

MINUTES OF MEETING – MARCH 16, 2004

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 16th day of March, 2004, the Commissioners' Court convened the regular Voting Session at 9:15 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Melissa Velasquez.

The Commissioners' Court record notes that Precinct Four Commissioner Margaret J. Gómez was not present during this Voting Session.

The Commissioners' Court recessed the Voting Session at 12:01 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, convened the Voting Session at 1:39 PM and adjourned at 2:13 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation, the Capital Industrial Development Corporation, the Capital Health Facilities Development Corporation, the Travis County Development Corporation, and the Travis County Cultural Education Facilities Finance Corporation, convened the Voting Sessions at 2:13 PM and adjourned at 2:14 PM.

The Commissioners' Court reconvened the regular Voting Session at 2:14 PM.

The Commissioners' Court retired to Executive Session at 3:04 PM and reconvened the Voting Session at 3:34 PM.

The Commissioners' Court adjourned the Voting Session at 3:38 PM.

PUBLIC HEARINGS

- 1. DISCUSS REQUEST TO APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: AMENDED PLAT OF LOTS 10 AND 11, BLOCK A, STERLING ACRES (REVISED PLAT – 1 LOT – 2.001 ACRES – JENNYS JUMP DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN ETJ). (ACTION ITEM 19) (COMMISSIONER DAUGHERTY) (9:16 AM)

Clerk’s Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 19 for the Court’s Motion and Vote.

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

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

Members of the Court heard from: Carol Joseph, Assistant Director, Transportation and Natural Resources (TNR).

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

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

2. DISCUSS REQUEST TO APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: PALEFACE RANCH SUBDIVISION, SECTION 2B, REVISED PLAT OF LOTS 10 & 11, BLOCK C (SHORT FORM PLAT - 2 LOTS - 10.10 ACRES - TRES CORONAS DRIVE (PRIVATE STREET) - NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY ONSITE SEPTIC (LCRA) - NO MUNICIPAL ETJ). (ACTION ITEM 20) (COMMISSIONER DAUGHERTY) (9:17 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 20 for the Court's Motion and Vote.

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

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

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

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

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

3. DISCUSS REQUEST TO APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: ANGEL BAY, RESUBDIVISION OF LOTS 18 & 19, BLOCK A (SHORT FORM PLAT - 2 LOTS - 18.361 ACRES - ANGEL LIGHT DRIVE (PRIVATE ROAD) - NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY ONSITE SEPTIC (LCRA) - NO MUNICIPAL ETJ). (ACTION ITEM 21) (COMMISSIONER DAUGHERTY) (9:18 AM)

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

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

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

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

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

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

4. DISCUSS REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE THE 5' PUBLIC UTILITY EASEMENTS ON EITHER SIDE OF LOT 92, APACHE SHORES FIRST INSTALLMENT, A SUBDIVISION IN PRECINCT THREE. (ACTION ITEM 22) (COMMISSIONERDAUGHERTY) (9:19 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 22 for the Court's Motion and Vote.

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

Motion carried:

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

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

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

Motion carried:

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

RESOLUTIONS & PROCLAMATIONS

5. APPROVE PROCLAMATION DECLARING MARCH 18, 2004 AS “ABSOLUTELY INCREDIBLE KID DAY” IN TRAVIS COUNTY. (JUDGE BISCOE) (9:20 AM)

Members of the Court heard from: Nancy Vogeley, Camp Fire USA; and Alex Thompson, Camp Fire USA participant.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to approve the proclamation in Item 5.

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	absent

CITIZENS COMMUNICATION

Members of the Court heard from: Phillip A. Dick, Travis County Resident. (9:25 AM)

CONSENT ITEMS

Motion by Commissioner Sonleitner **and seconded by** Commissioner Daugherty to approve the following Consent Items: C1-C2, and Items 8, 9, 10, 11, 12, 13, 14, 15, 17.A and B, 18, 19, 20, 21, 22, 23, 25, 26, 31.A, 33, 37, 38, 39, and A1. (9:31 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	absent

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2. AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

- 6. CONSIDER AND TAKE APPROPRIATE ACTION ON STAFF RECOMMENDATIONS REGARDING A PROFESSIONAL SERVICES CONTRACT FOR AFTER SCHOOL CARE. (9:35 AM)

Members of the Court heard from: Deborah Britton, Travis County Health and Human Services Department (TCHHSD); Stephen Williams, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); Deacon Doots Dufour, Diocese of Austin; Adrian Moore, Director, At Risk Youth; and Anna Land, Chair, Travis County After School Network.

Discussion only. No action taken.

Item 6 to be reposted on March 23, 2004.

7. CONSIDER AND TAKE APPROPRIATE ACTION ON STAFF RECOMMENDATION TO PAY CAPITAL IDEA’S DECEMBER 2003 INVOICE. (11:17 AM)

Members of the Court heard from: Stephen Williams, Executive Manager, TCHHS&VS; John Hille, Assistant County Attorney; and David DeGrassi, Accounting Manager, Administrative Services, TCHHS.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to approve payment of the amount owed for October and November, 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	absent

ADMINISTRATIVE OPERATIONS ITEMS

8. 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 \$467,908.95 FOR THE PERIOD OF FEBRUARY 27 THROUGH MARCH 4, 2004. (9:31 AM)

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

9. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED PERSONNEL AMENDMENTS. (9:31 AM)

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

10. APPROVE RECOMMENDATION TO INCREASE THE LAW LIBRARY’S CHANGE FUND BY \$26.50. (9:31 AM)

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

PURCHASING OFFICE ITEMS

11. APPROVE 12-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 03R00200RG, TRAVIS CONCESSIONS, FOR PARK CONCESSION OPERATIONS. (TNR) (COMMISSIONER GÓMEZ) (9:31 AM)

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

12. APPROVE CONTRACT AWARD FOR FIRE ALARM SYSTEMS MONITORING SERVICES, IFB NO. B040061-DR, TO THE LOW BIDDER, SIEMENS BUILDING TECHNOLOGIES. (FAC. MGMT) (COMMISSIONER GÓMEZ) (9:31 AM)

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

13. APPROVE CONTRACT AWARD FOR FIRE ALARM SYSTEMS SERVICES, IFB NO. B040062DR, TO THE LOW BIDDER, SIEMENS BUILDING TECHNOLOGIES. (FAC MGMT) (COMMISSIONER GÓMEZ) (9:31 AM)

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

14. APPROVE CONTRACT NO. PS040115JW WITH DAVID T. BRADFORD, PH.D., A.B.P.N. TO PROVIDE PSYCHOLOGICAL EVALUATIONS TO JUVENILE OFFENDERS. (JUVENILE PROBATION) (COMMISSIONER GÓMEZ) (9:31 AM)

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

15. APPROVE CONTRACT NO. PS040113JW WITH DAVID R. POOLE, PH.D. TO PROVIDE PSYCHOLOGICAL EVALUATIONS TO JUVENILE OFFENDERS. (JUVENILE PROBATION) (COMMISSIONER GÓMEZ) (9:31 AM)

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

16. APPROVE MODIFICATION NO. 5 TO CONTRACT NO. 03T000740J, REFUSE COLLECTION, WITH WASTE MANAGEMENT OF TEXAS. (COUNTYWIDE) (COMMISSIONER GÓMEZ) (11:24 AM)

Members of the Court heard from: Frank Holder, Assistant Purchasing Agent.

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	no
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	absent

17. APPROVE THE FOLLOWING CONTRACT ACTIONS: (9:31 AM)

A. APPROVE AMENDMENT 1 TO CONTRACT NO. 115063, REGION 14 EDUCATION SERVICE CENTER, TO ALLOW APPROVAL OF SUBCONTRACT; AND

B. APPROVE CONTRACT NO. PS030291JW, SOUTHWEST KEY PROGRAM, INC., TITLE IV COMMUNITY SERVICE GRANT PROGRAM. (JUVENILE PROBATION) (COMMISSIONER GÓMEZ)

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

18. APPROVE CONTRACT, CONTRACT MODIFICATION AND MAKING OF CONTRACT FOR LOADING AND HAULING SOIL, IFB NO. B040052-DR, TO THE LOW BIDDER, ANAYA CONSTRUCTION SERVICES. (TNR) (COMMISSIONER GÓMEZ) (9:31 AM)

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

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

19. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REQUEST TO APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: AMENDED PLAT OF LOTS 10 AND 11, BLOCK A, STERLING ACRES (REVISED PLAT – 1 LOT – 2.001 ACRES – JENNYS JUMP DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:31 AM)

Clerk's Note: Item 19 is the action item for the public hearing on Agenda Item 1.

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

20. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REQUEST TO APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: PALEFACE RANCH SUBDIVISION, SECTION 2B, REVISED PLAT OF LOTS 10 & 11, BLOCK C (SHORT FORM PLAT - 2 LOTS - 10.10 ACRES - TRES CORONAS DRIVE (PRIVATE STREET) - NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY ONSITE SEPTIC (LCRA) - NO MUNICIPAL ETJ). (COMMISSIONER DAUGHERTY) (9:31 AM)

Clerk's Note: Item 20 is the action item for the public hearing on Agenda Item 2.

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

21. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REQUEST TO APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: ANGEL BAY, RESUBDIVISION OF LOTS 18 & 19, BLOCK A (SHORT FORM PLAT - 2 LOTS - 18.361 ACRES - ANGEL LIGHT DRIVE (PRIVATE ROAD) - NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY ONSITE SEPTIC (LCRA) - NO MUNICIPAL ETJ). (COMMISSIONER DAUGHERTY) (9:31 AM)

Clerk's Note: Item 21 is the action item for the public hearing on Agenda Item 3.

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

22. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE THE 5' PUBLIC UTILITY EASEMENTS ON EITHER SIDE OF LOT 92, APACHE SHORES FIRST INSTALLMENT, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:31 AM)

Clerk's Note: Item 22 is the action item for the public hearing on Agenda Item 4.

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

23. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REQUEST TO APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: OLD BEE CAVE SUBDIVISION (SHORT FORM PLAT – 8 LOTS – 37.051 ACRES – STATE HWY 71 – NO FISCAL POSTING REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC (LOT 1, BLOCK A ONLY); CITY OF AUSTIN WASTEWATER FOR LOTS 2-8 – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:31 AM)

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

24. APPROVE CONSERVATION EASEMENT AGREEMENT COVERING A 168.769 ACRE PARCEL FROM "THE CROSSINGS" TO BECOME PART OF THE BALCONES CANYONLANDS PRESERVE. (COMMISSIONER DAUGHERTY) (11:25 AM)

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

Motion by Commissioner Daugherty **and seconded by** Commissioner Sonleitner to approve the agreement in Item 24.

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	absent

25. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PLAT FOR RECORDING IN PRECINCT FOUR: KATO'S PLACE (SHORT FORM PLAT – 4 LOTS – 9.046 ACRES – SLAUGHTER CREEK DRIVE – NO FISCAL REQUIRED BY TRAVIS COUNTY 00 SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY – CITY OF AUSTIN ETJ). (COMMISSIONER GÓMEZ) (9:31 AM)

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

26. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING APPROVAL OF CASH SECURITY AGREEMENT FOR LOTS 3 THROUGH 5, THE UPLANDS EAST COMMERCIAL PARK, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:31 AM)

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

27. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING AN EXCHANGE AGREEMENT BETWEEN TRAVIS COUNTY AND THE CITY OF AUSTIN FOR LAND NEEDED FOR THE EXTENSION OF ANDERSON MILL ROAD IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (11:30 AM)

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

Motion by Commissioner Daugherty **and seconded by** Commissioner Sonleitner to authorize execution of the agreement, and that the language in section C1 of the contract also be placed within the deed.

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	absent

- 28.** CONSIDER AND TAKE APPROPRIATE ACTION ON THE DELOITTE-TOUCHE CONSULTING PHASE I REPORT ON THE SUBDIVISION REVIEW PROCESS IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF AUSTIN.
(2:15 PM)

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

Clerk's Note: Judge Biscoe, without objection, gave directions to Staff to meet with the stakeholders and the Travis County legislative delegation, and prepare a letter to the Austin City Council, detailing the County's positions with regards to the elimination of duplication of reviews and inspection of subdivisions within the extraterritorial jurisdiction (ETJ) of Austin.

Discussion only. No action taken.

Item 28 to be reposted on March 23, 2004.

- 29.** CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING SOLID WASTE MANAGEMENT ISSUES: (9:16 AM)
- A.** AGREEMENT AND OTHER NECESSARY DOCUMENTS TO IMPLEMENT REGIONAL STUDY IN PARTNERSHIP WITH CAPITAL AREA PLANNING COUNCIL; AND
 - B.** DIRECTIONS ON REQUEST FOR PROPOSAL FOR CONSULTANT TO PERFORM REGIONAL LANDFILL STUDY.

Items 29.A and B postponed until April 6, 2004.

30. A. CONSIDER PROPOSED ELEMENTS OF A TRAVIS COUNTY REAL PROPERTY ASSET DISPOSITION POLICY, AND TAKE APPROPRIATE ACTION. (2:39 PM)

Members of the Court heard from: Greg Chico, Right-of-Way Manager, TNR; Joe Gieselman, Executive Manager, TNR; Tom Nuckols, Assistant County Attorney; Kimberly Walton, Auditor’s Office; and Cyd Grimes, Travis County Purchasing Agent.

Motion by Commissioner Daugherty **and seconded by** Judge Biscoe to promote the putting together of the formal policy, that pretty much aligns itself with what the Transportation and Natural Resources Department (TNR) has done to date.

A Clarification of the previous Motion was made by Judge Biscoe, that we take the three pages of points proposed by TNR, and refine them into a more formal document that can be adopted into guidelines.

Clerk’s Note: Commissioner Sonleitner stated her concern that the issue of land use compatibility be added as one of the criteria of the guidelines, and that the language in Step 7.B be modified from “sell asset” to “sell or exchange asset.”

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	absent

30. B. CONSIDER DISPOSITION OF MAINTENANCE AND STORAGE FACILITIES AT SATELLITE THREE ON HAMILTON POOL ROAD IN PRECINCT THREE, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAUGHERTY) (2:54 PM)

Members of the Court heard from: Greg Chico, Right-of-Way Manager, TNR.

Motion by Commissioner Daugherty **and seconded by** Judge Biscoe to market the property for income generation, and look at it, hopefully, for some sort of occupancy, starting at the first of the year, 2005, for a minimum of 5 years, and no more than 10.

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	absent

PLANNING AND BUDGET DEPT. ITEMS

31. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:

A. A GRANT CONTRACT WITH THE TEXAS DIVISION OF EMERGENCY MANAGEMENT FOR AN EMERGENCY MANAGEMENT PERFORMANCE GRANT IN THE EMERGENCY SERVICES DEPARTMENT. THE GRANT CONTINUES THE EXISTING PROGRAM FOR FY 04. (9:31 AM)

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

32. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:16 AM)

No action necessary on Item 32.

OTHER ITEMS

33. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:31 AM)

Clerk's Note: Item 33 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

34. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM THE TEXAS ASSOCIATION OF COUNTIES TO IMPLEMENT A PUBLIC AWARENESS PROGRAM REGARDING UNFUNDED MANDATES IMPOSED ON COUNTIES. (2:59 PM)

No action taken on Item 34.

Item 34 to be reposted on March 23, 2004.

35. DISCUSS AND TAKE APPROPRIATE ACTION ON LEGISLATIVE ISSUES IMPACTING COUNTIES DURING THE 78TH LEGISLATURE'S SPECIAL SESSION. (COMMISSIONERS GÓMEZ AND SONLEITNER) (11:33 AM)

Members of the Court heard from: Bob Kamm, Travis County Legislative Consultant; Christian Smith, Executive Manager, Planning and Budget Office (PBO); and Susan Spataro, Travis County Auditor.

Discussion only. No action taken.

Item 35 to be reposted on March 23, 2004.

36. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO RECONSIDER DECISION TO LOCATE TAX ASSESSOR SATELLITE OFFICE AT PRECINCT ONE JP AND CONSTABLE OFFICE BUILDING AT SPRINGDALE AND MLK BLVD. (10:15 AM)

Members of the Court heard from: Richard Scott, Justice of the Peace, Precinct 1; Cherry Johnson, Division Manager, Justice of the Peace, Precinct 1; Luke Mercer, Constable, Precinct 1; Roger El Khoury, Director, Facilities Management; Nelda Wells Spears, Travis County Tax Assessor Collector; and Nisha Baweja, Facilities Management.

Discussion only. No action taken.

Item 36 to be reposted on March 23, 2004.

37. REAPPOINT DANIEL MCCLELLAN TO THE TRAVIS COUNTY CHILDREN'S PROTECTIVE SERVICES BOARD TO A TERM ENDING MARCH 2006. (COMMISSIONER SONLEITNER) (9:31 AM)

Clerk's Note: Item 37 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

38. APPROVE MANAGEMENT REPRESENTATION LETTER TO BE PROVIDED TO DELOITTE & TOUCHE, LLP REGARDING FY03 COUNTYWIDE ANNUAL FINANCIAL AUDIT. (9:31 AM)

Clerk's Note: Item 38 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 39.** RECEIVE RACIAL PROFILING REPORTS FOR CALENDAR YEAR 2003 FROM TRAVIS COUNTY SHERIFF AND COUNTY CONSTABLES. (9:31 AM)

Clerk's Note: Judge Biscoe noted that the Court's action today is to formally receive the reports that were filed by the Sheriff and the County Constables.

Clerk's Note: Item 39 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 40.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR PROPOSAL ON DEFERRED COMPENSATION AND OTHER FINANCIAL SERVICES FOR TRAVIS COUNTY EMPLOYEES. (10:57 AM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations.

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to issue a request for proposal.

Withdrawal of the previous Motion was made by Judge Biscoe.

Discussion only. No action taken.

Item 40 to be reposted on March 23, 2004.

EXECUTIVE SESSION ITEMS

Note 1 Gov't Code Ann 551.071, Consultation with Attorney

Note 2 Gov't Code Ann 551.072, Real Property

Note 3 Gov't Code Ann 551.074, Personnel Matters

Note 4 Gov't Code Ann 551.076, Security

The Commissioners Court will consider the following items in Executive Session. The Commissioners Court may also consider any other matter posted on the agenda if there are issues that require consideration in Executive Session and the Commissioners Court announces that the item will be considered during Executive Session.

- 41. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING CLAIM RECEIVED FROM INDUSTRIAL SYSTEMS, INC. FOR PAYMENT FOR WATER HEATER AND BOILER FOR THE TRAVIS COUNTY CORRECTIONAL COMPLEX, AND TAKE APPROPRIATE ACTION. ¹ (3:04 PM) (3:34 PM)

Clerk's Note: Judge Biscoe announced that Item 41 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 Daugherty to authorize payment of \$50,090.90 to NCO Financial Services, Inc., to settle this claim; that we ask the County Attorney, and authorize the County Judge to sign any and all appropriate papers necessary to get the County a full release, and appropriate assignments and other legal matters. And further, that we authorize the filing of a lawsuit against the contractor in this case, for reimbursement of all monies owed to Travis County, plus costs, attorneys' fees, and any other relief to which we may be entitled.

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	absent

42. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL V. GUADALUPE AND REBECCA R. LEIBAS (MARBELLA CORP. RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:04 PM) (3:35 PM)

Clerk’s Note: Judge Biscoe announced that Item 42 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe and seconded by Commissioner Davis to authorize the County Judge to sign, on behalf of the Commissioners’ Court, deeding this property to the Marbella Corporation, which has paid to Travis County the sum of \$8,805.06 in cash.

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	absent

43. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL V. TONY D. HERNANDEZ (ALFRED E. AND CONCHA VALLE MARRERO RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:04 PM) (3:35 PM)

Clerk’s Note: Judge Biscoe announced that Item 43 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 this resale deed to Alfred E. and Concha Valle Marrero, because they have paid to Travis County the sum of \$9,596.37.

Motion carried:

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

44. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN DEL VALLE ISD V. KELLY W. HOLCOMB (OSCAR SOLIS RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:04 PM) (3:36 PM)

Clerk's Note: Judge Biscoe announced that Item 44 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to authorize the County Judge to sign the prepared resale deed to Oscar Solis, who has paid to Travis County the sum of \$206.52.

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	absent

45. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL V. ELOISE D. THOMAS (DAVID HOPKINS RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:04 PM) (3:36 PM)

Clerk's Note: Judge Biscoe announced that Item 45 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to authorize the County Judge to sign the prepared tax resale deed to David Hopkins, who has paid to Travis County the sum of \$6,788.00.

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	absent

- 46. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL V. MANFRED PUTMAN (JOHN AND LORI HAGGERTY REVOCABLE LIVING TRUST RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹
(3:04 PM) (3:37 PM)

Clerk’s Note: Judge Biscoe announced that Item 46 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to authorize the County Judge to sign the prepared tax resale deed to John and Lori Haggerty Revocable Living Trust, which has paid to Travis County the sum of \$4,920.65 in cash.

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 absent

- 47. ACCEPT, REJECT OR COUNTER SETTLEMENT DEMAND AND/OR AUTHORIZE COMMENCEMENT OF CONDEMNATION PROCEEDINGS REGARDING PROJECT # 01B01-12-3CA, HUDSON BEND ROAD REALIGNMENT PROJECT: PARCEL # 9: BLAKE R. ROBINSON AND ROBERT D. MCLAREN, AND PARCEL #10: GARDEN RIDGE QUALITY CLOSEOUTS, INC. (GEISELMAN; CONDEMNATION) (REQUESTED BY THE COUNTY ATTORNEY). ¹ (3:04 PM) (3:37 PM)

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

Motion by Judge Biscoe **and seconded by** Commissioner Davis to authorize the commencement of condemnation proceedings against the named persons in the Hudson Bend Road realignment project.

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 absent

- 48. AUTHORIZE COMMENCEMENT OF CONDEMNATION PROCEEDINGS REGARDING PROJECT #01B01-16-2CA, WELLS BRANCH PARKWAY EXTENSION; PARCELS # 1A, 1B, AND 1E; RUTH MASSEY, NORMA LISSO, PAUL B. KNEBEL, JR., BURWELL KNEBEL, LANELLE KNEBEL, JAN SELMAN, CHARLES DWAIN SELMAN; (GEISELMAN; CONDEMNATION) (REQUESTED BY THE COUNTY ATTORNEY), AND TAKE APPROPRIATE ACTION. ¹ (3:04 PM) (3:37 PM)

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.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to authorize the commencement of condemnation proceedings against the named individuals in the Wells Branch Parkway extension project.

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	absent

- 49. AUTHORIZE COUNTY ATTORNEY TO HIRE EXPERT(S) REGARDING JODI MARSHALL V. TRAVIS COUNTY, ET AL, (MARSHALL, TRAVIS COUNTY; CIVIL RIGHTS) (REQUESTED BY DEFENDANT). ¹ (3:04 PM)

Item 49 postponed until March 23, 2004.

- 50. RECEIVE LEGAL ADVICE ON RECENT TEXAS ATTORNEY GENERAL OPINION ON WHETHER A COMMISSIONERS COURT MAY DELEGATE ITS AUTHORITY TO AMEND A DEPARTMENT’S BUDGET BY TRANSFERRING AMOUNTS BETWEEN BUDGETED ITEMS. ¹ (3:04 PM) (3:38 PM)

Clerk’s Note: Judge Biscoe announced that Item 50 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

No action taken on Item 50.

Item 50 to be reposted on March 23, 2004.

ADDED ITEMS

A1. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PLAT FOR RECORDING IN PRECINCT ONE: N LINE SUBDIVISION (SHORT FORM PLAT – 2 LOTS – 6.121 ACRES – U.S. HIGHWAY 290 EAST AND OLD MANOR ROAD – NO FISCAL REQUIRED BY TRAVIS COUNTY 00 SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY – CITY OF AUSTIN ETJ). (COMMISSIONER DAVIS) (9:31 AM)

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

A2. CONSIDER AUTHORIZING A JOINT USE AGREEMENT WITH THE MANVILLE WATER SUPPLY CORPORATION FOR THE LOCATION OF WATER LINES WITHIN THE RIGHT OF WAY OF GRAND AVENUE PARKWAY, AND TAKE APPROPRIATE ACTION. (COMMISSIONER SONLEITNER) (2:59 PM)

Clerk's Note: Items A2 and A3 are associated with one another and were called for concurrent discussion.

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

Members of the Court agreed to consider one Motion for Items A2 and A3.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis that the County Judge be authorized to sign the joint use/reimbursement agreement with Manville Water Supply Corporation, pending the approval of Manville, and no substantive changes being made to that draft document.

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	absent

- A3.** CONSIDER REIMBURSEMENT AGREEMENT WITH THE MANVILLE WATER SUPPLY CORPORATION FOR THE RELOCATION OF WATER LINES RELATED TO THE COUNTY'S GRAND AVENUE PARKWAY CIP PROJECT, AND TAKE APPROPRIATE ACTION. (COMMISSIONER SONLEITNER) (2:59 PM)

Clerk's Note: Items A2 and A3 are associated with one another and were called for concurrent discussion. Please refer to Item A2 for a summary of the Court's Motion and Vote.

ADJOURNMENT

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to adjourn the Voting Session. (3:38 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	absent

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge