

MINUTES OF MEETING – AUGUST 26, 2003

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 26th day of August, 2003, the Commissioners' Court convened the regular Voting Session at 9:12 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputies Debra Doell and Melissa Velasquez.

The Commissioners' Court recessed the Voting Session at 12:13 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened the Voting Session at 1:40 PM and adjourned at 1:41 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation convened the Voting Session at 1:41 PM and adjourned at 1:42 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation convened the Voting Session at 1:42 PM and adjourned at 1:43 PM.

The Commissioners' Court reconvened the regular Voting Session at 1:43 PM.

The Commissioners' Court retired to Executive Session at 3:04 PM.

The Commissioners' Court reconvened the Voting Session at 4:56 PM.

The Commissioners' Court adjourned the Voting Session at 5:16 PM.

PUBLIC HEARINGS

1. DISUSS REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF THE 5' DRAINAGE AND PUBLIC UTILITY EASEMENT ON EITHER SIDE OF THE COMMON LOT LINE BETWEEN LOTS 2 AND 3, RED WAGON RANCHETTES, A SUBDIVISION IN PRECINCT THREE. (ACTION ITEM 18) (COMMISSIONER DAUGHERTY) (9:13 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 18 for the Court's Motion and Vote.

Motion by Commissioner Daugherty **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 Daugherty **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

- 2. DISCUSS REQUEST TO AUTHORIZE THE FILING OF AN ORDER TO VACATE A PORTION OF THE RIGHT-OF-WAY OF GENERAL WILLIAMSON DRIVE IN CARDINAL HILLS UNIT 16, A SUBDIVISION IN PRECINCT THREE. (ACTION ITEM 19) (COMMISSIONER DAUGHERTY) (9:14 AM)

Clerk’s Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 19 for the Court’s Motion and Vote.

Motion by Commissioner Daugherty **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, TNR.

Motion by Commissioner Daugherty **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

3. APPROVE RESOLUTION HONORING CHRISTINA GUERRA LOPEZ ON HER RETIREMENT FROM THE HEALTH AND HUMAN SERVICES AND VETERANS SERVICES DEPARTMENT AFTER 23 YEARS OF SERVICE TO TRAVIS COUNTY. (JUDGE BISCOE) (9:14 AM)

Members of the Court heard from: Stephen Williams, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); Janell Marcy, Travis County Health and Human Services (TCHHS); and Christina Guerra Lopez, TCHHS.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the resolution in Item 3.

Motion carried:

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

CITIZENS COMMUNICATION

Clerk's Note: No speakers addressed the Court. (9:20 AM)

- 5. **A.** DECLARE TUESDAY, AUGUST 26, 2003, AS “TRAVIS COUNTY EMPLOYEE RECOGNITION DAY”; AND (9:23 AM)

- B.** PRESENT EMPLOYEES CERTIFICATES AND SERVICE PINS FOR 20, 25 AND 30 YEARS OF SERVICE.

Clerk’s Note: Items 5.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); and Karen Steitle, HRMD.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Items 5.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 Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 6. APPROVE PERSONNEL AMENDMENTS. (9:20 AM)

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

PURCHASING OFFICE ITEMS

- 7. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. 02K00209JJ, KEYSTONE CONSTRUCTION, INC., FOR THE NORTHEAST METRO PARK CONSTRUCTION PROJECT, PHASE II, PROJECT 1. (TNR) (COMMISSIONER SONLEITNER) (9:20 AM)

Clerk's Note: Item 7 added to Consent Items. Please refer to CONSENT ITEMS for the Court’s Motion and Vote.

8. APPROVE CONTRACT AWARD FOR CAFETERIA CONCESSION SERVICES, RFS NO. S030140-LD, AND VENDING MACHINE CONCESSION SERVICES, RFS NO. S030141-LD, TO F&M BLANK L.P. DBA ACCENT FOOD SERVICES AND DBA SAWYER VENDING SERVICE. (FM) (COMMISSIONER GÓMEZ) (9:20 AM)

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

9. APPROVE CONTRACT AWARD FOR SCANNER MAINTENANCE, IFB B030130-SP, TO THE LOW BIDDER, AUSTIN TYPEWRITER & COMPUTER. (ITS) (COMMISSIONER GÓMEZ) (9:20 AM)

Clerk's Note: Item 9 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

10. APPROVE THE FOLLOWING CONTRACTS FOR SEXUAL ASSAULT NURSE EXAMINER (SANE) SERVICES: (9:20 AM)
 - A. PS030177JW – KATHLEEN GANN;
 - B. PS030178JW – CAROLYN DALE; AND
 - C. PS030179JW – JANET DIFRANCO. (SHERIFF'S OFFICE) (COMMISSIONER GÓMEZ)

Clerk's Note: Items 10.A-C added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 11. DISCUSS AND TAKE APPROPRIATE ACTION ON THE USE OF A SAFETY RECORD QUESTIONNAIRE INCLUDED IN CERTAIN TRAVIS COUNTY CONTRACT SOLICITATIONS. (COMMISSIONER GÓMEZ) (9:51 AM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; and Tom Nuckols, Assistant County Attorney.

Motion by Judge Biscoe and seconded by Commissioner Davis to approve the use of a safety record questionnaire.

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

- 12. APPROVE CONTRACT NO. PS030172JW WITH NEW HORIZONS TO PROVIDE RESIDENTIAL TREATMENT SERVICES TO JUVENILE OFFENDERS. (JUVENILE PROBATION) (COMMISSIONER GÓMEZ) (9:20 AM)

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

- 13. APPROVE MODIFICATION NO. 1 TO CONTRACT PS020098JW WITH SAFEPLACE FOR JUVENILE BATTERER INTERVENTION PREVENTION SERVICES. (JUVENILE PROBATION) (COMMISSIONER GÓMEZ) (9:20 AM)

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

- 14. APPROVE THE REQUIRED PUBLIC NOTICE OF THE EXISTENCE AND OPERATION OF THE TRAVIS COUNTY INDIGENT HEALTH CARE PROGRAM AND SELECT NEWSPAPER FOR ADVERTISING. (PURCHASING OFFICE) (COMMISSIONER GÓMEZ) (9:20 AM)

Clerk's Note: The Commissioners indicated that the newspaper chosen would be the Austin Chronicle, for reasons of pricing.

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

15. APPROVE MODIFICATION NO. 3 TO INTERLOCAL AGREEMENT NO. IL0300670J TO AUTHORIZE THE TEXAS ASSOCIATION OF SCHOOL BOARDS TO INVOICE AND RECEIVE ADMINISTRATIVE FEES FOR PURCHASES UNDER THE TEXAS LOCAL GOVERNMENT PURCHASE COOPERATIVE. (TNR) (COMMISSIONER GÓMEZ) (9:20 AM)

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

16. APPROVE CONTRACT AWARD FOR THE TEXAS VINE SERVICES AGREEMENT TO APPRISS, INC. (SHERIFF'S OFFICE) (COMMISSIONER GÓMEZ) (9:12 AM)

Item 16 postponed until September 2, 2003.

17. APPROVE ORDER EXEMPTING THE PURCHASE OF AUTOMATIC EXTERNAL DEFIBRILLATORS FROM PHILIPS MEDICAL SYSTEMS FROM THE COMPETITIVE PROCUREMENT PROCESS PURSUANT TO SECTION 262.024(A)(2) OF THE COUNTY PURCHASING ACT. (SHERIFF) (COMMISSIONER GÓMEZ) (9:12 AM)

Item 17 postponed until September 2, 2003.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

18. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF THE 5' DRAINAGE AND PUBLIC UTILITY EASEMENT ON EITHER SIDE OF THE COMMON LOT LINE BETWEEN LOTS 2 AND 3, RED WAGON RANCHETTES, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:20 AM)

Clerk's Note: Item 18 is the action item for the public hearing on Agenda Item 1.

Clerk's Note: Item 18 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

19. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AUTHORIZE THE FILING OF AN ORDER TO VACATE A PORTION OF THE RIGHT-OF-WAY OF GENERAL WILLIAMSON DRIVE IN CARDINAL HILLS UNIT 16, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:20 AM)

Clerk's Note: Item 19 is the action item for the public hearing on Agenda Item 2.

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

20. APPROVE A PLAT FOR RECORDING IN PRECINCT FOUR: CREEKVIEW SUBDIVISION (SHORT FORM PLAT – 2 LOTS – 5.0 ACRES – THAXTON ROAD – NO FISCAL REQUIRED -- SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC – CITY OF AUSTIN ETJ). (COMMISSIONER GÓMEZ) (9:20 AM)

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

21. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REQUEST REGARDING WYNTON PLACE IN PRECINCT THREE: (9:20 AM)
- A. A PRELIMINARY PLAN – WYNTON PLACE (PRELIMINARY PLAN – 1 LOT – PRIVATE STREET (5.349 ACRES) – WYNTON PLACE – NO SEWAGE SERVICE REQUIRED – CITY OF AUSTIN ETJ); AND
 - B. A PLAT FOR RECORDING – WYNTON PLACE, PHS. 1 (LONG FORM PLAT – PRIVATE STREET (5.349 ACRES) – 1 LOT – WYNTON PLACE – FISCAL POSTED WITH CITY OF AUSTIN – NO SEWAGE SERVICE REQUIRED – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY)

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.** APPROVAL OF CORRECTION IN ORDER OF VACATION OF TRAVIS COOK ROAD PREVIOUSLY APPROVED ON JUNE 17, 2003 IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:20 AM)

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

PLANNING AND BUDGET DEPT. ITEMS

- 23.** REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE: (9:20 AM)
- A.** GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE FOR THE 2003 LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM IN THE SHERIFF'S OFFICE. THE GRANT CONTINUES THE CURRENT PROGRAM FOR FY 03; AND
 - B.** GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR THE DRUG COURT GRANT PROGRAM IN THE CRIMINAL COURTS. THE GRANT CONTINUES THE EXISTING PROGRAM FOR FY 04.

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

24. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (10:05 AM)
(2:41 PM)

Members of the Court heard from: Jessica Rio, Budget Analyst, Planning and Budget Office (PBO); Alan Miller, Budget Analyst, PBO; Roger El Khoury, Director, Facilities Management; Danny Hobby, Emergency Services Coordinator, Travis County Department of Emergency Services; Travis Gaitlin, Budget Analyst, PBO; and Diana Ramirez, Budget Analyst, PBO.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the budget amendments and transfers.

A Clarification of the previous Motion was made by Judge Biscoe that the Motion covers all of the Budget Amendments and Transfers, except discussion items DS1-DS3.

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

Clerk’s Note: Items 24 and 31.A-C are associated with one another and were called for concurrent discussion.

Members of the Court agreed to consider one Motion for Items 24 and 31.A-C. Please refer to Items 31.A-C for a summary of the Court’s Motion and Vote.

**25. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING RECOMMENDATIONS FROM THE TRAVIS COUNTY FIRE MARSHAL:
(10:15 AM)**

A. USE OF LIFE SAFETY CODE BY FIRE MARSHAL AS AUTHORIZED UNDER SB 1460; AND

B. ADOPTION OF PROPOSED INSPECTION FEES, AS AUTHORIZED BY CHAPTER 233 OF THE LOCAL GOVERNMENT CODE.

Clerk’s Note: Items 25.A and B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Danny Hobby, Emergency Services Coordinator, Travis County Department of Emergency Services; Jim Connolly, Assistant County Attorney; Barbara Wilson, Assistant County Attorney; Dennis Haas, Travis County Fire Marshall; and Alan Miller, Budget Analyst, PBO.

Motion by Commissioner Sonleitner **and seconded by** Judge Biscoe that the fee chart reflect, in terms of the proposed rates for Travis County, that the fees for Foster Homes, Adoption Homes, Day Care – In Home, Day Care <25, Day Care >25, Health Care Homes, and Nursing Homes <50 bed, be a flat fee of \$50. For everything else on the chart, it would be an hourly rate of \$52/hour.

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

Clerk’s Note: Judge Biscoe suggested that what we ought to do with Attachment B, is to change it to reflect whatever action is taken today, so that those who inquire can be given a copy of this; and then, at the public hearing at 6:00 PM tomorrow, August 27, 2003, those who want to come and give comments can give comments on it.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to approve Item 25.A.

Clerk’s Note: Commissioner Daugherty noted that that would have no effect on the Emergency Services Districts.

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

- 26. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATION REGARDING THE PATIENT LANDING FEE CURRENTLY CHARGED TO HOSPITALS FOR STAR FLIGHT SERVICES. (CP) (9:12 AM)

Item 26 postponed until September 2, 2003.

- 27. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO PROVIDE SECURITY EQUIPMENT FOR THE TAX ASSESSOR-COLLECTOR'S OFFICE AT THE AIRPORT FACILITY. (2:47 PM)

Clerk's Note: Items 27 and A2.A and B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; and Roger El Khoury, Director, Facilities Management.

Members of the Court agreed to consider one Motion for Items 27 and A2.A and B.

Motion by Judge Biscoe and seconded by Commissioner Davis to approve Items 27 and A2.A and B, the contract modifications.

Motion carried:

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

- 28. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR TRAVIS COUNTY, AS A MEMBER OF THE EXECUTIVE COMMITTEE OF THE BARTON SPRINGS WATERSHED WATER QUALITY STANDARDS PLANNING PROJECT, TO APPROVE WITH THE CITY OF DRIPPING SPRINGS AN INTERLOCAL AGREEMENT TO PROVIDE ADMINISTRATIVE SERVICES TO THE PROJECT. (COMMISSIONER DAUGHERTY) (9:12 AM)

Item 28 postponed until September 2, 2003.

29. CONSIDER AND APPROVE ORDER DESIGNATING ELECTION DAY POLLING PLACES. (9:20 AM)

Clerk's Note: Item 29 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

TAKE UP AT 1:40 P.M.

30. RECEIVE REPORT FROM THE TRAVIS COUNTY AFTERSCHOOL NETWORK (TCAN) REGARDING AFTERSCHOOL PROPOSAL FOR TRAVIS COUNTY COLLABORATIVE. (1:44 PM)

Members of the Court heard from: Anna Land, Chair, Travis County Afterschool Network (TCAN); Shirleen Justice, Austin Independent School District (AISD), Steering Committee, TCAN; Karen Hunt, YWCA of Greater Austin, Member of TCAN; Dave Martin, Executive Director, Boys and Girls Clubs, Member of TCAN; and Stephen Williams, Executive Manager, TCHHS&VS.

Clerk's Note: The Court directed Staff to research the matter for three more weeks and return to Commissioners' Court.

Discussion only. No action taken.

- 31. CONSIDER AND TAKE APPROPRIATE ACTION ON A PROPOSAL TO PURCHASE THE ANTHEM UPGRADE AND AI-INDEXING SOFTWARE, INCLUDING: (2:41 PM)
 - A. SOLE SOURCE EXEMPTION FOR THE PURCHASE AND MAINTENANCE OF THE ANTHEM UPGRADE AND AI-INDEXING SOFTWARE FROM HART INTERCIVIC, INC.;
 - B. MODIFICATION NO. 6 TO CONTRACT 99C0018-JP, DEED INDEXING SYSTEM – PURCHASE/INSTALLATION/MAINTENANCE, WITH HART INTERCIVIC, INC.; AND
 - C. MODIFICATION NO. 2 TO CONTRACT MA030068LC, PURCHASE AND MAINTENANCE OF THE PROBATE IMAGING SYSTEM, WITH HART INTERCIVIC, INC. (COUNTY CLERK) (COMMISSIONER GÓMEZ)

Clerk’s Note: Items 31.A-C and 24 are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Dana DeBeauvoir, Travis County Clerk; Diana Ramirez, Budget Analyst, PBO; and Joe Harlow, Director, Information and Telecommunications Systems (ITS).

Members of the Court agreed to consider one Motion for Items 31.A-C and 24.

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve Items 31.A, B, and C.

A Clarification of the previous Motion was made by Commissioner Sonleitner that the Motion also includes the Budget Amendments and Transfers DS1, 2, and 3 under Agenda Item 24.

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

32. CONSIDER REQUEST FROM ENDEAVOR REAL ESTATE GROUP LLC., FOR FINANCIAL INCENTIVES ON “THE DOMAIN” DEVELOPMENT PROJECT, AND TAKE APPROPRIATE ACTION. (2:52 PM)

Members of the Court heard from: Mary Etta Gerhardt, Assistant County Attorney.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to approve the order with the 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 absent
 Precinct 4, Commissioner Margaret J. Gómez yes

33. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO CORRECT ORDER FOR ADOPTION REGARDING TRAVIS COUNTY ECONOMIC DEVELOPMENT PROGRAM POLICY. (2:51 PM)

Members of the Court heard from: Mary Etta Gerhardt, Assistant County Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve the order with the corrections.

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

34. CONSIDER REQUEST FROM BENJAMIN MEEKS TO SET UP A PORTABLE SHOE SHINE STAND IN THE TRAVIS COUNTY HISTORIC COURTHOUSE AND CRIMINAL JUSTICE CENTER ON A PILOT BASIS. (JUDGE BISCOE)
(2:55 PM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; Mary Etta Gerhardt, Assistant County Attorney; and Alicia Perez, Executive Manager, Administrative Operations.

Clerk's Note: The Court directed Staff to get with Facilities Management and Courthouse Security to try and locate a little space for a pilot program for two weeks. If we can reach a tentative agreement on this, we can get back with the County Attorney's Office, and try to come up with something in writing, and bring it back to Court.

Discussion Only. No formal action taken.

35. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:20 AM)

Clerk's Note: Item 35 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

36. DISCUSS LEASE AT 2919 MANCHACA ROAD, AND TAKE APPROPRIATE ACTION. ^{1&2} (3:04 PM) (5:14 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.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to authorize County Staff to communicate to the landlord, in writing, that Travis County's position is that the landlord is in default, as a response to the manager's communication to us, of the landlord's unwillingness to pay for the test and balance that is necessary; that we also communicate to the landlord Travis County's decision to conduct this test ourselves, and to deduct from our next month's lease payment, the amount of the cost, and that because this matter has dragged on, if that test is negative, we will, basically, invoke other default provisions of the contract, and be prepared to take immediate action.

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

37. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING BARBARA OAKLEY, AS LEGAL GUARDIAN FOR RICHARD DANZINGER V. CITY OF AUSTIN, HECTOR POLANCO, ET AL. ¹
(3:04 PM) (5:13 PM)

Clerk’s Note: Judge Biscoe announced that Item 37 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 counter in the amount of \$500,000.00, and authorize the County Attorney to communicate that to the attorney for Mr. Danzinger.

Motion carried:

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

Item 37 to be reposted on September 2, 2003.

38. CONSIDER AND TAKE APPROPRIATE ACTION ON PURCHASE CONTRACT WITH ROBERT D. KING AND JANET K. KING FOR THE ACQUISITION OF APPROXIMATELY 59.524 ACRES OF LAND IN CONNECTION WITH THE BALCONES CANYONLANDS CONSERVATION PLAN. ^{1 & 2} (3:04 PM)
(5:13 PM)

Clerk’s Note: Judge Biscoe announced that Item 38 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 to reject the counter-offer of the Kings, on this property, and that we have no new offer to forward on.

Motion carried:

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

39. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. LAVAE MOUSSA (TONY CERNOSEK RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:04 PM) (5:13 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.

Motion by Judge Biscoe and seconded by Commissioner Davis that the County Judge be authorized to sign the resale deed to Tony Cernosek, who has delivered to Travis County cash in the amount of \$8,200.00

Motion carried:

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

40. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. BARBARA WILKES (AUSTIN ENERGY RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:04 PM) (5:12 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 Sonleitner to authorize the County Judge to execute the tax resale deed to the City of Austin, and the City of Austin has paid Travis County \$41,416.94.

Motion carried:

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

41. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. K. NEIL & LOIS LEWIS (KETAN B. PANDYA RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:04 PM) (5:12 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.

Motion by Judge Biscoe and seconded by Commissioner Davis to authorize the County Judge to sign the prepared tax resale deed to Ketan B. Pandya, who has delivered to Travis County \$5,000.00 in cash.

Motion carried:

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

42. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. TEXAS REAL ESTATE MARKETING & CONSULTING (WILLIAM L. STONE RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:04 PM) (5:11 PM)

Clerk’s Note: Judge Biscoe announced that Item 42 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 authorize the County Judge to sign the resale deed to William L. Stone, because he has delivered to Travis County \$14,470.00 in cash.

Motion carried:

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

43. CONSIDER AND TAKE APPROPRIATE ACTION ON CHANGES IN THE CONTRACTUAL AGREEMENT WITH THE WORKFORCE DEVELOPMENT BOARD ADDRESSING TRAVIS COUNTY’S POTENTIAL LIABILITY FOR WORKFORCE FUNDS. ¹ (3:04 PM) (4:57 PM)

Clerk’s Note: Judge Biscoe announced that Item 43 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from: Rochelle Limler Clark, General Counsel, WorkSource Board; and Mary Etta Gerhardt, Assistant County Attorney.

Discussion only. No action taken.

44. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING FLUOR DANIEL, INC. V. TRAVIS COUNTY, TEXAS; NO. 02-50378; IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT (USDC CIVIL ACTION NO. A-00-CA-021-SS). ¹ (3:04 PM) (5:16 PM)

Clerk’s Note: Judge Biscoe announced that Item 44 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 sign the letter that, basically, terminates this matter, for all parties, on all issues, that have been raised, or could have been raised.

Motion carried:

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

45. APPROVE OR REJECT PROPOSED FARMERS' MARKET LEASE AGREEMENT WITH JENNIFER KUNZ D/B/A JENNY'S BAKEHOUSE AND DELI. (COMMISSIONER SONLEITNER) ^{1 & 2} (3:04 PM) (5:11 PM)

Clerk's Note: Judge Biscoe announced that Item 45 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.

Clerk's Note: Commissioner Sonleitner noted that we should communicate with the landlord at the Farmers' Market that there is no lease, and that if anybody is on the County's premises without a license agreement with Travis County, they need to remove themselves "yesterday".

No formal action required on Item 45.

ADDED ITEMS:

- A1. A. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED FY 04 PARK FEE INCREASES; AND (11:19 AM)
- B. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED SUBDIVISION FEE INCREASES.

Clerk's Note: Items A1.A and B are associated with one another and called for concurrent discussion.

Members of the Court heard from: Carol Joseph, Assistant Director, TNR; Cynthia McDonald, Financial Manager, TNR; Anna Bowlin, TNR; Harry Savio, Executive Vice President, Home Builders Association of Greater Austin; Hank Smith, Vice President-Elect of Executive Committee and current Chairman of the Government Relations Committee, Home Builders Association of Greater Austin; Roy Turley, Parks Program Manager, TNR; and Charles Bergh, Division Director, Parks and Natural Resources, TNR.

Clerk's Note: Commissioner Gómez clarified that the Court is recommending that all of these motions be forwarded to the public hearing on August 27, 2003, but these are not "done deals".

ITEM A1 CONTINUED

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to approve Staff's recommendation of a 4.5% COLA (cost of living adjustment) on the County's subdivision rates, rounded up to the nearest dollar, as reflected in the backup material for Item A1.B.

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 Davis to approve Staff Recommendation A – Day Use Permit, with the exception that Hippie Hollow, based on cost of service, go to \$10.00 per vehicle, every day.

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 Davis to approve Staff Recommendation B – Pedestrian/Bicyclist Permit, Staff Recommendation C – Primitive Camping (Day/Night) Combo Permit, and Staff Recommendation D – Improved Camping Permit, as listed in the backup.

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 A1 CONTINUED

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to approve Staff Recommendation E – Annual Day Use Permit. The permit would go to \$75 per vehicle per year, with no blackout dates.

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 Davis to approve Staff Recommendation G – Duplicate Annual Permit, Staff Recommendation H – Pedestrian/Bicycle Annual Permit, Staff Recommendation I – Night Dive Permit, Staff Recommendation J – Lone Star Pass (senior citizen exemption), Staff Recommendation K – Overnight Camping Permit for Lone Star or Annual Permit Holders, Staff Recommendation L – Lone Star Veteran Pass (disable veteran exemption), Staff Recommendation M – Camping for Lone Star Veterans (disable veteran exemption), and Staff Recommendation N – Boat Trailer Parking Fee, as listed in the backup.

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 Davis to approve Staff Recommendation O – Increase Sports/Athletic Field Fees. This is the basics, related to athletic field usage, as listed in the backup.

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 A1 CONTINUED

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to approve the new Staff Recommendation P – Additional Services. This gives us a new way of figuring out tournaments, and it would be a per field/per day, higher charge at our three Metro parks, assuming when East Metro Park comes on board; and again, these are tournament charges, and this eliminates that \$500.00 charge, and replaces it with a per field/per day charge; and the other things here are the same Staff Recommendations on lights and field prep, which would be an optional service that folks could do without lights, or do their own field prep.

A Clarification of the previous Motion was made by Commissioner Gómez that the per field on the tournament, is the \$40.00 at Del Valle and Webberville, but the \$75.00 per field/per day remains at the Northeast, Southeast, and East Metro Parks.

A Clarification of the previous Motion was made by Judge Biscoe that the rationale for the tournament/per day is that these are tournaments where the teams pay for entry, and we are thinking that there is additional required of us for tournament play.

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

ITEM A1 CONTINUED

Motion by Commissioner Sonleitner and seconded by Commissioner Davis to approve a Recommendation U, which is a parking fee for tournaments that does not require additional staffing, and is collected at the time of the field reservation, and brings us money, without getting those costs.

A Clarification of the previous Motion was made by Commissioner Sonleitner that we are ignoring Staff Recommendation T.

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

- A2. A.** CONSIDER AND TAKE APPROPRIATE ACTION ON MODIFICATION NO. 2 TO CONTRACT JC020107DM – JOB ORDER NO. 23 TO ARCHITECTURAL HABITAT OF AUSTIN, INC. FOR EXTERIOR CONSTRUCTION WORK AT 5001 AIRPORT BOULEVARD; AND (2:47 PM)
- B.** CONSIDER AND TAKE APPROPRIATE ACTION ON MODIFICATION NO. 2 TO CONTRACT JC02017DM – JOB ORDER NO. 23 TO ARCHITECTURAL HABITAT OF AUSTIN, INC. FOR RENOVATION CLARIFICATIONS AT 5001 AIRPORT BOULEVARD FOR MILLWORK, VAULT CONSTRUCTION, WALL CAPS AND A CONCRETE COUNTER BACKSPLASH.

Clerk's Note: Items A2.A and B and Item 27 are associated with one another and were called for concurrent discussion.

Members of the Court agreed to consider one Motion for Items A2.A and B and Item 27. Please refer to Item 27 for a summary of the Court's Motion and Vote.

ADJOURNMENT

Motion by Commissioner Davis **and seconded by** Commissioner Sonleitner to adjourn the Voting Session. (5:16 PM)

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

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge