

MINUTES OF MEETING – AUGUST 24, 2004

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 24th day of August, 2004, the Commissioners' Court convened the regular Voting Session at 9:14 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 retired to Executive Session at 10:42 AM.

The Commissioners Court reconvened the Voting Session at 11:54 AM.

The Commissioners Court recessed the Voting Session at 12:27 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened the Voting Session at 1:36 PM and adjourned at 1:37 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, the Travis County Health Facilities Development Corporation, the Capital Industrial Development Corporation, and the Capital Health Facilities Development Corporation, convened the Voting Sessions at 1:37 PM and adjourned at 1:37 PM.

The Commissioners Court, meeting as the Travis County Development Authority and the Travis County Cultural Education Facilities Finance Corporation, convened the Voting Sessions at 1:37 PM and adjourned at 1:38 PM.

The Commissioners Court, meeting as the Southwest Travis County Road District #1 convened the Voting Session at 1:38 PM and adjourned at 1:44 PM.

The Commissioners Court reconvened the regular Voting Session at 1:44 PM.

The Commissioners Court adjourned the Voting Session at 1:53 PM.

SPECIAL ITEM

1. RECOGNIZE EMPLOYEES WHO EARNED BEST PRACTICES AWARDS FOR THE TRAVIS COUNTY RECORDS MANAGEMENT AND COMMUNICATION RESOURCES DEPARTMENT FROM THE TEXAS ASSOCIATION OF COUNTIES. (9:17 AM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; and Steven Broberg, Director, Records Management and Communication Resources (RMCR).

Discussion Only. No action taken.

CITIZENS COMMUNICATION

Members of the Court heard from: Tom Bryant, Travis County Resident; Ms. Phillip A. Dick, Travis County Resident; and Mr. Pat Johnson, Travis County Resident. (9:27 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C5, and Items 7, 8, 9.A, 12, 15, 16, 17, 18, 19, 20.A and B, 21, 23, 24, 28, 29.A, 30, 31, 32, 33, 34, and A2. (9:42 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 AUGUST 10, 2004.
- C4.** APPROVE AUTOMATIC BUDGET TRANSFERS.
- C5.** APPROVE SETTING A PUBLIC HEARING DATE OF SEPTEMBER 14, 2004 TO HEAR DISCUSSION AND TAKE APPROPRIATE ACTION TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE TWO PORTIONS OF SELMA HUGHES PARK ROAD AND ACCEPT THE DEDICATION OF ADDITIONAL RIGHT OF WAY. (COMMISSIONER DAUGHERTY)

PLANNING AND BUDGET DEPT. ITEMS

2. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:45 AM) (10:33 AM) (12:23 PM)

Members of the Court heard from: Leroy Nellis, Budget Manager, Planning and Budget Office (PBO); Jessica Rio, Budget Analyst, PBO; John Hille, Assistant County Attorney; Debra Hale, Court Administration; and Travis Gatlin, Budget Analyst, PBO.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve all of the Budget Amendments and Transfers, excluding Budget Amendment A41 and Transfer T8.

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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Budget Amendment A41.

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

Clerk's Note: Item 2, in conjunction with Item 9.B, was further discussed at 12:23 PM.

Members of the Court agreed to consider one Motion for Items 2 and 9.B.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to approve Budget Transfer T8, in the amount of \$21,500.00; and that all of the appropriate Budget Amendments and Transfers, and PAF forms associated with this Item, be approved, as well as the Personnel Amendments associated with Item 9.B.

Motion carried:

County Judge Samuel T. Biscoe	no
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. DISCUSS AND TAKE APPROPRIATE ACTION ON FY 05 ELECTED OFFICIALS' SALARIES. (10:06 AM)

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to approve the draft ad that appears attached to the August 25, 2004 memo from Christian Smith, Executive Manager, Planning and Budget Office (PBO), which reflects today's actions by the Court, related to the County Clerk's and Justices of the Peace's salaries, and where the Justices of the Peace appear inside the ad.

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

4. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO INCREASE COUNTY CLERK SALARY DUE TO ADDITIONAL RESPONSIBILITIES, SCOPE OF OFFICE AND ADDITIONAL REVENUE. (COMMISSIONERS SONLEITNER and GÓMEZ) (9:47 AM)

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the setting of the County Clerk's salary to that of the Travis County Tax Assessor-Collector. With the raise that the Tax Assessor-Collector was already going to be entitled to, that would raise the County Clerk's salary to \$95,057.00.

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	no
Precinct 4, Commissioner Margaret J. Gómez	yes

- 5. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSAL TO INCREASE THE SALARIES OF THE JUSTICES OF THE PEACE AND TO PLACE THE JUSTICES OF THE PEACE ADJACENT TO OTHER MEMBERS OF THE JUDICIARY IN THE NEWSPAPER AD. (COMMISSIONERS SONLEITNER and GÓMEZ) (9:57 AM)

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to approve a salary of \$85,844.00 for the Justices of the Peace, and the change in the newspaper ad that places the Justices of the Peace in the judicial area in the ad.

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

- 6. DISTRIBUTE AND DISCUSS BUDGET PREFERENCE WORKSHEET TO SUPPORT THE BUDGET MARK-UP PROCESS. (10:07 AM)

Members of the Court heard from: Christian Smith, Executive Manager, PBO; and Leroy Nellis, Budget Manager, PBO.

Discussion only. No action taken.

7. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
(9:42 AM)
- A. GRANT CONTRACT WITH THE OFFICE OF THE ATTORNEY GENERAL FOR AN ACCESS AND VISITATION GRANT PROGRAM IN JUVENILE PROBATION. THE GRANT CONTINUES THE CURRENT PROGRAM THROUGH DECEMBER 31, 2004;
 - B. GRANT CONTRACT AMENDMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM IN THE SHERIFF'S OFFICE. THE AMENDMENT ADDS AN ADDITIONAL \$25,000 TO THE PROGRAM;
 - C. GRANT CONTRACT WITH THE ATTORNEY GENERAL'S OFFICE FOR THE OTHER VICTIM ASSISTANCE GRANT IN THE SHERIFF'S OFFICE. THE GRANT CONTRACT IS TO CONTINUE THE EXISTING PROGRAM THROUGH AUGUST 31, 2005; AND
 - D. GRANT CONTRACT WITH THE OFFICE OF THE ATTORNEY GENERAL FOR THE VICTIM COORDINATOR AND LIAISON GRANT PROGRAM IN THE SHERIFF'S OFFICE. THE GRANT CONTINUES THE EXISTING PROGRAM THROUGH AUGUST 31, 2005.

Clerk's Note: Items 7.A-D added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

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 \$437,576.80 FOR THE PERIOD OF AUGUST 6 THROUGH AUGUST 12, 2004. (9:42 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 THE FOLLOWING PROPOSED PERSONNEL AMENDMENTS:

A. ROUTINE ITEMS; (9:42 AM)

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

9. B. REQUEST FOR TEMPORARY PAY FOR CRIMINAL COURTS' EMPLOYEES. (11:55 AM) (12:23 PM) (1:49 PM)

Members of the Court heard from: Travis Gatlin, Budget Analyst, PBO; Linda Moore Smith, Director, Human Resources Management Department (HRMD); Judge Wilford Flowers, 147th Criminal District Court; Debra Hale, Court Administration; and Luanne Shull, Compensation Manager, HRMD.

Clerk's Note: Item 9.B, in conjunction with Item 2, was further discussed at 12:33 PM. Please refer to Item 2 for a summary of the action taken by the Court.

Clerk's Note: Item 9.B was further discussed at 1:49 PM, concerning the Purchasing Department's request for temporary pay increases, to be discussed next week, August 31, 2004.

10. A. RECEIVE BRIEFING ON THE INFORMATION TECHNOLOGY (IT) POSITION ANALYSIS REPORT CONDUCTED BY INFORMATION AND TELECOMMUNICATIONS SYSTEMS (ITS); (9:15 AM)

B. DISCUSS AND TAKE APPROPRIATE ACTION ON POLICIES AND RECOMMENDATIONS RESULTING FROM THE COUNTY IT POSITION ANALYSIS REPORT.

Items 10.A and B postponed until September 7, 2004.

11. CONSIDER AND TAKE APPROPRIATE ACTION ON OPTIONS REGARDING VARIOUS TRAVIS COUNTY FACILITIES: (10:27 AM) (10:37 AM)

A. RENOVATION AND OCCUPANCY OF THE 1101 NUECES STREET BUILDING; AND

B. COUNSELING AND EDUCATION SERVICES LEASE AT 205 W. 9TH STREET.

Clerk’s Note: Items 11.A and B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Roger El Khoury, Director, Facilities Management; Caryl Colburn, Director, Travis County Counseling and Education Services (TCCES); and Jessica Rio, Budget Analyst, PBO.

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the renovation and occupancy of the 1101 Nueces St. building; and to promptly notify the landlord at 205 W. 9th St. of the County’s intentions regarding the Counseling and Education Services lease.

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

Clerk’s Note: Items 11.A and B were further discussed at 10:37 AM with a request by Commissioner Davis that the Commissioners’ Court record reflect a Corrected Vote on Items 11.A and B. Judge Biscoe instructed that the record show Commissioner Davis voting in favor of the Motion on Items 11.A and B. The Commissioners’ Court record does reflect the Corrected Vote.

Corrected Vote:

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

- 12.** CONSIDER AND TAKE APPROPRIATE ACTION ON STAFF AGREEMENT TO REFUND \$360 TO RESIDENT FOR ALLOWING COUNTY TO TERMINATE CONTRACT TO USE TRAVIS COUNTY EXPOSITION CENTER. (9:42 AM)

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

- 13.** CONSIDER AND TAKE APPROPRIATE ACTION ON FY 05 COMPENSATION FOR EMPLOYEES: (9:16 AM)

A. RANK AND FILE EMPLOYEES (HRMD); AND

B. PEACE OFFICERS PAY SCALE (PBO):

- 1.** LAW ENFORCEMENT OFFICERS;
- 2.** CORRECTIONS OFFICERS; AND
- 3.** SUPERVISORS IN CORRECTIONS.

Items 13.A and B postponed until August 31, 2004.

14. CONSIDER AND TAKE APPROPRIATE ACTION ON TEMPORARY PAY INCREASE POLICY, TRAVIS COUNTY CODE SECTION 10.030085. (12:18 PM)

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to terminate the effective pay policy.

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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Daugherty that the termination date of the current pay policy be September 30, 2004, meaning, in Fiscal Year 2005, we would not have a temporary pay increase policy.

Motion carried:

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

PURCHASING OFFICE ITEMS

15. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. PS010144JW, PROVIDENCE SERVICES CORPORATION OF TEXAS, FOR INTENSIVE IN-HOME SERVICES. (JUVENILE PROBATION) (COMMISSIONER GÓMEZ) (9:42 AM)

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

16. APPROVE INTERLOCAL NO. IL040256RE WITH CITY OF AUSTIN FOR DEAF INTERPRETING SERVICES. (HHS & VS) (COMMISSIONER GÓMEZ) (9:42 AM)

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

17. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. PS020098JW, SAFEPLACE, FOR JUVENILE BATTERED INTERVENTION PREVENTION SERVICES. (JUVENILE PROBATION) (COMMISSIONER GÓMEZ) (9:42 AM)

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

18. APPROVE CONTRACT NO. PS040249JW WITH ROO HOUSE TO PROVIDE RESIDENTIAL TREATMENT SERVICES TO JUVENILE OFFENDERS. (JUVENILE PROBATION) (COMMISSIONER GÓMEZ) (9:42 AM)

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

19. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. CM040145LC, VISTA SOLUTIONS GROUP, FOR THE DOCUMENT IMAGING SYSTEM FOR THE COUNTY CLERK AND DISTRICT CLERK. (ITS/DISTRICT CLERK) (COMMISSIONER GÓMEZ) (9:42 AM)

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

20. APPROVE SOLE SOURCE EXEMPTION FOR A 10-MONTH EXTENSION, WITH OPTION TO CONTINUE FOR THREE (3) ADDITIONAL MONTHS, TO THE FOLLOWING CONTRACTS WITH UNISYS CORPORATION: (9:42 AM)

A. NO. MA000042, FOR SYSTEM HARDWARE AND SOFTWARE MAINTENANCE SUPPORT SERVICES; AND

B. NO. 95C0150CG, FOR UNISYS SYSTEM LICENSES. (ITS) (COMMISSIONER GÓMEZ)

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

- 21.** APPROVE 12-MONTH EXTENSION (MODIFICATION NO. 7) TO INTERLOCAL AGREEMENT NO. IL990083EF, AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION, FOR SUBSTANCE ABUSE AND TREATMENT SERVICES. (HHS & VS) (COMMISSIONER GÓMEZ) (9:42 AM)

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

- 22.** APPROVE 12-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 03T002880J, APPRISS, INC., FOR THE TEXAS VINE SERVICES AGREEMENT. (SHERIFF'S OFFICE, ITS) (COMMISSIONER GÓMEZ) (9:15 AM)

Item 22 postponed until August 31, 2004.

- 23.** APPROVE ORDER EXEMPTING THE PURCHASE OF AUTOMATIC EXTERNAL DEFIBRILLATORS FROM PHILIPS MEDICAL SYSTEMS FROM THE COMPETITIVE PROCUREMENT PROCESS, PURSUANT TO SECTION 262.024(A)(2) OF THE COUNTY PURCHASING ACT. (SHERIFF) (COMMISSIONER GÓMEZ) (9:42 AM)

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

- 24.** APPROVE MODIFICATION NO. 2 TO CONTRACT NO. 03T00087LD, H AND H FENCE CO., FOR GUARDRAIL AND BRIDGERAIL INSTALLATION. (TNR) (COMMISSIONER GÓMEZ) (9:42 AM)

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

- 25. APPROVE CONTRACT AWARD FOR RE-ROOF OF DESIGNATED AREAS OF BUILDING 100 AT THE TRAVIS COUNTY CORRECTIONAL COMPLEX, IFB NO. B040112SI, TO THE LOW BIDDER, OVER THE TOP SYSTEMS, LTD., DBA/ PIONEER ROOF SYSTEMS. (FACILITIES MANAGEMENT) (COMMISSIONER GÓMEZ) (10:33 AM)**

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

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the contract in Item 25.

A Clarification of the previous Motion was made by Judge Biscoe that the Motion is made with the proviso that \$1,100.00 be withheld until it is determined whether or not the contractor owes Travis County that amount in property taxes. If the County is not owed it, the money would be released to the contractor. If the County is owed it, that amount would be subtracted from the contract price.

A Friendly Amendment to the previous Motion was offered by Judge Biscoe to authorize the County Judge to sign an appropriate contract once the qualifying language is included in the contract.

Acceptance of the Friendly Amendment was made by Commissioner Gómez and Commissioner Sonleitner.

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

26. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING ITEMS FOR WESTLAKE HIGHLANDS, RESUBDIVISION OF LOT B, BLOCK 3-A: (10:37 AM)

A. A VARIANCE TO CHAPTER 82.202(o) OF STANDARDS FOR CONSTRUCTION OF STREETS AND DRAINAGE IN SUBDIVISIONS IN TRAVIS COUNTY FOR LOT SIZE REQUIREMENTS AND TO CHAPTER 48.010.2(a)(1) FOR MINIMUM LOT SIZES FOR A SINGLE-FAMILY RESIDENTIAL AREA; AND

B. A PLAT FOR RECORDING IN PRECINCT THREE: WESTLAKE HIGHLANDS, RESUBDIVISION OF LOT B, BLOCK 3-A (SHORT FORM PLAT – 2 LOTS – 1.1132 ACRES – RIDGECREST DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC SYSTEMS – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY)

Clerk’s Note: Items 26.A and B are associated with one another and were called for concurrent discussion.

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

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Items 26.A and B.

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

27. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST FOR EXCEPTION TO FRONTAGE STANDARDS AND A PLAT FOR RECORDING IN PRECINCT THREE: RESUBDIVISION OF LOT 10, LICK CREEK RANCH SUBDIVISION PHASE I (REVISED PLAT – 5 LOTS – 13.34 ACRES – OUTBACK TRAIL – NO FISCAL REQUIRED– SEWAGE SERVICE TO BE PROVIDED BY ONSITE WASTEWATER FACILITY (LCRA JURISDICTION) – OUTSIDE ALL MUNICIPAL ETJ). (COMMISSIONER DAUGHERTY) (9:15 AM)

Item 27 postponed until September 21, 2004.

28. CONSIDER AND TAKE APPROPRIATE ACTION ON LICENSE AGREEMENT WITH THE AUSTIN BERGSTROM INTERNATIONAL AIRPORT TO INSTALL NOISE AND FLIGHT TRACK MONITORING SYSTEM IN THE RIGHT OF WAY OF CREEDMORE ROAD IN PRECINCT FOUR. (COMMISSIONER GÓMEZ) (9:42 AM)

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

HEALTH AND HUMAN SERVICES DEPT. ITEMS

29. A. CONSIDER AND TAKE APPROPRIATE ACTION ON AGREEMENT FOR ASSESSMENT AND COLLECTION SERVICES BETWEEN TRAVIS COUNTY AND THE TRAVIS COUNTY HOSPITAL DISTRICT. (9:42 AM)

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

29. B. CONSIDER AND TAKE APPROPRIATE ACTION ON ISSUES REGARDING THE IMPLEMENTATION OF THE DISTRICT. (10:39 AM)

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

Discussion only. No action taken.

Item 29.B to be reposted on August 31, 2004.

JUSTICE AND PUBLIC SAFETY ITEMS

30. CONSIDER AND TAKE APPROPRIATE ACTION ON SERVICE LEVEL AGREEMENT (SLA) WITH THE CITY OF AUSTIN FOR SHARED EMERGENCY MANAGEMENT EXPENSES AT THE COMBINED TRANSPORTATION, EMERGENCY AND COMMUNICATIONS CENTER (CTECC). (9:42 AM)

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

OTHER ITEMS

- 31.** APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:42 AM)

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

- 32.** RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF JULY 2004. (9:42 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 CONTRACT AMENDMENT OF INTERLOCAL COOPERATION AGREEMENT BETWEEN TRAVIS COUNTY AND THE LAKE TRAVIS ISD FOR 2004-2005 SCHOOL YEAR FOR LAW ENFORCEMENT SERVICES TO BE PROVIDED BY THE TRAVIS COUNTY SHERIFF'S OFFICE. (9:42 AM)

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

- 34.** REAPPOINT NASH MARTINEZ TO THE TRAVIS COUNTY APPRAISAL DISTRICT TO A TWO-YEAR TERM ENDING AUGUST 2006. (COMMISSIONERS DAVIS and GÓMEZ) (9:42 AM)

Clerk's Note: Item 34 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

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.

- 35.** RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING SETTLEMENT NEGOTIATIONS IN RICHARD MCCAIN V. TRAVIS COUNTY. ¹
(9:15 AM)

Item 35 postponed until August 31, 2004.

- 36.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION CONCERNING THE EXTENSION OF LEAVE FOR A JUVENILE PROBATION DEPARTMENT EMPLOYEE, DEPT. 45, SLOT 175. ⁴ (10:42 AM)
(1:44 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, and Gov't. Code Ann. 551.074, Personnel Matters.

Motion by Judge Biscoe and seconded by Commissioner Gómez to authorize leave with pay for August 12 and 13, 2004.

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

- 37. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING SETTLEMENT OFFER MADE BY REGISTRANT PURSUANT TO STATE OFFICE OF ADMINISTRATIVE HEARINGS DOCKET NO. 582-04-2700, STYLED “IN RE THE APPLICATION OF CAP-TEX, INC. FOR A BENEFICIAL USE SLUDGE REGISTRATION (TCEQ REGISTRATION NO. 710855)” (CAP-TEX; BISCOE; LAND USE REGULATIONS) (REQUESTED BY THE COUNTY ATTORNEY). ¹ (10:42 AM) (1:45 PM)

Clerk’s Note: Judge Biscoe announced that Item 37 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

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

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to reject the settlement offer proposed by Cap-Tex. Inc.; and to direct the Planning and Budget Office (PBO) to locate some source of funding for the legal obligation that we may incur during this process of rejection, as it goes before the State Office of Administrative Hearings.

A Friendly Amendment to the previous Motion was offered by Commissioner Gómez that we reject their application for a site anywhere in Travis County.

Acceptance of the Friendly Amendment was made by Commissioner Davis.

A Clarification of the previous Motion was made by Commissioner Davis that we are rejecting this specific settlement offer, and we are really not interested in any settlement offer from them.

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

- 38. RECEIVE LEGAL ADVICE AND TAKE APPROPRIATE ACTION ON IMPLEMENTATION OF TRAVIS COUNTY HOSPITAL DISTRICT. ¹ (10:42 AM) (1:49 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.

No action necessary on Item 38.

- 39.** RECEIVE LEGAL ADVICE ON LIMITATIONS ON USE OF BUDGET MARK-UP WORKSHEET, PURSUANT TO TEXAS OPEN MEETINGS ACT. ¹ (10:42 AM) (1:49 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.

No action necessary on Item 39.

ADDED ITEMS

- A1.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN CITY OF SUNSET VALLEY V. CITY OF AUSTIN; GV4-0101. ¹ (EXECUTIVE SESSION) (10:42 AM) (1:48 PM) (1:49 PM)

Clerk's Note: Judge Biscoe announced that Item A1 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to indicate our intention to fight being joined in this lawsuit, and our position that, if we are joined, we will need to conduct discovery, in order to be a 100% party.

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	abstain
Precinct 4, Commissioner Margaret J. Gómez	yes

Clerk's Note: Item A1 was further discussed at 1:49 PM, concerning the County's position on this matter.

A2. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM TRAVIS COUNTY DISTRICT ATTORNEY TO HELP FUND OFFENDER RE-ENTRY INITIATIVE. (9:42 AM) (1:44 PM)

Clerk’s Note: Judge Biscoe noted that the Commissioners’ Court will later deal with the source of funding; and that the Court was leaning toward the District Attorney’s Protective Service Order (DAPSO) money.

Clerk’s Note: Item A2 added to Consent Items. Please refer to CONSENT ITEMS for the Court’s Motion and Vote.

Clerk’s Note: Item A2 was further discussed at 1:44 PM. The Court without objection clarified that the \$10,000.00 the District Attorney needs for the Offender Re-entry Initiative will come from the Forfeited Property Account.

ADJOURNMENT

Motion by Commissioner Daugherty **and seconded by** Commissioner Davis to adjourn the Voting Session. (1:53 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, Travis County Judge