

MINUTES OF MEETING – MAY 17, 2005

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 17th day of May, 2005, the Commissioners' Court convened the regular Voting Session at 9:17 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 Deputies Melissa Velasquez and Robert Resnick.

The Commissioners Court recessed the Voting Session at 12:04 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:55 PM and adjourned at 1:57 PM.

The Commissioners Court, meeting as the Travis County Health Facilities Corporation, the Capital Industrial Development Corporation, and the Capital Health Facilities Development Corporation, convened at 1:58 PM and adjourned at 1:59 PM.

The Commissioners Court reconvened the regular Voting Session at 1:59 PM.

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

The Commissioners Court reconvened the Voting Session at 5:56 PM.

The Commissioners Court adjourned the Voting Session at 6:02 PM.

RESOLUTIONS & PROCLAMATIONS

3. APPROVE PROCLAMATION RECOGNIZING THE WEEK OF MAY 15 THROUGH 21, 2005 AS EMERGENCY MEDICAL SERVICES WEEK IN TRAVIS COUNTY. (COMMISSIONER DAUGHERTY) (9:22 AM)

Members of the Court heard from: Dr. Ed Racht, Medical Director, Austin-Travis County Emergency Medical Services (EMS); Richard Herrington, Austin-Travis County EMS; and Chris Barron, Fire Chief, Travis County Emergency Services District 5.

Motion by Commissioner Daugherty **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

CITIZENS COMMUNICATION

Members of the Court heard from: Mona Gonzales, Executive Director, River City Youth Foundation. (9:31 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C6, and Items 6.A&B, 7, 8, 9, 10, 11, 12, 13, 16, 18, 19, 21, 23, 25, and 27. (9:38 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.

- C3.** APPROVE AUTOMATIC BUDGET TRANSFERS.

- C4.** APPROVE SETTING A PUBLIC HEARING ON JUNE 7, 2005 TO RECEIVE COMMENTS ON A PROPOSED STREET NAME ASSIGNMENT FOR A PRIVATE EASEMENT OFF D-K RANCH ROAD TO BE KNOWN AS "D-K RANCH COURT" IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)

- C5.** APPROVE SETTING A PUBLIC HEARING ON JUNE 21, 2005 TO RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: PERRO CAFÉ, RESUBDIVISION OF A PORTION OF LOT 1 KLASSEN ADDITION (SHORT FORM PLAT – 1 LOT – 2.86 ACRES – RIVER HILLS ROAD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC – CITY OF AUSTIN ETJ.) (COMMISSIONER DAUGHERTY)

- C6.** APPROVE SETTING A PUBLIC HEARING ON JUNE 21, 2005 TO RECEIVE COMMENTS ON THE FOLLOWING ITEMS FOR SPRINGBROOK II BUSINESS PARK, A SUBDIVISION IN PRECINCT TWO:
 - A.** VACATION OF A PORTION OF ROW ALONG PICADILLY DRIVE;

 - B.** PARTIAL VACATION OF SPRINGBROOK INDUSTRIAL PARK, SECT. 2;

 - C.** SPRINGBROOK II BUSINESS PARK, A REPLAT OF A PORTION OF SPRINGBROOK INDUSTRIAL PARK, SECT. 2 (SHORT FORM – 12 LOTS – 14.240 ACRES – PICADILLY DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY WINDERMERE UTILITY CO – CITY OF PFLUGERVILLE ETJ). (COMMISSIONER SONLEITNER)

SPECIAL PUBLIC HEARING

TO BE TAKEN UP AT 9:30 A.M.

- 4. RECEIVE COMMENTS REGARDING THE NAMING OF THE HISTORIC COURTHOUSE AT 1000 GUADALUPE STREET. (ACTION ITEM 22) (COMMISSIONER DAVIS AND COMMISSIONER DAUGHERTY) (9:40 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 Davis **and seconded by** Commissioner Gómez to open the public hearing.

Clerk’s Note: The Court did not take a formal vote on the previous Motion and Second, but without objection opened the public hearing on Agenda Item 4.

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Bruce Marshall, Travis County Resident; R.C. Godwin, Travis County Resident; Sheri Larivee, Travis County Resident; Bill Hart, Travis County Resident; James Bowman, Travis County Resident; Kileen Freitag, Travis County Resident; Vessie Tutt; Travis County Resident; Darlene Freitag, Travis County Resident; Gail Morris, Travis County Resident; George Covert, Travis County Resident; Virginia Raymond, Travis County Resident; Kristen Ingersol, Travis County Resident; Dolores Duffie, Travis County Resident; Scottie Ivory, Travis County Resident; Jim Sylvester, Travis County Resident; Eric Shepperd, Assistant County Attorney; Malcolm Greenstein, Travis County Resident; Dr. Floyd Davis, Travis County Resident; Alfred Stanley, Travis County Resident; and Akwasi Evans, Travis County Resident.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez 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

JUSTICE AND PUBLIC SAFETY ITEMS

- 5. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO FILE GRANT APPLICATION TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION FOR A TARGETED CAPACITY EXPANSION GRANT FOR JAIL DIVERSION PROGRAMS IN THE SHERIFF’S OFFICE. (4:26 PM)

Members of the Court heard from: Greg Hamilton, Travis County Sheriff; David Long, Captain, Travis County Sheriff’s Office (TCSO); David Balagia, Major, TCSO; David Evans, Austin-Travis County Mental Health Mental Retardation; and David Crain, County Court at Law Judge 3.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to approve 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

PURCHASING OFFICE ITEMS

- 6. APPROVE CONTRACT AWARDS FOR COMMERCIAL MOVING SERVICES, IFB NO. B050055-MP, TO THE FOLLOWING LOW QUALIFIED BIDDERS: (9:38 AM)

A. GRAEBEL AUSTIN MOVERS - PRIMARY CONTRACTOR; AND

B. ALL POINTS MOVING & STORAGE, L. P. - SECONDARY CONTRACTOR. (FACILITIES MANAGEMENT) (COMMISSIONER GÓMEZ)

Clerk’s Note: Items 6.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.

7. APPROVE MODIFICATION NO. 3, AN ASSIGNMENT OF CONTRACT NO. 03T00260RV FROM DAN A. BADWEY DBA SQUEEKY CLEAN NORTH TO DIANA ABDI DBA SPARKLING CAR WASH. (TNR) (COMMISSIONER GÓMEZ) (9:38 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. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 04T00252JT, HEARTLAND AUTOMOTIVE SERVICES DBA JIFFY LUBE, FOR VEHICLE MAINTENANCE SERVICES. (TNR) (COMMISSIONER GÓMEZ) (9:38 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. APPROVE PURCHASE OF LAW ENFORCEMENT PATROL RIFLES OFF STATE CONTRACT FROM GT DISTRIBUTORS. (SHERIFF) (COMMISSIONER GÓMEZ) (9:38 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. APPROVE CONTRACT AWARD FOR POLICE MOTORCYCLES, IFB NO. B050074-LD, TO THE SOLE BIDDER, LONE STAR BMW/TRIUMPH. (TNR) (COMMISSIONER GÓMEZ) (9:38 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. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. PS050069RE WITH GREATER CALVARY RITES OF PASSAGE FOR MENTORING SERVICES. (HHS & VS) (9:38 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.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

12. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST REGARDING THE TOTAL VACATION OF A RECORDED SUBDIVISION: CREEK VIEW SUBDIVISION, AS RECORDED IN DOCUMENT 200300236, IN PRECINCT FOUR (TOTAL PLAT VACATION – 2 LOTS – 5.0 ACRES- THAXTON ROAD - NO FISCAL REQUIRED – NO SEWAGE SERVICE PROVISION INVOLVED IN VACATION – CITY OF AUSTIN 2-MILE ETJ). (COMMISSIONER GÓMEZ) (9:38 AM)

Clerk's Note: Item 12 is the action item for the public hearing on Agenda Item 1.

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. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A 7.5' PUBLIC UTILITY EASEMENT LYING ON THE NORTH SIDE OF LOT 271, BLOCK O LOCATED IN IMPERIAL VALLEY SECTION TWO – A SUBDIVISION IN PRECINCT ONE. (COMMISSIONER DAVIS) (9:38 AM)

Clerk's Note: Item 13 is the action item for the public hearing on Agenda Item 2.

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. DISCUSS AND TAKE APPROPRIATE ACTION ON TRAVIS COUNTY COMMENTS TO CAMPO BOARD OF DIRECTORS REGARDING DRAFT 2030 TRANSPORTATION PLAN. (10:56 AM)

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

Discussion Only. No formal action taken.

Item 14 to be reposted on May 24, 2005.

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

15. CONSIDER AND TAKE APPROPRIATE ACTION ON VARIOUS ISSUES RELATED TO SOLID WASTE LANDFILLS IN TRAVIS COUNTY, INCLUDING THE FOLLOWING:

A. AN OVERALL STRATEGY REGARDING TYPES I AND IV LANDFILLS IN NORTHEAST TRAVIS COUNTY; (3:34 PM)

Members of the Court heard from: Trek English, Travis County Resident; Tom Nuckols, Assistant County Attorney; Robin Schneider, Executive Director, Texas Campaign for the Environment; and Joyce Thoreson, Walnut Place Neighborhood Association.

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Judge Biscoe’s May 17, 2005 proposal that basically states: 1) Browning-Ferris Industries (BFI) and Waste Management (WMI) must close their northeast Travis County location, as Type I landfills by June 1st, 2015. 2) BFI will accept Type IV waste until December 31st, 2017. After closing to Types I and IV wastes, both landfills should close to all other waste as soon as practicable. 3) Travis County will make relocation of both BFI and Waste Management landfills its priority and I suppose that’s through condemnation. Travis County is still willing to assist both BFI and Waste Management with acquisition of greenfield sites for new landfill locations as necessary. 4) Part of the consideration of Travis County’s assistance will be the landfill operators’ agreement to relocate Type I waste immediately after the greenfield site is permitted. 5) Travis County will emphasize and enforce compliance with applicable landfill operating standards. 6) The Commissioners Court will immediately consider adopting a siting ordinance for Types I and IV landfills in Travis County, I suppose that can be as soon as next week. 7) The Commissioners Court reserves the right to timely oppose any permit, expansion, or application, based on performance at current landfill operations or demonstrated progress towards location acquisition of greenfield sites. 8) The Commissioners Court will oppose any permit expansion application by Waste Management beyond its current capacity. 9) The Commissioners Court will approve a performance-based agreement with BFI which would be signed by BFI officials and the owner of the northeast Travis County landfill site.

Motion carried:

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

ITEM 15 CONTINUED

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to delete Item 2 from Judge Biscoe’s May 17, 2005 proposal.

Motion carried: 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

15. CONSIDER AND TAKE APPROPRIATE ACTION ON VARIOUS ISSUES RELATED TO SOLID WASTE LANDFILLS IN TRAVIS COUNTY, INCLUDING THE FOLLOWING:

B. A PERFORMANCE BASED AGREEMENT WITH BROWNING-FERRIS INDUSTRIES; (4:24 PM)

Item 15.B postponed until May 24, 2005.

ITEM 15 CONTINUED

- 15. CONSIDER AND TAKE APPROPRIATE ACTION ON VARIOUS ISSUES RELATED TO SOLID WASTE LANDFILLS IN TRAVIS COUNTY, INCLUDING THE FOLLOWING:

- C. A SITING ORDINANCE COVERING TYPES I AND IV LANDFILLS IN TRAVIS COUNTY; (2:12 PM)

Members of the Court heard from: John Kuhl, Natural Resources Program Manager, TNR; Tom Nuckols, Assistant County Attorney; Robin Schneider, Executive Director, Texas Campaign for the Environment; Trek English, Travis County Resident; Mark McAfee, Travis County Resident; Bob Gregory, Texas Disposal Systems (TDS); Marie Ingram, Travis County Resident; and John Vay, Attorney, representing IESI.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to have this Item on the Agenda next week, May 24, 2005, for tentative approval for posting as a Travis County ordinance, and authorize Staff to begin the appropriate work on a takings report immediately.

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 15.C to be reposted on May 24, 2005.

- 15. CONSIDER AND TAKE APPROPRIATE ACTION ON VARIOUS ISSUES RELATED TO SOLID WASTE LANDFILLS IN TRAVIS COUNTY, INCLUDING THE FOLLOWING:

- D. A PROPOSAL FROM WASTE MANAGEMENT INC. REGARDING ARTERIAL A AND SOLID WASTE ISSUES; (4:24 PM)

Item 15.D postponed until May 24, 2005.

ITEM 15 CONTINUED

15. CONSIDER AND TAKE APPROPRIATE ACTION ON VARIOUS ISSUES RELATED TO SOLID WASTE LANDFILLS IN TRAVIS COUNTY, INCLUDING THE FOLLOWING:

E. A PROPOSAL REGARDING PROGRAMS FOR WASTE STREAM REDUCTION, GREEN BUILDING MARKET DEVELOPMENT, LOCAL COMMUNITY ECONOMIC DEVELOPMENT AND OTHER INNOVATIVE WASTE RELATED ACTIVITIES WITH NEIL SELDMAN AND RICK ANTHONY; (1:59 PM)

Clerk’s Note: The Court discussed attending and partially funding a proposed meeting at the Barr Mansion with Neil Seldman and Rick Anthony to discuss various issues related to solid waste landfills in Travis County.

Members of the Court heard from: Melinda Mallia, Environmental Project Manager, Natural Resources, TNR; and Melanie McAfee, Travis County Resident.

Motion by Judge Biscoe and seconded by Commissioner Gómez that Travis County allocate \$1,500.00, the source of which is the previously budgeted \$1,200.00; and that we take \$300.00 from Allocated Reserve to make the \$1,500.00; and that that we get a purchase order from Purchasing.

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

15. CONSIDER AND TAKE APPROPRIATE ACTION ON VARIOUS ISSUES RELATED TO SOLID WASTE LANDFILLS IN TRAVIS COUNTY, INCLUDING THE FOLLOWING:

F. OTHER RELATED ISSUES.

Item 15.F not needed.

PLANNING AND BUDGET DEPT. ITEMS

16. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:38 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 STAFF UPDATE ON MEMBERSHIP OF THE CITIZENS ADVISORY COMMITTEE ON ELECTED OFFICIALS' SALARIES AND THE FILLING OF VACANCIES. (4:40 PM)

Members of the Court heard from: Diana Ramirez, Budget Analyst, Planning and Budget Office (PBO).

Clerk's Note: The Court directed Staff to proceed with the eight members listed on the Committee and add a ninth member to the Committee who is either a former elected official or from academia, or proceed without the ninth member if necessary; and that Item 17 be reposted for discussion in a few weeks.

Discussion Only. No formal action taken.

ADMINISTRATIVE OPERATIONS ITEMS

18. 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 \$573,911.78 FOR THE PERIOD OF APRIL 29 THROUGH MAY 5, 2005. (9:38 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 PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:38 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. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATIONS TO RELOCATE THE ITS TRAINING CENTER, COUNSELING AND EDUCATION SERVICES, CRIMINAL JUSTICE PLANNING, EMS AND THE FIRE MARSHAL TO 5501 AIRPORT BLVD. AND TO INCREASE PROJECT FUNDING IN PHASE 2 OF THE AIRPORT BLVD. PROJECT. (4:39 PM)

Item 20 postponed until June 7, 2005.

OTHER ITEMS

- 21. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:38 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. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE NAMING OF THE HISTORIC COURTHOUSE AT 1000 GUADALUPE STREET. (COMMISSIONER DAVIS AND COMMISSIONER DAUGHERTY) (10:53 AM)

Clerk's Note: Item 22 is the action item for the public hearing on Agenda Item 4.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to submit all recommendations to the Historical Commission, which is the group that we have designated for review and comment.

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

- 23. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF APRIL 2005. (9:38 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. CONSIDER REQUEST BY DUKE BISCHOFF FOR AN ACCOUNTING OF PROCEDURES TAKEN BY RYLANDER INVESTMENT IN SALE OF CERTAIN ASSETS AT THE FARMERS MARKET, AND TAKE APPROPRIATE ACTION.**
(4:49 PM) (5:02 PM) (5:56 PM)

Members of the Court heard from: David Gottfried, Attorney representing Duke and Kathleen Bischoff; Duke Bischoff, former tenant, Travis County Farmer’s Market; and John Hille, Assistant County Attorney.

Clerk’s Note: Judge Biscoe announced that Item 24 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez that a second letter be written to Mr. Rylander, seeking the following information in relation to the equipment that at one point belonged to Mr. Bischoff and his wife; that we want an accounting of the sale of that equipment; we want an accounting of the rent collected since January 1, 2004 in relation to the property that at one point was rented by the Bischoff’s; we want the documents related to the sale of equipment by Rylander; the County is requesting all documents relating to the notice of sale of the equipment by Hill Rylander; the County is requesting all applications for a distress warrant; we want the bill of sale to Danny Wright; we want the list of equipment sold to Mr. Wright; and we want the application of proceeds from the sale of the equipment, and any advertisements of sale related to the equipment that at one point belonged to the Bischoff’s; that an appropriate letter be drafted by the County Attorney and sent under his signature; and to indicate for the second time, the specific portion of the management contract that says Mr. Rylander is to be maintaining these records on our behalf.

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

- 25. CONSIDER AND TAKE APPROPRIATE ACTION ON FEDERAL EQUITABLE SHARING AGREEMENT FOR THE NET PROCEEDS RESULTING FROM FEDERAL FORFEITURES.** (9:38 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 REQUESTS: (4:43 PM)

A. RECOMMENDATION FROM BANK DEPOSITORY REVIEW COMMITTEE FOR TRAVIS COUNTY’S NEW DEPOSITORY BANK; AND

B. AUTHORIZATION FOR INVESTMENT MANAGER TO NEGOTIATE CONTRACT FOR DEPOSITORY BANK SERVICES.

Clerk’s Note: Items 26.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; Harvey Davis, Assistant Investment Manager, Cash/Investment Management; and Barbara Wilson, Assistant County Attorney.

Motion by Judge Biscoe and seconded by Commissioner Daugherty to authorize the Investment Manager to negotiate a contract for depository services with J.P. Morgan Chase.

Motion carried: 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

Motion by Judge Biscoe and seconded by Commissioner Gómez to authorize the Investment Manager to return the check to Bank of America.

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

27. APPROVE BOND FOR DEBORAH RICHARDSON TO SERVE AS VISITING TRAVIS COUNTY JUSTICE OF THE PEACE. (9:38 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.

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

28. 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.) (11:16 AM)

Clerk's Note: The Court discussed proposed legislation regarding Judicial Compensation, a New Criminal District Court, **House Bill 1006 (HB1006):** Relating to certain limitations on the ad valorem tax rates of certain taxing units; and **Senate Bill 18 (SB18):** Relating to the adoption of ad valorem tax rates by taxing units and to related tax bills.

Members of the Court heard from: Susan Spataro, Travis County Auditor.

Discussion Only. No formal action taken.

Clerk's Note: The Court discussed **House Bill 2833 (HB2833):** Relating to the protection of private real property from regulatory takings; and **Senate Bill 1858 (SB1858):** Relating to the authority of a local government to enforce a water pollution control and abatement program and establish standards and practices for water quality.

Members of the Court heard from: Tom Nuckols, Assistant County Attorney; Bob Kamm, Travis County Legislative Consultant; and Scheleen Walker, Senior Planner, TNR.

Discussion Only. No formal action taken.

ITEM 28 CONTINUED

Clerk’s Note: The Court discussed the following proposed legislation:

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

Senate Bill 767 (SB767): Relating to the appraisal for ad valorem tax purposes of certain land included in a habitat preserve and subject to a conservation easement.

House Bill 2759 (HB2759): Relating to the maximum number of registered voters that may be contained in a county election precinct.

Senate Bill 1272 (SB1272): Relating to requirements for county election precincts.

House Bill 2309 (HB2309): Relating to certain election processes and procedures.

House Bill 470 (HB470): Relating to local delivery of aging, disability, behavioral health, and mental retardation services.

House Bill 2572 (HB2572): Relating to the functions of local mental health and mental retardation authorities.

House Bill 3 (HB3): Relating to financing public schools in this state and reducing school property taxes.

Members of the Court heard from: John Hille, Assistant County Attorney; Bob Kamm, Travis County Legislative Consultant; and Chris Shields, Travis County Legislative Consultant.

Discussion Only. No formal action taken.

Clerk’s Note: The Court discussed **House Bill 758 (HB758):** Relating to a pilot program allowing for countywide voting locations in certain elections.

Members of the Court heard from: Ann Denkler, Executive Assistant, Travis County Commissioner Precinct 3 Office.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to show the County’s support of House Bill 758.

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

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.

- 29. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION ON COUNTER SETTLEMENT OFFER IN MICHELLE FAUGHT V. TRAVIS COUNTY, ET AL. ¹ (9:18 AM)**

Item 29 postponed until May 24, 2005.

- 30. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN MICHAEL GALBERT V. OFFICER CASTILLO ET AL. ¹ (5:02 PM) (5:59 PM)

Clerk’s Note: Judge Biscoe announced that Item 30 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 Gómez that we authorize the County Attorney to indicate to the plaintiff in this case our willingness to pay him the amount of \$1,050.00, notwithstanding invoices that total to an amount that would leave slightly less than that; and authorize the County Attorney to have executed the appropriate settlement agreement.

A Clarification of the previous Motion was made by Commissioner Sonleitner that if for any reason, the amount that would be due back to the Sheriff’s Office for paying all of the bills is in excess of \$3,950.00, which is the differential between the settlement and \$5,000.00, which was the total settlement amount, that is an amount that gets eaten by the Sheriff’s Department.

A Clarification of the previous Motion was made by Judge Biscoe that the understanding here is that if we do the \$1,050.00, the difference would be \$3,950.00, so that would be what the Sheriff has coming period. Any amount over that, the Sheriff would have to absorb.

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

- 31. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING STATUS OF MANAGEMENT AGREEMENT OF THE FARMERS MARKET WITH RYLANDER INVESTMENT CO., AND TAKE APPROPRIATE ACTION. ¹ (5:02 PM)
(5:58 PM)

Clerk’s Note: Judge Biscoe announced that Item 31 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 Sonleitner to deposit the check received from Rylander Investments and to further follow-up with a letter that the Commissioners Court has received this check and is expecting the final accounting with the balance with an indication that the check was not timely submitted.

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

- 32. CONSIDER DEVELOPMENT AND REPAIR CLAIMS RECEIVED FROM TENANTS AT THE FARMERS MARKET, AND TAKE APPROPRIATE ACTION.¹
(5:02 PM)

Item 32 postponed until May 24, 2005.

ADJOURNMENT

Motion by Commissioner Gómez **seconded by** Commissioner Davis to adjourn the Voting Session. (6:02 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	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge