

## **MINUTES OF MEETING – MAY 3, 2005**

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

On Tuesday, the 3<sup>rd</sup> day of May, 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 12:05 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:43 PM and adjourned at 1:46 PM.

The Commissioners Court reconvened the regular Voting Session at 1:46 PM.

The Commissioners Court retired to Executive Session at 5:03 PM.

The Commissioners Court reconvened the Voting Session at 6:07 PM.

The Commissioners Court adjourned the Voting Session at 6:21 PM.

## PUBLIC HEARINGS

1. RECEIVE COMMENTS ON REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE THREE 5' PUBLIC UTILITY EASEMENTS ON LOTS 28, 29 AND 30 LOCATED IN HIGHLAND CLUB VILLAGE SECTION 1 – A SUBDIVISION IN PRECINCT THREE. (ACTION ITEM 16) (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 16 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	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**Members of the Court heard from:** Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR).

**Motion by** Commissioner 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**

2. APPROVE PROCLAMATION RECOGNIZING THE MONTH OF MAY 2005 AS "OLDER AMERICANS MONTH" IN TRAVIS COUNTY. (JUDGE BISCOE)  
(9:18 AM)

**Members of the Court heard from:** Mary Teeters, Co-Chair, Aging Services Council; Jean Barrett Teel, Co-Chair, Aging Services Council, representing West Austin Care Givers; Patricia Bordie, representing the Area Agency on Aging of the Capital Area; Joyce Lauck, Austin Groups for the Elderly; Koren Darling, Planner, Travis County Health and Human Services (TCHHS).

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the proclamation in Item 2.

**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

3. APPROVE PROCLAMATION DESIGNATING THE MONTH OF MAY 2005 AS "NATIONAL DRUG COURT MONTH" IN TRAVIS COUNTY. (JUDGE BISCOE)  
(9:23 AM)

**Members of the Court heard from:** Debra Hale, Criminal Courts Administration; Charles Dollins, Counselor, Drug Court; and Wilford Flowers, District Judge, 147<sup>th</sup> District Court.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the proclamation in Item 3.

**Motion carried:**

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

4. APPROVE RESOLUTION RECOGNIZING THE MONTH OF MAY 2005 AS “MENTAL HEALTH MONTH” IN TRAVIS COUNTY. (JUDGE BISCOE) (9:33 AM)

**Members of the Court heard from:** Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans’ Services (TCHHS&VS); Princess Katana, Children’s Partnership, TCHHS; Deborah Rosales Elkins, Lead Parent, Children’s Partnership, TCHHS; Eileen Garcia Matthews, Development Director, Children’s Partnership, TCHHS; Michelle Lagaze, Program Evaluator, Children’s Partnership, TCHHS; Christy Kuehn, Quality Assurance Coordinator, Children’s Partnership, TCHHS; Pam Thomas, Parent Liaison, TCHHS; Jenny Royal, Care Coordinator, Austin Independent School District and Children’s Partnership; Vena Wedge, Parent Liaison, TCHHS; Gloria Petersen, Program Case Manager, TRIAD Program, TCHHS; Lisa Hill, Training Coordinator, Children’s Partnership, TCHHS; and Monica Reyes, Parent Liaison, Children’s Partnership, TCHHS.

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

**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

5. APPROVE PROCLAMATION DESIGNATING THE MONTH OF MAY 2005 AS “HISPANIC CULTURAL AWARENESS MONTH” IN TRAVIS COUNTY AND RECOGNIZING THE NINETEENTH ANNUAL COMBINED CITY/COUNTY CINCO DE MAYO CELEBRATION. (COMMISSIONER GÓMEZ) (9:40 AM)

**Members of the Court heard from:** Joe Vela, Executive Assistant, Travis County Commissioner Precinct 4 Office; and Virginia Aleman, Human Resources Management Department (HRMD).

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the proclamation in Item 5.

**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; Duke Bischoff, Former Tenant, Travis County Farmers Market; and Jennifer Gale, Travis County Resident. (9:45 PM)

**CONSENT ITEMS**

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C6, and Items 7, 8, 9.A&B, 11, 12, 13, 14, 15, 16, 17, 18, 19.A-C, 26, 29, and 30. (9:55 AM)

<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

- C1.** RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2.** AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.
- C3.** APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF APRIL 12, 2005.
- C4.** APPROVE AUTOMATIC BUDGET TRANSFERS.
- C5.** APPROVE SETTING A PUBLIC HEARING DATE OF MAY 24, 2005 TO RECEIVE COMMENTS ON REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF A DRAINAGE EASEMENT ALONG THE BACK OF LOT 36 AND A DRAINAGE AND PUBLIC UTILITY EASEMENT ALONG THE COMMON LOT LINE OF LOTS 36 AND 37 LOCATED IN LONG BRANCH VALLEY SECTION 3, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)

**CONSENT ITEMS CONTINUED**

- C6.** APPROVE SETTING A PUBLIC HEARING ON JUNE 7, 2005 TO RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: REPLAT OF LAKE POINTE PHASE IV-A AND IV-B, BLOCK A, LOTS 62 & 63 AND LAKE POINTE PHASE 1A, BLOCK N, LOT 13 (SHORT FORM PLAT – 3 LOTS – 0.816 ACRES – FORTUNA DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY LCRA – VILLAGE OF BEE CAVE ETJ). (COMMISSIONER DAUGHERTY)

**HEALTH AND HUMAN SERVICES DEPT. ITEMS**

- 6.** CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:  
(10:19 AM)
- A.** A REQUEST FROM THE TRAVIS COUNTY HOSPITAL DISTRICT TO AMEND THE DISTRICT'S FY05 BUDGET TO RECOGNIZE ADDITIONAL REVENUE AND AN EQUIVALENT AMOUNT OF ADDITIONAL RELATED EXPENSE;
- B.** RECEIVE AN UPDATE ON TRAVIS COUNTY HOSPITAL DISTRICT ACTIVITIES.

**Clerk's Note:** Items 6.A and B are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Clarke Heidrick, Chair, Travis County Hospital District; Patricia Young Brown, CEO, Travis County Hospital District; Tom Young, Board Member, Travis County Hospital District; Dan Mansour, Risk Manager, HRMD; and April Bacon, Chief Assistant County Auditor, Travis County Auditor's Office.

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner to approve Item 6.A, the amendment to the Travis County Hospital District Fiscal Year 2005 Budget.

<b>Motion carried:</b> 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 6 CONTINUED**

**Clerk's Note:** Item 6.A was further discussed at 10:47 AM with a request by Commissioner Davis that the Commissioners Court record show Commissioner Davis voting in favor of the Motion on Item 6.A. The Commissioners Court record does reflect the Corrected Vote.

**Corrected Vote:**

<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 1677 (SB1677):** Relating to the powers and duties of the board of hospital managers of the Travis County Hospital District and to health care services to be provided to certain employees of that district and to certain employees of counties within the state.

**Motion by** Commissioner Sonleitner **and seconded by** Judge Biscoe to support the proposed legislation in 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

**ADMINISTRATIVE OPERATIONS ITEMS**

7. 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 \$559,469.86 FOR THE PERIOD OF APRIL 15 THROUGH APRIL 21, 2005. (9:55 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 PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:55 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 THE FOLLOWING PROPERTY AND LIABILITY CLAIM RECOMMENDATIONS: (9:55 AM)

- A. TRAVIS COUNTY SHERIFF'S OFFICE – SETTLE; AND  
B. TRACEY FREY – DENY.

**Clerk's Note:** Items 9.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.

### JUSTICE AND PUBLIC SAFETY ITEMS

10. APPROVE CONTRACT AWARD FOR PROFESSIONAL CONSULTING SERVICES, TRAVIS COUNTY CORRECTIONAL COMPLEX DESIGN-BUILD PROJECT, RFQ NO. Q050047-MB, TO THE HIGHEST QUALIFIED RESPONDENT, HELLMUTH, OBATA & KASSABAUM (HOK). (FACILITIES MANAGEMENT) (COMMISSIONER GÓMEZ) (10:56 AM)

**Members of the Court heard from:** Mike Trimble, Criminal Justice Coordinator, Criminal Justice Planning (CJP); Roger El Khoury, Director, Facilities Management; David Balagia, Major, Travis County Sheriff's Office (TCSO); Tenley Aldredge, Assistant County Attorney; and Cyd Grimes, Travis County Purchasing Agent.

**Motion by** Judge Biscoe **and seconded by** Commissioner Daugherty to approve the contract award in Item 10.

**Motion carried:**

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

## PURCHASING OFFICE ITEMS

11. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 6) TO CONTRACT NO. 03T00224-RV, LOOMIS FARGO AND COMPANY, FOR ARMORED CAR SERVICES. (TREASURER'S OFFICE) (COMMISSIONER GÓMEZ) (9:55 AM)

**Clerk's Note:** Item 11 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

12. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. MA020091LC (FORMERLY 99C0061-JP), VERTIQ SOFTWARE, LLC, FOR MEDICAL EXAMINER'S SOFTWARE SYSTEM. (ITS) (COMMISSIONER GÓMEZ) (9:55 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 PURCHASE OF NINE (9) DUAL ANTENNA RADARS FROM THE HOUSTON-GALVESTON AREA COUNCIL INTERLOCAL AGREEMENT, NO. ILA98-858. (TNR) (COMMISSIONER GÓMEZ) (9:55 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 PURCHASE OF FIFTEEN (15) MOWERS AND TWO (2) PERSONNEL CARRIERS FROM THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE, BUYBOARD, NO. IL030067OJ. (TNR) (COMMISSIONER GÓMEZ) (9:55 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 MODIFICATION NO. 6 TO CONTRACT NO. PS960288KW, AUSTIN CHILD GUIDANCE CENTER, FOR THE MOVING THROUGH PROGRAM FOR FAMILIES REFERRED BY THE TRAVIS COUNTY DOMESTIC RELATIONS DEPARTMENT. (DRO) (COMMISSIONER GÓMEZ) (9:55 AM)

**Clerk's Note:** Item 15 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**

16. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE THREE 5' PUBLIC UTILITY EASEMENTS ON LOTS 28, 29 AND 30 LOCATED IN HIGHLAND CLUB VILLAGE SECTION 1 – A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:55 AM)

**Clerk's Note:** Item 16 is the action item for the public hearing on Agenda Item 1.

**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 A CONSTRUCTION AGREEMENT AND A PLAT FOR RECORDING IN PRECINCT TWO: MEADOWS OF BLACKHAWK, PHASE 7A-2 (LONG FORM PLAT – 43 LOTS – 13.358 ACRES – ROWE LANE – FISCAL POSTED WITH TRAVIS COUNTY AND CITY OF PFLUGERVILLE – SEWAGE SERVICE TO BE PROVIDED BY LAKESIDE WATER DEVELOPMENT DISTRICT NO. 1 – CITY OF PFLUGERVILLE ETJ). (COMMISSIONER SONLEITNER) (9:55 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 A CONSTRUCTION AGREEMENT AND A PLAT FOR RECORDING IN PRECINCT TWO: MEADOWS OF BLACKHAWK, PHASE 7B (LONG FORM PLAT – 60 LOTS – 19.429 ACRES – ROWE LANE – FISCAL POSTED WITH TRAVIS COUNTY AND CITY OF PFLUGERVILLE – SEWAGE SERVICE TO BE PROVIDED BY LAKESIDE WATER DEVELOPMENT DISTRICT NO. 1 – CITY OF PFLUGERVILLE ETJ). (COMMISSIONER SONLEITNER) (9:55 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 THE FOLLOWING ITEMS FOR AMARRA DRIVE PRELIMINARY PLAN, A SUBDIVISION IN PRECINCT THREE: (9:55 AM)
- A. VARIANCE TO CHAPTER 30-2-152(B) DEAD END STREETS;
  - B. VARIANCE TO CHAPTER 30-2-159(A) PRIVATE STREETS; AND
  - C. AMARRA DRIVE PRELIMINARY PLAN (PRELIMINARY PLAN – 151 LOTS – 360.34 ACRES – BARTON CREEK BLVD – NO FISCAL REQUIRED FOR PRELIMINARY PLAN – SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY MUD NOS. 4 & 5 – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY)

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

20. CONSIDER AND TAKE APPROPRIATE ACTION ON GUIDELINES FOR COUNTY PARTICIPATION IN PUBLIC/PRIVATE PARTNERSHIPS AGREEMENTS FOR ARTERIAL ROADWAY CONSTRUCTION. (COMMISSIONER SONLEITNER) (4:29 PM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; Tom Nuckols, Assistant County Attorney.

**Motion by** Commissioner Sonleitner **and seconded by** Judge Biscoe to approve the draft guidelines; to authorize Joe Gieselman, Executive Manager, TNR, to be able to take the draft to the development community and any other interested parties, to see if there are some things that need to be tweaked, or not; and once we get that feedback, for this to be brought back to the Commissioners Court, to finalize these guidelines; and that this be presented to the Citizens Bond Committee.

**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

21. CONSIDER AND TAKE APPROPRIATE ACTION ON COUNTYWIDE IMPLEMENTATION OF COMMUTE REDUCTIONS AND OZONE ACTION DAY RESPONSE PROGRAMS, PER EARLY ACTION COMPACT COMMITMENTS. (4:53 PM)

**Clerk's Note:** The Court discussed a draft cover letter from the Court to targeted Travis County department managers encouraging participation in County air quality improvement programs.

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve to draft letter, with the changes suggested.

<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

**TO BE TAKEN UP 1:45 P.M.**

- 22.** CONSIDER AND TAKE APPROPRIATE ACTION ON VARIOUS ISSUES RELATED TO TYPE I LANDFILLS IN TRAVIS COUNTY, INCLUDING THE FOLLOWING: (1:47 PM)
- A.** AN OVERALL STRATEGY REGARDING TYPE I LANDFILLS IN NORTHEAST TRAVIS COUNTY;
  - B.** PERFORMANCE BASED AGREEMENT WITH BROWNING-FERRIS INDUSTRIES;
  - C.** A SITING ORDINANCE FOR TRAVIS COUNTY;
  - D.** UPDATE ON ALIGNMENT OPTIONS AND PROJECTED COSTS REGARDING ARTERIAL A; AND
  - E.** OTHER RELATED ISSUES.

**Clerk's Note:** Items 22.A-D are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** John Kuhl, Environmental Officer, TNR; Steve Jacobs, Waste Management; John Joseph, Attorney representing Waste Management; Melinda Mallia, Environmental Project Manager, Natural Resources, TNR; Tom Nuckols, Assistant County Attorney; Joe Gieselman, Executive Manager, TNR; Melanie McAfee, Travis County Resident; Mark McAfee, Travis County Resident; Paul Gosselink, Attorney representing Browning-Ferris Industries (BFI); Ray Shull, BFI; Heath Eddleblute, South Central Texas District Manager, BFI; Trek English, Travis County Resident; Bob Gregory, Texas Disposal Systems(TDS); Joyce Best, Northeast Austin Resident; and Joyce Thoresen, Walnut Place Neighborhood Association.

**ITEM 22 CONTINUED**

**Motion by Judge Biscoe and seconded by** Commissioner Daugherty that Tom Nuckols, Assistant County Attorney and Judge Biscoe flesh out a specific internal buffer provision, and make any other appropriate changes to the current siting ordinance, between now and next Tuesday, May 10, 2005; that those changes be shared with the residents, and with Waste Management Inc. (WMI), Browning-Ferris Industries (BFI), and Texas Disposal Systems (TDS); and that we have those recommended changes back on the Court's Agenda for action on May 17, 2005. Further, that we list a specific Agenda item that will allow us to consider a written, fleshed-out proposal, using the expertise of Neil Seldman, President, Institute for Local Self-Reliance; and that Melinda Mallia, Natural Resources Program, TNR be authorized to work with Melanie McAfee to get that proposal together, between now and 3-4 days before May 17, 2005; and that the County Judge and any other member of the Commissioners Court, be engaged to the extent necessary to get it done.

**A Friendly Amendment to the previous Motion was offered by** Commissioner Sonleitner to include IESI and the City of Austin in discussions and notifications.

**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

Items 22.A-E to be reposted on May 17, 2005.

## PLANNING AND BUDGET DEPT. ITEMS

- 23. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (1:47 PM) (4:28 PM)**

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the budget amendment and transfers in Item 23.

<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

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to reconsider the action taken in Item 23.

<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

**Motion by Commissioner Sonleitner and seconded by Commissioner Gómez** to approve the budget amendments and transfers with the following corrections of discussion items 1, 2 and 3, on the second line of each of those budget amendments, the appropriate last four numbers or all of them is 8105, not 8115

<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

- 24.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR GUIDANCE ON THE PROCESS FOR SETTING ELECTED OFFICIALS' SALARIES FOR FISCAL YEAR 2006. (4:59 PM)

Item 24 to be reposted on May 10, 2005.

**TO BE TAKE UP AT 10:30 A.M.**

**25.** CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REQUESTS: (10:48 AM)

- A.** ACCEPT AND OPEN APPLICATIONS AND GOOD FAITH CHECKS FROM LOCAL BANKS INTERESTED IN BEING TRAVIS COUNTY'S DEPOSITORY BANK; AND
- B.** AUTHORIZE THE BANK DEPOSITORY REVIEW COMMITTEE TO REVIEW THE APPLICATIONS AND RECOMMEND A DEPOSITORY BANK TO THE COURT.

**Clerk's Note:** Items 25.A and B are associated with one another and were called for concurrent discussion.

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

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to accept and open applications and good faith checks from local banks interested in being Travis County's Depository and authorize the bank depository review committee to review the applications and recommend a depository bank to the Court.

<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

**OTHER ITEMS**

**26.** APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:55 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 MAYOR'S REQUEST FOR COUNTY APPOINTMENT OF NON-VOTING MEMBER TO CITY OF AUSTIN CITIZENS BOND ADVISORY COMMITTEE. (4:52 PM)

Item 27 to be reposted on May 10, 2005.

28. RECEIVE RECOMMENDATIONS AND TAKE APPROPRIATE ACTION REGARDING THE NAMING OF THE HISTORIC COURTHOUSE AT 1000 GUADALUPE STREET, INCLUDING SPECIFIC DIRECTIONS ON HOW TO PROCEED. (COMMISSIONER DAVIS AND COMMISSIONER DAUGHERTY) (10:00 AM)

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve scheduling a public hearing on this item at 9:30 AM on May 17, 2005.

**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

Item 28 to be reposted on May 17, 2005.

29. APPROVE ORDER TO FILL VACANCIES FOR UNEXPIRED TERMS OF PRESIDING ELECTION JUDGES AND ALTERNATE PRESIDING ELECTION JUDGES. (9:55 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.

30. APPOINT TRISTA RAE ALLEN TO THE TRAVIS COUNTY CHILDREN'S PROTECTIVE SERVICES BOARD, EFFECTIVE IMMEDIATELY, TERM TO EXPIRE MAY 2008. (COMMISSIONER DAVIS) (9:55 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 APPROVE CHARGES AND METHODS FOR DETERMINING COSTS CHARGED BY THE COUNTY CLERK'S OFFICE FOR THE ELECTIONS AND RECORDING DIVISIONS. (4:59 PM)**

**Clerk's Note:** The Court discussed the following list of charges for providing election returns, Election Night equipment and materials, election services, and electronic data services, and the methods for determining costs:

1. To receive authorization for charging \$5.00 per cd for Cumulative Election Results and \$10.00 per cd for Precinct-by-Precinct Results.
2. The methods for allocating election costs to contracting entities.
3. To approve charging \$50.00 for the use of a telephone line and permission to pass on actual incurred costs for all other items used by entities on Election Night (such as the rental of risers to the media).
4. To authorize the County Clerk's Office to charge \$750.00 for the setup and initial electronic data transfer of real property document images and indexes and \$400.00 for each update thereafter.

**Members of the Court heard from:** Dana DeBeauvoir, Travis County Clerk.

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to approve the list of charges requested by the County Clerk's Office.

<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

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

32. 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.) (11:31 AM)

**Clerk's Note:** The Court discussed **House Bill 2906 (HB2906):** Relating to surety bonds for the electronic monitoring of criminal defendants.

**Members of the Court heard from:** Mike Lynch, District Judge, 167<sup>th</sup> District Court; and David Balagia, Major, TCSO.

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner that Travis County indicate its opposition to the proposed legislation in House Bill 2906.

<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 32 CONTINUED**

**Clerk's Note:** The Court discussed **House Bill 3278 (HB3278):** Relating to the management, security, and protection of personal information and governmental records; providing a criminal penalty.

**Members of the Court heard from:** Dana DeBeauvoir, Travis County Clerk; Chris Shields, Travis County Legislative Consultant; and John Hille, Assistant County Attorney.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to oppose sections 5 and 6 in House Bill 3278.

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

**Clerk's Note:** Judge Biscoe indicated that because the Court failed to meet the four required votes to take an official position, his recommendation now would be to put together a letter that sets forth the facts.

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner to sign an informational letter that indicates the critical need for funding for these purposes into the future, and maybe stiffening the definition of excess funds and surplus funds; and that the letter be sent to the appropriate legislators.

<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 32 CONTINUED**

**Clerk's Note:** The Court discussed **House Bill 3071 (HB3071):** Relating to the administration, and collection of ad valorem taxes making procedural and technical corrections and clarifications to the Tax Code, Property Code, Business and Commerce Code, and the Civil Practice and Remedies Code and the repeal of a Transportation Code Provision.

**Members of the Court heard from:** David Escamilla, Travis County Attorney; and Chris Shields, Travis County Legislative Consultant.

**Motion by** Commissioner Gómez **and seconded by** Judge Biscoe that the Commissioners Court is opposed to any change in law that would restrict the Court's options to continue the current practice of in-house delinquent tax collection, and the assessment of attorney's fees.

**A Clarification of the previous Motion was made by** Commissioner Gómez that the Council of Urban Counties' policy is that Commissioners Court authority will not be diminished in any manner.

**Clerk's Note:** The Court directed Staff to write a letter supporting the Court's position, opposing the bill.

<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 **House Bill 2833 (HB2833):** Relating to the protection of private real property from regulatory takings.

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

Discussion Only. No formal action taken.

**Clerk's Note:** The Court discussed **Senate Bill 1272 (SB1272):** Relating to providing a uniform limit on the population of a county election precinct.

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

Discussion Only. No formal action taken.

## ITEM 32 CONTINUED

**Clerk's Note:** The Court discussed **House Bill 3363 (HB3363):** Relating to the financing of state highways and the Trans-Texas Corridor.

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

**Motion by** Commissioner Davis that a hearing on House Bill 3363 be held before the Transportation Committee.

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

Discussion Only. No formal action taken.

## 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.

- 33. RECEIVE LEGAL ADVICE AND TAKE APPROPRIATE ACTION ON THE REQUEST FROM CITY OF AUSTIN REGARDING COUNTY OWNED PROPERTY LOCATED ON TANNEHILL LANE, IN AUSTIN, TEXAS. <sup>1 & 2</sup>**  
(5:03 PM) (6:09 PM)

**Clerk's Note:** Judge Biscoe announced that Item 33 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 formal action taken.

Item 33 to be reposted on May 10, 2005.

34. DISCUSS AND TAKE APPROPRIATE ACTION ON CONTRACT WITH  
REPUBLIC OF TEXAS BIKER RALLY FOR 2005 EVENT. <sup>1</sup> (5:03 PM)  
(6:10 PM)

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve the amendment presented to the Court, which would increase the amount to \$30,000.00. That needs to be written in, and we authorize Colby West, Acting Director, Travis County Exposition Center, to sign on behalf of the Commissioners Court.

<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 34 to be reposted on May 10, 2005.

- 35. RECEIVE LEGAL ADVICE FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING CLAIMS RECEIVED FROM TENANTS AT THE TRAVIS COUNTY FARMERS MARKET FOR REPAIR OF BROKEN NATURAL GAS PIPES, AND OTHER MATTERS. <sup>1</sup> (5:03 PM) (6:10 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.

**Members of the Court heard from:** John Hille, Assistant County Attorney; and Timothy Thomas, Owner, Brentwood Tavern.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to get this matter settled for the amount of \$10,000.00, with the person who made all of the repairs, and that is contingent upon settlement documents being received from each of the tenants; that this, indeed, does resolve all of the issues related to this particular incident; that this Item be put back on the Agenda next week, May 10, 2005, with some appropriate language for some other kinds of situations and issues that we have at the Farmer's Market that are not covered by today's posting; and that it be expedited as much as possible.

**An Addition to the previous Motion was made by** Commissioner Sonleitner that the money should be taken from Allocated Reserve, and if we identify a better source later on, we can take it from there.

<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 35 to be reposted on May 10, 2005.

**ADDED ITEMS**

- A1.** REJECT ALL BIDS RECEIVED FOR IFB NO. B050060-JT, UNINTERRUPTIBLE POWER SYSTEMS REPLACEMENT, AND REBID. (ITS) (COMMISSIONER GÓMEZ) (9:58 AM)

**Members of the Court heard from:** Cyd Grimes, Travis County Purchasing Agent; and Fred Park, Schmidt Electric Company.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the rejection of all bids in Item A1.

**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

- A2.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION CONCERNING THE EXTENSION OF ADMINISTRATIVE LEAVE AND SETTLEMENT OFFER FOR A TRAVIS COUNTY SHERIFF'S OFFICE EMPLOYEE, SLOT 157. <sup>1 & 3</sup> (EXECUTIVE SESSION ITEM) (5:03 PM) (6:07 PM)

**Clerk's Note:** Judge Biscoe announced that Item A2 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 settlement agreement that has been presented to us, and to authorize the County Judge to sign on behalf of Travis County. The settlement agreement does provide for reinstatement, back pay, and other entitlements for the affected employee.

**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

- A3.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION CONCERNING THE EXTENSION OF ADMINISTRATIVE LEAVE FOR AN EMPLOYEE IN TRAVIS COUNTY PRECINCT TWO CONSTABLE'S OFFICE, SLOT 7. <sup>1 & 3</sup> (EXECUTIVE SESSION ITEM) (5:03 PM) (6:08 PM)

**Clerk's Note:** Judge Biscoe announced that Item A3 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 Davis to extend leave with pay through May 17, 2005 to give the Human Resources Department and the County Attorney's Office to complete its investigation and report back to the Court with recommendations.

**A Clarification of the previous Motion was made by** Commissioner Sonleitner that this is not to exceed May 17, 2005.

**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

- A4.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING USE, OPERATION AND MAINTENANCE AGREEMENT FOR TRAVIS COUNTY EAST METRO PARK. <sup>1</sup> (EXECUTIVE SESSION ITEM) (5:03 PM) (6:09 PM)

**Clerk's Note:** Judge Biscoe announced that Item A4 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion Only. No formal action taken.

No action required on Item A4.

## ADJOURNMENT

**Motion by** Commissioner Daugherty **seconded by** Commissioner Davis to adjourn the Voting Session. (6:21 PM)

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

## MINUTES APPROVED BY THE COMMISSIONERS' COURT

**Date of Approval**

**Samuel T. Biscoe, Travis County Judge**