

MINUTES – MAY 28, 2002

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 28th day of May, 2002, the Commissioners' Court convened the regular Voting Session at 9:13 AM in the Commissioners' Courtroom, 1st Floor of the Travis County Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Melissa Velasquez.

The Commissioners' Court recessed the Voting Session at 12:08 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District No. 3 (Golden Triangle) Board of Directors, called to order the Voting Session at 1:41 PM and adjourned at 1:41 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, called to order the Voting Session at 1:42 PM and adjourned at 1:45 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation, called to order the Voting Session at 1:45 PM and adjourned at 1:45 PM.

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

The Commissioners' Court retired to Executive Session at 6:14 PM.

The Commissioners' Court reconvened the Voting Session at 7:16 PM.

The Commissioners' Court adjourned the Voting Session at 7:25 PM.

RESOLUTIONS & PROCLAMATIONS

1. APPROVE PROCLAMATION RECOGNIZING TRAVIS COUNTY PEACE OFFICERS HONORED BY THE 100 CLUB OF CENTRAL TEXAS FOR HEROIC ACTION DURING THE NOVEMBER 2001 FLOODS. (JUDGE BISCOE)
(9:14 AM)

Members of the Court heard from: Drew McAngus, Constable, Precinct 3; and Craig Smith, Travis County Sheriff's Office (TCSO).

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the proclamation in Item 1.

Motion carried:

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

CITIZENS COMMUNICATION

Members of the Court heard from: Gus Peña, President, East Austin Concerned Hispanics, and Second Vice President, The Rainbow Coalition; Kenneth Snyder, Resident, Northridge Acres; and Jimmy Castro, Travis County Resident. (9:32 AM)

CONSENT ITEMS

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the following Consent Items: C1-C9, and Items 11, 12, 13, 14, 16.B and C, 19, 20, 21, 23, 25, and 28. (9:32 AM)

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Margaret Moore	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 MAY 14, 2002.
- C4.** APPOINT CINDY JORDAN ASHBY TO THE TRAVIS COUNTY CHILDRENS' PROTECTIVE SERVICES BOARD, TERM EFFECTIVE THROUGH MAY 2005 (REPLACES LEE ANN ALEXANDER). (COMMISSIONER DAVIS)
- C5.** APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: HARP SUBDIVISION - (SHORT FORM PLAT - 4 LOTS – 9.26 ACRES – TRENTON DRIVE – FISCAL POSTED WITH CITY OF AUSTIN - SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY - CITY OF AUSTIN ETJ. (COMMISSIONER MOORE)
- C6.**
 - A.** APPROVE A FINAL PLAT FOR RECORDING IN PRECINCT TWO: CAMBRIDGE HEIGHTS COMMERCIAL - (LONGFORM PLAT - 2 LOTS – 20.34 ACRES – VICTORIA STATION BOULEVARD - BOND - WINDERMERE UTILITY COMPANY - CITY OF PFLUGERVILLE ETJ). (COMMISSIONER SONLEITNER)
 - B.** APPROVE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES FOR VICTORIA STATION BOULEVARD, A STREET IN PRECINCT 2. (COMMISSIONER SONLEITNER)

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

5. RECEIVE BRIEFING ON CAPTEX APPLICATIONS FOR SLUDGE AND SEPTAGE REGISTRATION #710855 AND #MSW 42023, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE AND COMMISSIONER DAVIS) (9:54 AM) (6:14 PM) (7:25 PM)

Members of the Court heard from: John Kuhl, Natural Resources Program Manager, Transportation and Natural Resources (TNR); Gary Johnson, Blackland Prairie Concerned Citizens Association; David Samuelson, President, Blackland Prairie Concerned Citizens Association; Jody Krinkle, Travis County Resident; and Gerald Larson, Travis County Resident.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez that for the Captex land application #710855, we look at this and direct Staff to prepare a letter for a Motion to overturn this particular application, and use it as a template as we did in the past. Also, on the composting application #42023, for that particular operation, we are suggesting that we direct Staff to prepare a comment letter to oppose this particular operation at this time, and to also consider the history compliance as a part of this Motion.

Maker and Second accept the Friendly Amendment by Judge Biscoe to submit a letter in opposition to the registration approval, and that the letters be brought back to the Court next week, June 4, 2002, for the entire Court to sign.

Acceptance of the Friendly Amendment was made by Commissioner Davis and Commissioner Gómez.

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

Item 5 to be reposted on June 4, 2002.

Clerk's Note: Judge Biscoe announced that Item 5 would be considered in Executive Session pursuant to Gov't Code Ann 551.071, Consultation with Attorney.

Clerk's Note: No further action necessary on Item 5.

6. CONSIDER ACCEPTANCE OF STREETS AND SIDEWALKS IN PART THREE OF AUSTIN'S COLONY PHASE TWO AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAVIS) (10:30 AM) (6:14 PM) (7:23 PM)

Members of the Court heard from: Carol Joseph, Assistant Director, TNR; Tom Nuckols, Assistant County Attorney; Joe Gieselman, Executive Manager, TNR; Harris Baker, HBH Development Company; Teresa Reel, President, Austin's Colony Homeowners' Association; Eugene Wilson, Secretary, Austin's Colony Homeowners' Association; Nathaniel Booker, Resident, Austin's Colony; and Gary Mercer, Resident, Austin's Colony.

Clerk's Note: Judge Biscoe announced that Item 6 would be considered in Executive Session pursuant to Gov't Code Ann 551.071, Consultation with Attorney.

Motion by Commissioner Davis **and seconded by** Commissioner Sonleitner that there be a license agreement between the Austin's Colony Homeowners' Association, the Developer, and Travis County, discussing the sidewalk issue, and that after this is reviewed, we would like to look at acceptance of the streets in Austin's Colony, Part 3 of Phase 2, contingent upon the agreement that would be reached between the three parties; and to include that the County Attorney's Office be directed to draft an appropriate license agreement that would include all parties; and to expedite this as soon as possible.

Motion carried:

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

- 7. DISCUSS TRAVIS COUNTY DEVELOPMENT PERMIT #01-1140 RELATING TO THE CONSTRUCTION OF A WAREHOUSE AT 4404 BRANDT ROAD, AND TAKE APPROPRIATE ACTION. (COMMISSIONER GOMEZ) (11:13 AM) (6:14 PM) (7:22 PM)

Members of the Court heard from: Carol Joseph, Assistant Director, TNR; Bob Turner, Program Manager, On-Site Wastewater Program, TNR; Fred Dennick, Division Director, Planning and Engineering, TNR; Joe Gieselman, Executive Manager, TNR; Dennis Haas, Travis County Fire Marshall; Terry Irion, Attorney, representing Brandt Road Residents; Sarah Crocker, Travis County Resident; Christina Turrillos, Travis County Resident; Curtis Figert, Travis County Resident; and Mike Hanson, Travis County Resident.

Clerk’s Note: Judge Biscoe announced that Item 7 would be considered in Executive Session pursuant to Gov’t Code Ann 551.071, Consultation with Attorney.

Motion by Commissioner Gómez **and seconded by** Commissioner Moore to repost this Item for 2 weeks, June 11, 2002. In the mean time, we would ask Staff to check with the City of Austin Legal Department for some clarification on the permit, and also with the Austin-Travis County Health Department, and the ESD #11 for the fire lanes and the other things that are expected to be around that facility.

Maker accept the Friendly Amendment by Commissioner Moore that we also instruct Staff to examine every aspect of the permitting in this and the construction of the facility to see if there is any other remedy of which we have not been made aware.

Acceptance of the Friendly Amendment was made by Commissioner Gómez.

Maker and Second accept the Friendly Amendment by Commissioner Sonleitner that if they find something that is relevant, they can move on that situation before it comes back to the Court to take a second look at the permit.

Acceptance of the Friendly Amendment was made by Commissioner Gómez and Commissioner Moore.

Motion carried:

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

9. **TAKE UP AT 2:00 P.M.** CONSIDER COUNTY'S SOLID WASTE SITING ORDINANCE AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE AND COMMISSIONER DAVIS) (2:13 PM) (6:14 PM) (7:20 PM)

Members of the Court heard from: John Kuhl, Natural Resources Program Manager, TNR; Tom Nuckols, Assistant County Attorney; Bob Gregory, CEO, Texas Disposal System; Paul Gosselink, Attorney representing BFI; John Worrell, Landscape Architect, Urban Planner, Richardson Verdoorn; Mark Rose, Consultant representing BFI; John Fields, District Manager of the South-Central Region, BFI; John Joseph, Attorney representing Waste Management; Steve Jacobson, Central Texas Landfill Manager, Waste Management; Leslie Goen, Region General Counsel for Waste Management; Willie Rhodes, Director, Solid Waste Services, City of Austin; Joyce Best, Harris Branch Resident; John Hutchinson, President, Walnut Place Neighborhood Association; Mr. Williams, Harris Branch Resident; Joyce Thorson, Walnut Place Neighborhood Association; Austin Dunnig, Co-Chair, Austin Green Party; Trek English, President, Northeast Action Group; David Samuelson, President, Blackland Prairie Concerned Citizens Association; Kristina Kubek, Secretary, Walnut Place Neighborhood Association; Jeannette Klotz, member, Northeast Action Group; Robin Snyder, Texas Campaign for the Environment; Jody Krinkle, Travis County Resident; Mark McAfee, Barr Mansion; Zora Williams, Resident, LBJ Neighborhood Association; W.D. Carmichael, Travis County Resident; Melanie McAfee, Barr Mansion; and Dan Pika, Resident, Chimney Hill.

Clerk's Note: Judge Biscoe announced that Item 9 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 that we direct County Staff to prepare an appropriate ordinance for Court consideration, and that in the subsection dealing with the existing landfills, that we have in as final form as possible the two actions that we've been discussing – the contract final form, and also the variance final form; and that between now and next Tuesday, we look at proposed contract language provided to us by the industry representatives, try to finalize that in both of those options if possible; that County Staff be directed to answer the County Judge's legal questions that were not answered in Executive Session; and on the ordinance, we ought to address some of the specific changes the have been recommended, especially the ones that were serious by the proposing party, so that if we don't adopt it and incorporate it, then at least we ought to explain why or clearly indicate that it is not part of the proposed ordinance.

Motion carried:

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

Item 9 to be reposted on June 4, 2002.

10. DISCUSS TEXAS DEPARTMENT OF TRANSPORTATION'S PROPOSED RULES GOVERNING REGIONAL MOBILITY AUTHORITIES, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE AND COMMISSIONER DAVIS) (6:14 PM) (7:24 PM)

Clerk's Note: Judge Biscoe announced that Item 10 would be considered in Executive Session pursuant to Gov't Code Ann 551.071, Consultation with Attorney.

No action necessary on Item 10.

11. APPROVE THE USE OF ALTERNATE FISCAL FOR FOREST BLUFF SUBDIVISION SECTION 2, A SUBDIVISION IN PRECINCT ONE. (COMMISSIONER DAVIS) (9:32 AM)

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

12. APPROVE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES IN SETTLER'S MEADOW SECTION 2, A SUBDIVISION IN PRECINCT 2. (COMMISSIONER SONLEITNER) (9:32 AM)

Clerk's Note: Item 12 added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

13. APPROVE A CASH SECURITY AGREEMENT FOR SIDEWALK FISCAL FOR SHADY HOLLOW WEST, A SUBDIVISION IN PRECINCT 3. (COMMISSIONER MOORE) (9:32 AM)

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

- 14. APPROVE A PHASING AGREEMENT AND FINAL PLAT FOR RECORDING IN PRECINCT THREE – RIVER DANCE PHASE ONE – (LONGFORM – 37 LOTS – 101.74 ACRES – QUINLAN PARK ROAD – TRUST DEED – TRAVIS COUNTY WCID #17 – CITY OF AUSTIN ETJ). (COMMISSIONER MOORE) (9:32 AM)

Clerk’s Note: Item 14 added to Consent Items. Please refer to Consent Items for the Court’s Motion and Vote.

- 15. CONSIDER CLASSIFICATION OF DEVELOPMENT SERVICES PROGRAM MANAGER (TNR) AND TAKE APPROPRIATE ACTION. (COMMISSIONER MOORE) (6:12 PM)

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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Moore to approve Item 16.

Motion carried:

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

PLANNING AND BUDGET DEPT. ITEMS

16. REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE:

A. APPROVE GRANT APPLICATION TO UNITED STATES FISH AND WILDLIFE SERVICE (USFWS) THROUGH THE TEXAS PARKS AND WILDLIFE DEPARTMENT (TPWD) FOR THE BALCONES CANYONLANDS PRESERVE PROGRAM IN TNR. THE GRANT APPLIES FOR \$15 MILLION IN ADDITIONAL FEDERAL FUNDS AND HAS AN UP TO \$5 MILLION DOLLAR MATCH REQUIREMENT THAT WILL NEED TO BE DISCUSSED AS PART OF THE FY'03 BUDGET PROCESS. (1:47 PM)

Members of the Court heard from: Melinda Mallia, TNR.

Motion by Commissioner Moore **and seconded by** Commissioner Sonleitner to approve Item 16.A.

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

B. APPROVE GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR A DRUG COURT PROGRAM IN THE CRIMINAL COURTS. THE GRANT APPLICATION CONTINUES THE PROGRAM FOR FY 03. (9:32 AM)

Clerk's Note: Item 16.B added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

C. APPROVE PERMISSION TO CONTINUE THE VIOLENCE AGAINST WOMEN ACT GRANT PROGRAM IN THE SHERIFF'S OFFICE. THIS REQUEST EXTENDS THE PROGRAM UNTIL A FULLY EXECUTED AGREEMENT IS AVAILABLE. (9:32 AM)

Clerk's Note: Item 16.C added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

17. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (1:51 PM)

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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the budget amendments and transfers A1, T1, and D1-D10, with the funding for D3-D10 coming from the CAR Allocated Reserve as recommended by Planning and Budget.

Motion carried:

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

ADMINISTRATIVE OPERATIONS ITEMS

18. DISCUSS STATUS OF THE HOUSING SERVICES WEATHERIZATION WAREHOUSE/OFFICE PROJECT, AND TAKE APPROPRIATE ACTION. (1:55 PM)

Clerk’s Note: Items 18 and 22.A and B are associated with one another and were called for concurrent discussion. Please refer to Items 22.A and B for a summary of the Court’s Motion and Vote.

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

Discussion Only.

19. REVIEW AND APPROVE THE IMMEDIATE RELEASE OF REIMBURSEMENT PAYMENT OF \$238,816.24 TO UNITED HEALTH CARE FOR CLAIMS PAID FOR TRAVIS COUNTY EMPLOYEES AND DEPENDENTS COVERED BY TRAVIS COUNTY’S HOSPITAL AND INSURANCE FUND FOR THE PERIOD OF MAY 10, 2002 THROUGH MAY 16, 2002. (9:32 AM)

Clerk’s Note: Item 19 added to Consent Items. Please refer to Consent Items for the Court’s Motion and Vote.

20. APPROVE PERSONNEL AMENDMENTS. (9:32 AM)

Clerk's Note: Item 20 added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

PURCHASING OFFICE ITEMS

21. APPROVE AUTHORIZATION TO COMMENCE CONTRACT NEGOTIATIONS WITH THE MOST HIGHLY QUALIFIED FIRM, LOOMIS AUSTIN, INC., RFQ #Q020099-JJ. PROFESSIONAL ENGINEERING SERVICES FOR THE KENNEDY RIDGE WATER LINE PROJECT. (TNR) (COMMISSIONER DAVIS) (9:32 AM)

Clerk's Note: Item 21 added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

- 22. A. DISCUSS AND TAKE APPROPRIATE ACTION REGARDING CONTRACT MODIFICATION/ WORK ORDER NO. 1 TO CONTRACT NO. JC020108DM, MINOR CONSTRUCTION AND RENOVATION SERVICES, BARECKY CONSTRUCTION CO. (COMMISSIONER GOMEZ) (1:58 PM)
- B. AUTHORIZE PURCHASING OFFICE TO AWARD THE REMAINING CONSTRUCTION ITEMS FOR THE WEATHERIZATION WAREHOUSE/OFFICE RENOVATION PROJECT TO ONE OF THE TWO MINOR CONSTRUCTION AND RENOVATION SERVICES CONTRACTORS. (COMMISSIONER GOMEZ)

Clerk’s Note: Items 22.A and B and 18 are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Cyd Grimes, Travis County Purchasing Agent; Roger El Khoury, Director, Facilities Management; and Stephen Williams, Executive Manager, Travis County Health, Human Services, and Veterans Services (TCHHS&VS).

Motion by Judge Biscoe and seconded by Commissioner Moore to approve Item 22.A, and to give authorization to proceed with the demolition.

Maker and Second accept the Friendly Amendment by Commissioner Sonleitner that the design will be brought back to Commissioners’ Court, and that the Court can act on Item 22.B at that time.

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

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

- 23. APPROVE PURCHASE OF MAINTENANCE AGREEMENT FOR UPS PRODUCTS, IN ACCORDANCE WITH THE QISV PROGRAM FROM POWERWARE. (I.T.S.) (COMMISSIONER GOMEZ) (9:32 AM)

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

- 24.** APPROVE QUANTUM MERUIT CLAIM FOR CLEAN INVESTMENT COUNSELING CENTER (CICC) IN THE AMOUNT OF \$2,071.00. (JUVENILE PROBATION) (COMMISSIONER GOMEZ) (6:13 PM) (7:25 PM)

Item 24 to be reposted on June 4, 2002.

- 25.** REJECT ALL BIDS RECEIVED FOR IFB NO. B020087-RG, ROAD RECYCLING AND REBID. (TNR) (COMMISSIONER GOMEZ) (9:32 AM)

Clerk's Note: Item 25 added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

OTHER ITEMS

- 26.** RECEIVE AND DISCUSS FIRST REVENUE ESTIMATE FOR THE FY 2003 BUDGET PROCESS, AND TAKE APPROPRIATE ACTION. (6:11 PM)

Item 26 postponed until June 4, 2002.

- 27.** APPROVE INCLUSION OF UNAFFILIATED CHARITIES THAT MEET THE TRAVIS COUNTY CERTIFICATION OF COMPLIANCE REQUIREMENTS FOR THE FY 2002-2003 COMBINED CHARITIES CAMPAIGN. (6:11 PM)

Item 27 postponed until June 4, 2002.

- 28.** APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:32 AM)

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

EXECUTIVE SESSION ITEMS

Note 1 Gov't Code Ann 551.071, Consultation with Attorney

Note 2 Gov't Code Ann 551.072, Real Property

Note 3 Gov't Code Ann 551.074, Personnel Matters

Note 4 Gov't Code Ann 551.076, Security

- 29.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION REGARDING FLUOR DANIEL, INC. V. TRAVIS COUNTY, TEXAS; NO. 02-50378; IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT (USDC CIVIL ACTION NO.A-00-CA-021-SS). ¹ (6:14 PM) (7:16 PM)

Clerk's Note: Judge Biscoe announced that Item 29 would be considered in Executive Session.

No action necessary on Item 29.

Item 29 to be reposted on June 4, 2002.

- 30.** DISCUSS, APPROVE OR TAKE ANY APPROPRIATE ACTION REGARDING REAL ESTATE ISSUES RELATED TO WEST RURAL COMMUNITY CENTER AND CLINIC. ² (6:14 PM) (7:16 PM)

Clerk's Note: Judge Biscoe announced that Item 30 would be considered in Executive Session.

No action necessary on Item 30.

Item 30 to be reposted on June 4, 2002.

31. DISCUSS LICENSE AGREEMENT WITH HEAT WAVE OF TEXAS FOR USE OF TRAVIS COUNTY EXPOSITION CENTER, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAVIS) ¹ (6:14 PM) (7:17 PM)

Clerk’s Note: Judge Biscoe announced that Item 31 would be considered in Executive Session.

Motion by Commissioner Davis **and seconded by** Judge Biscoe that the existing license agreement with the Texas Heat Wave be considered void. Also, to further move that we would like to enter into a new license agreement with the Texas Heat Wave, imposing many restrictions on their activities at the Expo Center; and to include the County Attorney’s Office or Administrative Operations getting with the Heat Wave representative and trying to reach agreement on the proposed new license agreement.

Maker and Second accept the Friendly Amendment by Commissioner Sonleitner that in terms of what the Court is trying to impose, this is consistent with what the Court has imposed on others who have rented this facility.

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

Motion carried:

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

- 34. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT OR COUNTER SETTLEMENT OFFER AND/OR TAKE APPROPRIATE ACTION IN OTIS DANIELS (FRASIER; PERSONAL INJURY). ¹ (9:13 AM)

Item 34 postponed until June 4, 2002.

- 35. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION IN FREDRICK PLUET, (DECEASED) V. MARGO FRASIER, ET AL. (CIVIL RIGHTS) ¹ (6:11 PM)

Item 35 postponed until June 4, 2002.

ADJOURNMENT

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to adjourn the Voting Session. (7:25 PM)

Motion carried:

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

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge