

## **MINUTES OF MEETING – APRIL 15, 2003**

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

On Tuesday, the 15<sup>th</sup> day of April, 2003, the Commissioners' Court convened the regular Voting Session at 9:15 AM in the Commissioners' Courtroom, 1<sup>st</sup> Floor of the Ned Granger Administration Building, 314 West 11<sup>th</sup> Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Melissa Velasquez.

The Commissioners' Court recessed the Voting Session at 12:22 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) called to order the Voting Session at 1:55 PM and adjourned at 1:55 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation called to order the Voting Session at 1:56 PM and adjourned at 2:07 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation, the Capital Industrial Development Corporation, and the Capital Health Facilities Development Corporation, called to order the Voting Sessions at 2:08 PM and adjourned at 2:09 PM.

The Commissioners' Court reconvened the regular Voting Session at 2:09 PM.

The Commissioners' Court retired to Executive Session at 4:00 PM.

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

The Commissioners' Court adjourned the Voting Session at 6:12 PM.

**PUBLIC HEARINGS**

- 1. CONDUCT PUBLIC HEARING TO DISCUSS AND APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: RESUBDIVISION OF A PORTION OF LOT 3, PALEFACE PARK PHASE 1 SECTION B (SHORT FORM PLAT – 2 LOTS – 11.417 ACRES – STATE HIGHWAY 71 – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY – OUTSIDE ALL ETJS). (ACTION ITEM #4) (9:18 AM)

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 4 for the Court's Motion and Vote.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to open the public hearing.

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

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

**Motion by** Commissioner Sonleitner **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

**RESOLUTIONS, PROCLAMATIONS & PRESENTATIONS**

- 2. APPROVE RESOLUTION IN SUPPORT OF THE CAPITAL AREA REGIONAL TRANSPORTATION PLANNING ORGANIZATION’S (CARTPO) TRANSPORTATION DELEGATION AND SELECTED PRIORITY PROJECTS. (9:15 AM)

Item 2 postponed until April 22, 2003.

**CITIZENS COMMUNICATION**

**Members of the Court heard from:** Kenneth Snyder, Northridge Acres Resident; Charles Williams, Conservation Coordinator, TNR; Irene Guzman Krill, Executive Director, Keep Austin Beautiful. (9:19 AM)

**CONSENT ITEMS**

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1–C4 and Items 4, 6, 8, 11.A, 12, 14.A-G, 15, 17, 21.A and B, 23, 24, 25, 27, 30, and 31. (9:29 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 COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF MARCH 25, 2003.
- C4. APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF APRIL 1, 2003.

**TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS**

- 3. APPROVE LICENSE AGREEMENT WITH ROCK HOUSE TO USE PACE BEND PARK OR ARKANSAS BEND PARK ON APRIL 17, 2003 FOR FILMING OF A TELEVISION COMMERCIAL. (9:15 AM)

Item 3 pulled from the Agenda.

- 4. APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: RESUBDIVISION OF A PORTION OF LOT 3, PALEFACE PARK PHASE 1 SECTION B (SHORT FORM PLAT – 2 LOTS – 11.417 ACRES – STATE HIGHWAY 71 – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE-SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE – OUTSIDE ALL ETJS). (9:29 AM)

**Clerk’s Note:** Item 4 is the action item for the public hearing on Agenda Item 1.

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

- 5. CONSIDER REQUEST TO APPROVE PURCHASE OF CONTRACT WITH R-BAR-B PROPERTIES, INC. FOR THE ACQUISITION OF APPROXIMATELY 254.53 ACRES OF LAND IN CONNECTION WITH THE BALCONES CANYONLANDS CONSERVATION PLAN (BCCP), AND TAKE APPROPRIATE ACTION. (4:00 PM) (6:02 PM)

**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.

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

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Sonleitner to make a purchase offer contract in the amount of \$3,436,000.00, on the R-Bar-B property. We are using the yellow book figure.

**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

6. CONSIDER REQUEST TO APPROVE PLAT FOR RECORDING IN PRECINCT THREE: 11505 TX 71, PHASE TWO (LONG FORM PLAT – 18 LOTS – 25.2505 ACRES – MUSKET RIM – FISCAL POSTED WITH TRAVIS COUNTY – SEWER SERVICE PROVIDED BY LCRA – VILLAGE OF BEE CAVE ETJ), AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAUGHERTY) (9:29 AM)

**Clerk's Note:** Item 6 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

7. CONSIDER REQUEST FOR VARIANCE TO TRAVIS COUNTY'S STANDARD LETTER OF CREDIT FORM FROM THE DEVELOPER OF 11505 TX 71 PHASE 2, A SUBDIVISION IN PRECINCT 3, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAUGHERTY) (9:35 AM)

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

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Item 7.

**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

8. CONSIDER STREET NAME CHANGE FROM "BEND O' RIVER DRIVE" TO "BEND OF THE RIVER DRIVE" IN PRECINCT 3, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAUGHERTY) (9:29 AM)

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

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

- 9. CONSIDER PROPOSED COUNTY ORDINANCE COVERING WASTE FACILITIES THAT ARE NOT TYPE I LANDFILLS, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (9:38 AM)

**Members of the Court heard from:** John Kuhl, Natural Resources Program Manager, TNR; Tom Nuckols, Assistant County Attorney; Pat Murphy, City of Austin; Joyce Best, Travis County Resident; Melanie McAfee, Travis County Resident; and Mark McAfee, Travis County Resident.

**Clerk’s Note:** Judge Biscoe announced that those with comments on the proposed ordinance should submit them to John Kuhl, Natural Resources Program Manager, TNR, and the deadline to submit those comments is April 25, 2003.

**Motion by** Commissioner Davis to consider placing some recycling efforts in the ordinance itself.

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to advertise the proposed ordinance for the required 30-day period; and that we invite comments. We do have a 10-day limit on comments regarding the flood plain, and the reason for that is that the flood plain ordinance is really not part of the siting ordinance that we are considering. However, the door is open for us to combine the two in the future, if we deem it appropriate.

**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

10. DISCUSS OUTSTANDING POLICY ISSUES, INCLUDING SUBDIVISION REGULATION, REGARDING AMENDMENTS TO CHAPTER 82, TRAVIS COUNTY CODE TO RESOLVE INCONSISTENCIES WITH CITY OF AUSTIN CODE AS REQUIRED BY HB 1445, AND TAKE APPROPRIATE ACTION.  
(2:58 PM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; Pat Murphy, City of Austin; Tom Nuckols, Assistant County Attorney; David Lloyd, City of Austin Attorney; and Hank Smith, Stakeholder, Chair, Government Relations Commission, Homebuilders' Association.

**Clerk's Note:** At 3:41 PM, the Commissioners' Court discussed the following legislative item, as part of the discussion of Item 10.

**HB1204 (Sponsor – Representative Baxter) Relating to the authority of municipalities of counties to regulate subdivision in a municipality's extraterritorial jurisdiction.**

Discussion only. No action taken.

Item 10 to be reposted on April 22, 2003.

## PLANNING AND BUDGET DEPT. ITEMS

11. REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE:
  - A. AUTHORIZE THE USE OF COUNTY FUNDS AS AN ADVANCE TO ALLOW THE NCI TOBACCO STUDIES GRANT PROGRAM IN HEALTH AND HUMAN SERVICES DEPARTMENT TO CONTINUE UNTIL THE END OF JUNE 2003. THIS PERMISSION TO CONTINUE IS REQUESTED DUE TO THE TIMING OF THE RECEIPT OF A FULLY EXECUTED AGREEMENT WITH THE NATIONAL CANCER INSTITUTE. (9:29 AM)

**Clerk's Note:** Judge Biscoe noted that Item 11.A is in the amount of \$4,050.00.

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

12. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (9:29 AM)

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

### HEALTH AND HUMAN SERVICES DEPARTMENT ITEMS

13. CONSIDER FY 03 BUDGET FOR HEALTH AND HUMAN SERVICES DEPARTMENT, INCREASING DEMANDS IN HEALTH CARE AND BASIC NEEDS, AND TAKE APPROPRIATE ACTION. (2:21 PM)

Item 13 to be reposted on April 22, 2003.

### ADMINISTRATIVE OPERATIONS ITEMS

14. REVIEW AND APPROVE THE FOLLOWING PROPERTY AND LIABILITY CLAIM RECOMMENDATIONS: (9:29 AM)
- A. MEDICAL EXAMINER – SETTLE
  - B. TNR – SETTLE
  - C. LCRA – SETTLE
  - D. CONSTABLE, PCT. 1 – SETTLE
  - E. CAMPBELL/FARMERS – SETTLE
  - F. WILLIAM ROLLS – SETTLE
  - G. TCSO – SIGNATURE APPROVAL

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



15. 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 \$289,409.62 FOR THE PERIOD OF MARCH 28, 2003 THROUGH APRIL 3, 2003. (9:29 AM)

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

16. RECEIVE REPORT FROM ADMINISTRATIVE OPERATIONS AND FACILITIES MANAGEMENT ON ENERGY EFFICIENCY. (2:22 PM)

**Members of the Court heard from:** Alicia Perez, Executive Manager, Administrative Operations; Roger El Khoury, Director, Facilities Management; and John Carr, Division Manager, Building Maintenance and Repair, Facilities Management.

Discussion only. No action taken.

17. APPROVE PERSONNEL AMENDMENTS. (9:29 AM)

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

18. CONSIDER DRAFT NOTICE TO EMPLOYEES OF THE COMMISSIONERS COURT'S DECISION ON THE FY 2003 COMPENSATION RESERVE, AND TAKE APPROPRIATE ACTION. (2:47 PM)

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

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the draft, and to approve distribution after making the minor changes.

**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

19. DISCUSS AND TAKE APPROPRIATE ACTION TO AUTHORIZE THE PURCHASING AGENT TO APPROVE PURCHASE ORDERS IN EXCESS OF \$25,000.00 ISSUED AGAINST CONTRACTS FOR CONSTRUCTION AND GEOTECHNICAL TESTING SERVICES. (TNR) (2:10 PM)

**Members of the Court heard from:** Frank Holder, Assistant Purchasing Agent.

Discussion only. No action taken.

Item 19 to be reposted on April 22, 2003.

20. APPROVE PAYMENT OF PURCHASES FOR AIR QUALITY TESTING AND CLEANUP AT COUNTY LEASED BUILDING. (RISK MANAGEMENT/CONSTABLE PCT. 3) (4:00 PM) (6:09 PM)

**Clerk’s Note:** Judge Biscoe announced that Item 20 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

**Members of the Court heard from:** Cyd Grimes, Travis County Purchasing Agent.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to authorize the execution of an exemption order for Rimkus, the firm that we asked to do some air quality, mold problem work, at the Precinct 3 leased office building; and this exemption order is to get them paid; and it will be brought to us, once the final invoice has been received. This Motion simply deals with the exemption order for Rimkus, and authorization to pay up to \$50,000.00 under the order.

**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 Davis (1)** to authorize payment of the remaining invoice of Microbiology Specialists. The amount is \$6,770.83, and (2) that we draft an appropriate letter to send to the Precinct Constable, basically, giving guidelines and advice about how to treat such matters, in partnership with Purchasing and the Commissioners’ Court in the future.

**Motion carried:**

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	no
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	no

21. APPROVE CONTRACT AWARDS FOR FLOOR COVERING TIME AND MATERIALS, IFB NO. B030068-OJ, TO: (9:29 AM)

- A. CDC CARPETS: GROUPS A, B AND D;
- B. GOMEZ FLOOR COVERING: GROUPS C AND D.

**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. APPROVE CONTRACT, CONTRACT MODIFICATION, AND MAKING OF CONTRACT FOR PERSONNEL CARRIER/WORK CARTS, FOR THE TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT, IFB NO. B030040-EH. (2:14 PM)

**Members of the Court heard from:** David Balagia, Major, Travis County Sheriff's Office (TCSO); and Bill Derryberry, Senior Budget Analyst, Planning and Budget Office (PBO).

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve 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 CONTRACT AWARD FOR PORTABLE TOILETS RENTAL AND SERVICING, IFB B030069-EH, TO THE LOW BIDDER, CAPITAL CHEM CAN CO. (TNR) (9:29 AM)

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

24. APPROVE CONTRACT AWARD FOR MEDICAL GASES, IFB NO. B030087, TO THE LOW BIDDER, AIRGAS SOUTHWEST. (MEDICAL EXAMINER & ES) (9:29 AM)

**Clerk's Note:** Item 24 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

25. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. 00T0329-LD, HERRERA AND SONS JANITORIAL, TO CANCEL SERVICES AT TNR SATELLITE THREE. (TNR, FM) (9:29 AM)

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

26. DISCUSS AND TAKE APPROPRIATE ACTION ON RFS S020141-RV, OUTSOURCING FOOD SERVICES FOR TRAVIS COUNTY CORRECTIONAL FACILITIES. (SHERIFF'S OFFICE) (10:54 AM)

**Members of the Court heard from:** Cyd Grimes, Travis County Purchasing Agent; Margo Frasier, Travis County Sheriff; Patrick Turner, Aramark Correctional Services, Inc.; and Sue Cober, Canteen Correctional.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve Staff's recommendation to negotiate further with the two companies, namely, Aramark and Canteen.

**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. DECLARE ATTACHED LISTING OF EQUIPMENT AS SURPLUS PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (9:29 AM)

**Clerk's Note:** Item 27 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 28. APPROVE MODIFICATION NO. 4 TO CONTRACT NO. 00AE606JJ, CH2M HILL, INC., PROFESSIONAL ENGINEERING SERVICES FOR THE BLAKE MANOR ROAD DESIGN PROJECT. (TNR) (COMMISSIONER DAVIS) (2:18 PM)

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

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 28.

**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

**OTHER ITEMS**

- 29. CONSIDER SCOPE OF WORK FOR JAIL OPERATIONS ANALYSIS, PROPOSED TO BE CONDUCTED JOINTLY BY AN INDEPENDENT CONSULTING JAIL EXPERT AND COUNTY STAFF, AND TAKE APPROPRIATE ACTION. (11:24 AM)

**Members of the Court heard from:** Margo Frasier, Travis County Sheriff; Belinda Powell, Capital Planning Coordinator, PBO; and Cyd Grimes, Travis County Purchasing Agent.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 29, and to make part of the Motion the informal bidding process.

**A Clarification of the previous Motion was made by** Commissioner Daugherty that what the Court is really voting on today is to allow Staff to go out, get the proposals, and bring them back, so the Court has a chance to again say, 'We don't like the amounts, we don't like the dollars'.

**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 29 to be reposted on April 22, 2003.

30. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FY 2002 REPORTS ON FEDERAL AND STATE AWARDS (SINGLE AUDIT REPORT) AS REQUIRED BY GRANTING AGENCY, TEXAS COMMISSION ON ALCOHOL AND DRUG ABUSE. (9:29 AM)

**Clerk's Note:** Item 30 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

31. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:29 AM)

**Clerk's Note:** Item 31 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

32. A. ACCEPT AND OPEN BIDS RELATING TO, AND CONSIDER AND TAKE ACTION ON ORDER AUTHORIZING THE ISSUANCE OF \$31,660,000 TRAVIS COUNTY, TEXAS, UNLIMITED TAX ROAD BONDS, SERIES, AND MATTERS PERTAINING THERETO. (10:45 AM)
- B. ACCEPT AND OPEN BIDS RELATING TO, AND CONSIDER AND TAKE ACTION ON AN ORDER AUTHORIZING, THE ISSUANCE OF \$23,325,000 TRAVIS COUNTY, TEXAS, AUTHORIZING THE ISSUANCE OF \$23,325,000 TRAVIS COUNTY, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 2003 (LIMITED TAX), AND MATTERS PERTAINING THERETO.
- C. ACCEPT AND OPEN BIDS RELATING TO, AND CONSIDER AND TAKE APPROPRIATE ACTION ON AN ORDER AUTHORIZING THE ISSUANCE OF \$4,335,000 TRAVIS COUNTY, TEXAS, PERMANENT IMPROVEMENT BONDS, SERIES 2003 (LIMITED TAX), AND MATTERS PERTAINING THERETO.

**Clerk's Note:** Items 32.A, B, and C are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Ladd Pattillo, Travis County Financial Advisor; and Glen Opel, Bond Counsel, Vinson and Elkins.

## ITEM 32 CONTINUED

**Motion by Judge Biscoe and seconded by** Commissioner Gómez to approve the bid of UBS Paine Webber, Inc., at the stated amount, in Item 32.A, the Unlimited Tax Road Bonds.

**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 the order authorizing the issuance of \$31,660,000.00, the bid going to UBS Paine Webber, Inc., as previously mentioned, in the amount of 4.2199% interest; and that we execute the documents pertaining thereto, in Item 32.A, the Unlimited Tax Road Bonds.

**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 Gómez to approve the order authorizing the issuance of \$4,335,000.00 permanent improvement bonds, in Item 32.C, the bid going to First Southwest Co., in the amount of 4.151141% interest; and that we execute the documents pertaining thereto, prepared for us by legal counsel.

**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



**ITEM 32 CONTINUED**

**Motion by Judge Biscoe and seconded by** Commissioner Gómez to approve the order authorizing the issuance of \$23,325,000.00 certificates of obligation, Series 2003, in Item 32.B, to the winning bidder, A.G. Edwards and Sons, Inc., in the amount of 4.000457% interest; and that we execute the documents pertaining thereto, executed for us by legal counsel.

<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

**TAKE UP AT 11:00 A.M.**

**33. A. DISCUSS LEGISLATIVE ISSUES, INCLUDING PROPOSED BILLS, AND TAKE APPROPRIATE ACTION. (11:37 AM) (4:00 PM) (6:07 PM)**

**B. CONSIDER OTHER BILLS, IF ANY, IN RESPONSE TO ACTION TAKEN BY THE LEGISLATURE, AND TAKE APPROPRIATE ACTION.**

**Clerk’s Note:** Items 33.A and B are associated with one another and were called for concurrent discussion.

**HB2023 (Sponsor – Representative Pena) Relating to the jurisdiction of a municipal or justice court in certain proceedings involving juveniles.**  
**HB 2253 (Sponsor – Representative Flores) Relating to the jurisdiction of justice and municipal courts in proceedings involving juveniles.**

**Members of the Court heard from:** W. Jeanne Meurer, Judge, 98<sup>th</sup> District Court; and Chris Shields, Legislative Consultant.

Discussion only. No action taken

**ITEM 33 CONTINUED**

**HJR3 (Author – Representative Nixon) Proposing a constitutional amendment concerning civil lawsuits against doctors and health care providers, and other actions, authorizing the legislature to determine limitations on non-economic damages.**

**HB4 (Sponsor – Representative Nixon) Relating to reform of certain procedures and remedies in civil cases.**

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

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the Court sending an appropriate letter to the Texas Senate, related to Travis County’s cost issues, related to an election in September, 2003, on House Joint Resolution 3 and House Bill 4. This is not related to the merits of House Bill 4. The voters will have their say over that. It has to do with the cost of an unplanned election.

<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 33 CONTINUED**

**SB1568 (Sponsor – Senator Madla) Relating to the exemption of predator control agents from the registration requirements for dangerous wild animals.**

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to authorize the Legislative Consultant to work on an appropriate amendment, dealing with the Dangerous Wild Animals Bill, so that we can rectify any situation that needs rectifying.

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

**Clerk’s Note:** Judge Biscoe announced at 4:00 PM, that Item 33.A, Senate Bill 1568, would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

**Clerk’s Note:** Item 33.A, Senate Bill 1568, was further discussed at 6:07 PM and no further action was taken at that time.

**ITEM 33 CONTINUED**

**SB1460 (Sponsor – Senator Lindsay) Relating to county fire marshals and county fire protection.**

**Members of the Court heard from:** Dennis Haas, Travis County Fire Marshall.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to support the bill.

**A Clarification of the previous Motion was made by** Judge Biscoe that the Court should approve a supporting resolution.

**A Clarification of the previous Motion was made by** Commissioner Sonleitner that when the Travis County Fire Marshall goes to the Legislature to testify in favor of this bill, he is empowered to say, “And my Commissioners’ Court backs me up” in terms of wanting this to happen.

<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

**HB3205 (Sponsor –Representative King) Relating to crediting of motor vehicle registration fees by county tax assessor collectors to county road and bridge funds.**

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to oppose HB3205.

<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 33 CONTINUED**

**RMA Bill**

**HB2549 (Sponsor –Representative Nixon) Relating to contributions by and benefits for certain members and retirees under the Judicial Retirement System of Texas Plan One and the Judicial Retirement System of Texas Plan Two.**

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

Discussion only. No action taken.

**HB1204 (Sponsor – Representative Baxter) Relating to the authority of municipalities of counties to regulate subdivision in a municipality's extraterritorial jurisdiction.**

**Clerk's Note:** At 3:41 PM, the Commissioners' Court discussed House Bill 1204 as part of the discussion of Agenda Item 10. Please refer to Item 10 for the Court's action on this item.

## 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

- 34.** RECEIVE LEGAL ADVICE ON CLAIM OF RICHARD CHITIYO REGARDING REAL PROPERTY JUDICIAL SALE OF LOT 17, BLOCK N, BUCKINGHAM RIDGE SECTION FIVE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, (OR LOT 17, BLOCK 17 NORTH, BUCKINGHAM RIDGE SECTION 5/200 CLEARDAY, AUSTIN, TEXAS), AND TAKE APPROPRIATE ACTION. <sup>1</sup>  
(4:00 PM)

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

No action required on Item 34.

- 35.** RECEIVE BRIEFING FROM COUNTY ATTORNEY, DISCUSS PROPOSED SETTLEMENT AND TAKE APPROPRIATE ACTION REGARDING COLLECTION CLAIM OF TRAVIS COUNTY VS. J.C. EVANS CONSTRUCTION CO., INC. <sup>1</sup> (4:00 PM) (6:12 PM)

**Clerk's Note:** Judge Biscoe announced that Item 35 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Item 35 to be reposted on April 22, 2003.

- 36.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TNR DEPARTMENT AND TAKE APPROPRIATE ACTION REGARDING RIGHT-OF-WAY TRANSACTIONS RELATING TO COUNTY ROADWAY CONNECTIONS TO SH 130. (COMMISSIONER DAVIS) <sup>1 AND 2</sup> (4:00 PM) (6:08 PM)

**Clerk's Note:** Judge Biscoe announced that Item 36 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 36.

37. CONSIDER RECOMMENDATIONS FOR COVERING FUNCTIONAL AREAS NOW UNDER EXECUTIVE MANAGER OF JUSTICE AND PUBLIC SAFETY, AND TAKE APPROPRIATE ACTION. <sup>3</sup> (4:00 PM) (6:08 PM)

**Clerk's Note:** Judge Biscoe announced that Item 37 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.074, Personnel Matters.

No action required on Item 37.

Item 37 to be reposted on April 22, 2003.

38. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION, AND /OR CONSIDER SETTLEMENT OFFER IN FREDERICK PLUET, (DECEASED) V. MARGO FRASIER, ET. AL. (PLUET; FRASIER; CIVIL RIGHTS) (REQUESTED BY PLAINTIFF) <sup>1</sup> (4:02 PM)

Item 38 postponed until April 22, 2003.

39. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY V. E.L. BUICE (TRACEY A. SUIRE RESALE DEED) AND TAKE APPROPRIATE ACTION. <sup>1</sup> (4:00 PM)

**Clerk's Note:** Judge Biscoe announced that Item 39 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action taken on Item 39.

Item 39 to be reposted on April 22, 2003.

- 40. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, OR COUNTER OFFER FOR SETTLEMENT AND TAKE APPROPRIATE ACTION IN THE MATTER OF MERLIN “SPANKY” HANDLEY V. TRAVIS COUNTY, TEXAS, CITY OF AUSTIN, TEXAS, DINAH DINWIDDIE, INDIVIDUALLY, AND IN HER OFFICIAL CAPACITY, CASEY PING, INDIVIDUALLY, AND IN HIS OFFICIAL CAPACITY, GORDON BERGH, KEVIN MCDONALD AND RICHARD HERRINGTON, CAUSE NO. A 02 CA 606 JN, IN THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION. <sup>1</sup> (4:00 PM) (6:08 PM)

**Clerk’s Note:** Judge Biscoe announced that Item 40 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to counter the counter-offer, with the amount of \$150,000.00; that we agree to pay \$77,915.65, consistent with our previous offer, in the manner requested in #1 of Ms. Bender’s memo; that we agree to remove the PIP, and any other performance and severance-related documents from his personnel file. We also agree to pay the difference between \$77,915.65 and \$150,000.00, which is \$72,084.35, to pick up all other claims and expenses, in exchange for a dismissal of the case in its entirety, as to all defendants; and, execution of an appropriate release.

**A Clarification of the previous Motion was made by Commissioner Sonleitner** that, related to the one year of administrative leave, that the only expectation is that retirement benefits, and retirement benefits only, would be paid as part of that situation, and that this is being offered as an offer of judgment.

**An Addition to the previous Motion was made by Judge Biscoe** that the understanding is that the counter-counter offer will be made in the form of a offer of judgment to the other side.

**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	no



- 41. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION WITH REGARD TO CLAIM OF DR. MARK KARAKOURTIS, M.D. FOR PAYMENT FOR SURGICAL CARE RENDERED TO INMATES OF THE TRAVIS COUNTY JAIL. <sup>1</sup> (4:00 PM) (6:10 PM)

**Clerk’s Note:** Judge Biscoe announced that Item 41 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

No action required on Item 41.

Item 41 to be reposted on April 22, 2003.

- 42. CONSIDER ACCEPTING, REJECTING, OR COUNTERING A COUNTEROFFER TO SELL RIGHT-OF-WAY FOR THE GRAND AVENUE PARKWAY 2001 BOND PROJECT, PARCEL #2, AND TAKE APPROPRIATE ACTION. <sup>1 AND 2</sup> (4:00 PM) (6:11 PM)

**Clerk’s Note:** Judge Biscoe announced that Item 34 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney, and Gov’t Code Ann. 551.072, Real Property.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Davis that we counter in the amount of \$200,000.00, with the authorization given to go with eminent domain, if this offer is not accepted; but if, indeed, we do go the route of eminent domain, that we have a consultation with the City of Pflugerville before we move down that path, so that they understand what the situation is, in an effort to get this resolved.

**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

