

## **MINUTES OF MEETING – MARCH 15, 2005**

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

On Tuesday, the 15<sup>th</sup> day of March, 2005, the Commissioners' Court convened the regular Voting Session at 9:16 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 12:25 PM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened at 1:40 PM and adjourned at 1:41 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:41 PM and adjourned at 1:48 PM.

The Commissioners Court, meeting as the Travis County Health Facilities Development Corporation, convened at 1:48 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 1:52 PM.

The Commissioners Court reconvened the Voting Session at 3:06 PM.

The Commissioners Court retired to Executive Session at 5:02 PM.

The Commissioners Court reconvened the Voting Session at 5:45 PM.

The Commissioners Court adjourned the Voting Session at 5:51 PM.

## PUBLIC HEARINGS

1. RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT FOUR: RESUBDIVISION OF LOT 26, CAPITOL VIEW ESTATES (SHORT FORM PLAT – 6 LOTS – 4.516 ACRES – CAPITOL VIEW DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC – CITY OF AUSTIN ETJ). (ACTION ITEM #22) (COMMISSIONER GÓMEZ) (9:17 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 Gómez **and seconded by** Commissioner Sonleitner to open the public hearing.

**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

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

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

2. RECEIVE COMMENTS REGARDING PROPOSED STREET NAME ASSIGNMENT FOR A PRIVATE EASEMENT TO BE KNOWN AS “MARINA VISTA CIRCLE” OFF FM 2769 NEAR VOLENTE, IN PRECINCT THREE. (ACTION ITEM #23) (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 23 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:** Carol Joseph, Assistant Director, TNR.

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

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

## RESOLUTIONS & PROCLAMATIONS

3. APPROVE RESOLUTION HONORING MARIO MARTINEZ ON HIS RETIREMENT AFTER 24 YEARS OF SERVICE TO TRAVIS COUNTY. (COMMISSIONER GOMEZ) (9:16 AM)

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the resolution in Item 3.

**Motion carried:**

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

## CITIZENS COMMUNICATION

**Members of the Court heard from:** Jimmy Castro, Travis County Resident. (9:20 AM)

## CONSENT ITEMS

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C6, and Items 5, 6, 7, 8, 9, 12, 13, 14, 15.A-C, 16.A&B, 17, 18, 19, 20, 23, 24, 25, 26, 27, 28.A-C, 30, 31, 32, 35, and A1. (9:24 AM)

**Motion carried:**

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

- C1.** RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2.** AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.

**CONSENT ITEMS CONTINUED**

- C3.** APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF MARCH 1, 2005.
- C4.** APPROVE AUTOMATIC BUDGET TRANSFERS.
- C5.** APPROVE SETTING A PUBLIC HEARING DATE OF APRIL 5, 2005 TO RECEIVE COMMENTS REGARDING REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE TWO 5' PUBLIC UTILITY EASEMENTS, ONE ON EITHER SIDE OF THE COMMON LOT LINE BETWEEN LOT 832 AND THE NORTH HALF OF LOT 833, APACHE SHORES SECTION 2, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)
- C6.** APPROVE SETTING A PUBLIC HEARING DATE OF APRIL 5, 2005 TO RECEIVE COMMENTS REGARDING REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A 50' DRAINAGE EASEMENT LYING 35' SOUTH OF THE NORTH LOT LINE OF COMMERCIAL LOT 1 OF FOREST BLUFF SECTION 1, A SUBDIVISION IN PRECINCT ONE. (COMMISSIONER DAVIS)

**HEALTH AND HUMAN SERVICES DEPT. ITEMS****TO BE TAKEN UP AT 9:30 A.M.**

4. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED REGULATIONS OF TRAVIS COUNTY GOVERNING ANIMAL CONTROL AND RELATED MATTERS. (9:29 AM) (5:01 PM) (5:02 PM) (5:45 PM)

**Members of the Court heard from:** Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); Mary Etta Gerhardt, Assistant County Attorney; Dorinda Pulliam, Director, Town Lake Animal Shelter, City of Austin; Bill Aleshire, Attorney, Riggs and Aleshire, representing Austin Zoo; Cindy Carroccio, Chair, Animal Advisory Commission, Director, Austin Zoo; Kathy Olive, Board member, Animal Advisory Commission; Grace Lehto, Travis County Resident; Jim Von Wolske, Travis County Resident; and Pat Valls Trelles, Board member, Animal Advisory Commission.

**Clerk's Note:** The Court without objection approved the City of Austin fee structure for impounding and boarding animals.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Daugherty to approve the ordinance that was recommended by the subcommittee that was assigned to this particular task; and to receive a report on enforcement in the next 60 days, to see how we are doing, and see if there are any unintended consequences that need to be brought to the attention of the Commissioners' Court; that we make the commitment to revisit the idea of lifetime registration, at whatever point the City of Austin acts on lifetime registration; that we add the internal re-allocation of \$10,000.00 that the Travis County Health and Human Services Department (TCHHS) has found within their own department, to be targeted and earmarked for sterilizations of animals in low-income Travis County neighborhoods; that any kind of schedule in terms of neighborhoods be properly shared with members of the Commissioners Court, and if anybody has any suggestions on neighborhoods, that ought to be on that list, to share that with Dorinda Pulliam, Director, Town Lake Animal Shelter. The Internal re-allocation would be matched by donations that come in to the Town Lake Animal Shelter. Also, that ongoing implementation strategies related to education, and enforcement strategies, be adopted as well. We will be utilizing existing animal control resources within the next 120 days, and then we will see where we are, with the exception of the HHS internal re-allocation of the \$10,000.00.

**ITEM 4 CONTINUED**

**A Division of the Vote was requested by** Judge Biscoe on Item 4.

**First Division of the Vote:**

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Daugherty to approve to previous Motion, without the registration provision.

<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

**Second Division of the Vote:**

**Motion by** Judge Biscoe **and seconded by** Commissioner Daugherty that, instead of a registration requirement, we have an owner identification requirement, which can be met by having an owner identification tag, indicating the name, address, and phone number of the owner; or, if the pet owner can figure out a way to get the same information on the rabies tag, front or back, then that will be sufficient. The tag should be worn on the dog or cat.

**A Friendly Amendment was offered by** Commissioner Sonleitner to approve the identification requirement, but we could revisit registration, if and when the City of Austin takes up the issue of lifetime registration.

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

<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 4 CONTINUED

**Clerk's Note:** Item 4 was further discussed at 5:01 PM.

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner to reconsider the action taken on Item 4.

<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:** Judge Biscoe announced that Item 4 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Clerk's Note:** Item 4 was further discussed at 5:45 PM.

**Clerk's Note:** The Court discussed an order authorizing the substitution of new language for Section 52.004 of the Travis County Code, regarding the registration requirement for animals.

**Members of the Court heard from:** Mary Etta Gerhardt, Assistant County Attorney.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to authorize the signing of the order, with the clean, attached copy of the new rules.

<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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes



## ADMINISTRATIVE OPERATIONS ITEMS

5. 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 \$348,179.73 FOR THE PERIOD OF FEBRUARY 25 THROUGH MARCH 3, 2005. (9:24 AM)

**Clerk's Note:** Item 5 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

6. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:24 AM)

**Clerk's Note:** Item 6 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

7. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING APPROVAL OF THE CONSTRUCTION DOCUMENTS FOR THE RENOVATION OF THE HOLT BUILDING AT 1003 GUADALUPE STREET. (9:24 AM)

**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 LICENSE AGREEMENT WITH JACK AND HENRY PRODUCTIONS, INC. (WARNER BROTHERS) TO USE THE OLD JAIL FOR THE PURPOSE OF FILMING A MOVIE. (9:24 AM)

**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 TENANT ESTOPPEL CERTIFICATE TO CONFIRM CERTAIN FACTUAL REPRESENTATIONS FOR THE PROPERTY LEASED BY TRAVIS COUNTY AT 4920 IH-35. (9:24 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.

## JUSTICE AND PUBLIC SAFETY ITEMS

10. CONSIDER AND TAKE APPROPRIATE ACTION ON PATIENT LANDING FEE CURRENTLY CHARGED TO HOSPITALS FOR RECEIVING A PATIENT VIA STAR FLIGHT. (3:07 PM)

Item 10 postponed until March 22, 2005.

11. RECEIVE FIRST QUARTERLY REPORT ON PERFORMANCE MEASURES FOR TRAVIS COUNTY STAR FLIGHT AND EMS GROUND SERVICES. (3:07 PM)

Item 11 postponed until March 22, 2005.

## PURCHASING OFFICE ITEMS

12. APPROVE PURCHASE OF FOUR FORD TRUCKS AND ONE VAN OFF STATE CONTRACT FROM PHILPOTT MOTORS. (TNR) (COMMISSIONER GÓMEZ) (9:24 AM)

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

13. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 04T00187RG, INFORMATION MANAGEMENT SOLUTIONS, FOR PRINTING AND MAILING SERVICES. (RECORDS MANAGEMENT) (COMMISSIONER GÓMEZ) (9:24 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. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO.1) TO CONTRACT NO. 04R00188RG, CARLO CUCINA, FOR PARK CONCESSIONS. (TNR) (COMMISSIONER GÓMEZ) (9:24 AM)

**Clerk's Note:** Item 14 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 15.** APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO THE FOLLOWING CONTRACTS FOR EMERGENCY VEHICLE EQUIPMENT: (9:24 AM)

- A.** CONTRACT NO. 03T00194OJ, GT DISTRIBUTORS;
- B.** CONTRACT NO. 03T00195OJ, ALL AMERICA SALES CORP; AND
- C.** CONTRACT NO. 03T00196OJ, R & W POLIZE ENTERPRISES. (TNR) (COMMISSIONER GÓMEZ)

**Clerk's Note:** Items 15.A-C approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 16.** APPROVE TWELVE-MONTH EXTENSION TO THE FOLLOWING CONTRACTS FOR PLUMBING TIME AND MATERIALS: (9:24 AM)

- A.** CONTRACT NO. 03T00132RV, CARRIER CORPORATION; AND
- B.** CONTRACT NO. 03T00133RV, MINYARD PLUMBING, INC. (FACILITIES MANAGEMENT) (COMMISSIONER GÓMEZ)

**Clerk's Note:** Items 16.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.

- 17.** APPROVE CONTRACT AWARD FOR PEDESTRIAN SWING GATE SYSTEM, IFB NO. B050039MP, TO THE SOLE BIDDER, AUTO GATE TEXAS INC. (SHERIFF'S OFFICE) (COMMISSIONER GÓMEZ) (9:24 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. APPROVE CONTRACT AWARD FOR REAL ESTATE SERVICES WITH INVESTORS ALLIANCE. (FACILITIES MANAGEMENT) (COMMISSIONER GÓMEZ) (9:24 AM)

**Clerk's Note:** Judge Biscoe requested that firms who wish to be added to the list of potential vendors be given the phone number of Roger El Khoury, Director, Facilities Management, so they can contact him.

**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. APPROVE RATE CHANGE (MODIFICATION NO. 1) TO CONTRACT NO. PS0100346LB FOR PROFESSIONAL NURSING SERVICES FOR INMATES WITH STAFF SEARCH, INC. (SHERIFF'S OFFICE) (COMMISSIONER GÓMEZ) (9:24 AM)

**Clerk's Note:** Item 19 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

20. DECLARE CERTAIN EQUIPMENT AS SURPLUS AND SELL AT PUBLIC AUCTION PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (COMMISSIONER GÓMEZ) (9:24 AM)

**Clerk's Note:** Item 20 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

**TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS****TO BE TAKEN UP AT 1:30 P.M.**

21. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENTS TO CHAPTER 82, TRAVIS COUNTY CODE, STANDARDS FOR CONSTRUCTION OF STREETS AND DRAINAGE IN SUBDIVISIONS. MAY RECEIVE LEGAL ADVICE IN EXECUTIVE SESSION PRIOR TO OPEN COURT DISCUSSION. <sup>1</sup>  
(1:51 PM) (1:52 PM) (3:06 PM) (3:08 PM) (5:46 PM)

**Clerk's Note:** Judge Biscoe announced that Item 21 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Members of the Court heard from:** Jim Knight, President, Real Estate Council of Austin; Hank Smith, Vice President, Government Affairs, Home Builders Association of Greater Austin; Tom Nuckols, Assistant County Attorney; Colin Clarke, Save Our Springs Alliance; Larry Niemann, Attorney; Jim Phillips, Travis County Resident; Christy Muse, Hill Country Alliance; Ted Stewart, Travis County Resident; Anna Bowlin, Program Manager, Planning and Engineering Services, TNR; and Dr. Laura Ross, Environmental Engineer.

**Clerk's Note:** Commissioner Sonleitner proposed that a board resolution from the utility provider, of readiness to provide service, and the general terms and conditions of that service, be required; and that a finalized contract would be required before a preliminary plan or final plat is approved.

**Motion by Judge Biscoe and seconded by Commissioner Daugherty** to approve a proclamation not to accept preliminary filings and preliminary plats for the next 90 days; that we amend the current subdivision regulations of Travis County to provide that; and that the application be county-wide. Travis County is available to work with interested Travis County residents to work through these issues. We have been participating in the various studies already. Our intention would be to continue to do so, and if landowners and other residents who have taken an interest, were still interested, then those meetings would continue.

**A Clarification of the previous Motion was made by Judge Biscoe** that preliminary filings and plats have already been filed, we expect them to be substantively complete.

**Clerk's Note:** The Court did not take a Vote on the Standing Motion and Second at this time.

**A Substitute Motion was made by** Commissioner Davis to adopt the interim rules as they have been discussed.

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

**A Clarification of the Standing Motion was made by** Judge Biscoe that the Standing Motion is meant to be effective immediately.

**Clerk's Note:** The Court took a Vote on the Standing Motion and Second at this time.

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

**Clerk's Note:** Item 21 was further discussed at 5:46 PM.

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner to sign the order supporting the Standing Motion, making it a permanent part of the Court's record.

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

- 22.** CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT FOUR: RESUBDIVISION OF LOT 26, CAPITOL VIEW ESTATES (SHORT FORM PLAT – 6 LOTS – 4.516 ACRES – CAPITOL VIEW DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC – CITY OF AUSTIN ETJ). (COMMISSIONER GÓMEZ) (9:26 AM)

**Clerk's Note:** Item 22 is the action item for the public hearing on Agenda Item 1.

Item 22 postponed until March 22, 2005.

23. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED STREET NAME ASSIGNMENT FOR A PRIVATE EASEMENT TO BE KNOWN AS “MARINA VISTA CIRCLE” OFF FM 2769 NEAR VOLENTE, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:24 AM)

**Clerk's Note:** Item 23 is the action item for the public hearing on Agenda Item 2.

**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. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: VISTA ROYALE PHASE 3 (SHORT FORM PLAT – 2 LOTS – 6.132 ACRES – FM 620 – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY LCRA – VILLAGE OF BEE CAVES ETJ). (COMMISSIONER DAUGHERTY) (9:24 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. CONSIDER AND TAKE APPROPRIATE ACTION ON 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 – FISCAL FOR DRAINAGE IMPROVEMENTS POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:24 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. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REQUEST REGARDING ALTERNATIVE FISCAL FOR AUSTIN'S COLONY SECTION 6A AND SECTION 7A, TWO SUBDIVISIONS IN PRECINCT ONE. (COMMISSIONER DAVIS) (9:24 AM)

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

27. CONSIDER AND TAKE APPROPRIATE ACTION ON THE INTERLOCAL AGREEMENT WITH THE CITY OF AUSTIN FOR THE CONSTRUCTION OF CAMERON ROAD. (COMMISSIONER DAVIS) (9:24 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.

### PLANNING AND BUDGET DEPT. ITEMS

28. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:24 AM)
- A. GRANT CONTRACT AMENDMENT WITH THE TEXAS DEPARTMENT OF AGING (THROUGH THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE) FOR A RETIRED SENIORS AND VOLUNTEER PROGRAM IN HEALTH AND HUMAN SERVICES DEPARTMENT. THE GRANT INCREASES THE AWARD AMOUNT BY \$507 TO BE USED FOR VOLUNTEER SUPPORT SERVICES;
  - B. GRANT CONTRACT WITH THE RSVP ADVISORY COUNCIL FOR A SENIORS AND VOLUNTEERS FOR CHILDHOOD IMMUNIZATION PROGRAM IN HEALTH AND HUMAN SERVICES DEPARTMENT. THE CONTRACT CONTINUES THE EXISTING PROGRAM FOR FY 05; AND
  - C. REQUEST TO AUTHORIZE HEALTH AND HUMAN SERVICES DEPARTMENT TO CONTINUE THE FY 04 DOE/OIL OVERCHARGE PROGRAM AND HOUSING WEATHERIZATION ASSISTANCE PROGRAM THROUGH THE END OF JUNE, WHICH CONTINUES THE PROGRAM UNTIL CONTRACT EXECUTION.

**Clerk's Note:** Items 28.A-C 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 BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:27 AM)

Item 29 not needed.



30. REVIEW AND TAKE APPROPRIATE ACTION ON 2005 TRAVIS COUNTY PRO RATA TOBACCO SETTLEMENT DISTRIBUTION COUNTY EXPENDITURE STATEMENT. (9:24 AM)

**Clerk's Note:** The action taken on Item 30 is to approve the Pro Rata Tobacco Settlement Distribution County Expenditure Statement.

**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.

### OTHER ITEMS

31. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:24 AM)

**Clerk's Note:** Item 31 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

32. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPOINT ROBERT VITELA TO SERVE AS A PRECINCT THREE APPOINTEE TO THE TRAVIS COUNTY HISTORICAL COMMISSION, EFFECTIVELY IMMEDIATELY THROUGH DECEMBER 2006. (COMMISSIONER DAUGHERTY) (9:24 AM)

**Clerk's Note:** Item 32 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

33. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO ISSUE CALL FOR RECOMMENDATIONS TO NAME THE HISTORIC COURTHOUSE AT 1000 GUADALUPE STREET, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAVIS AND COMMISSIONER DAUGHERTY) (11:41 AM)

**Members of the Court heard from:** Alicia Perez, Executive Manager, Administrative Operations.

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to issue a call for recommendations on naming the historical Courthouse building at 1000 Guadalupe St.

**Motion carried:**

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

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

34. 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.) (11:53 AM)

**Clerk's Note:** The Court discussed House Bill 3 (HB3): Relating to property tax relief and protection of taxpayers, taxes and fees, and other matters relating to the financing of public schools; providing civil and criminal penalties.

**Members of the Court heard from:** Chris Shields, Travis County Legislative Consultant; and Bob Kamm, Travis County Legislative Consultant.

Discussion Only. No formal action taken.

**Clerk's Note:** The Court discussed a Capitol view corridor exemption for the new Civil Courts Building, as well as other issues regarding Travis County's needs for new court space.

**Members of the Court heard from:** John Dietz, District Judge, 250<sup>th</sup> District Court.

Discussion Only. No action taken.

**ITEM 34 CONTINUED**

**Clerk's Note:** The Court discussed House Bill 2666 (HB2666): Relating to the criminal and civil enforcement of the required payment of a toll for the use of certain turnpike projects.

**Members of the Court heard from:** Judge Barbara Bembry, Justice of the Peace, Precinct 2.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to endorse House Bill 2666, and send an appropriate letter to Rep. Krusee, endorsing this particular legislation.

<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

**Clerk's Note:** The Court discussed legislative issues relating to the Travis County Hospital District: House Bill 3080 (HB3080), and the companion legislation Senate Bill 1677 (SB1677): Relating to the powers and duties of the board of hospital managers of the Travis County Hospital District and to employee benefits for certain employees of that district; House Bill 470 (HB 470) and the companion legislation, Senate Bill 194 (SB194): Relating to local delivery of aging, disability, behavioral health and mental retardation services, and Senate Bill 18: Relating to the adoption of an ad valorem tax rate by a taxing unit other than a school district.

**Members of the Court heard from:** Clarke Heidrick, Chair, Travis County Hospital District Board; Carl Ritchie, Vice Chair, Travis County Hospital District Board; and Donald Patrick, Board Member, Travis County Hospital District.

**Motion by** Judge Biscoe **and seconded by** Commissioner Daugherty to support and endorse House Bill 3080 and Senate Bill 1677.

<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

Discussion only on House Bill 470, Senate Bill 194, and Senate Bill 18. No formal action taken.

**ITEM 34 CONTINUED**

**Clerk's Note:** The Court discussed House Bill 2658 (HB2658): Relating to erecting an off-premise sign adjacent to and visible from certain roads. The Court also included a letter to Rep. Krusee endorsing and supporting HB2658.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to support House Bill 2658, and add State Highway 130 to the list of scenic corridors.

<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 Senate Bill 727 (SB727): Relating to the public information law.

**Members of the Court heard from:** John Hille, Assistant County Attorney.

**Clerk's Note:** The Court directed Staff to communicate Travis County's position on Senate Bill 727 to Senator Wentworth.

Discussion Only. No formal action taken.

**ITEM 34 CONTINUED**

**Clerk's Note:** The Court discussed House Bill 223 (HB223) and the companion legislation, Senate Bill 221 (SB221): Relating to a requestor's right of access to investment information, as well as Senate Bill 549 (SB549): Relating to the disclosure of information relating to the investment of the permanent university fund and other funds under the management and control of the board of regents of The University of Texas System.

**Clerk's Note:** The Court discussed the following change to the language of HB 223 and SB 221: "The internal rate of return or other standard as provided for in the investment policy of the entity."

**Members of the Court heard from:** Mary Mayes, Investment Manager, Cash/Investment Management.

**Motion by Judge Biscoe and seconded by** Commissioner Sonleitner to endorse the suggested change in HB223/SB221, and share the County's recommendation with Representatives Gattis.

<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 without objection directed Mary Mayes, Investment Manager, Cash/Investment Management, to represent Travis County at the public hearing on Monday, March 21, 2005, regarding HB 223 and SB 221.

**Clerk's Note:** At 12:23 PM, the Court revisited House Bill 470 (HB470): 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:** Chris Shields, Travis County Legislative Consultant.

Discussion Only. No formal action taken.

## ITEM 34 CONTINUED

**Clerk's Note:** The Court discussed 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.

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

Discussion Only. No formal action taken.

- 35.** CONSIDER AND TAKE APPROPRIATE ACTION ON ELECTION SERVICES AGREEMENTS WITH MANOR ISD, THE CITY OF MANOR, AND THE CITY OF JONESTOWN FOR THE MAY 7, 2005 ELECTION. (9:24 AM)

**Clerk's Note:** Item 35 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of 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 2 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.

- 36.** RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN LEANDER ISD, ET AL V. GENERAL FOOD EQUIPMENT & SUPPLY COMPANY DBA GENERAL HOTEL SUPPLY COMPANY (KAREN WELLSRING RESALE DEED), AND TAKE APPROPRIATE ACTION. <sup>1</sup> (5:01 PM)

Item 36 postponed until March 22, 2005.

37. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL V. J.R. LANGSTON (CANDY SISK OWENS RESALE DEED), AND TAKE APPROPRIATE ACTION. <sup>1</sup> (5:01 PM)

Item 37 postponed until March 22, 2005.

### ADDED ITEM

- A1. APPOINT AL REYES AS PRECINCTS ONE AND FOUR LAW ENFORCEMENT REPRESENTATIVE APPOINTEE TO CAPCOG LAW ENFORCEMENT EDUCATION COMMITTEE, EFFECTIVE IMMEDIATELY. (COMMISSIONER DAVIS AND COMMISSIONER GOMEZ) (9:24 AM)

**Clerk's Note:** Item A1 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

### ADJOURNMENT

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to adjourn the Voting Session. (5:51 PM)

**Motion carried:**

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

### MINUTES APPROVED BY THE COMMISSIONERS' COURT

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Date of Approval

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Samuel T. Biscoe, Travis County Judge