

## **MINUTES OF MEETING – FEBRUARY 18, 2003**

### **AND RECONVENED FEBRUARY 19, 2003**

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

On Tuesday, the 18<sup>th</sup> day of February, 2003, 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 Deputies Melissa Velasquez and Robert Resnick.

The Commissioners' Court record notes that Precinct One Commissioner Ron Davis was not present during this Voting Session.

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

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) called to order the Voting Session at 1:37 PM and adjourned at 1:37 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation called to order the Voting Session at 1:37 PM and adjourned at 1:47 PM.

The Commissioners' Court reconvened the regular Voting Session at 1:47 PM and retired to Executive Session at 4:39 PM.

The Commissioners' Court reconvened the Voting Session at 6:38 PM and recessed the Voting Session at 6:38 PM.

The Commissioners' Court reconvened the Voting Session at 10:07 AM, Wednesday, February 19, 2003.

The Commissioners' Court and retired to Executive Session at 10:07 AM and reconvened the Voting Session at 11:49 AM, Wednesday, February 19, 2003.

The Commissioners' Court recessed the Voting Session at 11:49 AM and reconvened the Voting Session at 3:08 PM, Wednesday, February 19, 2003.

The Commissioners' Court retired to Executive Session at 3:08 PM and reconvened the Voting Session at 4:00 PM, Wednesday, February 19, 2003.

The Commissioners' Court adjourned the Voting Session at 4:38 PM, Wednesday, February 19, 2003.

**PUBLIC HEARINGS**

1. DISCUSS PROPOSED ORDER PROVIDING THAT IN A PROSECUTION FOR AN OFFENSE INVOLVING THE STOPPING, STANDING, OR PARKING OF AN UNATTENDED MOTOR VEHICLE IN A RESTRICTED TRAFFIC ZONE ON PROPERTY DESCRIBED BY SECTION 251.151, TEXAS TRANSPORTATION CODE, IT IS PRESUMED THAT THE REGISTERED OWNER OF THE VEHICLE IS THE PERSON WHO STOPPED, STOOD, OR PARKED THE VEHICLE AT THE TIME AND PLACE THE OFFENSE OCCURRED (ORDER AUTHORIZED BY SECTION 251.156 OF THE TEXAS TRANSPORTATION CODE). (ACTION ITEM # 35) (9:18 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 35 for the Court's Motion and Vote.

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

<b>Motion carried:</b> 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	yes

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

**Motion by** Commissioner Sonleitner **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	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

2. **TAKE UP AT 1:30 P.M.** PUBLIC HEARING RELATED TO ISSUANCE OF REVENUE BONDS, A PORTION OF THE PROCEEDS OF WHICH WILL BE USED TO FINANCE AND REFINANCE HOSPITALS AND RELATED FACILITIES OWNED AND/OR OPERATED BY DAUGHTERS OF CHARITY HEALTH SERVICES OF AUSTIN. (1:47 PM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 36 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	absent
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:** Michael Regier, General Counsel, Seton Network; Cliff Blount, Attorney for the Corporations; and Douglas Waite, Chief Financial Officer, Seton Healthcare Network.

**Motion by** Commissioner Sonleitner **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	absent
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 WEEK OF FEBRUARY 17 THROUGH 24, 2003 AS “NATIONAL ENGINEERS WEEK” IN TRAVIS COUNTY. (COMMISSIONER SONLEITNER) (9:22 AM)

**Members of the Court heard from:** Roger El Khoury, Director, Facilities Management; Julian Laney, Engineer, Facilities Management; Joe Hall, Traffic Engineer, Transportation and Natural Resources (TNR); Robert Morris, Engineer, TNR; and Steve Schiewe, Engineer, TNR.

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

<b>Motion carried:</b> 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	yes

4. APPROVE RESOLUTION SUPPORTING INCREASED FUNDING FOR MENTAL HEALTH AND MENTAL RETARDATION SERVICES FOR THE STATE OF TEXAS. (JUDGE BISCOE) (9:24 AM)

**Members of the Court heard from:** Beverly Scarborough, Public Information Officer, Austin-Travis County MHMR Center; and Donalyn T. Biscoe, Communications Department, Austin-Travis County MHMR Center.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the resolution in Item 4.

<b>Motion carried:</b> 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	yes

5. INTRODUCTION OF ALICIA LEE TO COMMISSIONERS COURT. (COUNTY ATTORNEY'S OFFICE) (9:29 AM)

**Members of the Court heard from:** Jim Collins, Executive Assistant County Attorney; and Alicia Lee, Assistant County Attorney.

Discussion Only. No action was taken.

## CITIZENS COMMUNICATION

**Members of the Court heard from:** Kenneth Snyder, Resident, Northridge Acres; Henry Troell, President, Parks Springs Neighborhood Association; Harvey Davis, Manager, Travis County Housing Finance Corporation; Gus Peña, President, East Austin Concerned Hispanics; John Hutchinson, President, Walnut Place Neighborhood Association; and Kristina Kubek, Secretary, Walnut Place Neighborhood Association. (9:31 AM)

## CONSENT ITEMS

**Motion by** Commissioner Gómez **and seconded by** Judge Biscoe to approve the following Consent Items: C1–C18.A-D, and Items 11, 12, 13, 14, 15.A-C, 16, 19.A and B, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32.A and B, 40, and 41. (9:55 AM)

<b>Motion carried:</b> 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	yes

- C1.** RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2.** AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.
- C3.** REAPPOINT RAYMOND D. JOHNSON TO SERVE ON THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT #14 BOARD AS A PRECINCT THREE APPOINTEE; TERM EFFECTIVE THROUGH DECEMBER 31, 2004. (COMMISSIONER DAUGHERTY)

**CONSENT ITEMS CONTINUED**

- C4.** APPOINT NICHOLAS C. COMSUDI TO SERVE ON THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT #9 BOARD AS A PRECINCT THREE APPOINTEE; TERM EFFECTIVE THROUGH DECEMBER 31, 2004.  
(COMMISSIONER DAUGHERTY)
- C5.** APPOINT BIRUTA KEARL TO SERVE ON THE TRAVIS COUNTY HISTORICAL COMMISSION AS A PRECINCT TWO APPOINTEE; TERM EFFECTIVE UNTIL JANUARY 2005. (COMMISSIONER SONLEITNER)
- C6.** REAPPOINT CHANDLER L. POMPLUN TO SERVE ON THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT #14 BOARD AS A PRECINCT THREE APPOINTEE; TERM EFFECTIVE THROUGH DECEMBER 31, 2004.  
(COMMISSIONER DAUGHERTY)
- C7.** APPROVE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES IN SETTLER'S MEADOW SECTION 3 AND SECTION 4, TWO SUBDIVISIONS IN PRECINCT ONE.
- C8.** APPROVE A PLAT FOR RECORDING IN PRECINCT ONE: SUNVISON ACRES - (SHORT FORM PLAT - 2 LOTS - 10.456 ACRES – HOGEE ROAD – NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY ONSITE WASTEWATER FACILITIES - CITY OF AUSTIN ETJ). (COMMISSIONER DAVIS)
- C9.** APPROVE A PLAT FOR RECORDING IN PRECINCT ONE: LOCKWOOD FARMS UNIT ONE - (SHORT FORM PLAT - 5 LOTS - 9.974 ACRES – LOCKWOOD ROAD – NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY ONSITE WASTEWATER FACILITIES - CITY OF AUSTIN ETJ). (COMMISSIONER DAVIS)
- C10.** APPROVE A PLAT FOR RECORDING IN PRECINCT ONE: LOCKWOOD FARMS UNIT TWO - (SHORT FORM PLAT - 5 LOTS - 9 ACRES – LOCKWOOD ROAD – NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY ONSITE WASTEWATER FACILITIES - CITY OF AUSTIN ETJ). (COMMISSIONER DAVIS)
- C11.** APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: TWIN CREEKS COUNTRY CLUB SECTION 6A - (LONG FORM PLAT - 53 LOTS – 17.393 ACRES – TWIN CREEKS CLUB DRIVE - FISCAL POSTED WITH TRAVIS COUNTY - SEWAGE SERVICE TO BE PROVIDED BY CITY OF CEDAR PARK - CEDAR PARK ETJ). (COMMISSIONER DAUGHERTY)

**CONSENT ITEMS CONTINUED**

- C12.** APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: TRES VISTAS - (LONG FORM PLAT - 32 LOTS – 40.38 ACRES – R.O. DRIVE - FISCAL POSTED WITH TRAVIS COUNTY - SEWAGE SERVICE TO BE PROVIDED BY ONSITE WASTEWATER FACILITIES - OUTSIDE ETJ).
- C13.** APPROVE A PUBLIC HEARING DATE OF MARCH 18, 2003 TO DISCUSS AND APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: RIVER PLACE 22, AMENDED PLAT OF LOTS 142, 143, 144 AND 145 - (AMENDED PLAT – 3 LOTS – 1.03 ACRES – CANOAS DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY RIVER PLACE MUNICIPAL UTILITY DISTRICT – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY)
- C14.** APPROVE A PUBLIC HEARING DATE OF MARCH 18, 2003 TO DISCUSS AND APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: THE RANCH AT DEER CREEK PHASE 1, SECTION 1, AMENDED PLAT OF LOT 4, BLOCK I – (AMENDED PLAT – 1 LOT – 0.336 ACRES – CHULA VISTA DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY WILLIAMSON/TRAVIS COUNTY WCID NO. 1D - CITY OF CEDAR PARK ETJ). (COMMISSIONER DAUGHERTY)
- C15.** APPROVE A PUBLIC HEARING DATE OF MARCH 18, 2003 TO DISCUSS AND APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: THE RANCH AT DEER CREEK PHASE 2, SECTION 1, AMENDED PLAT OF LOTS 21 AND 21A, BLOCK 'A' – (AMENDED PLAT – 2 LOTS – 0.81 ACRES – ZAMBIA DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY WILLIAMSON/TRAVIS COUNTY WCID NO. 1D - CITY OF CEDAR PARK ETJ). (COMMISSIONER DAUGHERTY)
- C16.** APPROVE A PUBLIC HEARING DATE OF MARCH 4, 2003 TO APPROVE A ONE-DAY ROAD CLOSURE ON MARCH 14, 2003 OF WESTLAKE DRIVE BETWEEN ELOHI DRIVE AND LAKE PLACE LANE FOR ROADWAY REPAVING IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)
- C17.** APPROVE A PUBLIC HEARING DATE OF MARCH 4, 2003 TO APPROVE A TEMPORARY ROAD CLOSURE OF LITTIG ROAD FROM FM ROAD 973 TO OLD KIMBRO ROAD BEGINNING MARCH 12, 2003 TO COMPLETION (ESTIMATED 15 MONTHS) FOR THE CONSTRUCTION OF BRIDGE STRUCTURES AND ROAD/APPROACH IMPROVEMENTS ON LITTIG ROAD IN PRECINCT ONE. (COMMISSIONER DAVIS)

**CONSENT ITEMS CONTINUED**

**C18.** APPROVE SETTING A PUBLIC HEARING DATE OF MARCH 18, 2003 TO:

- A.** APPROVE THE TOTAL VACATION OF STEINER RANCH PHASE ONE IRRIGATION TRACT;
- B.** APPROVE THE TOTAL VACATION OF THE 2<sup>ND</sup> REPLAT OF LOT 2 OF STEINER RANCH PHASE 1 IRRIGATION PLAT;
- C.** APPROVE A PRELIMINARY PLAN IN PRECINCT THREE: STEINER RANCH PHASE ONE, SECTION 10 - (PRELIMINARY PLAN - 529 LOTS – 1138.68 ACRES – QUINLAN PARK ROAD - TRUST DEED WITH TRAVIS COUNTY - SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY WCID NO. 17 - CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY)
- D.** APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: STEINER RANCH PHASE ONE, SECTION 10A - (LONG FORM PLAT - 185 LOTS – 786.05 ACRES – QUINLAN PARK ROAD - TRUST DEED WITH TRAVIS COUNTY - SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY WCID NO. 17 - CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY)

**HEALTH AND HUMAN SERVICES DEPARTMENT ITEMS**

- 6.** RECEIVE 2002 ANNUAL REPORT AND UPDATE FROM THE TRAVIS COUNTY CHILDREN'S' PROTECTIVE SERVICES BOARD. (9:59 AM)

**Members of the Court heard from:** Laura Atkins, Director, Children's Services, Health and Human Services Department (HHSD); Dwayne Lofton, Chair, Travis County Children's Protective Services Board; and Karen Hagel, Lead Program Manager, Texas Department of Protective and Regulatory Services (TDPRS).

Discussion Only. No action was taken.



**JUSTICE AND PUBLIC SAFETY DEPARTMENT ITEMS**

7. DISCUSS WORK PLAN FOR JUSTICE SYSTEM WORKFLOW ANALYSIS RECOMMENDED BY THE JAIL OVERCROWDING TASK FORCE AND LETTER FROM THE COMMISSIONERS COURT TO PARTICIPATING DEPARTMENTS, AND TAKE APPROPRIATE ACTION. (10:17 AM)

**Members of the Court heard from:** Kati Broderick, Manager, Research and Planning, Justice and Public Safety (JPS); and Jim Collins, Executive Assistant County Attorney.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to authorize Judge Biscoe to send out the letter with the changes that he feels are sufficient for that.

<b>Motion carried:</b> 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	yes

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the work plan, the shifting of priorities, and the other guidelines and recommendations contained in the backup.

<b>Motion carried:</b> 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	yes

**TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS**

8. CONSIDER RECOMMENDATIONS AND STRATEGY TO ADDRESS BAD ODORS AT LANDFILLS IN NORTHEAST TRAVIS COUNTY, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (10:32 AM)

**Members of the Court heard from:** Melanie McAfee, owner, Barr Mansion; Henry Troell, President, Parks Springs Neighborhood Association; Tom Nuckols, Assistant County Attorney; Trek English, Travis County Resident; Mark McAfee, owner, Barr Mansion; Zora Williams, LBJ Neighborhood Association; Joyce Best, Northeast Austin Resident; and Steve Jacobs, Manager, Waste Management.

Discussion Only. No action was taken.

Item 8 to be reposted on February 25, 2003.

9. CONSIDER APPROVAL AND EXECUTION OF THE ROADWAY CONSTRUCTION AGREEMENT WITH RINGGOLD PARTNERS LLP. AND CATOOSA SPRINGS PARTNERS, L.P. FOR HOWARD LANE BETWEEN I.H. 35 AND SCOFIELD FARMS PARKWAY IN PRECINCT ONE, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAVIS) (9:17 AM)

Item 9 postponed until February 25, 2003.

10. A. CONSIDER PROPOSED AMENDMENTS TO CHAPTER 82, TRAVIS COUNTY CODE, TO RESOLVE INCONSISTENCIES WITH CITY OF AUSTIN CODE AS REQUIRED BY HB 1445, SET A PUBLIC HEARING ON ADOPTION OF THOSE AMENDMENTS AND DIRECT TNR DEPARTMENT TO POST NOTICE AS REQUIRED BY LAW. (2:30 PM)
- B. CONSIDER MAJOR POLICY ISSUES REGARDING TRAVIS COUNTY AND CITY OF AUSTIN SUBDIVISION REGULATIONS, ANY AMENDMENTS TO THOSE REGULATIONS, AND TAKE APPROPRIATE ACTION.

**Clerk's Note:** Items 10.A and B are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; Tom Nuckols, Assistant County Attorney; Anna Bowlin, Planner, TNR; David Lloyd, City of Austin; Pat Murphy, City of Austin; Ken Blaker, President, Home Builders Association of Austin; Alan Haywood, Real Estate Council of Austin.

**Clerk's Note:** The Commissioners' Court authorized Staff to post an ad for a public hearing on Tuesday, March 11, 2003, as soon as possible; and to keep the interested parties posted of any revisions that may occur.

**Motion by Judge Biscoe and seconded by Commissioner Gómez to:** 1) immediately post notice of a public hearing on March 11, 2003; 2) immediately communicate with Lakeway, Pflugerville, and any other cities that we need to, and let them know what is going on; 3) encourage the Staff, City and County, to work with representatives, try to get the Joint Subcommittee to meet before March 5, 2003, if possible; 4) on March 5, 2003, or shortly before, the Court gets a status report, maybe a memo from Staff, indicating where we are, and if we think it makes sense; 5) under Item 10.B, we need to collaborate official to official, City to County – we can try to do that one on one, in preparation for the March 5, 2003 meeting; and 6) we need a letter to the Austin City Manager from the Travis County Commissioners' Court, asking that the issues described in Item 10.B be added to the City of Austin's March 6, 2003 Agenda, and cc'd to the members of the City Council, with appropriate language, urging urgency.

**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	yes

11. APPROVE ALTERNATE FISCAL AGREEMENTS FOR THE PARK AT BLACKHAWK SECTIONS 4 AND 5, TWO SUBDIVISIONS IN PRECINCT TWO. (COMMISSIONER SONLEITNER) (9:55 AM)

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

12. APPROVE ALTERNATE FISCAL AGREEMENT FOR THE MEADOWS AT BLACKHAWK SECTION 6, A SUBDIVISION IN PRECINCT TWO. (COMMISSIONER SONLEITNER) (9:55 AM)

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

13. APPROVE A PRELIMINARY PLAN FOR RECORDING IN PRECINCT TWO: THE PARK AT BLACKHAWK PHASE II (PRELIMINARY PLAN – 261 LOTS – 148.361 ACRES – ROWE LANE – NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY LAKESIDE WCID NO. 2C – CITY OF PFLUGERVILLE ETJ). (COMMISSIONER SONLEITNER) (9:55 AM)

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

14. APPROVE A PRELIMINARY PLAN IN PRECINCT FOUR: PEARCE LANE TRACT PRELIMINARY PLAN - (601 LOTS - 157.14 ACRES - PEARCE LANE - SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN - CITY OF AUSTIN ETJ). (COMMISSIONER GOMEZ) (9:55 AM)

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

**PLANNING AND BUDGET DEPT. ITEMS**

- 15.** REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE:  
(9:55 AM)

- A.** APPROVE GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR A PROTECTIVE ORDER GUARDIAN AD LITEM FOR THE DOMESTIC RELATIONS OFFICE OF THE JUVENILE PROBATION DEPARTMENT. THE APPLICATION IS TO CONTINUE THE EXISTING PROGRAM FOR FY 04.
- B.** APPROVE GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR THE JUVENILE BATTERER'S INTERVENTION-PREVENTION GRANT PROGRAM IN THE JUVENILE PROBATION DEPARTMENT. THE GRANT IS TO CONTINUE THE PROGRAM FOR FY 04.
- C.** APPROVE GRANT CONTRACT WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR A FOOD AND SHELTER GRANT IN HEALTH AND HUMAN SERVICES DEPARTMENT. THE GRANT CONTINUES THE EXISTING PROGRAM FOR FY 03.

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

- 16.** APPROVE BUDGET AMENDMENTS AND TRANSFERS. (9:55 AM)

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

- 17.** CONSIDER AND TAKE APPROPRIATE ACTION ON PROJECTS AND AMOUNTS FOR FUNDING FROM ROAD AND PARK BONDS AND CERTIFICATES OF OBLIGATION TO BE ISSUED IN FY'03.  
(4:13 PM, Wednesday, February 19, 2003)

Item 17 postponed until February 25, 2003.

**ADMINISTRATIVE OPERATIONS ITEMS**

18. DISCUSS WITH COMMUNITY SUPERVISION & CORRECTIONS DEPARTMENT (CSCD) THE DECISION TO CHANGE FROM TIBURON TO CORRECTIONS SOFTWARE CORPORATION (CSC) TO IMPLEMENT A STATE REQUIRED COMMUNITY SUPERVISION TRACKING SYSTEM FOR CASE MANAGEMENT AND RESULTING IMPACT ON TRAVIS COUNTY, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (4:35 PM)

Item 18 postponed until February 25, 2003.

19. A. REVIEW AND APPROVE TUITION REFUNDS FOR EMPLOYEES WHO HAVE COMPLETED CLASSES IN ACCORDANCE WITH TUITION REIMBURSEMENT POLICY §10.021. (9:55 AM)
- B. APPROVE REQUISITION AND AUTHORIZE THE COUNTY AUDITOR AND TREASURER'S OFFICE TO REIMBURSE EMPLOYEES AS LISTED.

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

20. DISCUSS AND TAKE APPROPRIATE ACTION ON THE TRAVIS COUNTY SELF-FUNDED HEALTH PROGRAM ANNUAL REPORT FOR PLAN YEAR 2002, INCLUDING FUND 526 ACTUARIAL REPORT. (4:35 PM)

Item 20 to be reposted on February 25, 2003.

21. 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 \$453,701.63 FOR THE PERIOD OF JANUARY 31, 2003 THROUGH FEBRUARY 6, 2003. (9:55 AM)

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

22. APPROVE PERSONNEL AMENDMENTS. (9:55 AM)

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

### PURCHASING OFFICE ITEMS

23. APPROVE AWARD OF A QISV (QUALIFIED INFORMATION SYSTEMS VENDOR) STATE CATALOG PURCHASE OF DELL SERVERS FROM VINTAGE ITS. (INFORMATION SYSTEMS) (COMMISSIONER GOMEZ) (9:55 AM)

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

24. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. PS01049-DS WITH THE AUSTIN PROJECT FOR PROFESSIONAL SERVICES AS THE "BROKER" FOR THE FAMILY YOUTH ASSESSMENT CENTER. (HHSD) (COMMISSIONER GOMEZ) (9:55 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 CLOSED AND OPEN CAPTIONING SERVICES WITH TEXAS CLOSED CAPTIONING REPORTERS. (HHSD) (COMMISSIONER GOMEZ) (9:55 AM)

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

26. APPROVE CONTRACT AWARD FOR POLO SHIRTS, IFB NO. B030028-DR, TO THE QUALIFIED LOW BIDDER, BODY LINGO EMBROIDERY AND SCREEN PRINTING. (T.C.S.O.) (COMMISSIONER GOMEZ) (9:55 AM)

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

- 27.** APPROVE CONTRACT AWARD FOR PROVISION AND INSTALLATION OF PLAYScape EQUIPMENT AT VARIOUS TRAVIS COUNTY PARKS, IFB NO. B030015-SI, TO THE LOW, RESPONSIVE BIDDER, MUNIZ CONCRETE AND CONTRACTING, INC. (TNR) (COMMISSIONER GOMEZ AND COMMISSIONER DAVIS) (9:55 AM)

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

- 28.** APPROVE MODIFICATION NO. 1 TO CONTRACT NO. 02K00228-JJ, CAMP EXCAVATION AND CONTRACTING, INC. FOR THE DOYLE-EILERS ROAD AND DRAINAGE IMPROVEMENTS PROJECT. (TNR) (COMMISSIONER GOMEZ) (9:55 AM)

**Clerk's Note:** Item 28 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 29.** APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 01T0069-OJ, FORTE MANAGED CARE, INC. FOR MEDICAL AUDIT SERVICES. (HRMD) (COMMISSIONER GOMEZ) (9:55 AM)

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

- 30.** APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 02T00021-EH, SOUTHWEST SURGICAL SYSTEMS, INC. FOR MEDICAL AND SURGICAL SUPPLIES. (T.C.S.O./EMS) (COMMISSIONER GOMEZ) (9:55 AM)

**Clerk's Note:** Item 30 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 31.** APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 02T00189-EH, WITH SEKA TOTAL CARPET CARE, INC. FOR CARPET AND UPHOLSTERY CLEANING SERVICES. (FACILITIES MANAGEMENT) (COMMISSIONER GOMEZ) (9:55 AM)

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



32. APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 1) TO THE FOLLOWING CONTRACTS FOR ASPHALTIC ROAD MATERIALS, DELIVERED: (TNR) (COMMISSIONER GOMEZ) (9:55 AM)
- A. CONTRACT NO. 02T00182-EH, INDUSTRIAL ASPHALT, INC.;
- B. CONTRACT NO. 02T00183-EH, VULCAN CONSTRUCTION MATERIALS, L.P.

**Clerk's Note:** Items 32.A and B added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

### OTHER ITEMS

33. RECEIVE REPORT ON SPACE NEEDS FOR CIVIL DISTRICT COURTS AND TAKE APPROPRIATE ACTION. (JUDGE DIETZ) (9:18 AM) (11:37 AM)

**Members of the Court heard from:** Judge John Dietz, 250<sup>th</sup> District Court; David Walters, President, Travis County Bar Association; Laura Sharp, President-Elect, Travis County Bar Association; and Roger El Khoury, Director, Facilities Management.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to authorize Roger El Khoury, Director, Facilities Management, to work with Judge Dietz on the space allocation issues for the old Courthouse; to put together options for the Court to review, that deal with the more immediate needs of the Civil Courts people.

<b>Motion carried:</b> 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	yes

34. **TAKE UP AT 1:40 P.M.** DISCUSS AND TAKE APPROPRIATE ACTION ON ISSUES REGARDING THE DISCRETIONARY INDIGENT DEFENSE GRANT PROPOSAL. (CRIMINAL COURTS) (9:18 AM) (1:54 PM)

**Members of the Court heard from:** Judge W. Jeanne Meurer, 98<sup>th</sup> District Court; Nolan Martin, Information and Telecommunications Systems (ITS); Joe Harlow, Director, ITS; and Debra Hale, Court Administration.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to give tentative approval, subject to an appropriate contract being presented next week.

**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	yes

35. DISCUSS PROPOSED ORDER PROVIDING THAT IN A PROSECUTION FOR AN OFFENSE INVOLVING THE STOPPING, STANDING, OR PARKING OF AN UNATTENDED MOTOR VEHICLE IN A RESTRICTED TRAFFIC ZONE ON PROPERTY DESCRIBED BY SECTION 251.151, TEXAS TRANSPORTATION CODE, IT IS PRESUMED THAT THE REGISTERED OWNER OF THE VEHICLE IS THE PERSON WHO STOPPED, STOOD, OR PARKED THE VEHICLE AT THE TIME AND PLACE THE OFFENSE OCCURRED (ORDER AUTHORIZED BY SECTION 251.156 OF THE TEXAS TRANSPORTATION CODE), AND TAKE APPROPRIATE ACTION. (9:58 AM)

**Clerk's Note:** Item 35 is the action item for the public hearing on Agenda Item 1.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the order in Item 35.

**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	yes

36. APPROVE RESOLUTION APPROVING PUBLIC HEARING AND PLAN OF FINANCING REGARDING ISSUANCE OF BONDS FOR ASCENSION HEALTH BY INDIANA HEALTH FINANCE AUTHORITY, AND TAKE APPROPRIATE ACTION. (1:51 PM)

**Clerk's Note:** Item 36 is the action item for the public hearing on Agenda Item 2.

**Members of the Court heard from:** Cliff Blount, Attorney for the Corporations.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the public hearing and the plan of financing that the documents make reference to, and incorporate into the motion our reliance upon the documents previously mentioned – the memo dated February 14, 2003, signed by Mr. Barnett and Mr. Speranzo; and the other memo, signed by Douglas Waite, Senior Vice President and Chief of Financial Affairs, Seton.

<b>Motion carried:</b> 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	yes

37. ENTER IN THE RECORDS OF THE TRAVIS COUNTY COMMISSIONERS COURT THE ORDER OF INCORPORATION OF THE COMMUNITY OF VOLENTE AS TYPE B GENERAL LAW MUNICIPALITY, AND ENTER IN THE DEED RECORDS OF TRAVIS COUNTY A CERTIFIED COPY OF THE ORDER OF INCORPORATION AND A PLAT OF THE MUNICIPALITY. (4:24 PM)

**Members of the Court heard from:** Tamara Armstrong, Assistant County Attorney.

**Clerk's Note:** Judge Biscoe signed the order of incorporation to be entered into the records.

Discussion Only. No formal action was taken by the Commissioners' Court.

38. ENTER IN THE MINUTES OF THE TRAVIS COUNTY COMMISSIONERS COURT THE ORDER OF INCORPORATION OF THE COMMUNITY OF WEBBERVILLE AS A TYPE C GENERAL LAW MUNICIPALITY, ENTER IN THE DEED RECORDS OF TRAVIS COUNTY A CERTIFIED COPY OF THE INCORPORATION ORDER AND A PLAT OF THE MUNICIPALITY AND DECLARE THE MAYOR OF WEBBERVILLE TO BE HECTOR RUEBEN GONZALEZ AND THE TWO COMMISSIONERS OF WEBBERVILLE TO BE KENNETH WAYNE MOON AND THOMAS LYNN TRANTHAM. (4:30 PM)

**Members of the Court heard from:** Tamara Armstrong, Assistant County Attorney; Hector Gonzalez; Mayor of Webberville; and Ken Moon; Webberville Commissioner.

**Clerk's Note:** Judge Biscoe signed the order of incorporation to be entered into the records.

Discussion Only. No formal action was taken by the Commissioners' Court.

39. A. APPROVE INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY, TRAVIS COUNTY JUVENILE BOARD AND AUSTIN INDEPENDENT SCHOOL DISTRICT REGARDING TRUANCY COURT PILOT PROJECT. (COMMISSIONER SONLEITNER) (2:13 PM)
- B. APPROVE INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY, TRAVIS COUNTY JUVENILE BOARD AND CITY OF AUSTIN. (COMMISSIONER SONLEITNER)

**Clerk's Note:** Items 39.A and B are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Judge W. Jeanne Meurer, 98<sup>th</sup> District Court; Jim Connolly Assistant County Attorney; and Judge Leonard Saenz, Truancy Court.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Items 39.A and B, with the ratification intent as part of the interlocal that is written.

<b>Motion carried:</b> 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	yes

- 40.** APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:55 AM)

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

- 41.** RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF JANUARY 2003. (AUDITOR'S OFFICE) (9:55 AM)

**Clerk's Note:** Item 41 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 42. A.** DISCUSS LEGISLATIVE ISSUES, AND TAKE APPROPRIATE ACTION. (SEE ATTACHED LIST OF LEGISLATIVE BILLS); (4:14 PM, Wednesday, February 19, 2003)

- B.** OTHER BILLS THAT MAY BE CONSIDERED IN RESPONSE TO ACTION TAKEN BY THE TEXAS LEGISLATURE, AND TAKE APPROPRIATE ACTION.

**Clerk's Note:** Items 42.A and B are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Scheleen Walker, TNR; Danny Hobby, Manager, Emergency and Wireless Communications, JPS; and Barbara Cille, Executive Assistant, Commissioner, Pct. 3 Office.

### **Regional Mobility Authority (RMA)**

**Motion by** Commissioner Sonleitner **and seconded by** Judge Biscoe to support strongly, numbers 1 & 2 of the Regional Mobility Authority list of legislation – the Representative Krusee's version of the bills related to issuing bonds and condemning property.

**Clerk's Note:** The above Motion refers to HB 156 – Support a bill relating to the grant of power of eminent domain to a regional mobility authority; and HB 157 – Support a bill relating to the authority of a regional mobility authority to issue turnpike revenue bonds.

<b>Motion carried:</b> 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	yes

## ITEM 42 CONTINUED

## 911/Radio Dispatch Mobile Telephone (RDMT)

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following actions regarding 911 legislative issues: To continue to work with the Capital Area Planning Council (CAPCO) and the 911 Commission in regards to redundancy and diversity of emergency services equipment – joining the already established budget process; to draft a bill allowing Travis County more flexibility to spend 911 service fees on equipment services within our emergency services network and systems. These are in association with a resolution approved by the Court last month. Staff will work with CAPCO and the 911 Commission in this effort, and come back to the Court for final approval. Third is the authority to draft a bill allowing Travis County the ability to join the City of Austin, in the event, at some future date, they were to become an Emergency Communications District or Home Rule City. Staff will work with CAPCO and the 911 Commission in this effort, and come back to the Court for final approval.

<b>Motion carried:</b>	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	yes

## Masters Clean-up Bill

**Motion by Judge Biscoe and seconded by Commissioner Sonleitner** to, in regards to the Masters clean-up bill, to indicate the Court's support for draft legislation for the Court to consider, and to touch base with Judge Dietz on this Item. The Commissioners' Court retains total discretionary authority, related to money. Nothing is imposed on us, it is discretionary.

<b>Motion carried:</b>	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	yes

**ITEM 42 CONTINUED****New Civil District Court**

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to ask for a new judicial Civil District Court for Travis County.

**An Addition to the previous Motion was made by** Commissioner Sonleitner that it would be with flexibility related to the implementation date. It would be at the beginning of the second year, to give the total flexibility to this Court, to respond, if this is indeed acted upon.

<b>Motion carried:</b> 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	yes

**Domestic Relations**

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez that, for the Domestic Relations Office, to be able to have the enforcement of the collection service fee, as part of an enforcement order, to get a way to enforce that monthly service fee being collected.

<b>Motion carried:</b> 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	yes

**Criminal Courts**

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to authorize the drafting of appropriate legislation to expand the use of Magistrates and 24-hour magistration, and similar duties.

<b>Motion carried:</b> 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	yes

**ITEM 42 CONTINUED****I-Jury**

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to authorize legislation to make sure that the I-Jury improvements that we have got here are protected.

<b>Motion carried:</b> 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	yes

Items 42.A and B to be reposted on February 25, 2003.

**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

- 43.** DISCUSS, APPROVE AND TAKE APPROPRIATE ACTION REGARDING REAL ESTATE ISSUES FOR OFFICE SPACE FOR VARIOUS COUNTY DEPARTMENTS. <sup>2</sup> (4:39 PM) (10:07 AM, Wednesday, February 19, 2003) (4:13 PM, Wednesday, February 19, 2003)

**Clerk's Note:** Judge Biscoe announced that Item 43 would be considered in Executive Session, pursuant to Gov't. Code Ann. 551.072, Real Property, and Gov't Code Ann 551.071, Consultation with Attorney.

No action taken on Item 43.

Item 43 postponed until February 25, 2003.



- 44.** DISCUSS, APPROVE OR TAKE ANY APPROPRIATE ACTION REGARDING REAL ESTATE ISSUES FOR THE TRAVIS COUNTY PLEASANT VALLEY ROAD OFFICE BUILDING. <sup>2</sup> (4:39 PM)  
(10:07 AM, Wednesday, February 19, 2003)  
(4:11 PM, Wednesday, February 19, 2003)

**Clerk's Note:** Judge Biscoe announced that Item 44 would be considered in Executive Session, pursuant to Gov't. Code Ann. 551.072, Real Property.

**Clerk's Note:** Commissioner Gómez recused herself from the discussion of this Item, since Capital Metro is a potential buyer of this property, and she is a member of the Capital Metro Board.

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner to authorize appropriate County Staff to sell this County-owned property at Pleasant Valley Road, for the minimum amount of \$650,000.00, at a public sale; and that we further authorize meeting all legally required advertising, noticing, etc.

**An Addition to the previous Motion was made by** Commissioner Sonleitner that, if a Commissioner of Sale is required, that Judge Biscoe be that appropriate person.

<b>Motion carried:</b> 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	abstain

- 45.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TNR AND/OR TAKE APPROPRIATE ACTION REGARDING RIGHT-OF-WAY TRANSACTIONS RELATING TO COUNTY ROADWAY CONNECTIONS TO SH 130. <sup>1 AND 2</sup>  
(4:39 PM) (10:07 AM, Wednesday, February 19, 2003)  
(4:08 PM, Wednesday, February 19, 2003)

**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, and Gov't. Code Ann. 551.072, Real Property.

No action necessary on Item 45.

46. A. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN LAKE TRAVIS INDEPENDENT SCHOOL, DISTRICT, ET AL. V. CRAZYHORSE LAND CORP. (TERRY TRAINOR RESALE DEED), AND TAKE APPROPRIATE ACTION. <sup>1</sup> (4:39 PM) (4:08 PM, Wednesday, February 19, 2003)
- B. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN LAKE TRAVIS INDEPENDENT SCHOOL, DISTRICT, ET AL. V. CHARLES A. STEVENS (TERRY TRAINOR RESALE DEED), AND TAKE APPROPRIATE ACTION. <sup>1</sup>
- C. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN LAKE TRAVIS INDEPENDENT SCHOOL, DISTRICT, ET AL. V. LOUISE JOHN (SCOTT WAY RESALE DEED), AND TAKE APPROPRIATE ACTION. <sup>1</sup>
- D. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL. V. JOHN HAMMOND WOFFORD (WHITE DOVE INVESTMENTS, INC. RESALE DEED), AND TAKE APPROPRIATE ACTION. <sup>1</sup>
- E. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL. V. JORGE BADILLO (PATRICIA J. MANICOM RESALE DEED), AND TAKE APPROPRIATE ACTION. <sup>1</sup>
- F. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL. V. TAIYO CORP. (R. UNNIKRISHNAN RESALE DEED), AND TAKE APPROPRIATE ACTION. <sup>1</sup>
- G. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN LAKE TRAVIS INDEPENDENT SCHOOL, DISTRICT, ET AL. V. CRAZYHORSE LAND CORP. (AUS-TEX PARTS AND SERVICE, LTD. RESALE DEED), AND TAKE APPROPRIATE ACTION. <sup>1</sup>

**Clerk's Note:** Items 46.A-G are associated with one another and were called for concurrent discussion.

**Clerk's Note:** Judge Biscoe announced that Items 46.A-G would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**ITEM 46 CONTINUED**

**Members of the Court agreed** to consider one Motion for Items 46.A-G.

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner to authorize the County Judge to sign the tax resale deed in Item 46.A, to Terry Trainor, for the sum of \$500.00 in cash, that we have already received. In Item 46.B, to authorize the County Judge to execute another tax resale deed to Terry Trainor, for the amount of \$600.00, that we have already received. In Item 46.C, to authorize the County Judge to sign a tax resale deed for the Commissioners' Court, to Scott E. Way, for the amount of \$8,884.26, that we have already received. In Item 46.D, to authorize the County Judge to sign, on behalf of the Commissioners' Court, a tax resale deed to White Dove Investments, Inc., for the amount of \$45,831.79, which we have already received in cash. In Item 46.E, to authorize the County Judge to sign a tax resale deed to Patricia J. Manicom, for the amount of \$5,451.00, as we have already received that sum in cash. In Item 46.F, to authorize the County Judge to sign a tax resale deed to R. Unnikrishnan, for the amount of \$3,645.95, which we have already received. In Item 46.G, to authorize the County Judge to execute a tax resale deed to Aus-Tex Parts and Service Ltd., for the amount of \$100.00 in cash, which we have received. For the record, this is a title clearing resale deed, no taxes are owed, they have all been paid, and the \$100.00 paid to us is to help us process this transaction.

**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	yes

- 47. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND GIVE DIRECTION REGARDING TRAVIS COUNTY SUBROGATION CLAIM IN THE MATTER OF DEKE PIERCE AND TAKE APPROPRIATE ACTION. <sup>1</sup> (4:42 PM)**

Item 47 postponed until February 25, 2003.

- 48.** DISCUSS POTENTIAL LITIGATION FOR RECOVERY OF DAMAGES TO THE TRAVIS COUNTY MEDICAL EXAMINERS FACILITY, THE SUBROGATION RIGHTS OF ZURICH AMERICAN INSURANCE, REPRESENTATION OF ZURICH'S RIGHTS AGAINST THIRD PARTIES BY ZELLE HOFFMAN VOELBEL MASON & GETTE LAW FIRM OF DALLAS AND POTENTIALLY REPRESENTATION OF THE COUNTY'S NONINSURED LOSSES/DAMAGES BY ZELLE HOFFMAN, AND CONSIDERATION OF A PRO-RATA AGREEMENT WITH ZURICH AGREEMENT RELATIVE TO CLAIMS TO BE MADE AGAINST THIRD PARTIES CONSIDERED LIABLE FOR DAMAGES TO THE FACILITY, AND TAKE APPROPRIATE ACTION. <sup>1</sup> (4:39 PM)  
(10:09 AM, Wednesday, February 19, 2003)

**Clerk's Note:** Judge Biscoe announced that Item 48 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action taken on Item 48.

Item 48 postponed until February 25, 2003.

- 49.** DISCUSS APPLICANTS FOR THE POSITION OF EXECUTIVE MANAGER FOR JUSTICE AND PUBLIC SAFETY, AND TAKE APPROPRIATE ACTION. <sup>3</sup>  
(4:39 PM) (10:07 AM, Wednesday, February 19, 2003)  
(3:08 PM, Wednesday, February 19, 2003)  
(4:11 PM, Wednesday, February 19, 2003)

**Clerk's Note:** Judge Biscoe announced that Item 49 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.074, Personnel Matters.

**Clerk's Note:** Judge Biscoe directed that Item 49 is to be reposted on February 25, 2003, with this Item as "A" of Item 49 and have an appropriately worded "B", to give us an opportunity to have a full range of discussion.

Discussion only. No action necessary on Item 49.

**THE FOLLOWING ITEMS ARE ADDENDA:**

- A1.** REVIEW STATUS OF LEASE SPACE AT 2929 MANCHACA ROAD;  
CONSIDER TERMINATION OF LEASE AND TAKE APPROPRIATE ACTION,  
INCLUDING NEW LEASE FOR JUSTICE OF THE PEACE AND CONSTABLE  
PRECINCT THREE. EXECUTIVE SESSION ALSO, PURSUANT TO TEX.  
GOVT. CODE ANN. 551.071 AND 551.072. (4:37 PM)  
(3:08 PM, Wednesday, February 19, 2003)  
(4:00 PM, Wednesday, February 19, 2003)

**Clerk's Note:** Judge Biscoe announced that Item A1 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.

**Members of the Court heard from:** Tracey Dahl, Property Manager, 2929 Manchaca Road; John Hille, Assistant County Attorney; and Pat Ford, Real Estate Manager, Facilities Management.

**Motion by** Commissioner Daugherty **and seconded by** Judge Biscoe to authorize the move to other Travis County space, the TNR Satellite 3 building, for the Constable, immediately, until he can reoccupy 2929 Manchaca Road, after remediation, and air conditioning repairs.

**A Clarification of the previous Motion was made by** Commissioner Sonleitner that the intent of this Motion is that the Constable will go back to that space when it is cleared for occupancy. This is only a temporary relocation.

<b>Motion carried:</b> 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	yes

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to instruct the County Attorney to send notice of default on all applicable lease provisions at 2929 Manchaca Road, specifically regarding all air quality issues, including CO2 and mold.

<b>Motion carried:</b> 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	yes

- A2. A.** ACCEPT RESIGNATION LETTER OF KEN ODEN, TRAVIS COUNTY ATTORNEY. (4:39 PM) (10:07 AM, Wednesday, February 19, 2003) (4:05 PM, Wednesday, February 19, 2003)
- B.** CONSIDER PROCESS FOR SELECTING TRAVIS COUNTY ATTORNEY TO COMPLETE TERM OF OFFICE THROUGH DECEMBER 31, 2004, AND TAKE APPROPRIATE ACTION.

**Clerk's Note:** Items A2.A and B are associated with one another and were called for concurrent discussion.

**Clerk's Note:** Judge Biscoe announced that Items A2.A and B would be considered in Executive Session, pursuant to Gov't. Code Ann. 551.074, Personnel Matters.

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

**Motion by Judge Biscoe and seconded by Commissioner Sonleitner** to: 1) accept the letter of resignation from Ken Oden, the Travis County Attorney; and 2) that we authorize the Human Resources Department (HRMD) to post the County Attorney's position immediately, and let that posting run for 5 days. The posting deadline will be February 26, 2003, at 5:00 PM; 3) that we ask HRMD to short-list the applicants to the top three or four, if that is possible, and; 4) we will have this Item on the Court's Agenda on March 4, 2003, for appropriate action, including interviewing and making the selection.

**An Addition to the previous Motion was made by Commissioner Sonleitner** that, if the Court does not see a candidate for County Attorney in the stack that is moved along by HRMD, that the Court will have the flexibility to accept suggestions from any member of the Court.

**A further Addition to the previous Motion was made by Commissioner Sonleitner** that, even if only one person applies for this job, there will be an interview of whomever it is that the Court is considering for this very serious appointment.

<b>Motion carried:</b> 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	yes

Item A2.B to be reposted on March 4, 2003.

## ADJOURNMENT

**Motion by Commissioner Gómez and seconded by Commissioner Sonleitner** to adjourn the Voting Session. (4:38 PM, Wednesday, February 19, 2003)

<b>Motion carried:</b>	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	yes

**MINUTES APPROVED BY THE COMMISSIONERS' COURT**

**Date of Approval**

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