

## **MINUTES OF MEETING – MAY 4, 2004**

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

On Tuesday, the 4<sup>th</sup> day of May, 2004, 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 Deputy Melissa Velasquez.

The Commissioners' Court retired to Executive Session at 10:11 AM.

The Commissioners' Court reconvened the Voting Session at 10:44 AM.

The Commissioners' Court recessed the Voting Session at 12:05 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened the Voting Session at 1:41 PM and adjourned at 1:42 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, convened the Voting Session at 1:42 PM and adjourned at 1:54 PM.

The Commissioners' Court reconvened the regular Voting Session at 1:54 PM.

The Commissioners' Court retired to Executive Session at 3:09 PM.

The Commissioners' Court reconvened the Voting Session at 4:18 PM.

The Commissioners' Court adjourned the Voting Session at 4:22 PM.

## PUBLIC HEARINGS

1. DISCUSS REQUEST TO APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOT 1-A RESUBDIVISION OF LOT 1 NAUMANN'S CAMP SUBDIVISION AMENDED, LOT 1-B1, LOT 1-B2 AND LOT 2A RESUBDIVISION OF LOT 1-B OF THE RESUBDIVISION OF LOT 1 NAUMANN'S CAMP SUBDIVISION AMENDED AND RESUBDIVISION OF LOT 2 OF AMENDED PLAT OF LOTS 2 AND 3 NAUMANN'S CAMP SUBDIVISION AMENDED (SHORT FORM PLAT – 2 LOTS – 6.144 ACRES – JANICE LANE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC (LCRA) – NO MUNICIPAL ETJ). (ACTION ITEM 15)  
(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 15 for the Court's Motion and Vote.

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

**Members of the Court heard from:** Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR).

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

**RESOLUTIONS & PROCLAMATIONS**

2. APPROVE PROCLAMATION RECOGNIZING CINCO DE MAYO AND DESIGNATING MAY AS “HISPANIC HERITAGE MONTH” IN TRAVIS COUNTY. (COMMISSIONER GÓMEZ) (9:20 AM)

**Members of the Court heard from:** Joe Vela, Executive Assistant, Travis County Commissioner Precinct 4 Office; Virginia Aleman, Human Resources Management Department (HRMD); Curtis Daniels, Facilities Management; Dolores Martinez, Community Supervision Corrections Department (CSCD); Robert Tijerina, Travis County Sheriff's Office (TCSO); Javier Hernandez, TCSO; James Gonzales, TCSO; Kimberly Orts Mossy, TCSO; Rosie Cortez, RSVP Program, Travis County Health and Human Services (TCHHS); Vera Rodriguez, TNR; Cynthia Rodriguez, CSCD; and Vickie Acevedo, Pretrial Services.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve the proclamation 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 THE MONTH OF MAY 2004 AS “MENTAL HEALTH MONTH” IN TRAVIS COUNTY. (JUDGE BISCOE) (9:26 AM)

**Members of the Court heard from:** Beverly Scarborough, Austin Travis County Mental Health Mental Retardation (ATCMHMR); Abraham Minjarez, Acting Director, Adult Mental Health, ATCMHMR; Donalyn Thompson Biscoe, Government Community Relations, ATCMHMR; Margarita Nino, Parent; Fred Higgins, Board Member, Travis County Children’s Mental Health Partnership; Christy Kuehn, TCHHS; Jenny Royal, Care Coordinator, Children’s Partnership; Anna Vasquez, Care Coordinator, Children’s Partnership; Sara Rangel, Parent Liaison, Children’s Partnership; and Laura Atkins, Director, Office of Children’s Services, TCHHS.

**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 RESOLUTION RECOGNIZING THE MONTH OF MAY 2004 AS “FOSTER CARE MONTH” IN TRAVIS COUNTY. (JUDGE BISCOE) (9:32 AM)

**Members of the Court heard from:** Aida Douglas, Chair, Travis County Children’s Protective Services Board; and Laura Atkins, Director, Office of Children’s Services, TCHHS.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez 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

5. APPROVE PROCLAMATION RECOGNIZING MAY 6, 2004 AS “LAW DAY” IN TRAVIS COUNTY AND RECOGNIZE HON. ELISABETH EARLE, RECIPIENT OF THE OUTSTANDING YOUNG LAWYER AWARD, AND COUNTY COMMISSIONER KAREN SONLEITNER, RECIPIENT OF THE LIBERTY BELL AWARD, FROM THE TRAVIS COUNTY BAR ASSOCIATION. (JUDGE BISCOE) (9:39 AM)

**Members of the Court heard from:** Michael Marin, President Elect, Travis County Bar Association; and DeLaine Ward, Executive Director, Travis County Bar Association.

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

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

## CITIZENS COMMUNICATION

**Clerk’s Note:** No speakers addressed the Court. (9:44 AM)

**CONSENT ITEMS**

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C6, and Items 8, 9, 10.A-D, 11, 13, 15, 16, 20, 21, 22, 23, 26.A, 27, 29, 30, 31, 32, and 35.A&B. (9:45 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 EXECUTIVE SESSION ANNOUNCEMENT OF APRIL 8, 2004.
- C4.** APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF APRIL 13, 2004.
- C5.** APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION APRIL 20, 2004.
- C6.** APPROVE AUTOMATIC BUDGET TRANSFERS.

**SPECIAL RESOLUTION**

6. CONSIDER AND TAKE APPROPRIATE ACTION ON RESOLUTION ADDRESSING VARIOUS ISSUES RELATED TO THE CREATION OF A TRAVIS COUNTY HOSPITAL DISTRICT. (JUDGE BISCOE) (10:11 AM) (10:44 AM)

**Clerk's Note:** Judge Biscoe announced that Item 6 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Members of the Court heard from:** Jim Collins, Executive Assistant County Attorney; and Greg Powell, AFSCME Local 1624.

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner to approve the proposed resolution in Item 6.

**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**

7. APPROVE CONTRACT NO. PS040169RE WITH TRAVIS COUNTY MEDICAL SOCIETY FOUNDATION FOR THE PROJECT ACCESS PROGRAM TO PROVIDE PRESCRIPTION MEDICATION FOR UNINSURED RESIDENTS. (HHS & VS) (COMMISSIONER GÓMEZ) (9:48 AM)

**Members of the Court heard from:** Cyd Grimes, Travis County Purchasing Agent; and Stephen Williams, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS).

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the contract in Item 7.

**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

8. APPROVE CONTRACT AWARD FOR AVIATION FUEL, IFB NO. B040078LD, TO THE LOW BIDDER, ARROW ENERGY, INC. (EMERGENCY SERVICES, STARFLIGHT) (COMMISSIONER GÓMEZ) (9:45 AM)

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

9. APPROVE PURCHASE OF OFF-SITE RECORDS STORAGE SERVICES OFF STATE CONTRACT FROM IRON MOUNTAIN. (RECORDS MANAGEMENT) (COMMISSIONER GÓMEZ) (9:45 AM)

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

10. APPROVE 12-MONTH EXTENSIONS (MODIFICATION NO. 1) TO THE FOLLOWING CONTRACTS FOR AUTOMOTIVE PARTS: (9:45 AM)

- A. NO. 03T00251RG, O'REILLY AUTO PARTS;
- B. NO. 03T00252RG, TEXAS ALTERNATOR STARTER SERVICES;
- C. NO. 03T00253RG, CARQUEST AUTO PARTS #176;
- D. NO. 03T00254RG, ARNOLD OIL COMPANY. (TNR) (COMMISSIONER GÓMEZ)

**Clerk's Note:** Items 10.A-D added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

11. APPROVE MODIFICATION NO. 8 TO CONTRACT NO. PS010173LC, TIBURON, INC., FOR THE FACTS COURT MANAGEMENT SYSTEM. (ITS) (COMMISSIONER GÓMEZ) (9:45 AM)

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



- 12.** APPROVE PURCHASE OF MICROFILM SCANNING AND INDEXING SERVICES OFF STATE CONTRACT FROM NEUBUS, INC. (COUNTY CLERK) (COMMISSIONER GÓMEZ) (9:51 AM)

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

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Sonleitner to approve the purchase in Item 12.

**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

- 13.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR RATIFICATION OF MODIFICATION NO. 3 TO CONTRACT NO. PS030303LB, LITIGATION SERVICES, WITH R. JAMES GEORGE, JR. OF GEORGE & DONALDSON, L.L.P. (DISTRICT ATTORNEY'S OFFICE) (COMMISSIONER GÓMEZ) (9:45 AM)

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

14. RECEIVE BRIEFING FROM THE TRAVIS COUNTY CONSTRUCTION TRADE ENHANCEMENT ADVISORY COMMITTEE REGARDING THE COUNTY'S HISTORICALLY UNDERUTILIZED BUSINESS PROGRAM, AND TAKE APPROPRIATE ACTION. (PURCHASING OFFICE) (11:04 AM)

**Members of the Court heard from:** Cyd Grimes, Travis County Purchasing Agent; Sylvia Lopez, HUB Coordinator, Travis County Purchasing Department; Carol Hadnot, Board Member, Community Mentor Protégé Initiative; James Harper, President, Austin Black Contractors Association Inc.; John Hille, Assistant County Attorney; and Marvin Brice, Construction Procurement Manager, Travis County Purchasing Department.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to do feasibility assessment, to report back to the Court, to try to carve out the construction part, and to get an update in 60 days.

**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

## TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

15. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOT 1-A RESUBDIVISION OF LOT 1 NAUMANN'S CAMP SUBDIVISION AMENDED, LOT 1-B1, LOT 1-B2 AND LOT 2A RESUBDIVISION OF LOT 1-B OF THE RESUBDIVISION OF LOT 1 NAUMANN'S CAMP SUBDIVISION AMENDED AND RESUBDIVISION OF LOT 2 OF AMENDED PLAT OF LOTS 2 AND 3 NAUMANN'S CAMP SUBDIVISION AMENDED (SHORT FORM PLAT – 2 LOTS – 6.144 ACRES – JANICE LANE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC (LCRA) – NO MUNICIPAL ETJ). (COMMISSIONER DAUGHERTY) (9:45 AM)

**Clerk's Note:** Item 15 is the action item for the public hearing on Agenda Item 1.

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

16. CONSIDER AND TAKE APPROPRIATE ACTION ON A ROAD CONSTRUCTION AGREEMENT WITH CAPITAL AGGREGATES FOR THE RECONSTRUCTION OF OLD KIMBRO ROAD. (COMMISSIONER DAVIS) (9:45 AM)

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

17. CONSIDER CONVEYANCE OF FOUR TRACTS OF EXISTING RIGHT-OF-WAY TO THE TEXAS DEPARTMENT OF TRANSPORTATION AS NEEDED FOR USE IN THE DEVELOPMENT OF THE LOOP 1 NORTH AND S.H. 45 NORTH ROADWAY PROJECTS, AND TAKE APPROPRIATE ACTION. (COMMISSIONER SONLEITNER) (9:52 AM)

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

Discussion Only. No formal action taken.

Item 17 to be reposted on May 11, 2004.

18. CONSIDER AND TAKE APPROPRIATE ACTION ON WHETHER TRAVIS COUNTY SHOULD GIVE COMMENTS TO CAMPO ON THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY AND TXDOT'S PROPOSED TOLL ROAD IMPLEMENTATION PROGRAM. (9:58 AM) (10:50 AM) (2:00 PM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; and John Hille, Assistant County Attorney.

**Clerk's Note:** The Court further discussed Item 18 at 10:50 AM.

**Motion by Judge Biscoe and seconded by** Commissioner Davis that over lunch, the Court review Joe Gieselman, Executive Manager's points memo with an eye toward coming in this afternoon, discussing the points, and trying to figure out whether other points ought to be added, or whether we ought to delete from the points; and basically figure out a strategy consistent with the due process notions that concern Commissioner Sonleitner, how we can do all of that and at the same time get these points across to the Capital Metropolitan Planning Organization (CAMPO) on Monday, May 10, 2004.

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

**Clerk's Note:** The Court further discussed Item 18 at 2:00 PM.

**Motion by Judge Biscoe and seconded by** Commissioner Sonleitner to approve the comments with the changes made in Court, and that the comments be presented to the Capital Metropolitan Planning Organization (CAMPO), Monday, May 10, 2004.

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

19. DISCUSS TRAVIS COUNTY'S PROPOSED ROADWAY ELEMENT OF CAMPO'S UPDATED 2030 TRANSPORTATION PLAN, AND TAKE APPROPRIATE ACTION. (1:55 PM)

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez that the Court authorize Joe Gieselman, Executive Manager, to send an appropriate letter to Mr. Aulick, Executive Director, Capital Metropolitan Planning Organization, asking that Travis County's participation and input on the 2030 transportation plan be delayed.

**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

20. CONSIDER ADVANCED FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE REPLACEMENT OF A BRIDGE ON OLD HIGHWAY 20 AT GILLELAND CREEK (CO. BRIDGE #154) AS PART OF THE FEDERAL-AID OFF-SYSTEM BRIDGE PROGRAM, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAVIS) (9:45 AM)

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

21. CONSIDER ADVANCED FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE REPLACEMENT OF A BRIDGE ON OLD MANOR ROAD AT WALNUT CREEK (CO. BRIDGE #113) AS PART OF THE FEDERAL-AID OFF-SYSTEM BRIDGE PROGRAM, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAVIS) (9:45 AM)

**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 ON REQUEST FOR ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES IN BIRDLIP, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:45 AM)

**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 ON REQUEST FOR A CASH SECURITY AGREEMENT WITH MORRISON HOMES FOR THE PURPOSE OF POSTING SIDEWALK FISCAL FOR PART OF STEINER RANCH PHASE 1 SECTION 6D, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)  
(9:45 AM)

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

24. A. CONSIDER PROPOSED AMENDMENT TO THE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR RIGHT OF WAY ACQUISITION ON STATE HIGHWAY 45 NORTH, AND TAKE APPROPRIATE ACTION; (2:30 PM)
- B. CONSIDER PROPOSED AMENDMENT TO THE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR RIGHT OF WAY ACQUISITION ON LOOP 1 NORTH, AND TAKE APPROPRIATE ACTION.

**Clerk's Note:** Items 24.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.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Items 24.A and B; that the Planning and Budget Office (PBO), Transportation and Natural Resources (TNR), the County Attorney's Office, Bond Counsel, and any other appropriate Staff, move ahead with the proposed amendments as Joe Gieselman, Executive Manager, TNR, has laid out to us today, on Loop 1 and State Highway 45.

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

25. CONSIDER AND TAKE APPROPRIATE ACTION ON THE CITY OF AUSTIN'S COUNTER-PROPOSAL FOR THE REVIEW AND INSPECTION OF SUBDIVISIONS IN THE EXTRATERRITORIAL JURISDICTION. (2:27 PM)

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

Discussion Only. No action taken.

Item 25 to be reposted on May 11, 2004.

### PLANNING AND BUDGET DEPT. ITEMS

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

- A. A GRANT APPLICATION TO THE AUTO THEFT PREVENTION AUTHORITY FOR A SHERIFF'S COMBINED AUTO THEFT TASK FORCE GRANT IN THE SHERIFF'S OFFICE. THIS APPLICATION IS TO CONTINUE THE EXISTING PROGRAM FOR FY 05. (9:45 AM)

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

27. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:45 AM)

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

28. REVIEW STATUS OF THE FY 05 SALARY SETTING PROCESS FOR ELECTED OFFICIALS, AND TAKE APPROPRIATE ACTION. (2:39 PM)

**Members of the Court heard from:** Christian Smith, Executive Manager, PBO.

**Motion by** Judge Biscoe **and seconded by** Commissioner Daugherty to approve the recommendation – that we not have the Elected Officials Salary Setting Committee do additional work at this time.

**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

### ADMINISTRATIVE OPERATIONS ITEMS

29. 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 \$519,166.75 FOR THE PERIOD OF APRIL 16 THROUGH APRIL 22, 2004. (9:45 AM)

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

30. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED PERSONNEL AMENDMENTS. (9:45 AM)

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

31. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING GRANTING UTILITY EASEMENTS TO THE CITY OF AUSTIN ON THE PRECINCT THREE OFFICE BUILDINGS PROPERTY. (9:45 AM)

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



**OTHER ITEMS**

- 32.** APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:45 AM)

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

- 33.** CONSIDER AND TAKE APPROPRIATE ACTION ON ISSUES RELATED TO THE CONDUCT OF EARLY VOTING AND ELECTION DAY. (1:55 PM)

No action necessary on Item 33.

Item 33 to be reposted on May 11, 2004.

- 34.** APPOINT BILL SWINNEY TO SERVE ON THE EMERGENCY SERVICES DISTRICT BOARD #11 TO REPLACE JOHN FORADORY. (COMMISSIONER GÓMEZ) (2:53 PM)

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to appoint Bill Swinney to the Emergency Services District Board #11.

**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

- 35.** APPOINT THE FOLLOWING TWO CITIZEN REPRESENTATIVES TO THE CAPCO LAW ENFORCEMENT EDUCATION COMMITTEE: (9:45 AM)

**A.** EMMETT EARY (PCT. 2 AND 3);

**B.** PERSON TO BE NAMED (PCT. 1 AND 4).

**Clerk's Note:** Judge Biscoe announced that, on Item 35.B, Joe Munoz is the Precinct 1 and 4 appointment to the CAPCO Law Enforcement Education Committee.

**Clerk's Note:** Items 35.A and B added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

36. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR PAYMENT TO AUSTIN/TRAVIS COUNTY MENTAL HEALTH AND MENTAL RETARDATION FOR RENTAL OF SPACE AT 56 EAST AVENUE, AUSTIN, TEXAS THAT HAS BEEN USED BY TRAVIS COUNTY SHERIFF'S OFFICE CRISIS INTERVENTION UNIT. (2:43 PM)

**Members of the Court heard from:** Mike Hemby, Research Analyst, TCSO; Jim Connolly, Assistant County Attorney; Bill Campbell, Auditor, TCSO; and Susan Spataro, Travis County Auditor.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to use the quantum meruit theory, strategy, or legal standard, as appropriate, to pay this claim in the amount of \$34,980.00, to Austin-Travis County Mental Health and Mental Retardation (ATCMHMR), for space that we have used since the date given us by legal counsel, in 2002, and to expedite payment.

**A Friendly Amendment to the previous Motion was offered by** Commissioner Sonleitner to authorize the appropriate budget transfers to make this happen quickly.

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

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

37. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE ISSUES IMPACTING COUNTIES DURING THE SPECIAL SESSION OF THE 78<sup>TH</sup> LEGISLATURE. (2:51 PM)

**Members of the Court heard from:** Susan Spataro, Travis County Auditor.

**Clerk's Note:** The Court discussed House Bill 41, from the 78<sup>th</sup> special session.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to oppose House Bill 41, relating to appeals to small claims courts of certain ad valorem tax determinations.

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

**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.

- 38. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE OPPORTUNITY TO PURCHASE REAL ESTATE IN SOUTH CENTRAL AUSTIN. <sup>2</sup> (3:09 PM) (4:18 PM)**

**Clerk's Note:** Judge Biscoe announced that Item 38 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 Gómez to direct Staff to pursue the necessary due diligence issues.

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

Item 38 to be reposted on May 25, 2004.

39. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN DEL VALLE ISD V. MARTIN GARCIA (HERMINIO MARTINEZ RESALE DEED), AND TAKE APPROPRIATE ACTION. <sup>1</sup> (3:09 PM) (4:19 PM)

**Clerk's Note:** Judge Biscoe announced that Item 39 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 Judge to sign a resale deed to Herminio Martinez, who has paid to Travis County the sum of \$9,600.00.

**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

40. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN DEL VALLE ISD V. ANNIE MAE WILSON (W. NEWMAN CASEY RESALE DEED), AND TAKE APPROPRIATE ACTION. <sup>1</sup> (3:09 PM) (4:19 PM)

**Clerk's Note:** Judge Biscoe announced that Item 40 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Clerk's Note:** Judge Biscoe noted that when Item 40 is reposted, it show that it involves the Austin Independent School District instead of the Del Valle Independent School District.

Item 40 to be reposted on May 11, 2004.

41. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN DEL VALLE ISD V. BAILEY PINK (BENJAMIN COOPER RESALE DEED), AND TAKE APPROPRIATE ACTION. <sup>1</sup> (3:09 PM) (4:19 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.

**Clerk's Note:** Judge Biscoe noted that when Item 41 is reposted, it show that it involves the Austin Independent School District instead of the Del Valle Independent School District.

Item 41 to be reposted on May 11, 2004.

42. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REAL ESTATE OPPORTUNITY ON THE PRECINCT THREE OFFICE BUILDINGS PROPERTY. <sup>2</sup> (3:09 PM) (4:19 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, and Gov't. Code Ann. 551.072, Real Property.

No action required on Item 42.

43. RECEIVE BRIEFING ON WAGE RATE DISPUTE BY EMPLOYEES OF HUTCHISON CONSTRUCTION CO. FOR SUBCONTRACTING WORK ON THE PRECINCT FOUR OFFICE BUILDING AND NORTH RURAL COMMUNITY CENTER, AND TAKE APPROPRIATE ACTION. <sup>1</sup> (3:09 PM) (4:20 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.

No action necessary on Item 43.

44. CONSIDER OPPORTUNITY TO PURCHASE REAL ESTATE IN CENTRAL AUSTIN, AND TAKE APPROPRIATE ACTION. <sup>2</sup> (3:09 PM) (4:20 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, and Gov't. Code Ann. 551.072, Real Property.

No action necessary on Item 44.

Item 44 to be reposted on May 11, 2004.

## ADDED ITEMS

- A1.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM THE AUSTIN WRANGLERS FOOTBALL TEAM TO NOTIFY TRAVIS COUNTY EMPLOYEES VIA EMAIL OF DISCOUNTED TICKET PRICES FOR CERTAIN WRANGLER GAMES. (3:07 PM)

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve the request in Item A1.

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

## ADJOURNMENT

**Motion by Commissioner Davis and seconded by Commissioner Gómez to adjourn the Voting Session. (4:22 PM)**

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

**MINUTES APPROVED BY THE COMMISSIONERS' COURT**

**Date of Approval**

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