

MINUTES OF MEETING – FEBRUARY 15, 2005

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 15th day of February, 2005, the Commissioners' Court convened the regular Voting Session at 9:18 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 One Commissioner Ron Davis was not present during this Voting Session.

The Commissioners Court retired to Executive Session at 10:36 AM.

The Commissioners Court reconvened the Voting Session at 11:11 PM.

The Commissioners Court recessed the Voting Session at 12:14 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened at 1:50 PM and adjourned at 1:50 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:50 PM and adjourned at 1:51 PM.

The Commissioners Court reconvened the regular Voting Session at 1:51 PM.

The Commissioners Court retired to Executive Session at 2:02 PM.

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

The Commissioners Court adjourned the Voting Session at 3:22 PM.

PUBLIC HEARINGS

1. RECEIVE COMMENTS REGARDING REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF THE 5' PUBLIC UTILITY EASEMENT ON THE NORTH SIDE OF LOT 475, APACHE SHORES FIRST INSTALLMENT, A SUBDIVISION IN PRECINCT THREE. (ACTION ITEM 17) (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 17 for a summary of the Court's action.

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

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

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 close the public hearing.

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

2. RECEIVE COMMENTS REGARDING PROPOSED STREET NAME ASSIGNMENTS FOR THREE PRIVATE EASEMENTS OFF HAMILTON POOL ROAD TO “FEARLESS TREADWAY,” “CAMINO PAISANO” AND “CAMINO BARRANCA” IN PRECINCT THREE. (ACTION ITEM 18) (COMMISSIONER DAUGHERTY) (9:20 AM)

Clerk’s Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 18 for a summary of the Court’s action.

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

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

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

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

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

3. RECEIVE COMMENTS REGARDING PROPOSED STREET NAME ASSIGNMENTS FOR THREE PRIVATE EASEMENTS OFF ROUND MOUNTAIN ROAD TO “RANCH ROAD,” “CALHOUN PASS” AND “CALHOUN LANE” IN PRECINCT THREE. (ACTION ITEM 19) (COMMISSIONER DAUGHERTY) (9:21 AM)

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

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

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

Members of the Court heard from: Carol Joseph, Assistant Director, TNR; and Frank Miller, Travis County Resident.

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

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

4. RECEIVE COMMENTS REGARDING PROPOSED STREET NAME ASSIGNMENTS FOR A PRIVATE EASEMENT TO “SERENE HILLS PASS” OFF SERENE HILLS DRIVE NEAR LAKEWAY IN PRECINCT THREE. (ACTION ITEM 20) (COMMISSIONER DAUGHERTY) (9:27 AM)

Clerk’s Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 20 for a summary of the Court’s action.

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

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

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

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

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

CITIZENS COMMUNICATION

Members of the Court heard from: Bob Barstow, Travis County Resident.
(9:28 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C15 (excluding C6.B), and Items 5, 6, 8, 9, 10, 11, 13, 14, 15.A&B, 17, 18, 19, 20, 21, 22, 23, 24, 26.A-D, 27, 28, 30, 32, 33, A3, and A4. (9:39 AM)

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: At 9:50 AM, the Court further discussed Item C10.B to reconsider the action taken. Please refer to Item C10.B for a summary of the Court's Motion and Vote.

- C1.** RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2.** AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.
- C3.** APPROVE AUTOMATIC BUDGET TRANSFERS.
- C4.** APPROVE SETTING A PUBLIC HEARING ON MARCH 8, 2005, TO RECEIVE COMMENTS REGARDING REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE FOUR PARCELS OF RIGHT OF WAY (ROW) IN FRONT OF LOTS 77, 78, 79 AND 80 HUGHES PARK LAKE SUBDIVISION NO. 1. (COMMISSIONER DAUGHERTY)
- C5.** APPROVE SETTING A PUBLIC HEARING ON MARCH 22, 2005 TO RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT ONE: TRAILRIDER'S SUBDIVISION, RESUBDIVISION OF LOT 3, THIEM RANCH (LONG FORM PLAT – 15 LOTS – 43.292 ACRES – ABRAHAMSON ROAD – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC – NO MUNICIPAL ETJ). (COMMISSIONER DAVIS)

CONSENT ITEMS CONTINUED

- C6.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO REAPPOINT THE FOLLOWING TO SERVE AS PRECINCT THREE APPOINTEES TO THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT BOARD #1, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 2006:

- A.** CLEO SCHNEIDER; AND
- B.** LINDA BOTTOMS. (COMMISSIONER DAUGHERTY) (9:38 AM)

Item C6.B pulled from the Agenda.

- C7.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO REAPPOINT THE FOLLOWING TO SERVE AS PRECINCT THREE APPOINTEES TO THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT BOARD #3, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 2006:

- A.** CHARLES DENMAN;
- B.** DAVID COOPER; AND
- C.** MARVIN HADDOCK. (COMMISSIONER DAUGHERTY)

- C8.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO REAPPOINT ARTHUR MAPLE TO SERVE AS A PRECINCT THREE APPOINTEE TO THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT BOARD #4, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 2006. (COMMISSIONER DAUGHERTY)

- C9.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO REAPPOINT THE FOLLOWING TO SERVE AS PRECINCT THREE APPOINTEES TO THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT BOARD #5, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 2006:

- A.** WARREN HASSINGER;
- B.** JIM NIXON; AND
- C.** STEVE COLLIER. (COMMISSIONER DAUGHERTY)

CONSENT ITEMS CONTINUED

- C10.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO REAPPOINT THE FOLLOWING TO SERVE AS PRECINCT THREE APPOINTEES TO THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT BOARD #6, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 2006:

A. CHARLES POPE; AND

B. THOMAS CAVANAGH. (COMMISSIONER DAUGHERTY) (9:50 AM)

Clerk's Note: At 9:50 AM, the Court further discussed Item C10.B.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to reconsider the action taken on Item C10.B.

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

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to reverse the decision to approve Item C10.B and to pull it from the Agenda.

Clerk's Note: Judge Biscoe requested that the record show Item C10.B being pulled and no action taken, because Mr. Cavanagh's term is intact.

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

- C11.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO REAPPOINT JOHN CRADDOCK TO SERVE AS A PRECINCT THREE APPOINTEE TO THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT BOARD #7, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 2006. (COMMISSIONER DAUGHERTY)

CONSENT ITEMS CONTINUED

- C12.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO REAPPOINT LEONARD HUBER TO SERVE AS A PRECINCT THREE APPOINTEE TO THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT BOARD #8, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 2006.
(COMMISSIONER DAUGHERTY)
- C13.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO REAPPOINT THE FOLLOWING TO SERVE AS PRECINCT THREE APPOINTEES TO THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT BOARD #9, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 2006:
- A.** DAVID ALTOUNIAN; AND
 - B.** NICHOLAS COMSUDI. (COMMISSIONER DAUGHERTY)
- C14.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO REAPPOINT THE FOLLOWING TO SERVE AS PRECINCT THREE APPOINTEES TO THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT BOARD #10, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 2006:
- A.** JOHN JACKSON;
 - B.** TRES CHILDRESS; AND
 - C.** TODD CRICKMER. (COMMISSIONER DAUGHERTY)
- C15.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO REAPPOINT RAY JOHNSON TO SERVE AS A PRECINCT THREE APPOINTEE TO THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT BOARD #14, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 2006.
(COMMISSIONER DAUGHERTY)

JUSTICE AND PUBLIC SAFETY ITEMS

- 5.** CONSIDER AND TAKE APPROPRIATE ACTION ON JOINT RESOLUTION WITH THE VILLAGE OF POINT VENTURE TO JOIN TRAVIS COUNTY'S ALL HAZARDS OPERATION PLAN. (9:39 AM)

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

6. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM THE TEXAS ENGINEERING EXTENSION SERVICE FOR LETTER CONFIRMING CERTAIN REPRESENTATIONS REGARDING GRANT FUNDS. (9:39 AM)

Clerk's Note: Judge Biscoe announced that Item 6 includes authorizing Pete Baldwin, Emergency Management Coordinator, Department of Emergency Services to sign the letter confirming certain representations regarding grant funds.

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

PURCHASING OFFICE ITEMS

7. APPROVE MODIFICATION NO. 8 TO CONTRACT NO. 02K00030JJ, CAPITAL EXCAVATION CO., INC., BLAKE MANOR ROAD RECONSTRUCTION PROJECT. (TNR) (COMMISSIONER DAVIS) (9:18 AM)

Item 7 pulled from the Agenda.

8. APPROVE PROCUREMENT CARD SERVICES OFF STATE CONTRACT FROM BANK ONE AND AUTHORIZE COUNTY JUDGE TO SIGN AGREEMENT. (SHERIFFS OFFICE) (COMMISSIONER GÓMEZ) (9:39 AM)

Clerk's Note: Judge Biscoe announced that this credit card is used to cover expenses to transport inmates and mental health clients out of town.

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

9. APPROVE CONTRACT NO. PS050011JW WITH DEVELOPMENTAL COUNSELING CENTER, INC. TO PROVIDE TREATMENT AND RELAPSE PREVENTION SERVICES. (DISTRICT COURT) (COMMISSIONER GÓMEZ) (9:39 AM)

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

10. APPROVE MODIFICATION NO. 7 TO CONTRACT NO. PS010063JW, CLEAN INVESTMENTS, INC., FOR SUBSTANCE ABUSE COUNSELING AND TREATMENT SERVICES. (DRUG COURT) (COMMISSIONER GÓMEZ) (9:39 AM)

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

11. APPROVE THREE-MONTH EXTENSION (MODIFICATION NO. 7) TO CONTRACT NO. 00T0105RG, METROCALL, FOR RENTAL OF PAGERS. (JPS) (COMMISSIONER GÓMEZ) (9:39 AM)

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

12. APPROVE AGREEMENT NO. IL050132RE WITH THE CITY OF AUSTIN FOR AFTER SCHOOL SERVICES BY AUSTIN EASTSIDE STORY. (HHS & VS) (COMMISSIONER GÓMEZ) (9:42 AM)

Members of the Court heard from: Frank Holder, Assistant Purchasing Agent; Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans Services (TCHHS&VS); Mary Etta Gerhardt, Assistant County Attorney; and Cyd Grimes, Travis County Purchasing Agent.

Discussion Only. No action taken.

Item 12 to be reposted on February 22, 2005.

13. APPROVE PURCHASE OF VEHICLES FROM THE HOUSTON-GALVESTON AREA COUNCIL INTERLOCAL AGREEMENT NO. ILA98-858. (TNR) (COMMISSIONER GÓMEZ) (9:39 AM)

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

14. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. MA040079SP, LASON, INC., FOR MAINTENANCE OF MICROFILM EQUIPMENT. (RMCR) (COMMISSIONER GÓMEZ) (9:39 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 AWARD FOR TRANSMISSION REPAIR SERVICES, IFB NO. BO50024LD, TO THE QUALIFIED LOW BIDDERS: (9:39 AM)

A. AAMCO NORTH, PRIMARY CONTRACTOR; AND

B. COTTMAN TRANSMISSIONS, SECONDARY CONTRACTOR. (TNR)
(COMMISSIONER GÓMEZ)

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

16. APPROVE QUANTUM MERUIT CLAIM FOR CITY OF AUSTIN FOR TRAVIS COUNTY'S SHARE OF EXPENSES RELATED TO THE PURCHASE OF NEXTGEN MEDICAL MANAGEMENT SYSTEM. (HHS & VS)
(COMMISSIONER GÓMEZ) (9:51 AM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; Sherri Fleming, Executive Manager, TCHHS&VS; and Mary Etta Gerhardt, Assistant County Attorney.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the quantum meruit claim in the amount of \$72,863.00, and authorize that it be paid.

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

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

17. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF THE 5' PUBLIC UTILITY EASEMENT ON THE NORTH SIDE OF LOT 475, APACHE SHORES FIRST INSTALLMENT, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:39 AM)

Clerk's Note: Item 17 is the action item for the public hearing on Agenda Item 1.

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

18. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED STREET NAME ASSIGNMENTS FOR THREE PRIVATE EASEMENTS OFF HAMILTON POOL ROAD TO “FEARLESS TREADWAY,” “CAMINO PAISANO” AND “CAMINO BARRANCA” IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:39 AM)

Clerk’s Note: Item 18 is the action item for the public hearing on Agenda Item 2.

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

19. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED STREET NAME ASSIGNMENTS FOR THREE PRIVATE EASEMENTS OFF ROUND MOUNTAIN ROAD TO “RANCH ROAD,” “CALHOUN PASS” AND “CALHOUN LANE” IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:39 AM)

Clerk’s Note: Item 19 is the action item for the public hearing on Agenda Item 3.

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 ON PROPOSED STREET NAME ASSIGNMENTS FOR A PRIVATE EASEMENT TO “SERENE HILLS PASS” OFF SERENE HILLS DRIVE NEAR LAKEWAY IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:39 AM)

Clerk’s Note: Item 20 is the action item for the public hearing on Agenda Item 4.

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 ON A PRELIMINARY PLAN IN PRECINCT THREE: THE RANCHES AT HAMILTON POOL PRELIMINARY PLAN (16 LOTS – 385.91 ACRES – HAMILTON POOL ROAD – NO FISCAL IS REQUIRED FOR A PRELIMINARY PLAN – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC – NO MUNICIPAL ETJ). (COMMISSIONER DAUGHERTY) (9:39 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 A PLAT FOR RECORDING IN PRECINCT THREE: RIVER PLACE, SECTION 17 (SHORT FORM PLAT – 11 LOTS – 14.02 ACRES – BIG VIEW DRIVE – FISCAL POSTED WITH CITY OF AUSTIN – SEWAGE SERVICE TO BE PROVIDED BY RIVER PLACE MUD – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:39 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 REGARDING THE ADOPT-A-COUNTY PARK PROGRAM ADOPTION AGREEMENT BY THE AUSTIN SILENT FLYERS TO BE AN OFFICIAL ADOPT-A-PARK PARTICIPANT AT THE TRAVIS COUNTY NORTHEAST METROPOLITAN PARK. (COMMISSIONER SONLEITNER) (9:39 AM)

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

PLANNING AND BUDGET DEPT. ITEMS

24. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:39 AM)

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

25. CONSIDER AND TAKE APPROPRIATE ACTION ON FY 06 BUDGET GUIDELINES. (9:59 AM)

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

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the Fiscal Year 2006 Budget Guidelines in Item 25.

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	no
Precinct 4, Commissioner Margaret J. Gómez	yes

- 26.** REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
(9:39 AM)
- A.** GRANT APPLICATION TO THE TEXAS DEPARTMENT OF HUMAN SERVICES FOR THE COMMODITY RENEWAL PROGRAM IN JUVENILE PROBATION. APPLICATION IS TO CONTINUE THE PROGRAM FOR FY 05;
 - B.** GRANT CONTRACT WITH THE UNIVERSITY OF TEXAS-HOGG FOUNDATION FOR MENTAL HEALTH FOR THE JUVENILE ASSESSMENT CENTER IN JUVENILE PROBATION. GRANT IS TO CONTINUE THE PROGRAM FOR FY 05;
 - C.** GRANT CONTRACT AMENDMENT WITH OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR THE JUVENILE RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM (RSAT) IN JUVENILE PROBATION. GRANT AMENDMENT INCREASES THE GRANT PERIOD AND ALLOCATES AN ADDITIONAL \$112,000; AND
 - D.** GRANT CONTRACT WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR AN EMERGENCY FOOD AND SHELTER GRANT PROGRAM IN HEALTH AND HUMAN SERVICES DEPARTMENT. GRANT CONTINUES THE EXISTING PROGRAM FOR FY 05.

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

ADMINISTRATIVE OPERATIONS ITEMS

- 27.** 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 \$364,694.74 FOR THE PERIOD OF JANUARY 28 THROUGH FEBRUARY 3, 2005. (9:39 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 PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:39 AM)

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

29. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING PROPERTY/LIABILITY CLAIM RECOMMENDATIONS: (10:23 AM)

- A. TCSO UNIT 1822 – SETTLE;
- B. TCSO UNIT 1965 – SETTLE;
- C. TCSO UNIT 2159 – SETTLE; AND
- D. MARY ROSE FISHER – DENIAL.

Clerk's Note: Items 29.A-D are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Dan Mansour, Risk Manager, Human Resources Management Department (HRMD).

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the claim recommendations in Items 29.A-D.

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

OTHER ITEMS

30. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:39 AM)

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

TO BE TAKEN UP AT 11:00 A.M.

31. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE ISSUES AND PROPOSED BILLS BEFORE THE 79TH TEXAS LEGISLATURE. (A LIST MAY BE OBTAINED FROM ANY MEMBER OF THE TRAVIS COUNTY COMMISSIONERS COURT.) (11:48 AM)

Clerk's Note: The Court discussed House Bill 266 (HB266): Relating to the time for processing a county building permit.

Members of the Court heard from: Scheleen Walker, Senior Planner, TNR; and Stacey Scheffel, TNR.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to put together a written statement where we convey to the sponsor of House Bill 266, Travis County's position on the proposed legislation, and to have the legislative consultants deliver the letter setting forth the facts, signed by the members of the Court.

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: The Court discussed House Bill 580 (HB580) and it's companion bill, Senate Bill 198 (SB198): Relating to the authority of a county to provide hazardous materials services.

Members of the Court heard from: Scheleen Walker, Senior Planner, TNR; Melinda Mallia, TNR; Tom Nuckols, Assistant County Attorney; and John Kuhl, Environmental Officer, TNR.

Clerk's Note: County Staff recommended supporting the bill with Sec. 353.003 deleted or revised, which would have the effect of removing exceptions for responsible parties who are individuals.

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to indicate the position that Travis County is in general support of the proposed legislation, questioning the provision of exempting individuals from personal responsibilities, and seeing if it can be improved.

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

ITEM 31 CONTINUED

Clerk's Note: The Court discussed House Bill 786 (HB786): Relating to the authority of county governments to prohibit solid waste disposal.

Members of the Court heard from: Scheleen Walker, Senior Planner, TNR; John Kuhl, Environmental Officer, TNR; and Tom Nuckols, Assistant County Attorney.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to oppose House Bill 786.

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: The Court directed that opposition to House Bill 786 be conveyed, either orally, written, or in the form of opposition at any type of public hearings.

Clerk's Note: The Court discussed the proposed Bee Cave Economic Development District within the corporate limits of the Village of Bee Cave.

Members of the Court heard from: Harvey Davis, Manager, Travis County Corporations; and Sharlene Collins, Attorney representing the Bee Cave Economic Development District.

Discussion Only. No action taken.

- 32.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPOINT STEVE WILSON TO SERVE AS A PRECINCT THREE APPOINTEE TO THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT BOARD #9, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 2006. (COMMISSIONER DAUGHERTY) (9:39 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 REQUEST TO APPOINT THOMAS PAUL STEVENSON TO SERVE AS A PRECINCT THREE APPOINTEE TO THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT BOARD #14, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 2006. (COMMISSIONER DAUGHERTY) (9:39 AM)

Clerk's Note: Item 33 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.

34. APPROVE OR REJECT PROPOSED FARMERS' MARKET LEASE AGREEMENT WITH ORIGAMI, INC., D/B/A BRENTWOOD TAVERN. ^{1 & 2}
(10:31 AM) (3:16 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 and Gov't. Code Ann. 551.072, Real Property.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the proposed lease with Origami.

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

- 35.** APPROVE OR REJECT PROPOSED FARMERS' MARKET LEASE AGREEMENT WITH DANNY WRIGHT AND GARLAND EARLES, D/B/A DANNY'S BARBEQUE & CATERING. ^{1 & 2} (10:31 AM) (3:16 PM)

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

Members of the Court heard from: Duke Bischoff, former lessee at the Travis County Farmers Market.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to reject this lease agreement, and that the specific problems that are still with the lease be pointed out to Mr. Rylander, but that in anticipation that those will be fixed, that this Item be reposted with this language on next week's Agenda.

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

Item 35 to be reposted on February 22, 2005.

- 36.** 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). ¹ (10:35 AM) (3:17 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.

Discussion Only. No action necessary on Item 36.

Item 36 to be reposted on February 22, 2005.

37. RECEIVE LEGAL ADVICE ON COUNTY RULEMAKING AUTHORITY ON MATTERS REGARDING SUBDIVISION REGULATIONS UNDER SB 873 AND OTHER STATUTES, AND TAKE APPROPRIATE ACTION. ¹ (10:35 AM) (2:02 PM) (3:17 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.

Discussion Only. No action necessary on Item 37.

Item 37 to be reposted on February 22, 2005.

38. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO DETERMINE VALUE OF 4.39-ACRE TRACT OF COUNTY LAND AT 4001 STATE HIGHWAY 620 FOR THE PURPOSE OF CALCULATING ANNUAL RENT FOR THE SOLID WASTE TRANSFER STATION LOCATED ON THE TRACT. ^{1&2} (10:35 AM) (2:02 PM) (3:18 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.

Discussion Only. No action necessary on Item 38.

Item 38 to be reposted on February 22, 2005.

- 39.** CONSIDER AND TAKE APPROPRIATE ACTION TO APPRAISE A PROPOSED ACQUISITION OF EASEMENT RIGHTS AT OR ADJACENT TO BOB WENTZ PARK LOCATED IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)
^{1 & 2} (10:35 AM) (3:18 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 and Gov't. Code Ann. 551.072, Real Property.

Members of the Court heard from: Bob Barstow, owner, Windy Point Park.

Motion by Commissioner Daugherty **and seconded by** Judge Biscoe to approve Travis County moving forward with an appraisal for the acquisition of the easement rights that Mr. Barstow owns, that is part of the LCRA property, that we manage as the Bob Wentz Park; and that LCRA has agreed to share 50/50 in the cost of the appraisal with Travis County.

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

ADDED ITEMS

- A1.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR LEGISLATION TO AUTHORIZE CREATION OF NEW COUNTY COURT AT LAW NO. 8. (11:11 AM)

Members of the Court heard from: Jan Breland, Judge, County Court at Law 6; David Crain, Judge, County Court at Law 3; Nancy Hohengarten, Judge, County Court at Law 5; and Debra Hale, Court Administrator, Travis County Criminal Courts.

Motion by Judge Biscoe to authorize the creation of a new County Court at Law 8 for Travis County and to authorize our legislative consultants to draft appropriate legislation for expeditious filing.

Clerk's Note: The Motion died for lack of a Second.

Discussion Only. No action taken.

- A2.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR COUNTY JUDGE TO APPROVE ISSUANCE OF REVENUE BONDS BY THE CAPITAL AREA CULTURAL EDUCATION FACILITIES FINANCE CORPORATION FOR THE ROMAN CATHOLIC DIOCESE OF AUSTIN. (1:52 PM)

Members of the Court heard from: Harvey Davis, Manager, Travis County Corporations; and Jerry Kyle, Attorney representing the Roman Catholic Diocese of Austin.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the request in Item A2.

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

- A3.** REAPPOINT GEORGE MENTZER II TO SERVE AS COMMISSIONER ON THE EMERGENCY SERVICE DISTRICT BOARD #2, TERM EFFECTIVE IMMEDIATELY THROUGH DECEMBER 31, 2006. (COMMISSIONER SONLEITNER) (9:39 AM)

Clerk's Note: Item A3 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- A4.** REAPPOINT TERRY STRUBLE TO SERVE AS COMMISSIONER ON THE EMERGENCY SERVICE DISTRICT BOARD #2, EFFECTIVE IMMEDIATELY THROUGH DECEMBER 31, 2006. (COMMISSIONER SONLEITNER) (9:39 AM)

Clerk's Note: Item A4 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

ADJOURNMENT

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to adjourn the Voting Session. (3:22 PM)

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

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge