DISCUSS DRAFT GUIDELINES FOR WILDLIFE, INCLUDING REDUCTION OF DEER POPULATION, AND VEGETATION MANAGEMENT IN TRAVIS COUNTY PARKS AND PRESERVES, AND TAKE APPROPRIATE ACTION. (11:51 AM)

**Members of the Court heard from:** John Kuhl, Natural Resources Program Manager, TNR.

Discussion Only. No action was taken.

Item 6 to be reposted for a public hearing on December 17, 2002.

7. RECEIVE BRIEFING ON THE LCRA US ARMY CORP OF ENGINEERS FLOOD STUDY OF THE LOWER COLORADO RIVER, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAUGHERTY) (9:12 AM)

Item 7 pulled from the Agenda.

8. DISCUSS AND TAKE APPROPRIATE ACTION ON A RESTRICTIVE COVENANT FOR THE MAINTENANCE OF PROPOSED FLOOD PLAIN MODIFICATIONS ON THE IESI SITE AT 9600 FM 812. (COMMISSIONER GOMEZ) (5:42 PM)

Item 8 postponed until December 17, 2002.

9. APPROVE THE USE OF ALTERNATIVE FISCAL FOR TWIN CREEKS COUNTRY CLUB SECTION 10A, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (11:32 AM)

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

10. APPROVE THE USE OF ALTERNATIVE FISCAL FOR TWIN CREEKS COUNTRY CLUB SECTION 10B, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (11:32 AM)

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

11.
  - A. APPROVE THE USE OF ALTERNATIVE FISCAL FOR TWIN CREEKS COUNTRY CLUB SECTION 9, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (11:32 AM)
  - B. APPROVE A CASH SECURITY AGREEMENT FOR TWIN CREEKS COUNTRY CLUB SECTION 9, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)

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

12. NOTIFY COURT OF SATISFACTORY CONSTRUCTION OF THE PRIVATE STREET FOR 11505 TX71, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (11:32 AM)

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

13. APPROVE THE PROPOSED STREET NAME CHANGES FOR A PORTION OF ROYSTON LANE TO PICADILY DRIVE AND ANOTHER PORTION OF ROYSTON LANE TO CENTRAL COMMERCE DRIVE IN PRECINCT TWO. (COMMISSIONER SONLEITNER) (11:32 AM)

**Clerk's Note:** Item 13 is the action item for the public hearing on Agenda Item 1.

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

14. RECEIVE AND CONSIDER REPORTS FROM COUNTY STAFF ON THE PETITION TO INCORPORATE THE COMMUNITY OF VOLENTE AS A TYPE B GENERAL LAW MUNICIPALITY AND RELATED ATTACHMENTS, AND TAKE APPROPRIATE ACTION.

**Clerk's Note:** Item 14 is the action item for the public hearing on Agenda Item 2.

No action taken on Item 14.



**PLANNING AND BUDGET DEPT. ITEMS**

- 15.** REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE:  
(11:32 AM)
- A.** APPROVE GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A COMPREHENSIVE UNDERAGE DRINKING PREVENTION PROGRAM IN THE COUNTY ATTORNEY'S OFFICE. THE GRANT APPLICATION IS TO CONTINUE THE PROGRAM FOR FY 04.
  - B.** APPROVE GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR A JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT PROGRAM IN JUVENILE PROBATION DEPARTMENT. THE GRANT APPLICATION IS TO CONTINUE THE PROGRAM FOR FY 04.
  - C.** APPROVE GRANT APPLICATION TO THE CAPITAL AREA PLANNING COUNCIL FOR AN ENHANCING VICTIM SAFETY THROUGH TECHNOLOGY PROGRAM IN THE COUNTY COURTS AT LAW. THIS IS A NEW PROPOSAL WITH A FY 04 GRANT MATCH REQUIREMENT OF \$22,500.
  - D.** APPROVE REQUEST FOR PERMISSION TO CONTINUE THE COMPREHENSIVE ENERGY ASSISTANCE PROGRAM IN HEALTH AND HUMAN SERVICES DEPARTMENT. APPROVAL WILL ALLOW GRANT PROGRAM TO CONTINUE TO OPERATE UNTIL A FULLY EXECUTED AGREEMENT CAN BE SIGNED AT THE END OF JANUARY.
- Clerk's Note:** Items 15.A-D added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.
- 16.** CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REQUESTS FOR EXCEPTION TO COMMISSIONERS COURT PROHIBITION ON THE TAKING HOME OF VEHICLES OUTSIDE TRAVIS COUNTY EFFECTIVE JANUARY 1, 2003, BEGINNING WITH THE FOLLOWING: (9:12 AM)
- A.** SHERIFF'S OFFICE;
  - B.** CONSTABLE PRECINCT 5;
  - C.** CONSTABLE PRECINCT 3; AND
  - D.** CONSTABLE PRECINCT 2.

Items 16.A-D postponed until December 17, 2002.

**17. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (5:43 PM)**

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve budget amendments and transfers.

**Motion carried:**

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

**ADMINISTRATIVE OPERATIONS ITEMS****18. 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 \$186,256.73 FOR THE PERIOD OF NOVEMBER 22, 2002 THROUGH NOVEMBER 28, 2002. (11:32 AM)**

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

**19. APPROVE PERSONNEL AMENDMENTS. (11:32 AM)**

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

**20. DISCUSS AND TAKE APPROPRIATE ACTION REGARDING REQUESTS FOR FURNITURE, FIXTURES AND EQUIPMENT FOR PRECINCT FOUR OFFICE BUILDING AND APPROVAL OF OVERALL PROJECT BUDGET. (5:43 PM)**

Item 20 postponed until December 17, 2002.

## PURCHASING OFFICE ITEMS

21. RECONSIDER INTERLOCAL AGREEMENT (NO. IL020213-EF) (CSBG PROGRAM) BETWEEN THE CITY OF AUSTIN AND TRAVIS COUNTY FOR VARIOUS SERVICES PROVIDED BY TRAVIS COUNTY'S FIVE (5) RURAL NEIGHBORHOOD CENTERS, AND TAKE APPROPRIATE ACTION. (HHSD) (COMMISSIONER GOMEZ) (9:12 AM)

Item 21 pulled from the Agenda.

22. APPROVE TERMINATION OF CONTRACT NO. 02T00266-DR WITH RIVERCITY SPORTSWEAR FOR STAFF UNIFORMS. (JUVENILE PROBATION) (COMMISSIONER GOMEZ) (11:32 AM)

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

23. APPROVE TERMINATION OF CONTRACT NO. MA020188-LC WITH CSU FOR DOCUTECH PHOTOCOPIER MAINTENANCE AND REPLACEMENT PARTS. (RMCR) (COMMISSIONER GOMEZ) (11:32 AM)

**Clerk's Note:** Item 23 added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

24. APPROVE CONTRACT AWARD FOR SHELVING UNIT, IFB B030009-DR, TO THE LOW BIDDER, INDUSTRIAL HOUSE (COUNTY CLERK). (COMMISSIONER GOMEZ) (11:32 AM)

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

25. APPROVE CONTRACT AWARD FOR GUARDRAIL AND BRIDGERAIL INSTALLATION, IFB NO. B030016-LD, TO LOW RESPONSIVE BIDDER, H AND H FENCE CO. (TNR) (COMMISSIONER GOMEZ) (11:32 AM)

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

26. APPROVE PURCHASE OF W.W. GRAINGER PRODUCTS (HARDWARE ITEMS) OFF STATE CONTRACT FROM BURGOON COMPANY. (FACILITIES MGMT) (COMMISSIONER GOMEZ) (11:32 AM)

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

27. APPROVE 12-MONTH EXTENSIONS (MODIFICATION NO. 1) TO THE FOLLOWING CONTRACTS FOR TRANSMISSION REPAIR SERVICES: (TNR) (COMMISSIONER GOMEZ) (11:32 AM)

- A. CONTRACT NO. 02T0120-LD, AAMCO SOUTH;
- B. CONTRACT NO. 02T0121-LD, EAGLE TRANSMISSIONS;
- C. CONTRACT NO. 02T0122-LD, AAMCO NORTH; AND
- D. CONTRACT NO. 02T0123-LD, IKE'S TRANSMISSIONS.

**Clerk's Note:** Items 27.A-D added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

## OTHER ITEMS

28. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING ITEMS REGARDING JAIL OVERCROWDING ISSUES: (9:13 AM)
- A. REPORT ON IMPACT OF 24-HOUR MAGISTRATION PILOT PROJECT;
  - B. SCOPES OF WORK FOR COUNTY STAFF AND POTENTIAL OUTSIDE CONSULTANTS ON COUNTY JAIL OVERCROWDING ISSUES.

Items 28.A and B postponed until December 17, 2002.

- 29.** APPROVE ISSUANCE OF SINGLE FAMILY MORTGAGE REVENUE AND REFUNDING BONDS BY TRAVIS COUNTY HOUSING FINANCE CORPORATION, AND TAKE APPROPRIATE ACTION. (5:44 PM)

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve Item 29.

**Motion carried:**

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

- 30.** CONSIDER COUNTY ACTIONS NECESSARY TO COMPLETE DRAFT LEGISLATION ON HOSPITAL DISTRICT, REQUEST FOR FUNDING AND RELATED MATTERS, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (9:13 AM)

Item 30 postponed until December 17, 2002.

- 31.** CONSIDER AND APPROVE APPOINTMENT OF COMMISSIONER GERALD DAUGHERTY TO MEMBERSHIP ON COMMITTEES AND BOARDS PREVIOUSLY HELD BY COMMISSIONER MARGARET MOORE. (5:44 PM)

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to appoint Commissioner Gómez to the Justice and Public Safety subcommittee.

**Motion carried:**

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

Item 31 to be reposted on December 17, 2002.

- 32.** APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (11:32 AM)

**Clerk's Note:** Item 32 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

- 33.** DISCUSS, APPROVE OR TAKE ANY APPROPRIATE ACTION REGARDING THE LEASE SPACE FOR JUSTICE OF THE PEACE, PRECINCT 3 AND CONSTABLE, PRECINCT 3. <sup>2</sup> (9:13 AM)

Item 33 pulled from the Agenda.

- 34.** DISCUSS, APPROVE OR TAKE ANY APPROPRIATE ACTION REGARDING REAL ESTATE ISSUES RELATING TO THE PURCHASE OF LAND FOR THE WEST RURAL COMMUNITY CENTER AND CLINIC, JUSTICE OF THE PEACE AND CONSTABLE, PRECINCT 3 AND TAX OFFICES. <sup>2</sup> (9:13 AM)

Item 34 pulled from the Agenda.

- 35.** CONSIDER REQUEST FROM TRAVIS COUNTY JUDGES REGARDING WORKPLACE SAFETY ISSUES AT 1622 E. RIVERSIDE DRIVE, AUSTIN, TEXAS, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) <sup>1 and 2</sup> (1:52 PM) (5:36 PM)

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

Item 35 to be reposted on December 17, 2002.

36. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION REGARDING POSSIBLE SETTLEMENT OFFER IN SANDRA SMITH, ET AL. V. TRAVIS COUNTY, ET AL.). <sup>1</sup> (1:52 PM) (5:36 PM)

**Clerk's Note:** Judge Biscoe announced that Item 36 would be considered in Executive Session.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez that we authorize the County Attorney to accept, on behalf of Travis County, settlement of this case in the amount of \$40,000.00 in full for all plaintiffs, including attorney's fees and related costs, and that we get an appropriate release for the Court to execute at the appropriate time in the future.

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

37. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION IN TERESA SHIELDS V. TRAVIS COUNTY, TEXAS. <sup>1</sup> (1:52 PM)

Item 37 postponed until December 17, 2002.

- 38. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION REGARDING MOSES H. RODRIGUEZ, JR. (RODRIGUEZ; PEREZ - SUBROGATION CASE). <sup>1</sup>**  
(1:52 PM) (5:37 PM)

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

**Members of the Court heard from:** Dan Mansour, Risk Manager, Human Resources Management Department (HRMD); and Eric Shepperd, Assistant County Attorney.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that we authorize settlement of this case for the amount of \$14,065.50; and also authorize, if Mr. Rodriguez agrees, biweekly payments to Travis County in the amount of \$297.08; 47 payments in that amount, and 1 payment, the 48<sup>th</sup> one, in the amount of \$102.74; and authorize the County Attorney to draft the necessary and appropriate paperwork to protect the County's interest in this case; and authorize the County, by agreement, to withhold these funds from Mr. Rodriguez's check.

**Motion carried:**

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

- 39. CONSIDER PURCHASE CONTRACT WITH TOMEN-PARKE ASSOCIATES. LTD FOR ACQUISITION OF APPROXIMATELY 35.146 ACRES OF LAND IN CONNECTION WITH THE BALCONES CANYONLANDS CONSERVATION PLAN AND TAKE APPROPRIATE ACTION. <sup>2</sup>** (1:52 PM) (5:39 PM)

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

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve the purchase contract that has been provided to the Court that basically purchases this tract of land; and to authorize the County Judge to sign on behalf of the Commissioners' Court.

**Motion carried:**

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



40. 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. <sup>1</sup>  
(1:52 PM) (5:40 PM)

Item 40 postponed until December 23, 2002.

41. DISCUSS CERTAIN PERSONNEL ISSUES REGARDING STARFLIGHT STAFF, RECEIVE LEGAL ADVICE, AND TAKE APPROPRIATE ACTION. <sup>1 and 3</sup>  
(1:52 PM) (5:40 PM)

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

Item 41 to be reposted on December 17, 2002.

42. **TAKE UP AT 1:40 P.M.** CONDUCT HEARING ON APPEAL OF ELBERT WALKER (FACILITIES MANAGEMENT EMPLOYEE) OF GRIEVANCE PANEL DECISION OF SEPTEMBER 20, 2002, AND TAKE APPROPRIATE ACTION.  
<sup>1 AND 3</sup> (1:52 PM) (5:41 PM)

**Clerk’s Note:** Judge Biscoe announced that Item 42 would be considered in Executive Session.

**Motion by** Commissioner Davis that we overturn the decision by the grievance panel, and that we fully pay the 5-day suspension that this particular grievant received. We want to make sure he gets fully reinstated as far as the pay on that, and that we also look at the performance improvement plan; that it needs to be policy that is brought back to the Commissioners' Court, being sure that the particular plan is implemented through the departments of the County.

**Clerk’s Note:** The Motion dies for lack of a Second.

Discussion Only. No action was taken.

Item 42 to be reposted on December 17, 2002.

**THE FOLLOWING ITEM IS AN ADDENDUM:**

- A1.** RECEIVE FOR FILING WITH THE COUNTY JUDGE A PETITION FOR THE INCORPORATION OF THE VILLAGE OF WEBBERVILLE AND INSTRUCT STAFF TO REVIEW THE PETITION AND ALL RELATED ATTACHMENTS, CONSIDER ISSUES, AND TAKE ANY OTHER APPROPRIATE ACTION.  
(1:49 PM)

**Members of the Court heard from:** Alan Bojorquez, Attorney, Village of Webberville.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to officially receive the petition; and that we authorize appropriate County Staff to conduct an appropriate review of the submission and be prepared to let the Court know next Tuesday, December 17, 2002, whether there are issues or whether everything seems to comply with the law.

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

## ADJOURNMENT

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to adjourn the Voting Session. (5:45 PM)

**Motion carried:**

|  |        |
|--|--------|
| County Judge Samuel T. Biscoe              | yes    |
| Precinct 1, Commissioner Ron Davis         | yes    |
| Precinct 2, Commissioner Karen Sonleitner  | absent |
| 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**