

## **MINUTES OF MEETING – FEBRUARY 1, 2005**

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

On Tuesday, the 1<sup>st</sup> day of February, 2005, 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 recessed the Voting Session at 12:26 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened at 2:09 PM and adjourned at 2:10 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 2:10 PM and adjourned at 2:27 PM.

The Commissioners Court, meeting as the Capital Health Facilities Development Corporation, convened at 2:28 PM and adjourned at 2:28 PM.

The Commissioners Court, meeting as the Capital Industrial Development Corporation, convened at 2:28 PM and adjourned at 2:28 PM.

The Commissioners Court reconvened the regular Voting Session at 2:28 PM.

The Commissioners Court retired to Executive Session at 2:39 PM.

The Commissioners Court reconvened the Voting Session at 3:14 PM.

The Commissioners Court adjourned the Voting Session at 3:15 PM.

**PUBLIC HEARINGS**

1. RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT ONE: RESUBDIVISION OF LOT 1, BLOCK A; LOT 1, BLOCK B; LOT 1, BLOCK C; LOT 1, BLOCK D & LOT 13, BLOCK E, PARKWAY SUBDIVISION (SHORT FORM PLAT – 56 LOTS – 15.603 ACRES – HARRIS RIDGE BLVD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY NORTHTOWN M.U.D. – CITY OF AUSTIN ETJ). (ACTION ITEM #21) (COMMISSIONER DAVIS) (9:17 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 21 for a summary of the Court's action.

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

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	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 Davis **and seconded by** Commissioner Sonleitner 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

2. RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: RESUBDIVISION OF LOT F-5, NORTHWEST HILLS RANCH, SECT. ONE (SHORT FORM PLAT – 5 LOTS – 2.9428 ACRES – D-K RANCH ROAD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN ETJ). (ACTION ITEM #22) (COMMISSIONER DAUGHERTY) (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 a summary of the Court's action.

**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, TNR; Rob Sobczak, Travis County Resident; Willard Perkins, Travis County Resident; Mike Rivera, Civil Engineer for the applicant; and Fred Dennick, Division Director, Planning and Engineering, TNR.

**Motion by** Judge Biscoe **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

3. APPROVE PROCLAMATION RECOGNIZING THE AUSTIN INDEPENDENT SCHOOL DISTRICT'S 22<sup>ND</sup> ANNUAL AFRICAN-AMERICAN HERITAGE CELEBRATION. (JUDGE BISCOE) (9:42 AM)

**Members of the Court heard from:** Dr. Gloria Williams, Austin Independent School District.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve the proclamation 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

## CITIZENS COMMUNICATION

**Members of the Court heard from:** Pam Thompson, Travis County Resident; and Stefan Wray, Travis County Resident. (9:45 AM)

## CONSENT ITEMS

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C9, and Items 4, 6.A, 8, 9, 10, 12, 13, 15, 16, 17, 18, 19, 20, 21, 26, and 27. (9:54 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.

**CONSENT ITEMS CONTINUED**

- C2.** AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.
- C3.** APPROVE THE CORRECTED COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF APRIL 13, 2004. (SCRIVENER'S ERROR ON ITEM 34)
- C4.** APPROVE THE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF JANUARY 18, 2005.
- C5.** APPROVE AUTOMATIC BUDGET TRANSFERS.
- C6.** APPROVE SETTING A PUBLIC HEARING DATE OF FEBRUARY 15, 2005 FOR PROPOSED STREET NAME ASSIGNMENTS FOR THREE PRIVATE EASEMENTS OFF HAMILTON POOL ROAD TO BE KNOWN AS "FEARLESS TREADWAY", "CAMINO PAISANO", AND "CAMINO BARRANCA" IN PRECINCT 3. (COMMISSIONER DAUGHERTY)
- C7.** APPROVE SETTING A PUBLIC HEARING DATE OF FEBRUARY 15, 2005 FOR PROPOSED STREET NAME ASSIGNMENTS FOR THREE PRIVATE EASEMENTS OFF ROUND MOUNTAIN ROAD TO "RANCH ROAD", "CALHOUN PASS", AND "CALHOUN LANE" IN PRECINCT 3. (COMMISSIONER DAUGHERTY)
- C8.** APPROVE SETTING A PUBLIC HEARING DATE OF FEBRUARY 15, 2005 FOR PROPOSED STREET NAME ASSIGNMENTS FOR A PRIVATE EASEMENT TO BE KNOWN AS "SERENE HILLS PASS" OFF SERENE HILLS DRIVE NEAR LAKEWAY IN PRECINCT 3. (COMMISSIONER DAUGHERTY)
- C9.** APPROVE SETTING A PUBLIC HEARING DATE OF FEBRUARY 22, 2005, TO HEAR DISCUSSION AND TAKE APPROPRIATE ACTION TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE THE CURRENT 60' WIDTH RIGHT OF WAY OF QUINLAN PARK ROAD EASEMENT AS RECORDED AT VOL. 12404 PG. 1646 AND ACCEPT TWO PORTIONS OF RIGHT OF WAY DEDICATION. (COMMISSIONER DAUGHERTY)

**ADMINISTRATIVE OPERATIONS ITEMS**

4. 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 \$334,924.86 FOR THE PERIOD OF JANUARY 14, 2005 THROUGH JANUARY 20, 2005. (9:54 AM)

**Clerk's Note:** Item 4 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

5. APPROVE OR REJECT PROPOSED FARMERS' MARKET LEASE AGREEMENT WITH DANNY WRIGHT AND GARLAND EARLS D/B/A DANNY'S BARBEQUE AND CATERING. (EXECUTIVE SESSION ALSO, PURSUANT TO GOV'T CODE ANN 551.072, REAL PROPERTY) (COMMISSIONER SONLEITNER) (9:57 AM) (11:21 AM) (2:39 PM) (3:14 PM)

**Members of the Court heard from:** Duke Bischoff, former lessee at the Travis County Farmers Market; Chris Banks, Manager, John Miller's Barbeque; Kathy Bischoff, former lessee at the Travis County Farmers Market; Hill Rylander, Manager, Travis County Farmers Market; and John Hille, Assistant County Attorney.

**Clerk's Note:** Judge Biscoe announced that Item 5 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** Commissioner Sonleitner **and seconded by** Commissioner Gómez to reject the proposed Farmers Market Lease.

<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

6. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING PROPOSED PERSONNEL AMENDMENTS:

A. ROUTINE PERSONNEL ACTIONS. (9:54 AM)

**Clerk's Note:** Item 6.A added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

7. APPROVE 29 JOB DESCRIPTIONS FOR APPROXIMATELY 49 POSITIONS IN THE HUMAN RESOURCES JOB FAMILIES THAT WERE AFFECTED BY THE CLASSIFICATION AND COMPENSATION STRATEGIC PLAN (YEAR 3) DURING FY 2004 JOB ANALYSIS PROJECT. (10:50 AM)

**Members of the Court heard from:** Linda Moore Smith, Director, Human Resources Management Department (HRMD).

**Motion by Judge Biscoe and seconded by Commissioner Davis** to approve Item 7.

<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

8. RECEIVE AND TAKE APPROPRIATE ACTION ON HOSPITAL AND INSURANCE FUND ANNUAL REPORT FOR FISCAL YEAR 2004. (9:54 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 RECOMMENDED PROTOCOL FOR TRAVIS COUNTY EMPLOYEES' WELLNESS AND HEALTH CLINIC. (9:54 AM)

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

**JUSTICE AND PUBLIC SAFETY ITEMS**

10. DISCUSS AND APPROVE RE-APPOINTMENT OF DANNY HOBBY AS VOTING MEMBER ON THE REGION 49, TEXAS 800 MHZ REGIONAL REVIEW COMMITTEE, AND TERRY PICKERING AS ALTERNATE MEMBER. (9:54 AM)

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

11. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING ORDER AMENDING THE TRAVIS COUNTY CODE ADDING CHAPTER 71 FIRE CODE, WHICH ADOPTS THE FOLLOWING: (10:53 AM)

A. THE INTERNATIONAL FIRE CODE FOR TRAVIS COUNTY; AND

B. APPROPRIATE FEES FOR IMPLEMENTATION OF THE FIRE CODE.

**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:** Simon Broussard, Travis County Fire Marshall; and Barbara Wilson, Assistant County Attorney.

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Items 11.A and B, adopting the Fire Code.

**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

12. APPROVE PURCHASE OF INMATE VIDEO VISITATION SYSTEM FROM TEXAS DEPARTMENT OF INFORMATION RESOURCES THROUGH AVNET ENTERPRISE SOLUTIONS. (TCSO) (COMMISSIONER GOMEZ) (9:54 AM)

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

13. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. PS020099LB, HEART STAFFING RESOURCES, INC. FOR TEMPORARY PROFESSIONAL NURSING SERVICES FOR INMATES. (TCSO) (COMMISSIONER GOMEZ) (9:54 AM)

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

14. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AUTHORIZE THE TRAVIS COUNTY PURCHASING AGENT TO UTILIZE THE “ALTERNATIVE PROJECT DELIVERY METHODS FOR CERTAIN PROJECTS” (TEX. LOCAL GOV’T CODE ANN CHAPTER 271, SUBCHAPTER H, SECTION 271.111 – 271.121) TO PROCURE THE FOLLOWING SERVICES IN SUPPORT OF THE CONSTRUCTION OF NEW JAIL FACILITIES AT THE DEL VALLE CORRECTIONAL COMPLEX: (11:11 AM)
- A. CONSULTING SERVICES TO ASSIST IN PRE-DESIGN, NEEDS ASSESSMENT AND DETERMINATION OF THE “BEST VALUE” PROJECT DELIVERY METHOD; AND
- B. DESIGN AND CONSTRUCTION SERVICES. (FACILITIES MANAGEMENT) (COMMISSIONER GOMEZ)

**Clerk’s Note:** Items 14.A and B are associated with one another and were called for concurrent discussion.

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve Items 14.A and B, to authorize the issuance of a Request for Qualifications (RFQ) and to approve the order to use an alternative project delivery method.

**Motion carried:**

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

15. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION No. 2) TO CONTRACT NO. 03T00154-RG, AIRGAS SOUTHWEST, FOR MEDICAL GASES. (MEDICAL EXAMINER & ES) (COMMISSIONER GOMEZ) (9:54 AM)

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

16. APPROVE SIX-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 04T00155RG, DELL MARKETING, FOR COMPUTER HARDWARE. (ITS) (COMMISSIONER GOMEZ) (9:54 AM)

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

17. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 02T00193LD, OFFICE DEPOT BUSINESS SERVICES FOR OFFICE SUPPLIES. (COMMISSIONER GOMEZ) (9:54 AM)

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

18. APPROVE MODIFICATION NO. 5 TO CONTRACT NO. PS960359KW WITH RX MANAGEMENT CONSULTANTS FOR PHARMACY MANAGEMENT SERVICES. (JUVENILE PROBATION). (COMMISSIONER GOMEZ) (9:54 AM)

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

19. DECLARE CERTAIN VEHICLES AND EQUIPMENT AS SURPLUS PROPERTY AND SELL AT PUBLIC AUCTION PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (COMMISSIONER GOMEZ) (9:54 AM)

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

20. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. MA030099LC WITH FUTURE COM FOR MAINTENANCE OF SECURITY PRODUCTS AND SOFTWARE. (ITS) (COMMISSIONER GOMEZ) (9:54 AM)

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

## TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

21. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PLAT FOR RECORDING IN PRECINCT ONE: RESUBDIVISION OF LOT 1, BLOCK A; LOT 1, BLOCK B; LOT 1, BLOCK C; LOT 1, BLOCK D & LOT 13, BLOCK E, PARKWAY SUBDIVISION (SHORT FORM PLAT – 56 LOTS – 15.603 ACRES – HARRIS RIDGE BLVD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY NORTHTOWN M.U.D. – CITY OF AUSTIN ETJ). (COMMISSIONER DAVIS) (9:54 AM)

**Clerk's Note:** Item 21 is the action item for the public hearing on Agenda Item 1.

**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 A PLAT FOR RECORDING IN PRECINCT THREE: RESUBDIVISION OF LOT F-5, NORTHWEST HILLS RANCH, SECT. ONE (SHORT FORM PLAT – 5 LOTS – 2.9428 ACRES – D-K RANCH ROAD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:39 AM)

**Clerk's Note:** Item 22 is the action item for the public hearing on Agenda Item 2.

Item 22 pulled from the Agenda.

23. CONSIDER AND TAKE APPROPRIATE ACTION ON ISSUES INVOLVING REQUESTED USE OF BASEBALL FIELDS AT NORTHEAST METROPOLITAN PARK BY TWO AREA NONPROFIT YOUTH BASEBALL LEAGUES. (COMMISSIONER SONLEITNER) (2:28 PM)

**Members of the Court heard from:** Charles Bergh, Division Director, Parks and Natural Resources, TNR.

Discussion Only. No action taken.

Item 23 to be reposted on February 8, 2005.

24. CONSIDER AND TAKE APPROPRIATE ACTION ON THE PROPOSED HMAC OVERLAY AND TYPE F MIX ROADWAY PROJECT LIST FOR FISCAL YEAR 2005. (COMMISSIONER DAUGHERTY) (2:31 PM)

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

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Sonleitner to approve Item 24, the roadway project list.

**Motion carried:**

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

## PLANNING AND BUDGET DEPT. ITEMS

25. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (2:32 PM)

**Members of the Court heard from:** Leroy Nellis, Budget Manager, Planning and Budget Office (PBO).

**Clerk's Note:** The Planning and Budget Office Staff notified the Court of typographical errors on the Budget Amendments and Transfers listed. The changes were as follows: the project code following A5 should be A6 (not A4 as listed), and the last account number entry should read 001 1405 822 3001 (not 001 1405 821 3001 as listed).

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Davis to approve the Budget Amendments and Transfers A1-A6, with the changes as described by Planning and Budget.

**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

## OTHER ITEMS

26. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:54 AM)

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

27. RE-APPOINT MARGARINE G. BEAMAN TO SERVE ON THE TRAVIS COUNTY HISTORICAL COMMISSION AS A PRECINCT ONE APPOINTEE, TERM EFFECTIVE UNTIL JANUARY 2007. (COMMISSIONER DAVIS)  
(9:54 AM)

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

28. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE ISSUES AND PROPOSED BILLS BEFORE THE 79<sup>TH</sup> TEXAS LEGISLATURE. (A LIST MAY BE OBTAINED FROM ANY MEMBER OF THE TRAVIS COUNTY COMMISSIONERS COURT). (11:41 AM)

**Clerk's Note:** The Court discussed House Bill 470 (HB470): Relating to local delivery of aging, disability, behavioral health, and mental retardation services; and the companion legislation, Senate Bill 194 (SB194): Relating to local delivery of aging, disability, behavioral health, and mental retardation services.

**Members of the Court heard from:** Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); David Evans, Director, Austin-Travis County Mental Health Mental Retardation Center (ATCMHMR); Chris Shields, Legislative Consultant; Marisa Gonzales, Legislative Consultants staff member; and Donald Dumas, Board Member, ATCMHMR.

**Clerk's Note:** The Court discussed distributing the document to the Council of Urban Counties (CUC) Policy Committee Wednesday, February 2, 2005.

**Motion by Judge Biscoe and seconded by** Commissioner Davis to have next Tuesday, February 8, 2005, a formal document that the Court can look at, approve, and sign, and have a distribution strategy also; and to distribute the document to the appropriate people between now and then.

<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 28 to be reposted on February 8, 2005

**ITEM 28 CONTINUED**

**Clerk's Note:** The Court discussed the legislative "appraisal cap" issue. The Legislative Consultants advised the Court that this issue should be a priority issue for the Commissioners Court.

**Members of the Court heard from:** Chris Shields, Legislative Consultant.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to work with our Budget Director, Auditor, and the City of Austin, to see what effect the appraisal cap will have on Austin and Travis County; and next week, February 8, 2005, try to have something in writing for the Court to approve.

<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

**Clerk's Note:** The Court discussed the Travis County Legislative Agenda issues:  
Issue 3: Length of detention in county jail of parole technical violators.  
Issue 4: Options for detention for parole violators (JOTF).  
Issue 5: Compensation for county detainment of technical parole violators (JOTF).

**Members of the Court heard from:** Mike Trimble, Criminal Justice Coordinator, Criminal Justice Planning (CJP).

Discussion Only. No formal action taken.



**ITEM 28 CONTINUED**

**Clerk's Note:** The Court discussed amending the County Purchasing Act and Local Government Code to add a section with language similar to section 252.024 (City Purchasing Act) to permit counties to use a broker of record to solicit proposals for insurance.

**Members of the Court heard from:** Dan Mansour, Risk Manager, HRMD; Chris Shields, Legislative Consultant; and Barbara Wilson, Assistant County Attorney.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve Staff's recommendation to pursue amending the County Purchasing Act and Local Government Code to add a section with language similar to section 252.024 (City Purchasing Act) to permit counties to use a broker of record to solicit proposals for insurance.

<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

29. CONSIDER AND TAKE APPROPRIATE ACTION ON NOTICE OF INTENT FROM THE EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO ISSUE A PERMIT TO MAGNA-FLOW INTERNATIONAL, INC. FOR THE LAND APPLICATION OF SLUDGE AT A SITE NEAR THE INTERSECTION OF TAYLOR LANE AND FM 969 IN PRECINCT ONE. (COMMISSIONER DAVIS) (10:14 AM)

**Members of the Court heard from:** John Kuhl, Environmental Officer, TNR; Henry Troell, Board Member, Parks Springs Neighborhood Association; Ken Moon, City Commissioner, Village of Webberville; Germaine Swenson, Parks Springs Neighborhood Association; Chris Lehman, Chairman, Austin Regional Group of the Sierra Club; and Tom Nuckols, Assistant County Attorney.

**Clerk's Note:** The Court discussed a draft letter to the Texas Commission on Environmental Quality (TCEQ) officials, asking them to reconsider their intent to issue a permit to Magna Flow International Incorporated.

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to accept this particular letter that has been drafted by the Transportation and Natural Resources (TNR) Staff; that the letter be sent to the Texas Commission on Environmental Quality (TCEQ) personnel; that we hand deliver the document; and that we also send a copy of this particular letter to the Travis County legislative delegation.

**A Friendly Amendment to the previous Motion was offered by** Judge Biscoe that in the letter to the Travis County legislative delegation, we ask them to join us in opposing the project.

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

<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

**30. CONSIDER AND TAKE APPROPRIATE ACTION ON APPOINTMENT OF THE TRAVIS COUNTY CITIZENS BOND ADVISORY COMMITTEE. (2:34 PM)**

**Clerk's Note:** The members of the Court suggested the appointment of the following citizens to the Travis County Citizens Bond Advisory Committee:

Commissioner Davis: Diane Akers, Dr. Charles Akins, and Jim Davis  
Commissioner Sonleitner: Glen Coleman, Rod Reyna, and Heidi Ross  
Commissioner Daugherty: David Hartman, Leonard Huber, and Steve Martin  
Commissioner Gómez: Richard Moya, Sal Valdez, and Jon Hockenyos  
Judge Biscoe: Lynn Nabors, and Eleanor Penridge.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to appoint the current list of citizens to the Travis County Citizens Bond Advisory Committee, and to have final consideration by the Court on Tuesday, February 8, 2005.

<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 30 to be reposted on February 8, 2005.

**31. ACCEPT AND OPEN BIDS RELATING TO, AND CONSIDER AND TAKE ACTION ON AN ORDER AUTHORIZING, THE ISSUANCE OF \$1,150,000 TRAVIS COUNTY, TEXAS, UNLIMITED TAX ROAD BONDS, SERIES 2005, AND MATTERS PERTAINING THERETO. (10:42 AM)**

**Members of the Court heard from:** Ladd Pattillo, Travis County Financial Advisor; and Glenn Opel, Travis County Bond Counsel, Vinson & Elkins.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve awarding the bid to First Southwest Company at the interest rate of 4.069783; to adopt the order authorizing the issuance of \$1,150,000.00 Travis County, Texas unlimited tax road bonds series 2005; and to authorize the execution of the documents.

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

32. ACCEPT AND OPEN BIDS RELATING TO, AND CONSIDER AND TAKE ACTION ON AN ORDER AUTHORIZING, THE ISSUANCE OF \$12,400,000 TRAVIS COUNTY, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 2005 (LIMITED TAX), AND MATTERS PERTAINING THERETO. (10:46 AM)

**Members of the Court heard from:** Ladd Pattillo, Travis County Financial Advisor; and Glenn Opel, Travis County Bond Counsel, Vinson & Elkins.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve awarding the bid to First Southwest Company at the interest rate of 2.765116; to adopt the order authorizing the issuance of \$12,400,000.00 Travis County, Texas certificates of obligation series 2005; and to authorize the execution of the documents.

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

33. ACCEPT AND OPEN BIDS RELATING TO, AND CONSIDER AND TAKE ACTION ON AN ORDER AUTHORIZING, THE ISSUANCE OF \$3,940,000 TRAVIS COUNTY, TEXAS, PERMANENT IMPROVEMENT BONDS, SERIES 2005 (LIMITED TAX), AND MATTERS PERTAINING THERETO. (10:47 AM)

**Members of the Court heard from:** Ladd Pattillo, Travis County Financial Advisor; and Glenn Opel, Travis County Bond Counsel, Vinson & Elkins.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve awarding the bid to Citigroup Global Markets Inc. at the interest rate of 4.020667; to adopt the order authorizing the issuance of \$3,940,000.00 Travis County, Texas permanent improvement bonds series 2005; and to authorize the execution of the documents.

<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.

- 34. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION IN SETTLEMENT OFFER REGARDING TERRI D. FLEMMINGS. (FLEMMINGS, TERRI D.; PEREZ; SUBROGATION) <sup>1</sup> (2:39 PM) (3:14 PM)**

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to reject the offer in the amount of 25%, and counter-offer for the County to receive 50% of any settlement.

<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 Sonleitner **and seconded by** Commissioner Davis to adjourn the Voting Session. (3:15 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**