

MINUTES OF MEETING – MARCH 1, 2005

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 1st day of March, 2005, the Commissioners' Court convened the regular Voting Session at 9:13 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 Two Commissioner Karen Sonleitner was not present during this Voting Session.

The Commissioners Court recessed the Voting Session at 11:56 AM.

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

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation, the Travis County Housing Finance Corporation, the Capital Industrial Development Corporation, the Capital Health Facilities Development Corporation, the Travis County Development Authority, and the Travis County Cultural Education Facilities Finance Corporation, convened at 1:41 PM and adjourned at 1:43 PM.

The Commissioners Court reconvened the regular Voting Session at 1:43 PM.

The Commissioners Court retired to Executive Session at 2:25 PM.

The Commissioners Court reconvened the Voting Session at 3:57 PM.

The Commissioners Court adjourned the Voting Session at 4:03 PM.

PUBLIC HEARINGS

1. RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT TWO: RESUBDIVISION OF LOTS 1, 2 AND 3, HILL'S BRAKER ADDITION (SHORT FORM PLAT – 4 LOTS – 5.444 ACRES – BRAKER LANE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN LIMITED PURPOSE AND 2-MILE ETJ). (ACTION ITEM 7) (COMMISSIONER SONLEITNER) (9:15 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 7 for a summary of the Court's action.

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

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
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 Davis to close the public hearing.

Motion carried:

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

2. RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOTS A, B AND C, RESUBDIVISION OF LOT 30, NAUMANN'S CAMP SUBDIVISION AMENDED (SHORT FORM PLAT – 2 LOTS – 1.502 ACRES – HAYNIE FLAT ROAD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC (LCRA) – NO MUNICIPAL JURISDICTION). (ACTION ITEM 8) (COMMISSIONER DAUGHERTY) (9:17 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 8 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	yes
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

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

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

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

RESOLUTIONS & PROCLAMATIONS

3. APPROVE RESOLUTION RECOGNIZING MARCH 2005 AS “PROFESSIONAL SOCIAL WORK MONTH” IN TRAVIS COUNTY. (JUDGE BISCOE) (9:18 AM)

Members of the Court heard from: Arlene Tillman, Director, Administrative Services, Travis County Health and Human Services (TCHHS); Christy Moffett, Social Service Manager, Family Support Services, TCHHS; Andrea Colunga Bussey, Case Management Coordinator, Family Support Services, TCHHS; Alicia Pena, Social Worker, Deaf Services, TCHHS; Ingrid Tidblom, Social Worker, Deaf Services, TCHHS; and Lynette Fant, Interpreter, Deaf 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	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

4. APPROVE PROCLAMATION DECLARING MARCH 2005 AS “PURCHASING MONTH” IN TRAVIS COUNTY. (JUDGE BISCOE) (9:22 AM)

Members of the Court heard from: Frank Holder, Assistant Purchasing Agent; and Bonnie Floyd, Assistant Purchasing Agent.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the proclamation in Item 4.

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

INTRODUCTION OF STAFF

5. INTRODUCTION OF NEW STAFF TO COMMISSIONERS COURT:

A. LESLIE DIPPEL – COUNTY ATTORNEY’S OFFICE. (9:28 AM)

Members of the Court heard from: Jim Collins, Executive Assistant County Attorney; and Leslie Dippel, Assistant County Attorney.

Discussion Only. No formal action taken.

5. INTRODUCTION OF NEW STAFF TO COMMISSIONERS COURT:

B. RANDY LOTT – PLANNING AND BUDGET OFFICE. (9:30 AM)

Members of the Court heard from: Christian Smith, Executive Manager, Planning and Budget Office (PBO); and Randy Lott, Budget Analyst, PBO.

Discussion Only. No formal action taken.

SPECIAL PRESENTATION

6. RECEIVE PRESENTATION AND TAKE APPROPRIATE ACTION ON OPPORTUNITY AUSTIN FROM CHAMBER OF COMMERCE REPRESENTATIVES. (COMMISSIONER DAVIS) (9:57 AM)

Members of the Court heard from: Gary Farmer, Chair, Greater Austin Economic Development Corporation; and Michael Rollins, CEO, Greater Austin Chamber.

Discussion Only. No formal action taken.

CITIZENS COMMUNICATION

Members of the Court heard from: Eric Shepperd, Assistant County Attorney. (9:32 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C4, and Items 7, 8, 9, 10, 12.A, 13, 16, 17, 18, 21, 23, 24, 25, 26.A&B, 27, 28, 29, and 30. (9:34 AM)

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
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 THE FOLLOWING VOTING SESSIONS:
 - A.** FEBRUARY 1, 2005;
 - B.** FEBRUARY 8, 2005; AND
 - C.** FEBRUARY 15, 2005.
- C4.** APPROVE AUTOMATIC BUDGET TRANSFERS.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

- 7.** CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT TWO: RESUBDIVISION OF LOTS 1, 2 AND 3, HILL'S BRAKER ADDITION (SHORT FORM PLAT – 4 LOTS – 5.444 ACRES – BRAKER LANE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN LIMITED PURPOSE AND 2-MILE ETJ). (COMMISSIONER SONLEITNER) (9:34 AM)

Clerk's Note: Item 7 is the action item for the public hearing on Agenda Item 1.

Clerk's Note: Item 7 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

8. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOTS A, B AND C, RESUBDIVISION OF LOT 30, NAUMANN'S CAMP SUBDIVISION AMENDED (SHORT FORM PLAT – 2 LOTS – 1.502 ACRES – HAYNIE FLAT ROAD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC (LCRA) – NO MUNICIPAL JURISDICTION). (COMMISSIONER DAUGHERTY) (9:34 AM)

Clerk's Note: Item 8 is the action item for the public hearing on Agenda Item 2.

Clerk's Note: Item 8 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

9. CONSIDER AND TAKE APPROPRIATE ACTION ON ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES FOR PANTHER HOLLOW CREEK PHASE 1 IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:34 AM)

Clerk's Note: Item 9 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

10. CONSIDER AND TAKE APPROPRIATE ACTION ON ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES FOR RIVER PLACE AT PANTHER HOLLOW CREEK PHASE 1, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:34 AM)

Clerk's Note: Item 10 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

11. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENTS TO CHAPTER 82, TRAVIS COUNTY CODE, STANDARDS FOR CONSTRUCTION OF STREETS AND DRAINAGE IN SUBDIVISIONS. (1:43 PM)

Members of the Court heard from: Tom Nuckols, Assistant County Attorney; Anna Bowlin, Program Manager, Planning and Engineering Services, TNR; Gene Lowenthal, Member, Hamilton Pool Road Scenic Corridor Coalition; Christy Muse, Executive Director, Hill Country Alliance; and Nell Penridge, Member, Hamilton Pool Road Scenic Corridor Coalition.

Discussion Only. No formal action taken.

Item 11 to be reposted on March 8, 2005.

PLANNING AND BUDGET DEPT. ITEMS

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

A. GRANT CONTRACT WITH THE TEXAS EDUCATION AGENCY FOR A COLLABORATIVE COMMUNITY NETWORK ENHANCEMENT GRANT IN THE LAW LIBRARY. THIS NEW GRANT PROGRAM PROVIDES RESOURCES TO IMPROVE ACCESS TO LEGAL MATERIALS AND INFORMATION FOR SELF REPRESENTED LITIGANTS. (9:34 AM)

Clerk's Note: Item 12.A approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

13. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:34 AM)

Clerk's Note: Item 13 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

14. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATIONS FROM THE TASK FORCE ON FINES AND FEES. (11:04 AM)

Members of the Court heard from: Leroy Nellis, Budget Manager, PBO.

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to approve the following recommendations: 1) proceed with the pilot assessment project, including an evaluation of assessments in the District Clerk's Office using the recently implemented FACTS System, and a short evaluation of assessing court fines and fees in Criminal Courts Administration; 2) have the Tax Office continue to collect the County Court at Law fines and fees until the FACTS system is implemented in the Criminal Division of the County Clerk's Office. This recommendation requires that the 4 full time employees (FTE's) in the project be made permanent collector positions; and 3) to proceed to develop a pilot project to collect fines and fees owed by individuals serving time in state jail facilities.

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

HEALTH AND HUMAN SERVICES DEPT. ITEMS

15. CONSIDER AND TAKE APPROPRIATE ACTION ON THE SELECTION OF A NEGOTIATION TEAM FOR THE INTERLOCAL AGREEMENTS BETWEEN CITY OF AUSTIN AND TRAVIS COUNTY. (11:53 AM)

Members of the Court heard from: Arlene Tillman, Director, Administrative Services, TCHHS.

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to appoint Commissioner Gómez, Susan Spataro, Travis County Auditor, Diana Warner, First Assistant County Auditor, Mary Etta Gerhardt, Assistant County Attorney, Arlene Tillman, Director, Administrative Services, TCHHS, Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS), and Cyd Grimes, Travis County Purchasing Agent to the negotiation team, and to add Alan Miller, Budget Analyst, Planning and Budget Office (PBO).

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

ADMINISTRATIVE OPERATIONS ITEMS

16. 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 \$529,850.31 FOR THE PERIOD OF FEBRUARY 11 THROUGH FEBRUARY 17, 2005. (9:34 AM)

Clerk's Note: Item 16 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

17. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:34 AM)

Clerk's Note: Item 17 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

18. CONSIDER AND TAKE APPROPRIATE ACTION ON LICENSE AGREEMENT WITH GRETCHEN MOVIE LP TO SHOOT A LOW-BUDGET MOVIE IN THE OLD JAIL AND COURTHOUSE. (9:34 AM)

Clerk's Note: Item 18 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

19. CONSIDER AND TAKE APPROPRIATE ACTION ON LICENSE AGREEMENT WITH JACK AND HENRY PRODUCTIONS, INC. (WARNER BROTHERS) TO USE THE OLD JAIL FOR THE PURPOSE OF FILMING A MOVIE. (9:14 AM)

Item 19 pulled from the Agenda.

20. RECONSIDER AND TAKE APPROPRIATE ACTION ON PROPERTY LIABILITY CLAIM FROM MARY ROSE FISHER. (9:35 AM) (2:25 PM) (3:57 PM)

Motion by Commissioner Gómez **and seconded by** Judge Biscoe to reconsider the action taken on this liability claim on February 15, 2005, Item 29.D.

Motion carried:

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

Members of the Court heard from: Dan Mansour, Risk Manager, Human Resources Management Department (HRMD); Howard Herrin, TNR; Henry Fisher, Travis County Resident; and Donna Stirman, HRMD.

Clerk's Note: Judge Biscoe announced that Item 20 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to offer to pay the Fisher's one-half of the cost to repair damage done to their car, as a result of the incident made the basis of this claim, if Mr. Fisher will agree to compromise the claim in that manner. If that is agreeable, Staff will prepare an appropriate settlement. If not, this Item will be reposted next week, March 8, 2005.

Motion carried:

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

PURCHASING OFFICE ITEMS

21. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 03T00187LD, GASTON AND SHEEHAN AUCTIONEERS, FOR AUCTIONEER SERVICES. (PURCHASING) (COMMISSIONER GÓMEZ) (9:34 AM)

Clerk's Note: Item 21 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

22. APPROVE PURCHASE OF X-RAY PARCEL SCREENING SYSTEMS OFF STATE CONTRACT FROM HEIMANN SYSTEMS CORP. (SHERIFF'S OFFICE) (COMMISSIONER GÓMEZ) (9:18 AM)

Item 22 postponed until March 8, 2005.

23. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. 04K00263JJ, C. C. CARLTON INDUSTRIES, LTD., EAST METRO PARK, PHASE ONE, PROJECT 1. (TNR) (COMMISSIONER DAVIS) (9:34 AM)

Clerk's Note: Item 23 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

24. APPROVE CONTRACT AWARD FOR ASBESTOS ABATEMENT (GRANGER BUILDING - 3RD FLOOR, FLOORING MATERIALS), IFB NO. B050041SI, TO THE LOW BIDDER, LYNX CONTRACTORS, INC. (FACILITIES MANAGEMENT) (COMMISSIONER GÓMEZ) (9:34 AM)

Clerk's Note: Item 24 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

25. APPROVE CONTRACT AWARD FOR THE EXECUTIVE OFFICE BUILDING AND THE UNIVERSITY SAVINGS BUILDING WINDOW TINTING PROJECT, IFB NO. B050038SI, TO THE LOW BIDDER, SUN-TINT, INC. (FACILITIES MANAGEMENT) (COMMISSIONER GÓMEZ) (9:34 AM)

Clerk's Note: Item 25 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

26. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO THE FOLLOWING CONTRACTS FOR SURFACE AGGREGATES 4 AND 5:
(9:34 AM)

A. NO. 03T00190RV, VULCAN CONSTRUCTION MATERIALS; AND

B. NO. 03T00191RV, ODEEN HIBBS TRUCKING COMPANY. (TNR)
(COMMISSIONER GÓMEZ)

Clerk's Note: Items 26.A and B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

27. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. PS010064JW WITH CHOOSING HOW I LIVE LIFE FOR SUBSTANCE ABUSE TREATMENT AND COUNSELING SERVICES. (JUVENILE PROBATION) (COMMISSIONER GÓMEZ) (9:34 AM)

Clerk's Note: Item 27 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

28. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. PS010144JW, PROVIDENCE SERVICES CORPORATION OF TEXAS, FOR INTENSIVE IN-HOME SERVICES. (JUVENILE PROBATION) (COMMISSIONER GÓMEZ)
(9:34 AM)

Clerk's Note: Item 28 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

29. CONSIDER AND TAKE APPROPRIATE ACTION ON AN INTERLOCAL AGREEMENT WITH THE CITY OF AUSTIN FOR THE EVALUATION OF THE INTERPORT/LONE STAR INFRASTRUCTURE CHANNELIZATION OF ONION CREEK. (TNR) (9:34 AM)

Clerk's Note: Item 29 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

OTHER ITEMS

30. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:34 AM)

Clerk's Note: Item 30 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

31. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE MANAGEMENT REPRESENTATION LETTER TO BE PROVIDED TO DELOITTE & TOUCHE, LLP REGARDING COUNTYWIDE ANNUAL FINANCIAL AUDIT. (9:57 AM)

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the Management Representation letter in Item 31.

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

32. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM BROWNING-FERRIS INDUSTRIES TO NEGOTIATE PERFORMANCE STANDARDS AND OTHER MATTERS REGARDING OPERATION OF LANDFILL IN NORTHEAST TRAVIS COUNTY. (10:45 AM)

Members of the Court heard from: Brad Dugas, General Manager, Sunset Farms Landfill, Browning Ferris Industries (BFI); Tom Nuckols, Assistant County Attorney; John Joseph, Attorney, Waste Management Industries (WMI); and Trek English, Travis County Resident.

Motion by Judge Biscoe and seconded by Commissioner Gómez that the County engage in discussions with BFI (Browning Ferris Industries) and interested residents for the purpose of determining whether the County should enter into a performance based contract regarding the following: 1) the operation of the Sunset Farms Landfill; 2) the remaining the capacity or future site life of the landfill currently in operation; and 3) the prompt relocation of BFI's Type 1 waste disposal facility to a new location.

Motion carried:

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

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

33. 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.) (11:18 AM)

Clerk's Note: The Court discussed House Bill 848 (HB848): Relating to the optional county fee for the county road and bridge fund.

Members of the Court heard from: Scheleen Walker, Senior Planner, TNR.

Motion by Commissioner Daugherty **and seconded by** Judge Biscoe to support House Bill 848.

Motion carried:

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

ITEM 33 CONTINUED

Clerk's Note: The Court discussed House Bill 749 (HB749): Relating to the size and weight limitations for certain vehicles transporting agricultural products and equipment.

Members of the Court heard from: Scheleen Walker, Senior Planner, TNR.

Clerk's Note: The Commissioners directed the County's legislative consultants to speak with the sponsor of House Bill 749, and communicate Travis County's concerns about the language of the bill, and its impact on urban counties; and that the bill be on the County's list of bills to monitor over the course of the legislative session.

Discussion only. No formal action taken.

Clerk's Note: The Court discussed House Bill 1611 (HB1611): Relating to the use of money for the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program.

Members of the Court heard from: Scheleen Walker, Senior Planner, TNR.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to support House Bill 1611.

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

ITEM 33 CONTINUED

Clerk's Note: The Court discussed House Bill 1053 (HB1053): Relating to the location of municipal solid waste landfills.

Members of the Court heard from: Scheleen Walker, Senior Planner, TNR; John Kuhl, Natural Resources Program Manager, TNR; and Tom Nuckols, Assistant County Attorney.

Clerk's Note: The Court discussed asking the bill's sponsor to add to the bill an amendment, which includes some clarifying language, indicating that nothing in the bill prohibits counties from adopting stricter requirements.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to support House Bill 1053, and the recommended amendment proposed by Staff.

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

Clerk's Note: The Court discussed the issue of Judicial Compensation, and a statute, which states that Juvenile Board members shall be paid \$4,800.00. Staff requested the Court to support a minor change in the statute, which would allow Board members to be paid a "minimum of" \$4,800.00.

Members of the Court heard from: April Bacon, Chief Assistant County Auditor, Travis County Auditor's Office.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to support continuing flexibility at the local level, regarding Judicial Compensation.

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

ITEM 33 CONTINUED

Clerk's Note: The Court discussed a letter prepared by Staff, dated March 1, 2005, opposing House Bill 470 (HB470) and its companion bill, Senate Bill 194 (SB194): Relating to local delivery of aging, disability, behavioral health and mental retardation services.

Motion by Commissioner Gómez **and seconded by** Judge Biscoe for the letter to be signed by members of the Court and sent over to the appropriate committees who are considering these bills.

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

Clerk's Note: The Court discussed the housing of parole violators, and fees for non-payment of Court fines and fees.

Members of the Court heard from: Mike Trimble, Criminal Justice Coordinator, Criminal Justice Planning (CJP); and Jim Connolly, Assistant County Attorney.

Discussion only. No formal action taken.

Clerk's Note: The Court discussed a list of priority bills, including House Bill 1492 (HB1492) and its companion bill, Senate Bill 665 (SB665): Relating to work-related exposure to a reportable disease; Senate Bill 767 (SB767): Relating to the appraisal for ad valorem tax purposes of land included in a habitat preserve and subject to a conservation easement; and the issue of amending the Election Code to increase the size of a county election precinct to contain up to 5,000 registered voters rather than 3,000 registered voters.

Members of the Court heard from: Bob Kamm, Travis County Legislative Consultant.

Discussion only. No formal action taken.

ITEM 33 CONTINUED

Clerk's Note: The Court discussed proposed legislation regarding revenue caps.

Members of the Court heard from: Susan Spataro, Travis County Auditor; and Chris Shields, Travis County Legislative Consultant.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to continue our opposition to revenue caps, put together a document indicating the reasons why, and share it with the powers that be; and to authorize Susan Spataro, Travis County Auditor, to testify in support of the County's position.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
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 LEGAL ADVICE ON PERSONAL INJURY ACCIDENT AT TRAVIS COUNTY FARMERS' MARKET, AND TAKE APPROPRIATE ACTION. ¹**
(2:25 PM) (3:59 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.

No action required on Item 34.

Item 34 to be reposted on March 8, 2005.

35. CONSIDER AND TAKE APPROPRIATE ACTION ON OFFER TO SELL
NEEDED RIGHT-OF-WAY FOR THE CEDAR VALLEY/FITZHUGH ROAD
BRIDGE #313 REPLACEMENT PROJECT (CIP # 01B01-20-3BA) LOCATED IN
PRECINCT THREE. ^{1 & 2} (2:25 PM) (3:59 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.

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez to instruct Transportation and Natural Resources (TNR) Staff to offer \$8,500.00 to Mr. Fleming for the right-of-way purchase for the Cedar Valley/Fitzhugh Road bridge replacement.

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

36. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING COMPLIANCE BY TEXAS DISPOSAL SYSTEMS LANDFILL, INC. WITH THE TERMS OF THE LICENSE AGREEMENT FOR THE SOLID WASTE TRANSFER STATION FACILITIES AT 4001 STATE HIGHWAY 620. ^{1 & 2} (2:25 PM) (3:59 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. 551.072, Real Property.

Motion by Judge Biscoe and seconded by Commissioner Daugherty to prepare an appropriate default letter to send to the owner of Texas Disposal Systems, but at the same time, we make known our position, that we should continue to try to resolve differences in this matter. By the contract, the default letter has to give a 30-day notice of default before further action is taken. So, hopefully, during the next 30-day period, we will continue to work and resolve this matter.

A Friendly Amendment to the previous Motion was offered by Commissioner Daugherty that we also instruct Greg Chico, Right-of-Way Manager, TNR, to meet with Texas Disposal Systems, Inc., and to go ahead and see if we can't resolve the payment for 1999, where the issue was the \$20,053.88, for the septic system.

Acceptance of the Friendly Amendment was made by Judge Biscoe.

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

37. RECEIVE LEGAL ADVICE AND TAKE APPROPRIATE ACTION ON JOB DESCRIPTION AND DUTIES AND RESPONSIBILITIES OF TRAVIS COUNTY CRIMINAL JUSTICE COORDINATOR. ^{1 & 3} (2:25 PM) (4:01 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 and Gov't. Code Ann. 551.074, Personnel Matters.

Motion by Judge Biscoe and seconded by Commissioner Daugherty to approve the job description that was provided to the Court by legal counsel, and make it effective today, March 1, 2005. Also, that this job description be shared with the managers who are affected by the new duties and responsibilities.

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

38. RECEIVE LEGAL ADVICE AND TAKE APPROPRIATE ACTION ON JOB DESCRIPTION AND DUTIES AND RESPONSIBILITIES OF TRAVIS COUNTY EMERGENCY SERVICES COORDINATOR. ^{1 & 3} (2:25 PM) (4:02 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. 551.074, Personnel Matters.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the new job description that was given to the Court, covering the Coordinator of County Emergency Services, which basically, changes his duties and responsibilities, and that these be shared with the affected department heads.

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

- 39.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING COMPLIANCE BY JBDI, INC. AND METRO H2O UTILITIES, LTD. WITH AGREEMENTS EXECUTED AS CONDITION OF APPROVAL OF PLATS FOR FOREST BLUFF SUBDIVISION. ¹ (2:25 PM) (4:03 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.

Discussion Only. No action taken on Item 39.

Item 39 to be reposted on March 8, 2005.

ADJOURNMENT

Motion by Commissioner Gómez **and seconded by** Commissioner Daugherty to adjourn the Voting Session. (4:03 PM)

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
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