

## **MINUTES – NOVEMBER 12, 2002**

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

On Tuesday, the 12<sup>th</sup> day of November, 2002, 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 11:41 AM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, called to order the Voting Session at 1:39 PM and adjourned at 2:03 PM.

The Commissioners' Court reconvened the Voting Session at 2:03 PM.

The Commissioners' Court retired to Executive Session at 2:04 PM.

The Commissioners' Court reconvened the Voting Session at 3:14 PM.

The Commissioners' Court recessed the Voting Session at 3:20 PM.

The Commissioners' Court reconvened the Voting Session at 4:10 PM.

The Commissioners' Court adjourned the Voting Session at 4:19 PM.

**PUBLIC HEARINGS**

- 1. DISCUSS THE VACATION OF TWO (2) DRAINAGE EASEMENTS, A DRAINAGE AND RIGHT-OF-WAY EASEMENT, AND TWO (2) PUBLIC UTILITY EASEMENTS ON THE TRACT KNOWN AS ELM CREEK IN PRECINCT ONE. (COMMISSIONER DAVIS) (ACTION ITEM #9) (9:18 AM)

**Clerk’s Note:** This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 9 for the Court’s Motion and Vote.

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

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

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

**Motion by** Commissioner Davis **and seconded by** Commissioner Sonleitner 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 Margaret Moore   yes  
                             Precinct 4, Commissioner Margaret J. Gómez   yes

**RESOLUTIONS & PROCLAMATIONS**

- 2. APPROVE RESOLUTION RECOGNIZING MR. WILSON ANDREWS FOR MANY YEARS OF OUTSTANDING LEADERSHIP AS CHAIRMAN OF THE COMMUNITY JUSTICE CENTER ADVISORY COMMITTEE. (JUDGE BISCOE) (9:21 AM)

**Members of the Court heard from:** Wilson Andrews, Chairman, Community Justice Center Advisory Committee; Walter Mitchell, Member, Central United Methodist Church; Warden Kenneth Karl, Texas Department of Criminal Justice; and Ken Williams, President, United Methodist Men, Simpson United Methodist Church.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the resolution 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 Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

3. A. APPROVE ORDER CANVASSING ELECTION RETURNS AND DECLARING RESULTS OF THE NOVEMBER 5, 2002, GENERAL ELECTION. (9:17 AM) (4:10 PM)

**Members of the Court heard from:** Gail Fisher, Elections Division Manager, Travis County Clerk’s Office; and Tamara Armstrong, Assistant County Attorney.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to waive the reading of the precinct by precinct results.

**An addition to the previous Motion was made by** Judge Biscoe to approve the Order in Item 3.A.

<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 Margaret Moore	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

B. APPROVE ORDER CANVASSING ELECTION RETURNS AND DECLARING RESULTS OF THE NOVEMBER 5, 2002, SPECIAL CONSTITUTIONAL AMENDMENT ELECTION. (9:17 AM) (4:13 PM)

**Members of the Court heard from:** Gail Fisher, Elections Division Manager, Travis County Clerk’s Office; Tamara Armstrong, Assistant County Attorney; and Dana DeBeauvoir, Travis County Clerk.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to waive the reading of the precinct by precinct reports and to approve the Order in Item 3.B.

<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 Margaret Moore	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

**CITIZENS COMMUNICATION**

**Clerk’s Note:** The Commissioners’ Court expressed its appreciation for Precinct 3 County Commissioner Margaret Moore.

**Members of the Court heard from:** Kenneth Snyder, Northridge Acres Resident.  
(9:34 AM)

**CONSENT ITEMS**

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C4, and Items 5.A and B, 8, 12, 13, 15, 18, 19, 20, 21, 22, 23, and 26. (9:45 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 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 OCTOBER 29, 2002.
- C4.** APPROVE APPOINTMENT OF OLIE POPE TO THE TEXAS VETERANS LAND BOARD, EFFECTIVE IMMEDIATELY, COUNTY JUDGE APPOINTMENT.  
(JUDGE BISCOE)

## TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

4. DISCUSS PROPOSED AMENDMENTS TO CITY OF AUSTIN CODE RELATING TO HAZARDOUS PIPELINES, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (10:01 AM)

**Members of the Court heard from:** John Kuhl, Natural Resource Program Manager, TNR; and Tom Nuckols, Assistant County Attorney.

Discussion Only. No action was taken.

5.
  - A. CONSIDER INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY AND THE CITY OF WESTLAKE HILLS FOR THE DESIGN AND CONSTRUCTION OF A SIDEWALK EXTENSION FROM BEE CAVES CREEK (COUNTY LIMITS) TO BEE CAVES ROAD, FUNDED BY THE CITY OF WESTLAKE HILLS, ALONG WESTBANK DRIVE AS PART OF THE TRAVIS COUNTY 2001 BOND PROGRAM AND STP4C FUNDED WESTBANK DRIVE IMPROVEMENT PROJECT AND ACCEPT FUNDS FOR THE DESIGN FEES, AND TAKE APPROPRIATE ACTION. (COMMISSIONER MOORE) (9:45 AM)
  - B. APPROVE MODIFICATION NO. 3 TO THE PROFESSIONAL SERVICES CONTRACT PSA# 02AE0116JJ, WITH THE A/E FIRM OF CH2M HILL FOR THE DESIGN OF THE SIDEWALK EXTENSION (A ABOVE) FUNDED BY THE CITY OF WESTLAKE HILLS. (COMMISSIONER MOORE)

**Clerk's Note:** Items 5.A and B added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

6. DISCUSS PROPOSED ALTERNATIVE AESTHETICS PROJECTS IN ASSOCIATION WITH SH 130, AND TAKE APPROPRIATE ACTION. (10:26 AM)

**Members of the Court heard from:** Elaine Wray, Planning and Engineering Services, TNR.

Discussion Only. No action was taken.

Item 6 to be reposted on November 19, 2002.

7. DISCUSS THE TEXAS TRANSPORTATION COMMISSION MINUTE ORDER CREATING A REGIONAL MOBILITY AUTHORITY, AND TAKE APPROPRIATE ACTION. (10:48 AM)

**Members of the Court heard from:** Elaine Wray, Planning and Engineering Services, TNR; Joe Gieselman, Executive Manager, TNR; and Tom Nuckols, Assistant County Attorney.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to draft two letters; one, to the State of Texas, that says basically Texas Turnpike Authority, the Commission, and whoever else needs to see it, that says basically, that we have received the Minute Order; that we noticed that State Highway 45 Southeast, the favored Travis County project, is omitted, but that we understand that since our negotiations about State Highway 130, and agreement to pay the cost of one-half the right of way State Highway 45 Southeast has been viewed as a critical project in order to facilitate the movement of traffic from Interstate Highway 35 to State Highway 130; and that our understanding is that State Highway 45 Southeast will get done at the appropriate time, notwithstanding not being part of the Regional Mobility Authority Minute Order; and to capture our understanding that State Highway 45 Southeast will get done, and that basically, the condition of our acceptance of this Minute Order is on that conclusion. The second letter is to Williamson County, and it says basically, that we are glad to see the proposed Minute Order from the State of Texas; and we do notice that State Highway 45 Southeast is omitted; but we understand that based on previous negotiations and discussions with the State, it will get done; but we do think that in order to continue the fine spirit of cooperation between the two Counties, which will create the Regional Mobility Authority (RMA), there needs to be a Travis County project; and therefore, we believe that it is important for the Board to understand that its work is to complete projects in Williamson County and Travis County, and we ought to let them know that our understanding is that the second project done by the RMA will be Travis County.

**Clerk’s Note:** Commissioner Davis offered a Friendly Amendment to the Motion, that was not accepted, to add the State Highway 45 Southeast project to the Minute Order.

<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 Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Item 7 to be reposted on November 19, 2002.

8. APPROVE THE RELEASE OF FISCAL FOR SPILLMAN RANCH PHASE ONE SECTION ONE DUE TO ANNEXATION BY THE VILLAGE OF BEE CAVE. (COMMISSIONER MOORE) (9:45 AM)

**Clerk’s Note:** Item 8 added to Consent Items. Please refer to Consent Items for the Court’s Motion and Vote.

9. CONSIDER THE VACATION OF TWO (2) DRAINAGE EASEMENTS, A DRAINAGE AND RIGHT-OF-WAY EASEMENT, AND TWO (2) PUBLIC UTILITY EASEMENTS ON THE TRACT KNOWN AS ELM CREEK IN PRECINCT ONE, OR TAKE OTHER APPROPRIATE ACTION. (COMMISSIONER DAVIS) (11:29 AM)

**Clerk’s Note:** Item 9 is the action item for the public hearing on Agenda Item 1.

**Motion by** Commissioner Davis **and seconded by** Commissioner Sonleitner to approve Item 9.

<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 Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes



**PLANNING AND BUDGET DEPT. ITEMS**

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

- A. APPROVE GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR THE RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM IN JUVENILE PROBATION. THIS GRANT APPLICATION IS TO CONTINUE THE PROGRAM FOR FY 2003. (11:30 AM)

**Members of the Court heard from:** Alan Miller, Budget Analyst, Planning and Budget Office (PBO); and Barbara Swift, Deputy Chief Juvenile Probation Officer, Juvenile Probation Department.

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 10.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

- 11. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (11:31 AM)

No action necessary on Item 11.

**ADMINISTRATIVE OPERATIONS ITEMS**

- 12. APPROVE REIMBURSEMENT RESOLUTION FOR PURCHASE OF HORSE STALLS AT THE TRAVIS COUNTY EXPOSITION CENTER. (COMMISSIONER DAVIS) (9:45 AM)

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

- 13. APPROVE ORDER AMENDING THE ANNUALLY DETERMINED CONTRIBUTION RATE PLAN AND MAKING PLAN SELECTIONS UNDER IT TO INCREASE BENEFITS OF RETIREES UNDER TEXAS DISTRICT AND COUNTY RETIREMENT SYSTEM. (9:45 AM)

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

- 14.
  - A. DISCUSS REVISIONS TO THE FY 2003 UNITED HEALTHCARE CHOICE EPO AND PPO SUMMARY PLAN DESCRIPTIONS, AND TAKE APPROPRIATE ACTION. (11:31 AM)
  - B. APPROVE PRINTING AND DISSEMINATION OF REVISED FY 2003 UNITED HEALTHCARE SUMMARY PLAN DESCRIPTIONS TO EMPLOYEE PARTICIPANTS.

**Members of the Court heard from:** Dan Mansour, Risk Manager, Human Resources Management Department (HRMD).

**Motion by** Commissioner Moore **and seconded by** Commissioner Gómez to approve Items 14.A and B.

**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

- 15. REVIEW AND APPROVE THE IMMEDIATE RELEASE OF REIMBURSEMENT PAYMENT TO UNITED HEALTHCARE FOR CLAIMS PAID FOR TRAVIS COUNTY EMPLOYEES AND DEPENDENTS COVERED BY THE HOSPITAL AND INSURANCE FUND FOR PAYMENT OF \$316,679.22 FOR THE PERIOD OF OCTOBER 25, 2002 THROUGH OCTOBER 31, 2002. (9:45 AM)

**Clerk's Note:** Item 15 added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.



**PURCHASING OFFICE ITEMS**

17. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. PS980167-LB WITH D. LADD PATTILLO & ASSOCIATES, INC. TO EXTEND CONTRACT AND ADD SERVICES. (COMMISSIONER GOMEZ) (9:46 AM)

**Members of the Court heard from:** Susan Spataro, Travis County Auditor; Cyd Grimes, Travis County Purchasing Agent; Ladd Pattillo, Travis County Financial Advisor; Christian Smith, Executive Manager, PBO; and John Hille, Assistant County Attorney.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Davis to approve the modification with the changes that have been laid out by the auditor.

**A Clarification of the previous Motion was made by** Commissioner Sonleitner that the extra phrase asked for was based upon the total principal amount, plus any re-offering amount, and to intend that this phrase should apply to the entire contract; and that the time period for the new language related to the principal, as well as the premium, is for the entirety of the contract, and not simply the extension.

**Maker and Second accept the Friendly Amendment by** Judge Biscoe to add the language “after receiving specific directions from the Commissioners' Court, prior to the time of services being performed”.

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

**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

18. APPROVE MODIFICATION NO. 5 TO CONTRACT NO. 00AE604-JJ, LOOMIS AUSTIN, INC., PROFESSIONAL ENGINEERING SERVICES FOR THE KENNEDY RIDGE WASTEWATER IMPROVEMENTS PROJECT. (TNR) (JUDGE BISCOE) (9:45 AM)

**Clerk’s Note:** Item 18 added to Consent Items. Please refer to Consent Items for the Court’s Motion and Vote.

19. APPROVE RENEWAL OF INTERLOCAL AGREEMENT IL020092-OJ, TEXAS LOCAL GOVERNMENT PURCHASE COOPERATIVE, TO PARTICIPATE IN THE STATEWIDE PURCHASING PROGRAM OF THE COOPERATIVE. (TNR) (COMMISSIONER GOMEZ) (9:45 AM)

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

20. APPROVE SIXTY (60) DAY EXTENSION OF CONTRACT (MODIFICATION NO. 2) TO INTERLOCAL AGREEMENT NO. IL020131-EF, CITY OF AUSTIN, FOR HOME WEATHERIZATION SERVICES. (HHSD) (COMMISSIONER GOMEZ) (9:45 AM)

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

21. APPROVE CONTRACT AWARD FOR CONSTRUCTION OF BASKETBALL COURTS FOR BUILDING 3 AT THE TRAVIS COUNTY CORRECTIONAL COMPLEX, IFB NO. B030001-DM, TO THE LOW BIDDER, WESTHILL PAVING, INC. (FACILITIES MGMT) (COMMISSIONER GOMEZ) (9:45 AM)

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

22. APPROVE ISSUANCE OF JOB ORDER NO. 4, MINOR CONSTRUCTION AND RENOVATION SERVICES CONTRACT JC020108-DM, BARECKY CONSTRUCTION COMPANY, FOR INSTALLATION OF A SUB-GRADE DRAINAGE SYSTEM AT THE TRAVIS COUNTY EXPOSITION CENTER, ARENA BUILDING. (FACILITIES MGMT) (COMMISSIONER DAVIS) (9:45 AM)

**Clerk's Note:** Item 22 added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

23. REJECT ALL BIDS RECEIVED FOR IFB NO. B020145-EH, WORK AND SAFETY SHOES AND BOOTS AND REBID. (TNR) (COMMISSIONER GOMEZ) (9:45 AM)

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

**OTHER ITEMS**

- 24. CONSIDER REQUEST FOR TRAVIS COUNTY TO APPROVE EARLY ACTION COMPACT (EAC) FOR CENTRAL TEXAS REGION, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (9:17 AM)

Item 24 postponed until November 19, 2002.

- 25. APPROVE AMENDED AND RESTATED TRUST INDENTURE AND AMENDMENT TO LOAN AGREEMENT RELATING TO MULTIFAMILY HOUSING REVENUE BONDS (WESTCHESTER WOODS APARTMENTS) SERIES 2002A AND SERIES 2002B ISSUED BY TRAVIS COUNTY HOUSING FINANCE CORPORATION; AUTHORIZING THE EXECUTION OF DOCUMENTS AND INSTRUMENTS RELATING THERETO; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT, AND TAKE APPROPRIATE ACTION. (2:03 PM)

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Item 25.

**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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

- 26. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:45 AM)

**Clerk’s Note:** Item 26 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

- 27.** DISCUSS, APPROVE OR TAKE ANY APPROPRIATE ACTION REGARDING REAL ESTATE ISSUES FOR THE TRAVIS COUNTY PLEASANT VALLEY ROAD OFFICE BUILDING. <sup>1 and 2</sup> (2:04 PM) (3:14 PM)

**Clerk's Note:** Judge Biscoe announced that Item 27 would be considered in Executive Session.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez that we authorize County Staff to contract for an appropriate appraisal of this property and report back to the Commissioners' Court.

**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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

- 28.** CONSIDER REQUEST FROM TRAVIS COUNTY JUDGES REGARDING WORKPLACE SAFETY ISSUES AT 1622 E. RIVERSIDE DRIVE, AUSTIN, TEXAS, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) <sup>1 and 2</sup> (2:04 PM) (3:15 PM)

**Clerk's Note:** Judge Biscoe announced that Item 28 would be considered in Executive Session.

Item 28 to be reposted on November 19, 2002.

29. DISCUSS, APPROVE OR TAKE ANY APPROPRIATE ACTION REGARDING THE LEASE SPACE FOR JUSTICE OF THE PEACE PRECINCT 3 AND CONSTABLE PRECINCT 3. <sup>1 and 2</sup> (2:04 PM) (3:15 PM)

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

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Davis that Facilities Management be authorized to begin negotiations to try and get the best deal possible on suitable space for the Justice of the Peace and Constable in Precinct 3, working within budgeted amounts, with flexibility related to lease savings that can be identified by Facilities Management.

**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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

Item 29 to be reposted on November 19, 2002.



30. RECEIVE LEGAL ADVICE ON REQUEST FROM MR. RICHARD BALDERRAMA TO WAIVE PENALTY AND INTEREST ON TAXES DUE, AND TAKE APPROPRIATE ACTION. <sup>1</sup> (2:04 PM) (3:16 PM)

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

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez that an appropriate letter be drafted on the signature of the County Attorney, informing Mr. Balderrama that this case was taken to the Commissioners' Court and presented; but it is the conclusion of this Court, that no waiver of the penalty and interest be granted, and that the Court does not have issue with the Tax Collector working out an appropriate payment plan according to what she deems is appropriate for this particular case.

**Maker and Second accept the Friendly Amendment by** Judge Biscoe that after reviewing the facts and consulting with the County Attorney's Office, we do not find the authority to grant the requested waiver.

**Acceptance of the Friendly Amendment was made by** Commissioner Sonleitner 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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

31. RECEIVE BRIEFING FROM COUNTY ATTORNEY, GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION REGARDING KEITH SCHOEFFLER; NUISANCE ABATEMENT AT 2305 SPRING WAGON LANE. (S. WILLIAMS; ENVIRONMENTAL CASE). <sup>1</sup> (2:04 PM) (3:17 PM)

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner to authorize the County Attorney’s Office to assess costs in the total amount of \$754.04. That would include any administrative expenses we are entitled to, costs, etc. We further authorize the County Attorney’s Office to pursue any action necessary to secure reimbursement of this amount to Travis County, which means obtaining a lien, filing suit, any other thing authorized by law.

**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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

32. RECEIVE BRIEFING FROM COUNTY ATTORNEY, GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION REGARDING TRUITT LEE STRICKLAND; NUISANCE ABATEMENT AT 6200 FM 973 NORTH. (S. WILLIAMS; ENVIRONMENTAL CASE). <sup>1</sup> (2:04 PM) (3:18 PM)

**Clerk’s Note:** Judge Biscoe announced that Item 32 would be considered in Executive Session.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to authorize the County Attorney to assess costs in the total amount of \$23,304.04, obtain a lien, and execute any other legal steps necessary to obtain full reimbursement of this amount of money to Travis County.

**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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

- 33. RECEIVE LEGAL ADVICE ON CLASS ACTION LAWSUIT AGAINST FEDERAL EXPRESS FOR ALLEGED TWO PER CENT FUEL SURCHARGE, AND TAKE APPROPRIATE ACTION. <sup>1</sup> (2:04 PM) (3:18 PM)

**Clerk’s Note:** Judge Biscoe announced that Item 33 would be considered in Executive Session.

**Motion by Judge Biscoe and seconded by Commissioner Sonleitner** to authorize the County Attorney’s Office to contact all County departments, pursuant to the notice by the attorney in the class action lawsuit; and if we have claims to pursue, encourage each County Department to submit the evidence of the claim to the County Attorney’s Office by a deadline sufficiently short of the lawsuit deadline to allow us to file whatever claims we have.

**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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

- 34. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION REGARDING POSSIBLE SETTLEMENT OFFER IN SANDRA SMITH, ET AL. V. TRAVIS COUNTY, ET AL.). <sup>1</sup> (2:04 PM) (3:19 PM)

**Clerk’s Note:** Judge Biscoe announced that Item 34 would be considered in Executive Session.

Item 34 postponed until November 19, 2002.

- 35. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION IN TERESA SHIELDS V. TRAVIS COUNTY, TEXAS. <sup>1</sup> (9:18 AM)

Item 35 postponed until November 19, 2002.

- 36. RECEIVE BRIEFING FROM COUNTY ATTORNEY, GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION REGARDING MOSES H. RODRIGUEZ, JR. (RODRIGUEZ; PEREZ - SUBROGATION CASE). <sup>1</sup> (2:04 PM) (3:19 PM)

**Clerk’s Note:** Judge Biscoe announced that Item 36 would be considered in Executive Session.

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner to authorize the County Attorney to draw up that appropriate agreement, accepting terms and conditions that they have been discussing with Mr. Rodriguez, which include the immediate payment of \$5,000.00, and payroll period payments of \$197.08 each, until the additional sum of \$9,065.50 has been paid; that we obtain the necessary promissory note to back up the agreement; and authorize the County Attorney to take any other appropriate action to secure this matter.

**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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

**ADJOURNMENT**

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to adjourn the Voting Session. (4:19 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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

**MINUTES APPROVED BY THE COMMISSIONERS’ COURT**

\_\_\_\_\_ **Date of Approval**

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