

MINUTES OF MEETING – MAY 6, 2003

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 6th day of May, 2003, the Commissioners' Court convened the regular Voting Session at 9:14 AM in the Commissioners' Courtroom, 1st Floor of the Travis County 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 12:15 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) called to order the Voting Session at 1:42 PM and adjourned at 1:42 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation called to order the Voting Session at 1:42 PM and adjourned at 2:03 PM.

The Commissioners' Court reconvened the regular Voting Session at 2:03 PM.

The Commissioners' Court retired to Executive Session at 3:15 PM.

The Commissioners' Court reconvened the Voting Session at 4:44 PM.

The Commissioners' Court adjourned the Voting Session at 4:49 PM.

RESOLUTIONS & PROCLAMATIONS

1. APPROVE RESOLUTION RECOGNIZING RICHARD L. HUVER ON HIS RETIREMENT FROM THE FACILITIES MANAGEMENT DEPARTMENT AFTER TWENTY-ONE YEARS OF SERVICE TO TRAVIS COUNTY. (9:34 AM)

Members of the Court heard from: Roger El Khoury, Director, Facilities Management.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve the resolution in Item 1.

Motion carried:

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

2. APPROVE RESOLUTION RECOGNIZING ALFRED G. KASPER ON HIS RETIREMENT FROM THE FACILITIES MANAGEMENT DEPARTMENT AFTER OVER TWELVE YEARS OF SERVICE TO TRAVIS COUNTY. (9:15 AM)

Members of the Court heard from: Roger El Khoury, Director, Facilities Management; and Alfred G. Kasper, Facilities Management.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the resolution in Item 2.

Motion carried:

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

3. APPROVE RESOLUTION RECOGNIZING LEONARD L. HAYS ON HIS RETIREMENT FROM THE FACILITIES MANAGEMENT DEPARTMENT AFTER TWENTY-SEVEN YEARS OF SERVICE TO TRAVIS COUNTY. (9:20 AM)

Members of the Court heard from: Roger El Khoury, Director, Facilities Management; Alicia Perez, Executive Manager, Administrative Operations; Leonard L. Hays, Facilities Management; and Lloyd Evans, Division Director, Facilities Management.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the resolution in Item 3.

Motion carried:

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

4. APPROVE A RESOLUTION COMMENDING PEASE ELEMENTARY STUDENT COUNCIL ON THE FORMATION OF THE STUDENT GOVERNMENT AND THEIR COMMUNITY SERVICE TO THEIR COMMUNITY. (COMMISSIONER GOMEZ) (9:27 AM)

Members of the Court heard from: B.J. Winston, Pease Elementary School Student Council President; and Alexandria Roland, Pease Elementary School Student Council.

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

Motion carried:

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

CITIZENS COMMUNICATION

Clerk's Note: No speakers addressed the Court. (9:37 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1–C6 and Items 5, 8, 9, 11.A-D, 12, 13, 17, 18, 21, 25, 26, and A1. (9:37 AM)

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

- C1.** RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2.** AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.
- C3.** APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF APRIL 15, 2003.
- C4.** APPROVE SETTING A PUBLIC HEARING ON JUNE 10, 2003 TO DISCUSS AND APPROVE:
 - A.** THE PARTIAL VACATION OF WERKENTHIN SECTION FIVE;
 - B.** THE PARTIAL VACATION OF THE AMENDED PLAT OF LOTS 40-43, BLOCK D, LOTS 1-5, BLOCK E, AND LOTS 15-23, BLOCK F, WERKENTHIN SECTION FIVE; AND
 - C.** A PLAT FOR RECORDING IN PRECINCT THREE: LOT 5A, BLOCK E, WERKENTHIN SECTION FIVE A (REVISED PLAT – LOT – 0.97 ACRES – PANDINA DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY WCID NO. 18 – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY)
- C5.** APPROVE SETTING A PUBLIC HEARING ON JUNE 10, 2003 TO DISCUSS AND APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: THE AMENDED PLAT OF LOT 45, BLOCK D, OF WERKENTHIN SECTION FIVE AND LOTS 35-38, BLOCK D, WERKENTHIN SECTION SIX AND LOT 39, BLOCK D, WERKENTHIN SECTION FIVE (REVISED PLAT – 4 LOTS – 5.563 ACRES – DEMONA DRIVE AND OESTRICK LANE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY NO. 18 – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY)

CONSENT ITEMS CONTINUED

- C6.** APPROVE SETTING A PUBLIC HEARING DATE OF MAY 20, 2003, TO CONSIDER AND APPROVE A TEMPORARY REASSIGNMENT OF WESTBANK DRIVE IN PRECINCT 3, FROM A TWO WAY TRAFFIC ROAD TO A ONE WAY EAST BOUND TRAFFIC ROAD BETWEEN CAMP CRAFT ROAD AND PINNACLE ROAD FOR THE DURATION OF PART OF THE WESTBANK ROAD AND DRAINAGE IMPROVEMENTS CONSTRUCTION PROJECT, LASTING APPROXIMATELY FROM JUNE 2003 TO AUGUST 2003.
(COMMISSIONER DAUGHERTY)

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

- 5.** APPROVE A CONSTRUCTION AGREEMENT AND APPROVE A PLAT FOR RECORDING IN PRECINCT ONE: SHADOWGLEN PHASE ONE SECTION 1(A), 2(A), 3(A), 4(A) (LONG FORM PLAT – 152 LOTS – 48.826 ACRES – SHADOW GLEN BOULEVARD AT US HWY 290 – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 2 – CITY OF MANOR ETJ).
(COMMISSIONER DAVIS) (9:37 AM)

Clerk's Note: Item 5 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

TAKE UP AT 11:00 A.M.

6. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING SOLID WASTE MANAGEMENT ISSUES: (JUDGE BISCOE) (11:04 AM)

- A. PROPOSED PLAN TO ADDRESS GAS EMISSIONS AND BAD ODORS AT NORTHEAST TRAVIS COUNTY LANDFILLS;
- B. PROGRESS ON HIRING CONSULTANT;
- C. UPDATE ON EFFORTS TO ACQUIRE ADDITIONAL PARTNERS TO IMPLEMENT STUDY.

Clerk's Note: Items 6.A, B, and C are associated with one another and were called for concurrent discussion.

Members of the Court heard from: John Kuhl, Natural Resources Program Manager, Transportation and Natural Resources (TNR); Cyd Grimes, Travis County Purchasing Agent; and Trek English, Travis County Resident.

Discussion only. No action taken.

7. CONSIDER COMMENTS PROVIDED ON TRAVIS COUNTY FLOOD PLAIN ORDINANCE AND WHETHER IT SHOULD BE MADE PART OF THE SOLID WASTE SITING ORDER, AND TAKE APPROPRIATE ACTION. (11:19 AM)

Members of the Court heard from: John Kuhl, Natural Resources Program Manager, TNR; Tom Nuckols, Assistant County Attorney; Joyce Best, Northeast Austin Resident; Mark McAfee, Travis County Resident; Trek English, Travis County Resident; John Joseph, Attorney, Waste Management; Ray Shull, A.C.E., representing Browning Ferris Industries (BFI); and Paul Gosselink, Attorney, representing BFI.

Discussion only. No action taken

Item 7 to be reposted on May 13, 2003.

8. APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: TWIN CREEKS COUNTRY CLUB SECTION 10A (LONG FORM PLAT – 46 LOTS – 9.596 ACRES – TWIN CREEKS CLUB DRIVE – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY CITY OF CEDAR PARK ETJ). (COMMISSIONER DAUGHERTY) (9:37 AM)

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

9. APPROVE A CONSTRUCTION AGREEMENT AND APPROVAL OF A PLAT FOR RECORDING IN PRECINCT TWO: SPRINGBROOK INDUSTRIAL PARK, SECTION ONE) LONG FORM PLAT – 20 LOTS – 20.877 ACRES – PICADILLY DRIVE – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY WINDEMERE UTILITY CO. – CITY OF PFLUGERVILLE ETJ). (COMMISSIONER SONLEITNER) (9:37 AM)

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

10. CONSIDER REQUEST TO THE TEXAS TURNPIKE AUTHORITY TO DESIGN AND CONSTRUCT AN INTERCHANGE AT THE PROPOSED HOWARD LANE ARTERIAL DURING THE INITIAL CONSTRUCTION OF STATE HIGHWAY 130, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAVIS) (9:41 AM)

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

Motion by Judge Biscoe **and seconded by** Commissioner Davis to postpone Item 10 until May 13, 2003; and in the meantime, contact the Texas Turnpike Authority (TTA), and let them know what is going on, what we are waiting on; that we notify the property owners that TTA expected these documents (special warranty deeds, as drafted by Tom Nuckols, Assistant County Attorney) to be delivered to TTA last week; and in our view, time is of the essence.

Motion carried:

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

PLANNING AND BUDGET DEPT. ITEMS

11. REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE:
(9:37 AM)

- A. APPROVE GRANT APPLICATION TO THE AUTO THEFT PREVENTION AUTHORITY FOR THE SHERIFF'S COMBINED AUTO THEFT TASK FORCE. THE GRANT APPLICATION IS TO CONTINUE THE CURRENT PROGRAM FOR FY 04.
- B. APPROVE GRANT APPLICATION TO THE TEXAS EDUCATION AGENCY FOR FUNDING TO ENHANCE THE SERVICES PROVIDED BY THE JUVENILE PROBATION JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM. A NEW GRANT APPLICATION WITH NO COUNTY MATCH.
- C. APPROVE GRANT APPLICATION TO THE SUBSTANCE ABUSE AND MENTAL HEALTH AGENCY THROUGH THE U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES FOR A GRANT TO ENHANCE THE ALCOHOL & DRUG TREATMENT SERVICES PROVIDED BY JUVENILE PROBATION. A NEW GRANT PROGRAM WITH NO MATCH REQUIREMENTS.
- D. APPROVE GRANT CONTRACT WITH THE FY 03 CHILD CARE LOCAL MATCH AGREEMENT WITH WORKSOURCE, THE GREATER AUSTIN AREA WORKFORCE BOARD. THE AMENDMENT INCREASES THE COUNTY FUNDS CERTIFIED AS CHILD CARE EXPENDITURES AND INCREASES THE REIMBURSEMENT AMOUNT.

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

12. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (9:37 AM)

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

ADMINISTRATIVE OPERATIONS ITEMS

13. 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 \$593,972.66 FOR THE PERIOD OF APRIL 18, 2003 THROUGH APRIL 24, 2003. (9:37 AM)

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

14. DISCUSS AND TAKE APPROPRIATE ACTION REGARDING SCHEMATIC DESIGN FOR PHASE 2, PRECINCT THREE OFFICE BUILDINGS. (9:55 AM)

Members of the Court heard from: Roger El Khoury, Director, Facilities Management.

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to approve the schematic design.

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

15. APPROVE PERSONNEL AMENDMENTS. (9:51 AM)

Members of the Court heard from: Luanne Shull, Senior HR Analyst, Human Resources Management Department (HRMD).

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the routine personnel amendments.

Clerk's Note: The Justice and Public Safety (JPS) department reorganization and the posting of the salary for the JPS Coordinator position will be reposted on May 13, 2003.

Motion carried:

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

PURCHASING OFFICE ITEMS

16. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. PS020179LB WITH THOMAS, HUDSON AND NELSON, LLP FOR LITIGATION SERVICES. (COUNTY ATTORNEY) (9:50 AM)

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to approve the contract modification in Item 16.

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

17. APPROVE CONTRACT AWARD FOR PARKS BROCHURE, IFB B030083-RG, TO THE QUALIFIED LOW BIDDER, JANICE MCLEMORE GRAPHICS. (TNR-PARKS) (9:37 AM)

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

18. APPROVE STATE TERM CONTRACT PURCHASES OF COPIER PAPER. (RECORDS MANAGEMENT) (9:37 AM)

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

- 19.** APPROVE CONTRACT AWARD FOR SURFACE AGGREGATES 4 AND 5, IFB# B030088-RV, TO THE QUALIFIED LOW BIDDERS (COUNTYWIDE): (9:53 AM)

- A.** VULCAN CONSTRUCTION MATERIALS – PRIMARY CONTRACTOR;
- B.** ODEEN HIBBS TRUCKING COMPANY – SECONDARY CONTRACTOR;
- C.** SHALLOW FORD CONSTRUCTION COMPANY – TERTIARY CONTRACTOR.

Clerk's Note: Items 19.A-C are associated with one another and were called for concurrent discussion.

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

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve Items 19.A and B, excluding Item 19.C, the tertiary vendor.

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

TAKE UP AT 1:45 P.M.

20. A. DISCUSS LEGISLATIVE ISSUES, INCLUDING PROPOSED BILLS, AND TAKE APPROPRIATE ACTION. (2:03 PM)

B. CONSIDER OTHER BILLS, IF ANY, IN RESPONSE TO ACTION TAKEN BY THE LEGISLATURE, AND TAKE APPROPRIATE ACTION.

Clerk's Note: Items 20.A and B are associated with one another and were called for concurrent discussion.

HCR223 (Sponsor – Representative Hartnett) Granting Maria Isabel Guerrero-McDonald and Guerrero-McDonald & Associates, Inc., permission to sue Travis County.

Members of the Court heard from: Bob Kamm, Travis County Legislative Consultant; and Chris Shield, Travis County Legislative Consultant.

Motion by Judge Biscoe and seconded by Commissioner Davis to authorize the County Judge, as a follow-up to authorization and actions already taken, to put together a response to the resolution, HCR223, where we deal with the facts, and basically, put forth the County's position; and also, that we authorize the County Judge, and others to go to the hearing before the House Civil Practices Committee at 2:00 pm, Wednesday, May 7, 2003.

A Clarification of the previous Motion was made by Judge Biscoe that the Motion is that we do both of these – that we, basically, prepare a response, similar to opposition to House Bill 1898/Senate Bill 1017, and, basically, authorize the County Judge to go over and represent the County on this matter, along with the Legislative Consultants, and if it is at 2:00 pm Wednesday, May 7, 2003, and other members of the Court want to go, we recess today's meeting, if we think three or more want to go.

An Addition to the previous Motion was made by Judge Biscoe that, whatever response we put together, we provide a copy to each member of the House Civil Practices Committee, along with the appropriate urging, to disallow this.

An Addition to the previous Motion was made by Judge Biscoe that, for each member of the Court who knows a member of the Committee to share the response, as well as a phone call, to urge them.

ITEM HCR223 CONTINUED

An Addition to the previous Motion was made by Judge Biscoe that we share whatever response we put together with the Travis County legislative delegation, and urge them to show renewed vigor in protecting the Travis County public treasury against efforts such as this.

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

SB1017 (Sponsor – Senator Wentworth) Relating to the ability of a county to sue and be sued.

Members of the Court heard from: Bob Kamm, Travis County Legislative Consultant; John Hille Assistant County Attorney; and Chris Shields, Travis County Legislative Consultant.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to put together a strategy to try to defeat it, and if that cannot be done, then we try to get the local delegation members to amend it.

A Clarification of the previous Motion was made by Judge Biscoe that the Motion is to defeat, or try to get language similar to what the State of Texas has.

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 20 CONTINUED

HB725/SB1349 (Sponsors – Representatives Haggerty and Ellis and Senator Whitmire) Relating to the participation of community supervision and corrections department employees, retired employees, and dependents of employees and retired employees in the group benefits program for state employees.

Members of the Court heard from: April Bacon, Travis County Auditor's Office; Alicia Perez, Executive Manager, Administrative Operations; Susan Spataro, Travis County Auditor; Barbara Wilson, Assistant County Attorney; Lila Oshatz, Community Supervision and Corrections Department (CSCD); and Charles Vaughn, Chief Assistant County Auditor, Travis County Auditor's Office.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to indicate the Court's position to the sponsors of the bill, Senator Whitmire in the Senate, and Representative Haggerty, that in our view, it could be an administrative nightmare; and, that we believe the State of Texas ought to pick up administrative expenses, or administer the payroll.

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

HB2642 (Sponsor – Representative Bailey) Relating to business leave time accounts for peace officers in certain municipalities and counties.

Members of the Court heard from: Charles Vaughn, Chief Assistant County Auditor, Travis County Auditor's Office; and Susan Spataro, Travis County Auditor.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to indicate the Court's concurrence with the Conference of Urban Counties' (CUC) position, to indicate the three or four specific reasons why we see House Bill 2642 as a problem, put those in a letter, and send it to the bill's sponsors.

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 20 CONTINUED

HB2205 (Sponsor – Representative Hilderbran) Relating to procedures for obtaining a permit to hold certain gatherings.

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

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to indicate the Court's support for House Bill 2205.

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

HB3588/SB1927 (Sponsors – Representative Krusee and Senator Ogden) Relating to the construction, acquisition, financing, maintenance, management, operation, ownership and control of transportation facilities and the progress, improvement, policing and safety of transportations in the state.

Members of the Court heard from: Scheleen Walker, TNR; Elaine Wray, Planning and Engineering Services, TNR; and Chris Shields, Travis County Legislative Consultant.

Discussion only. No action taken.

ITEM 20 CONTINUED

HB2599 (Sponsor – Representative Stick) Relating to the creation of an appellate judicial system for the Third Court of Appeals District.

Members of the Court heard from: Carolyn Damron, Senior Financial Analyst, Travis County Auditor's Office.

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to support giving the County the authority to keep the 10% administrative fee that the County collects on other State court costs.

A Clarification of the previous Motion was made by Commissioner Sonleitner that this is consistent with what we do on everything else. It recognizes there is an administrative cost and we get to recapture it, and the State gets to keep 90% of the money.

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

- 21.** APPROVE CONTRACT AWARD FOR EMERGENCY VEHICLE EQUIPMENT, IFB NO. B030064-OJ, TO THE LOW BIDDER, GT DISTRIBUTORS: (TNR)
(9:37 AM)

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

22. CONSIDER INFORMAL REQUEST FOR SERVICES (RFS), NO. S030121-LB, FOR STUDY OF JAIL OPERATIONS, AUTHORIZE THE PURCHASING AGENT TO ISSUE THE RFS TO SELECT VENDORS AND TAKE APPROPRIATE ACTION. (10:57 AM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; and Belinda Powell, Capital Planning Coordinator, Planning and Budget Office (PBO).

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to issue the Request for Services (RFS).

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	no
Precinct 4, Commissioner Margaret J. Gómez	yes

OTHER ITEMS

23. 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 THE RESULTING IMPACT ON TRAVIS COUNTY, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE & COMMISSIONER DAUGHERTY) (9:14 AM)

Item 23 postponed until May 20, 2003

24. DISCUSS THE IMPLEMENTATION OF EMPLOYEE IDENTIFICATION NUMBERS AND TAKE ANY APPROPRIATE ACTION. (COMMISSIONER SONLEITNER) (10:53 AM)

Members of the Court heard from: Charles Vaughn, Chief Assistant County Auditor, Travis County Auditor's Office.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to concur with the Auditor's plan to switch to a new employee identification number that is not linked to somebody's Social Security number, on all appropriate documents deemed that it is necessary to do.

A Clarification of the previous Motion was made by Judge Biscoe that the new number would be used on time sheets, checks, direct deposit receipts, and open enrollment forms, as indicated in the memo.

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

25. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:37 AM)

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

26. CONSIDER REPORT ON U.S. DEPARTMENT OF JUSTICE'S INTENT TO REDUCE FUNDING AND CHANGE ELIGIBILITY CRITERIA FOR STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP), AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (9:37 AM)

Clerk's Note: Item 26 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

- 27.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING FLOUR DANIEL, INC. V TRAVIS COUNTY, TEXAS; NO. 02-50378; IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT (USDC CIVIL ACTION NO. 1-00-CA-021-SS). ¹ (3:15 PM) (4:44 PM)

Clerk's Note: Judge Biscoe announced that Item 27 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action required on Item 27.

- 28.** RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. WALNUT CREEK IMPROVEMENT ASSOCIATION (TRI TA & TOM DINH RESALE DEED) AND TAKE APPROPRIATE ACTION. ¹ (3:15 PM) (4:44 PM)

Clerk's Note: Judge Biscoe announced that Item 28 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 authorize the County Judge to sign the tax resale deed to Tri Ta and Tom Dinh, for the amount of \$52,567.66, which we have received.

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

- 29. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. HERITAGE NATIONAL BANK (TONY CERNOSEK RESALE DEED) AND TAKE APPROPRIATE ACTION. ¹ (3:15 PM) (4:45 PM)**

Clerk's Note: Judge Biscoe announced that Item 29 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 authorize the County Judge to sign the tax resale deed to Tony Cernosek. This covers two lots, and the amount of cash received is \$4,500.00 on each, for a total of \$9,000.00.

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

- 30. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. SUNG K. PARK & YOUNG O. PARK (TONY CERNOSEK RESALE DEED) AND TAKE APPROPRIATE ACTION. ¹ (3:15 PM) (4:45 PM)**

Clerk's Note: Judge Biscoe announced that Item 30 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 authorize the County Judge to sign on behalf of Travis County, a resale to deed to Tony Cernosek, for the amount of \$3,500.00, cash, that we have already received.

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

31. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. E.L. BUICE (TRACEY A. SUIRE RESALE DEED) AND TAKE APPROPRIATE ACTION. ¹ (3:15 PM) (4:45 PM)

Clerk's Note: Judge Biscoe announced that Item 31 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 authorize the County Judge to sign a tax resale deed to Tracey A. Suire, for the amount of \$4,948.60, which we have received.

Motion carried:

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

32. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION ON LEGAL ISSUES REGARDING THE ACQUISITION OF NECESSARY RIGHT OF WAY ON THE ANDERSON MILL ROAD PROJECT. ¹ (3:15 PM) (4:46 PM)

Clerk's Note: Judge Biscoe announced that Item 32 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action required on Item 32.

33. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION ON SETTLEMENT OFFER IN FREDERICK PLUETT (DECEASED) V. MARGO FRASIER, ET.AL, (PLUET; FRASIER; CIVIL RIGHTS) (REQUESTED BY PLAINTIFF). ¹ (3:15 PM) (4:46 PM)

Clerk's Note: Judge Biscoe announced that Item 33 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Item 33 pulled from the Agenda

34. RECEIVE BRIEFING FROM COUNTY ATTORNEY, DISCUSS PROPOSED SETTLEMENT AND TAKE APPROPRIATE ACTION REGARDING CLAIM OF TRAVIS COUNTY VS. J.C. EVANS CONSTRUCTION CO., INC. ¹ (3:15 PM) (4:46 PM)

Clerk's Note: Judge Biscoe announced that Item 34 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe and seconded by Commissioner Gómez to authorize the County Attorney to convey a counter to the counter-offer, in the amount of \$180,000.00, payable in five equal quarterly payments, the first of which is due on June 1, 2003; and to give 30 days to pay before the payment becomes late, but with the understanding that if there is a late payment of more than 30 days, that the whole amount becomes due, and will be sued on, and that whole amount is \$725,000.00.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	no
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 35.** DISCUSS AND TAKE APPROPRIATE ACTION REGARDING REAL ESTATE AND DUE DILIGENCE ISSUES ON THE BUILDING LOCATED AT 5501 AIRPORT BLVD. UNDER CONSIDERATION FOR PURCHASE TO HOUSE VARIOUS COUNTY DEPARTMENTS. ^{1&2} (3:15 PM) (4:47 PM)

Clerk's Note: Judge Biscoe announced that Item 35 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney, and Gov't Code Ann. 551.072, Real Property.

Motion by Judge Biscoe **and seconded by** Commissioner Davis that the Court authorize the County Judge and Commissioner Daugherty to take the last offer from the seller in this case, and to work with the seller to try to get an additional \$100,000.00 contribution on the roof that needs to be replaced; and that the County Judge and Commissioner Daugherty remain mindful of the 5:00 PM, Thursday, May 8, 2003 deadline; and that the maximum amount that we can spend be the amount of the counter.

A Clarification of the previous Motion was made by Judge Biscoe that our goal is to get an additional contribution to the roof, which would reduce that maximum. If we can reduce that maximum, then, by 5:00 Thursday, we would basically, accept it.

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

- 36.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING BARBARA OAKLY, AS LEGAL GUARDIAN FOR RICHARD DANZINGER V. CITY OF AUSTIN, HECTOR POLANCO, ET AL. ¹ (3:15 PM) (4:49 PM)

Clerk's Note: Judge Biscoe announced that Item 36 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action taken on Item 36.

Item 36 to be reposted on May 13, 2003.

ADDED ITEMS:

- A1.** RESCIND ACTION TAKEN IN APPROVING AN ELECTRICAL UTILITY EASEMENT TO BLUEBONNET ELECTRICAL COOPERATIVE, INC. AT SOUTHEAST METRO PARK FOR ELECTRICAL SERVICE ON MARCH 4, 2003 AND CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED CORRECTION EASEMENT GRANT TO BLUEBONNET ELECTRICAL COOPERATIVE, INC. AT SOUTHEAST METRO PARK FOR ELECTRICAL SERVICE. (9:37 AM)

Clerk's Note: Item A1 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- A2.** DISCUSS OUTSTANDING POLICY ISSUES, INCLUDING SUBDIVISION REGULATION, REGARDING AMENDMENTS TO CHAPTER 82, TRAVIS COUNTY CODE, TO RESOLVE INCONSISTENCIES WITH CITY OF AUSTIN CODE AS REQUIRED BY HB 1445, AND TAKE APPROPRIATE ACTION. (10:00 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Tom Nuckols, Assistant County Attorney; Patrick Murphy, Environmental Officer, City of Austin Watershed Protection and Development Review Department; and Hank Smith, representing the Home Builders' Association.

Discussion only. No action taken.

Item A2 to be reposted on May 13, 2003.

ADJOURNMENT

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to adjourn the Voting Session. (4:49 PM)

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

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe