

## **MINUTES OF MEETING – FEBRUARY 25, 2003**

### **AND RECONVENED FEBRUARY 26, 2003**

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

On Tuesday, the 25<sup>th</sup> day of February, 2003, the Commissioners' Court convened the regular Voting Session at 10:50 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 10:52 AM, until 10:00 AM, Wednesday, February 26, 2003.

The Commissioners' Court reconvened the Voting Session at 10:15 AM, Wednesday, February 26, 2003.

The Commissioners' Court recessed the Voting Session at 11:54 AM, Wednesday, February 26, 2003.

The Commissioners' Court reconvened the Voting Session at 1:43 PM, Wednesday, February 26, 2003.

The Commissioners' Court retired to Executive Session at 2:05 PM, Wednesday, February 26, 2003.

The Commissioners' Court reconvened the Voting Session at 4:42 PM, Wednesday, February 26, 2003.

The Commissioners' Court adjourned the Voting Session at 4:56 PM, Wednesday, February 26, 2003.

Due to the icy weather conditions of Tuesday, February 25, 2003, the Northwest Travis County Road District #3 (Golden Triangle) and the Travis County Housing Finance Corporation Voting Sessions were not convened.

## RESOLUTIONS & PROCLAMATIONS

1. APPROVE RESOLUTION RECOGNIZING THE CONTRIBUTIONS OF JOSIE Z. ZAVALA ON THE OCCASION OF HER RETIREMENT FROM TRAVIS COUNTY. (JUDGE BISCOE) (10:33 AM, Wednesday, February 26, 2003)

**Members of the Court heard from:** Josie Zavala, Executive Assistant, Travis County Judge's Office; Mike Renfro, Former Travis County Judge; Bill Aleshire, Former Travis County Judge; and Alicia Perez, Executive Manager, Administrative Operations.

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

## CITIZENS COMMUNICATION

**Clerk's Note:** No speakers addressed the Court.  
(10:16 AM, Wednesday, February 26, 2003)

### CONSENT ITEMS

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1–C9 and Items 4, 12, 14.A and B, 15, 17.A and B, 19, 20, 21.A and B. (10:16 AM, Wednesday, February 26, 2003)

**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 COMMISSIONERS COURT MINUTES FOR THE FOLLOWING MEETINGS DATES:
  - A.** VOTING SESSION OF JANUARY 28, 2003
  - B.** VOTING SESSION OF FEBRUARY 4, 2003
  - C.** VOTING SESSION OF FEBRUARY 11, 2003
  - D.** FEBRUARY 7, 2003
  - E.** FEBRUARY 13, 2003
  
- C4.** APPOINT ALAN R. BREYER TO SERVE ON THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT #14 BOARD AS A PRECINCT THREE APPOINTEE; TERM EFFECTIVE THROUGH DECEMBER 31, 2004. (COMMISSIONER DAUGHERTY)
  
- C5.** APPROVE A PUBLIC HEARING DATE OF MARCH 11, 2003 TO DISCUSS AND APPROVE INTERMITTENT TEMPORARY ROAD CLOSURE TO THROUGH TRAFFIC ON BLAKE MANOR ROAD BETWEEN FM 973 EAST AND TAYLOR LANE FOR THE DURATION OF THE BLAKE MANOR ROAD AND DRAINAGE IMPROVEMENTS CONSTRUCTION PROJECT, LASTING APPROXIMATELY FROM FEBRUARY 2003 TO DECEMBER 2003 IN PRECINCT ONE. (COMMISSIONER DAVIS)

**CONSENT ITEMS CONTINUED**

- C6.** APPROVE A PUBLIC HEARING DATE OF MARCH 18, 2003 TO DISCUSS AND APPROVE A PROPOSED STREET NAME ASSIGNMENT FOR A PRIVATE EASEMENT TO “LESSMANN LANE” IN PRECINCT FOUR. (COMMISSIONER GOMEZ)
- C7.** APPROVE A PUBLIC HEARING DATE OF MARCH 11, 2003 TO APPROVE A ONE-DAY ROAD CLOSURE OF WESTLAKE DRIVE BETWEEN ELOHI DRIVE AND LAKE PLACE LANE FOR THE PURPOSE OF ROADWAY REPAVING IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)
- C8.** **ADDED ITEM:** APPROVE A PUBLIC HEARING DATE OF MARCH 11, 2003 TO APPROVE A TEMPORARY ROAD CLOSURE OF THE INTERSECTION OF DOYLE ROAD AND EILERS ROAD, IN PRECINCT 4, FOR THE DURATION OF THE DOYLE-EILERS ROAD AND DRAINAGE IMPROVEMENTS CONSTRUCTION PROJECT, LASTING APPROXIMATELY FORM MARCH, 2003 TO SEPTEMBER, 2003. (COMMISSIONER GOMEZ)
- C9.** **ADDED ITEM:** APPROVE A PRELIMINARY PLAN IN PRECINCT FOUR – GARFIELD SUBDIVISION (PRELIMINARY PLAN – 332 LOTS – 166.20 ACRES – STATE HIGHWAY 71 AND BUCK LANE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY TEQ APPROVED ON-SITE WASTEWATER TREATMENT FACILITY – OUTSIDE ALL ETJ. (COMMISSIONER GOMEZ)

**TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS**

- 2.** CONSIDER RECOMMENDATIONS AND STRATEGY TO ADDRESS BAD ODORS AT LANDFILLS IN NORTHEAST TRAVIS COUNTY, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE)  
(10:20 AM, Wednesday, February 26, 2003)

Item 2 postponed until March 4, 2003.

- 3. CONSIDER APPROVAL AND EXECUTION OF THE ROADWAY CONSTRUCTION AGREEMENT WITH RINGGOLD PARTNERS L.L.P. AND CATOOSA SPRINGS PARTNERS, L.P. FOR HOWARD LANE BETWEEN I.H. 35 AND SCOFIELD FARMS PARKWAY IN PRECINCT ONE, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAVIS)  
(10:22 AM, Wednesday, February 26, 2003)

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

**Motion by Commissioner Davis and seconded by Commissioner Sonleitner** to approve 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 A VARIANCE TO CHAPTER 82, STANDARDS FOR CONSTRUCTION OF STREETS AND DRAINAGE IN SUBDIVISIONS TO ALLOW THE ACCEPTANCE OF DEDICATION OF A PORTION OF STREET AND DRAINAGE FACILITIES IN CARDINAL HILLS ESTATES UNIT 1, A SUBDIVISION IN PRECINCT 3. (COMMISSIONER DAUGHERTY)  
(10:16 AM, Wednesday, February 26, 2003)

**Clerk's Note:** Item 4 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

### PLANNING AND BUDGET DEPT. ITEMS

- 5. REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE:  
(10:18 AM, Wednesday, February 26, 2003)
  - A. APPROVE GRANT APPLICATION TO THE AMERICAN HEART ASSOCIATION FOR THE PURCHASE OF AUTOMATED EXTERNAL DEFIBRILLATORS BY THE SHERIFF'S OFFICE. A ONE-TIME GRANT WITH A MATCH REQUIREMENT MET THROUGH THE USE OF INTEREST EARNINGS IN THE LLEBG BLOCK GRANT FUNDS.
  - B. APPROVE GRANT CONTRACT WITH THE GREATER AUSTIN AREA WORKFORCE BOARD FOR A CHILD CARE LOCAL MATCH PROGRAM. THE GRANT PROVIDES REIMBURSEMENT FOR CURRENT CHILDCARE EXPENDITURES.
  - C. APPROVE GRANT CONTRACT AMENDMENT WITH THE OFFICE OF RURAL COMMUNITY AFFAIRS (ORCA) FOR THE KENNEDY RIDGE WASTEWATER GRANT IN TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT. THE AMENDMENT EXTENDS THE TERMINATION DATE OF THE GRANT TO MARCH 9, 2003.
  - D. APPROVE GRANT CONTRACT WITH TEXAS DEPARTMENT OF HUMAN SERVICES FOR A USDA COMMODITIES CONTRACT FOR JUVENILE PROBATION. THE CONTRACT UPDATES AN EXISTING AGREEMENT WHEREBY THE COUNTY RECEIVES COMMODITIES FROM USDA.
  - E. APPROVE GRANT CONTRACT WITH THE TASK FORCE ON INDIGENT DEFENSE FOR THE INDIGENT DEFENSE DISCRETIONARY GRANT SUPPORTING THE CRIMINAL COURTS. THE GRANT PROVIDES TECHNOLOGY IMPROVEMENTS RELATED TO THE APPOINTMENT OF INDIGENT DEFENSE COUNSEL.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Items 5.A-E.

<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

6. APPROVE BUDGET AMENDMENTS AND TRANSFERS.  
(10:50 AM, Wednesday, February 26, 2003)  
(4:49 PM, Wednesday, February 26, 2003)

**Members of the Court heard from:** Leroy Nellis, Budget Manager, Planning and Budget Office (PBO); Donna Farris, Financial Manager, Community Supervision and Corrections Department (CSCD); Jessica Rio, Budget Analyst, PBO; John Carr, Division Manager, Building Maintenance and Repair, Facilities Management; and Roger El Khoury, Director, Facilities Management.

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

**Motion by Judge Biscoe and seconded by Commissioner Sonleitner** to approve Budget Amendment A2.

**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

**Motion by Commissioner Sonleitner and seconded by Commissioner Gómez** to approve Budget Amendment A3.

**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

7. CONSIDER AND TAKE APPROPRIATE ACTION ON PROJECTS AND AMOUNTS FOR FUNDING FROM ROAD AND PARK BONDS AND CERTIFICATES OF OBLIGATION TO BE ISSUED IN FY'03.  
(10:59 AM, Wednesday, February 26, 2003)  
(4:50 PM, Wednesday, February 26, 2003)

**Members of the Court heard from:** Leroy Nellis, Budget Manager, PBO; and Jessica Rio, Budget Analyst, PBO.

Discussion only.

Item 7 to be reposted on March 4, 2003.

### ADMINISTRATIVE OPERATIONS ITEMS

8. DISCUSS WITH COMMUNITY SUPERVISION & CORRECTIONS DEPARTMENT (CSCD) THE DECISION TO CHANGE FROM TIBURON TO CORRECTIONS SOFTWARE CORPORATION (CSC) TO IMPLEMENT A STATE REQUIRED COMMUNITY SUPERVISION TRACKING SYSTEM FOR CASE MANAGEMENT AND RESULTING IMPACT ON TRAVIS COUNTY, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE)  
(10:59 AM, Wednesday, February 26, 2003)

**Members of the Court heard from:** Joe Harlow, Director, Information and Telecommunications Services (ITS); Donna Farris, Financial Manager, CSCD; and Mike Wichern, Chief Assistant County Auditor, Travis County Auditor's Office.

**Clerk's Note:** The Commissioners' Court directed that two members of the Court, Judge Biscoe and Commissioner Daugherty, work with ITS, CSCD and the Criminal District Judges to reach some sort of compromise by March 11, 2003. Hopefully, the parties involved can take the draft contract, consider it during these negotiations, and on March 11, 2003, come back with specifics that the Commissioners' Court can consider taking action on.

Discussion Only. No action was taken.

Item 8 to be reposted on March 4, 2003.



9. A. CONSIDER CHANGES TO PAY DETERMINATION POLICIES, TRAVIS COUNTY CODE, CHAPTER 10, SECTIONS 10.03001 THROUGH 10.03013, INCLUDING CRITERIA RELATED TO NEW HIRE PAY; PAY GREATER THAN 10% ABOVE MIDPOINT; VOLUNTARY JOB CHANGE; LATERAL TRANSFER AND TEMPORARY ASSIGNMENT, AND TAKE APPROPRIATE ACTION. (1:47 PM, Wednesday, February 26, 2003)
- B. APPROVE DELETIONS TO THE PAY DETERMINATION POLICIES, TRAVIS COUNTY CODE, CHAPTER 10, SECTIONS 10.030--EMPLOYEE MOBILITY; 10.087--DETERMINING PAY; 10.0875--CRITERIA FOR APPROVAL OF SALARY ABOVE AND 10.095--YEAR 2000 PROJECT INCENTIVE PAY PROGRAM.

**Clerk's Note:** Items 9.A and B are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Linda Moore Smith, Director, Human Resources Management Department (HRMD); Barbara Wilson, Assistant County Attorney; Alicia Perez, Executive Manager, Administrative Operations; Norman McRee, Budget/Process Improvement Analyst, HRMD; and Susan Spataro, Travis County Auditor.

Discussion Only. No action was taken.

Items 9.A and B to be reposted on March 4, 2003.

10. DISCUSS AND TAKE APPROPRIATE ACTION ON THE TRAVIS COUNTY SELF-FUNDED HEALTH PROGRAM ANNUAL REPORT FOR PLAN YEAR 2002, INCLUDING FUND 526 ACTUARIAL REPORT. (2:03 PM, Wednesday, February 26, 2003)

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

Item 10 to be reposted on March 4, 2003.

11. 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 \$282,497.32 FOR THE PERIOD OF FEBRUARY 7, 2003 THROUGH FEBRUARY 13, 2003.  
(10:51 AM, Tuesday, February 25, 2003)

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 11.

**Motion carried:**

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

12. APPROVE PERSONNEL AMENDMENTS.  
(10:16 AM, Wednesday, February 26, 2003)

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

**PURCHASING OFFICE ITEMS**

13. APPROVE ISSUANCE OF JOB ORDER NO. 13, MINOR CONSTRUCTION AND RENOVATION SERVICES CONTRACT JC020107-DM, ARCHITECTURAL HABITAT OF AUSTIN, FOR MINOR CONSTRUCTION AND REMODEL OF COUNTY COURT-AT-LAW #2. (FACILITIES MGMT) (COMMISSIONER GOMEZ) (2:03 PM, Wednesday, February 26, 2003)

**Members of the Court heard from:** Jessica Rio, Budget Analyst, PBO; and Roger El Khoury, Director, Facilities Management.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 13.

**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

14. APPROVE AWARD OF CONTRACTS FOR PROFESSIONAL PSYCHOLOGICAL/PSYCHIATRIC SERVICES. (DISTRICT AND CRIMINAL COURTS ADMINISTRATION) (COMMISSIONER GOMEZ) (10:16 AM, Wednesday, February 26, 2003)

- A. CONTRACT NO. PS030028-LB, ROBERT E. CANTU, M.D., P.A.; AND  
B. CONTRACT NO. PS030026-LB, MARY ANDERSON, M.D., PSYCHIATRIST.

**Clerk's Note:** Items 14.A and B added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

15. APPROVE AWARD OF A QISV (QUALIFIED INFORMATION SYSTEMS VENDOR) STATE CATALOG PURCHASE, RFO #0030057-SP FOR CAD WORKSTATIONS FROM DELL COMPUTER. (INFORMATION SYSTEMS) (COMMISSIONER GOMEZ) (10:16 AM, Wednesday, February 26, 2003)

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

16. CONSIDER IBM BUSINESS PARTNERSHIP AGREEMENT TO FACILITATE COUNTY'S CONTRACT WITH MARK III, INC. FOR HARDWARE/SOFTWARE SUPPORT, AND TAKE APPROPRIATE ACTION. (I.T.S.) (COMMISSIONER GOMEZ) (10:15 AM, Wednesday, February 26, 2003)

Item 16 postponed until March 4, 2003.

17. APPROVE A THIRTY (30) DAY EXTENSION (MODIFICATION NO. 2) TO THE FOLLOWING CONTRACTS FOR FENCE CONSTRUCTION AND REMOVAL: (COMMISSIONER GOMEZ) (10:16 AM, Wednesday, February 26, 2003)

- A. CONTRACT NO. 01T0090-LD. H AND H FENCE; AND  
B. CONTRACT NO. 01T0091-LD, VIKING FENCE. (TNR)

**Clerk's Note:** Items 17.A and B added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

**OTHER ITEMS**

- 18. **A. DISCUSS LEGISLATIVE ISSUES, INCLUDING PROPOSED BILLS, AND TAKE APPROPRIATE ACTION;** (11:30 AM, Wednesday, February 26, 2003)
- B. OTHER BILLS THAT MAY BE CONSIDERED IN RESPONSE TO ACTION TAKEN BY THE TEXAS LEGISLATURE, AND TAKE APPROPRIATE ACTION.**

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

**Open Meetings Act**

**Members of the Court heard from:** Alicia Perez, Executive Manager, Administrative Operations; and Barbara Wilson, Assistant County Attorney.

**Clerk's Note:** The Commissioners' Court discussed the drafting of a bill to allow the discussion of personal medical and psychiatric information in closed meetings.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to authorize Staff to draft an appropriate bill.

**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

**Pre-Bid Conferences**

**Members of the Court heard from:** Barbara Cille, Executive Assistant, County Commissioner Precinct 3 Office; and Frank Holder, Assistant Purchasing Agent.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to give authorization to the appropriate departments to work with the County's Legislative Consultant, about drafting appropriate language, related to granting this County, and whoever else, mandatory pre-bid conference capability, and bring it back to the Court to review the language.

**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 18 CONTINUED****House Bill 1445**

**Members of the Court heard from:** Scheleen Walker, TNR; Anna Bowlin, Planner, TNR; and Tom Nuckols, Assistant County Attorney.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the draft legislation, subject to agreement by the stakeholders, and if there is disagreement, that it be brought back to the Court's attention next week.

**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

**Clean Air Act**

**Members of the Court heard from:** Scheleen Walker, TNR; and Bob Kamm, Travis County Legislative Consultant.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to have this Item back on the Agenda next week, March 4, 2003.

**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 18 CONTINUED**

**Certificates of Obligation**

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

**Clerk's Note:** The Commissioners' Court discussed a bill that would require counties issuing certificates of obligation in excess of \$2 million, to go to the voters for approval. An amendment that is being put together and would be taken to the author of the bill, would say, that if the issue is in excess of \$2 million, and it exceeds 8% of the county's total budget for the year, then the county would have to go the voters for approval. The amendment allows for the size of the county to be taken into consideration.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to authorize Bob Kamm, Travis County Legislative Consultant, to go to the author of the bill, and say that Travis County supports that amendment.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	absent
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

**Legislative Action Memo**

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

Discussion Only. No action was taken.

**Clerk's Note:** The Court instructed the Legislative Consultant to meet with the Travis County Auditor's Office, or other appropriate office, to have them identify the areas in the County budget that they think will receive less money from the State and Federal governments during this budget year, take it to the local legislative delegation, present that, and have them pinpoint those areas for the Appropriations and Senate Finance Committees.

19. CONSIDER MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF AUSTIN AND TRAVIS COUNTY RELATING TO SECURITY SERVICES FOR THE COMBINED TRANSPORTATION AND EMERGENCY COMMUNICATION CENTER, AND TAKE APPROPRIATE ACTION.  
(10:16 AM, Wednesday, February 26, 2003)

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

20. CONSIDER A RESOLUTION SUPPORTING THE APPLICATION OF THE TRAVIS COUNTY HOUSING FINANCE CORPORATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR HOME FUNDS TO PROVIDE HOMEBUYER ASSISTANCE FOR LOW AND MODERATE INCOME FAMILIES IN TRAVIS COUNTY (EXCLUDING CITY OF AUSTIN), AND TAKE APPROPRIATE ACTION.  
(10:16 AM, Wednesday, February 26, 2003)

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

21. A. RECEIVE FY' 00 AUDIT REPORTS FOR THE FOLLOWING EMERGENCY SERVICE DISTRICTS: ESD #1, ESD #2, ESD #4, ESD #10, ESD #12 and ESD #14. (10:16 AM, Wednesday, February 26, 2003)
- B. RECEIVE FY '01 AUDIT REPORTS FOR THE FOLLOWING EMERGENCY SERVICE DISTRICTS: ESD #3, ESD #4, ESD #5, ESD #6, ESD #7, ESD #9 AND ESD #10.

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

- 22. CONSIDER MANAGEMENT REPRESENTATION LETTER TO BE PROVIDED TO DELOITTE & TOUCHE, LLP REGARDING FY 02 COUNTY-WIDE ANNUAL FINANCIAL AUDIT, AND TAKE APPROPRIATE ACTION. (1:43 PM, Wednesday, February 26, 2003)

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

**Motion by Judge Biscoe and seconded by Commissioner Sonleitner** to approve the letter in Item 22.

**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. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (10:51 AM, Tuesday, February 25, 2003)

**Motion by Commissioner Davis and seconded by Commissioner Gómez** to approve Item 23.

**Motion carried:**

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
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

- 24.** RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING STATE COMPTROLLER'S REQUEST FOR AGREEMENT TO EXTEND PERIOD OF LIMITATIONS PERTAINING TO AUDIT AND TAKE APPROPRIATE ACTION. <sup>1</sup>  
(2:05 PM, Wednesday, February 26, 2003)  
(4:42 PM, Wednesday, February 26, 2003)

**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** Judge Biscoe **and seconded by** Commissioner Gómez to authorize the County Treasurer to extend the deadline, as requested, until August 31, 2003.

**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. DISCUSS, APPROVE AND TAKE APPROPRIATE ACTION REGARDING REAL ESTATE ISSUES FOR OFFICE SPACE FOR VARIOUS COUNTY DEPARTMENTS. <sup>2</sup> (2:05 PM, Wednesday, February 26, 2003)  
 (4:42 PM, Wednesday, February 26, 2003)  
 (4:46 PM, Wednesday, February 26, 2003)

**Clerk’s Note:** Judge Biscoe announced that Item 25 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.

**Members of the Court heard from:** Pat Ford, Real Estate Manager, Facilities Management; and John Hille, Assistant County Attorney.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to authorize Ms. Ford and the appropriate brokers to have the appropriate conversations with each other, with the direction that it has been given by the Court.

**An Addition to the previous Motion was made by** Commissioner Sonleitner that there needs to be something there, to say that the Commissioners’ Court is aware that these discussions are going on, and we authorize those discussions to occur.

**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 25 to be reposted on March 4, 2003.

- 26. DISCUSS AND TAKE APPROPRIATE ACTION REGARDING REAL ESTATE ISSUES FOR THE TRAVIS COUNTY PLEASANT VALLEY ROAD OFFICE BUILDING. <sup>1</sup> & <sup>2</sup> (2:05 PM, Wednesday, February 26, 2003)  
 (4:42 PM, Wednesday, February 26, 2003)

**Clerk’s Note:** Judge Biscoe announced that Item 26 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.

No action taken on Item 26.

Item 26 pulled from the Agenda until further notice.

- 27. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR AUTHORIZE COUNTY ATTORNEY TO HIRE EXPERT(S) IN ANNELL RAYMOND CANTRELL, INDIVIDUALLY AND AS ADMINISTRATIX OF THE ESTATE OF SHANNON DALE SHARP V. EVINS PERSONNEL CONSULTANTS, INC. ET AL., AND TAKE APPROPRIATE ACTION. (FRASIER; MEDICAL MALPRACTICE; PERSONAL INJURY) <sup>1</sup>  
 (2:05 PM, Wednesday, February 26, 2003)  
 (4:42 PM, Wednesday, February 26, 2003)

**Clerk’s Note:** Judge Biscoe announced that Item 27 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 authorize the County Attorney to hire appropriate experts.

**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

- 28. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION REGARDING CIP PROJECT 3-002, PARCEL NO. 2D, JAMES A. HOPKINS AND WIFE, JEAN C. HOPKINS, AND STATE OF TEXAS. (HOPKINS; GIESELMAN; CONDEMNATION CASE) <sup>1 AND 2</sup>  
 (2:05 PM, Wednesday, February 26, 2003)  
 (4:43 PM, Wednesday, February 26, 2003)

**Clerk’s Note:** Judge Biscoe announced that Item 28 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.

No action required on Item 28.

29. DISCUSS POTENTIAL LITIGATION FOR RECOVERY OF DAMAGES TO THE TRAVIS COUNTY MEDICAL EXAMINERS FACILITY, THE SUBROGATION RIGHTS OF ZURICH AMERICAN INSURANCE, REPRESENTATION OF ZURICH'S RIGHTS AGAINST THIRD PARTIES BY ZELLE HOFFMAN VOELBEL MASON & GETTE LAW FIRM OF DALLAS AND POTENTIALLY REPRESENTATION OF THE COUNTY'S NONINSURED LOSSES/DAMAGES BY ZELLE HOFFMAN, AND CONSIDERATION OF A PRO-RATA AGREEMENT WITH ZURICH AGREEMENT RELATIVE TO CLAIMS TO BE MADE AGAINST THIRD PARTIES CONSIDERED LIABLE FOR DAMAGES TO THE FACILITY, AND TAKE APPROPRIATE ACTION. <sup>1</sup>

(2:05 PM, Wednesday, February 26, 2003)

(4:43 PM, Wednesday, February 26, 2003)

**Clerk's Note:** Judge Biscoe announced that Item 29 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Clerk's Note:** The Commissioners' Court authorized the County Attorney to get with the County Judge, and try to come up with a counter-offer, and do additional fact finding.

No action taken on Item 29.

Item 29 to be reposted on March 4, 2003.

30. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND GIVE DIRECTION REGARDING TRAVIS COUNTY SUBROGATION CLAIM IN THE MATTER OF DEKE PIERCE AND TAKE APPROPRIATE ACTION. <sup>1</sup>

(2:05 PM, Wednesday, February 26, 2003)

(4:44 PM, Wednesday, February 26, 2003)

**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.

No action taken on Item 30.

Item 30 to be reposted on March 4, 2003.

31. A. DISCUSS APPLICANTS FOR THE POSITION OF EXECUTIVE MANAGER FOR JUSTICE AND PUBLIC SAFETY, AND TAKE APPROPRIATE ACTION. <sup>3</sup> (2:05 PM, Wednesday, February 26, 2003)  
(4:45 PM, Wednesday, February 26, 2003)
- B. CONSIDER RECOMMENDATIONS FOR COVERING THESE FUNCTIONAL AREAS WITHOUT AN EXECUTIVE MANAGER, AND TAKE APPROPRIATE ACTION. <sup>3</sup>

**Clerk's Note:** Judge Biscoe announced that Items 31.A and B would be considered in Executive Session pursuant to Gov't. Code Ann. 551.074, Personnel Matters.

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

Item 31 to be reposted on March 4, 2003.

**THE FOLLOWING ITEM IS AN ADDENDUM:**

- A1. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING THE BOUNDARY OF SELMA HUGHES PARK AND TAKE APPROPRIATE ACTION.  
(2:05 PM, Wednesday, February 26, 2003)  
(4:47 PM, Wednesday, February 26, 2003)

**Clerk's Note:** Judge Biscoe announced that Item A1 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 to appoint Commissioner Daugherty, Joe Gieselman, Executive Manager, TNR, and Assistant County Attorney Tom Nuckols as appropriate County representatives; that we request a follow-up discussion with Kucera, and hopefully, Kucera's attorney and representatives, regarding this matter, with an eye toward trying to settle it out of court, and thereby avoid huge litigation expenses, including lawyers; that we request further that the Commissioners' Court requests that they hold off on constructing that fence, which they have threatened to do, until after we have had these discussions; that we will have this matter back on the Court's Agenda next Tuesday, March 4, 2003, and if we need until March 11, 2003, next week we will just postpone it another week. Our goal here is to try and have a serious discussion, and try to resolve this delicate issue without litigation, but if we cannot do that, then we just have to go to the next step.

<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 A1 to be reposted on March 4, 2003.

**ADJOURNMENT**

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Davis to adjourn the Voting Session. (4:56 PM, Wednesday, February 26, 2003)

**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**

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**Date of Approval**

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