

MINUTES OF MEETING – JANUARY 20, 2004

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 20th day of January, 2004, the Commissioners' Court convened the regular Voting Session at 9:19 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 Deputy Melissa Velasquez.

The Commissioners' Court recessed the Voting Session at 12:00 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened the Voting Session at 1:43 PM and adjourned at 1:43 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, convened the Voting Session at 1:43 PM and adjourned at 1:53 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, convened the Voting Sessions at 1:53 PM and adjourned at 1:53 PM.

The Commissioners' Court reconvened the regular Voting Session at 1:54 PM.

The Commissioners' Court retired to Executive Session at 3:12 PM.

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

The Commissioners' Court adjourned the Voting Session at 5:04 PM.

SPECIAL ITEMS

1. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF THE SALE OR USE OF RESTRICTED FIREWORKS IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:20 AM)

Clerk’s Note: Items 1 and 2 are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Pete Baldwin, Emergency Management Coordinator, Department of Emergency Services; and Jim Connolly, Assistant County Attorney.

Clerk’s Note: It was determined that Travis County is not in a drought condition and that the prohibition of the sale or use of restricted fireworks in the unincorporated areas of Travis County is lifted.

Motion by Judge Biscoe and seconded by Commissioner Davis to approve the orders lifting the outdoor burning ban and the sale or use of restricted fireworks in the unincorporated areas of Travis County.

Motion carried:

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

2. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:20 AM)

Clerk’s Note: Items 1 and 2 are associated with one another and were called for concurrent discussion. Please refer to Item 1 for a summary of the Court’s Motion and Vote.

CONSENT ITEMS CONTINUED

- C2.** AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.
- C3.** APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF JANUARY 6, 2004.
- C4.** APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF JANUARY 9, 2004.
- C5.** APPOINT ZELDA MINOR TO THE TRAVIS COUNTY CHILDREN'S PROTECTIVE SERVICES BOARD, EFFECTIVE IMMEDIATELY TO EXPIRE DECEMBER 2006. (COMMISSIONER DAUGHERTY)
- C6.** APPOINT JANE PIPER TO THE TRAVIS COUNTY CHILDREN'S PROTECTIVE SERVICES BOARD, EFFECTIVE IMMEDIATELY TO EXPIRE JANUARY 2005. (COMMISSIONER SONLEITNER) (9:32 AM)

Item C6 postponed until January 27, 2004.

- C7.** APPOINT ERNEST PEDRAZA TO SERVE ON THE EMERGENCY SERVICES DISTRICT #11, EFFECTIVE IMMEDIATELY. (COMMISSIONER GÓMEZ) (9:32 AM)

Item C7 pulled from the Agenda.

- C8.** APPROVE SETTING A PUBLIC HEARING ON FEBRUARY 24, 2004 TO DISCUSS AND APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: STEINER RANCH PARKSIDE, AMENDED PLAT OF LOTS 88 AND 93, BLACK A (SHORT FORM PLAT – 2 LOTS – 2.58 ACRES – QUINLAN PARK ROAD – SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY WCID NO. 17 – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY)

PURCHASING OFFICE ITEMS

5. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. PS030050JW, DOMESTIC RELATIONS OFFICE, FOR CRIME VICTIMS SERVICES. (COMMISSIONER GÓMEZ) (9:32 AM)

Clerk's Note: Item 5 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

6. APPROVE CONTRACT AWARD FOR CAMERA MONITORING SYSTEM, IFB NO. B040021SP, TO THE LOW BIDDER, NOTIFICATION SYSTEMS OF AMERICA, INC. (TCSO) (COMMISSIONER GÓMEZ) (9:32 AM)

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

7. APPROVE CONTRACT AWARD FOR LINE ITEM 1, RENTAL OF CARGO VANS, IFB NO. B040010RG, TO THE SOLE BIDDER, CAPPS RENT A CAR, INC. (COUNTY CLERK) (COMMISSIONER GÓMEZ) (9:32 AM)

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

8. APPROVE THREE (3) MONTH EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. 98T0068OJ, MAXIMUS, INC., FOR PROFESSIONAL SERVICES TO MAXIMIZE THE COUNTY'S FINANCIAL REIMBURSEMENTS FROM STATE AND FEDERAL SOURCES. (JUVENILE PROBATION, PBO) (COMMISSIONER GÓMEZ) (9:32 AM)

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

9.
 - A. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. 02T00271MP, MAGNUM CUSTOM TRAILER, FOR HEAVY DUTY ROAD MACHINERY ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS/MAINTENANCE; AND (9:32 AM)
 - B. APPROVE TWELVE (12) MONTH EXTENSION AND NAME CHANGE (MODIFICATION NO. 3) TO CONTRACT NO. 02T00272MP, COMMERCIAL BODY CORP., FOR HEAVY DUTY ROAD MACHINERY OEM PARTS/MAINTENANCE. (TNR) (COMMISSIONER GÓMEZ)

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

10. APPROVE TWELVE (12) MONTH EXTENSIONS (MODIFICATION NO. 2) TO THE FOLLOWING CONTRACTS FOR HEAVY DUTY ROAD MACHINERY OEM PARTS/MAINTENANCE: (9:32 AM)
 - A. NO. 02T00250MP, ROMCO EQUIPMENT CO.;
 - B. NO. 02T00251MP, EQUIPMENT DEPOT, LTD.;
 - C. NO. 02T00252MP, CONLEY LOTT NICHOLS;
 - D. NO. 02T00253MP, HOLT COMPANY OF TEXAS;
 - E. NO. 02T00254MP, FAIRWAY GOLFCARTS;
 - F. NO. 02T00255MP, PROFESSIONAL TURF PRODUCTS, INC.; AND
 - G. NO. 02T00256MP, B-C EQUIPMENT SALES, INC. (TNR)
(COMMISSIONER GÓMEZ)

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

- 11. DISCLOSE RELATIONSHIP WITH KEY CONTRACTING PERSON (SPOUSE) AND APPROVE ORDER WAIVING THE REQUIREMENTS OF DISCRETIONARY CONTRACTS PURSUANT TO SECTION 32.004(F) OF THE TRAVIS COUNTY ETHICS POLICY FOR THE PURPOSE OF APPROVING CONTRACTS DURING 2004 BETWEEN TRAVIS COUNTY AND AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION – SAMUEL T. BISCOE. (PURCHASING) (COMMISSIONER GÓMEZ) (9:40 AM)

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 in Item 11.

Motion carried:

County Judge Samuel T. Biscoe	abstain
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 INTERLOCAL AGREEMENT WITH AUSTIN AND TRAVIS COUNTY MENTAL HEALTH AND MENTAL RETARDATION FOR STAFF SERVICES. (HHS&VS) (COMMISSIONER GÓMEZ) (9:32 AM)

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

- 13. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 03T0014RG, CENTEX MATERIALS, L.P., FOR CONCRETE AND GROUT MIX. (TNR) (COMMISSIONER GÓMEZ) (9:32 AM)

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

- 14. APPROVE MODIFICATION NO. 5 TO CONTRACT NO. 02T00273LD, K B CONTRACT CLEANING, FOR JANITORIAL SERVICES. (FM) (COMMISSIONER GÓMEZ) (9:32 AM)

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

15. APPROVE TWELVE (12) MONTH EXTENSIONS (MODIFICATION NO. 2) TO THE FOLLOWING CONTRACTS FOR HEAVY DUTY MACHINERY OEM PARTS/MAINTENANCE: (9:32 AM)

- A. NO. 02T00147MP, ANDERSON MACHINERY AUSTIN, INC.;
- B. NO. 02T00148MP, WAUKESHA PEARCE INDUSTRIES;
- C. NO. 02T00149MP, CLOSNER EQUIPMENT CO., INC.;
- D. NO. 02T00150MP, COOPER EQUIPMENT CO.;
- E. NO. 02T00151MP, LONGHORN INTERNATIONAL EQUIPMENT;
- F. NO. 02T00152MP, TEXANA MACHINERY CORP.;
- G. NO. 02T00153MP, RDO EQUIPMENT CO.;
- H. NO. 02T00154MP, LACAL EQUIPMENT, INC. (TNR) (COMMISSIONER GÓMEZ)

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

16. PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE, DECLARE LISTING OF CERTAIN EQUIPMENT AS SURPLUS AND SELL AT PUBLIC AUCTION. (FIXED ASSETS) (COMMISSIONER GÓMEZ) (9:32 AM)

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

17. APPROVE CONTRACT AWARD FOR COUNTY WIDE PROFESSIONAL INDOOR AIR QUALITY ASSESSMENT SERVICES, RFS NO. S030070MB, TO THE TEAM OF BECKER ENGINEERING IN CONJUNCTION WITH INDOOR ATMOSPHERIC SCIENCE. (RISK MANAGEMENT) (COMMISSIONER GÓMEZ) (9:32 AM)

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

18. APPROVE LETTER AGREEMENT NO. LA040063EF WITH THE TEXAS DEPARTMENT OF INSURANCE FOR THE USE OF JUVENILE FIRESETTER INTERVENTION SOFTWARE PROGRAM. (EMERGENCY SERVICES) (COMMISSIONER GÓMEZ) (9:32 AM)

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

19. APPROVE CONTRACT AWARD FOR PRECINCT FOUR OFFICE BUILDING OFF-SITE DRAINAGE IMPROVEMENTS, IFB NO. B040039MB, TO THE LOW BIDDER, KEYSTONE CONSTRUCTION. (FM) (COMMISSIONER GÓMEZ)
(9:19 AM)

Item 19 postponed until January 27, 2004.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

20. DISCUSS REQUEST TO APPROVE THE VACATION OF A 15' ACCESS EASEMENT IN NORTHTOWN PARK SECTION THREE AND SECTION FIVE, TWO SUBDIVISIONS IN PRECINCT ONE. (COMMISSIONER DAVIS)
(9:32 AM)

Clerk's Note: Item 20 is the action item for the public hearing on Agenda Item 3.

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

- 21. A. CONSIDER EARLY ACTION COMPACT’S DRAFT CLEAN AIR ACTION PLAN, AND TAKE APPROPRIATE ACTION; AND (10:24 AM) (11:04 AM) (3:03 PM)
- B. CONSIDER COUNTY’S PARTICIPATION IN THE CLEAN AIR PARTNERS PROGRAM, AND TAKE APPROPRIATE ACTION.

Clerk’s Note: Items 21.A and B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Scheleen Walker, TNR; Cathy Stephens, Capital Metropolitan Planning Organization (CAMPO) and Chair, Early Action Compact Task Force; Bill Gill, Capital Area Planning Council Organization (CAPCO) and member, Early Action Compact Task Force; Vincent J May, Travis County Resident; Steve Rabbit, Travis County Resident; Wes Benedict, Travis County Resident; Arthur Divianca, Travis County Resident; and Hazel Barber, Mobile Source Program Manager, Texas Commission on Environmental Quality (TCEQ).

Motion by Judge Biscoe and seconded by Commissioner Gómez to recess this Item until after Items 33, 34, and 35 are discussed.

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: The Court resumed discussion of Items 21.A and B at 11:04 AM.

Motion by Judge Biscoe and seconded by Commissioner Davis to approve Items 21.A and B, and to draft a short resolution in which we indicate to the Texas Commission on Environmental Quality, Travis County’s position; and that if the program does not achieve the desired effect, or if we determine that it is unnecessary, that Travis County be allowed to petition to terminate the program.

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

22. DISCUSS AND APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: EXA PRESSLAR SUBDIVISION (SHORT FORM PLAT – 7 LOTS – 18.441 ACRES – FM 1626 – NO FISCAL REQUIRED – SEWAGE SERVICE PROVIDED BY ON-SITE SEPTIC SYSTEMS – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:36 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; and Tim Moltz, engineer for the project.

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to approve the plat 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. CONSIDER DOCUMENT TO CERTIFY COMPLIANCE WITH CHAPTER 242, LOCAL GOVERNMENT CODE, REGARDING THE INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY AND THE CITY OF AUSTIN FOR REGULATION OF SUBDIVISIONS IN THE EXTRA TERRITORIAL JURISDICTION (ETJ), AND TAKE APPROPRIATE ACTION. (9:42 AM)

Members of the Court heard from: Tom Nuckols, Assistant County Attorney; and Joe Gieselman, Executive Manager, TNR.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to approve the order in Item 23.

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

PLANNING AND BUDGET DEPT. ITEMS

- 24.** CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:32 AM)

Clerk's Note: Budget Amendment and Transfer A27 was added on and is a transfer from the General Fund Allocated Reserve to the County Attorney's budget, to retain outside legal services related to the County's objection to congressional redistricting efforts by the Texas Legislature.

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

- 25.** REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
(9:32 AM)

A. A GRANT CONTRACT AMENDMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE IMPAIRED DRIVING MOBILIZATION SELECTIVE TRAFFIC ENFORCEMENT PROGRAM IN THE SHERIFF'S OFFICE. THE GRANT AMENDMENT INCREASES THE GRANT AWARD BY \$25,000; AND

B. A GRANT CONTRACT WITH CITY OF AUSTIN FOR A DRUG COURT PROGRAM GRANT IN THE CRIMINAL COURTS. THE GRANT PROVIDES PASS-THROUGH FUNDING FROM THE DEPARTMENT OF JUSTICE BUREAU OF JUSTICE AFFAIRS, LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM, TO ENHANCE THE SERVICES OFFERED BY THE COUNTY DRUG COURT PROGRAM.

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

HEALTH AND HUMAN SERVICES DEPT. ITEMS

26. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING PROPOSED CHANGES TO THE SOCIAL SERVICE CONTRACT BOILERPLATE. (9:45 AM) (1:54 PM)

Members of the Court heard from: Mary Etta Gerhardt, Assistant County Attorney; Diana Warner, First Assistant County Auditor; Stephen Williams, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); Susan Spataro, Travis County Auditor; Lee Manford, President, Austin Area Human Services Association; José Palacios, Travis County Auditor's Office; Cyd Grimes, Travis County Purchasing Agent; and Jim Collins, Executive Assistant County Attorney.

Clerk's Note: The Court resumed discussion of Item 26 at 1:54 PM.

Discussion Only. No formal action was taken on Item 26.

ADMINISTRATIVE OPERATIONS ITEMS

27. 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 \$163,476.00 FOR THE PERIOD OF JANUARY 2 THROUGH JANUARY 8, 2004. (9:32 AM)

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

28. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED PERSONNEL AMENDMENTS. (9:32 AM)

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

29. REVIEW AND APPROVE THE FOLLOWING PROPERTY AND LIABILITY CLAIM RECOMMENDATIONS: (9:47 AM)

- A. WASHINGTON/HOLMES/HOUSTON – SETTLE;**
- B. MARY MCINTYRE – SETTLE; AND**
- C. CITY OF AUSTIN – SETTLE.**

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to approve the property and liability claim recommendations as recommended by the Risk Manager.

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

30. RECEIVE UPDATE AND TAKE APPROPRIATE ACTION ON TRAVIS COUNTY EMPLOYEE WELLNESS PROGRAM. (9:48 AM)

Members of the Court heard from: Dan Mansour, Risk Manager, Human Resources Management Department (HRMD); Alicia Perez, Executive Manager, Administrative Operations; Susan Spataro, Travis County Auditor; and Lee McCormick, HRMD.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve the purchase of the pedometers and the printing of the booklets, and to identify the Health Facilities Development Corporation or the Housing Finance Corporation as the source of funding, in that 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	no
Precinct 4, Commissioner Margaret J. Gómez	yes

Item 30 to be reposted on February 3, 2004.

JUSTICE AND PUBLIC SAFETY ITEMS

- 31. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL AGREEMENT FOR THE OPERATION AND MAINTENANCE OF THE REGIONAL RADIO SYSTEM (RRS). (9:32 AM)

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

OTHER ITEMS

- 32. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REQUEST FOR RESOLUTION APPROVING THE ISSUANCE OF BONDS BY THE TRAVIS COUNTY EMERGENCY SERVICES DISTRICT NO. 7. (COMMISSIONER DAUGHERTY) (9:32 AM)

Clerk's Note: Item 32 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 33. ACCEPT AND OPEN BIDS RELATING TO, AND CONSIDER AND TAKE ACTION ON, AN ORDER AUTHORIZING THE ISSUANCE OF \$7,830,000 TRAVIS COUNTY, TEXAS, UNLIMITED TAX ROAD BONDS, SERIES 2004, AND MATTERS PERTAINING THERETO. (10:56 AM)

Members of the Court heard from: Ladd Pattillo, Travis County Financial Advisor.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to award the bid for the \$7,830,000.00 unlimited tax road bonds to Wachovia Securities with a bid of 3.905298, and to execute the necessary instruments to carry this out and to adopt the order also.

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

34. ACCEPT AND OPEN BIDS RELATING TO, AND CONSIDER AND TAKE ACTION ON AN ORDER AUTHORIZING, THE ISSUANCE OF \$1,800,000 TRAVIS COUNTY, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 2004 (LIMITED TAX), AND MATTERS PERTAINING THERETO. (11:00 AM)

Members of the Court heard from: Ladd Pattillo, Travis County Financial Advisor.

Motion by Judge Biscoe and seconded by Commissioner Gómez to award the bid for the \$1,800,000.00 certificates of obligation to First Southwest Company, with a bid of 1.967299, and to authorize the execution of all the other documents necessary to carry this out including the proposed order authorizing the issuance in Item 34.

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

35. ACCEPT AND OPEN BIDS RELATING TO, AND CONSIDER AND TAKE ACTION ON AN ORDER AUTHORIZING, THE ISSUANCE OF \$4,090,000 TRAVIS COUNTY, TEXAS, PERMANENT IMPROVEMENT BONDS, SERIES 2004 (LIMITED TAX), AND MATTERS PERTAINING THERETO. (10:59 AM)

Members of the Court heard from: Ladd Pattillo, Travis County Financial Advisor.

Motion by Judge Biscoe and seconded by Commissioner Gómez to award the bid for the \$4,090,000.00 permanent improvement bonds to A.G. Edwards & Sons Inc., with a bid of 3.924652, and all the other orders necessary to carry this out including the order authorizing as set forth in Item 35.

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

36. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSAL TO CREATE FIFTEEN ADDITIONAL LAW ENFORCEMENT DEPUTY POSITIONS FOR THE PATROL DIVISION OF THE SHERIFF'S OFFICE AS PART OF THE FY 2004 COUNTY CHALLENGE INITIATIVE. (11:54 AM)

Members of the Court heard from: Margo Frasier, Travis County Sheriff; and Bill Derryberry, Budget Analyst, Planning and Budget Office (PBO).

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Item 36.

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

37. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM THE TEXAS ASSOCIATION OF COUNTIES TO ADOPT A RESOLUTION CALLING FOR A CONSTITUTIONAL AMENDMENT TO PROHIBIT UNFUNDED MANDATES BY THE STATE. (3:06 PM) (5:03 PM)

Discussion Only. No action taken.

Item 37 to be reposted on January 27, 2004.

38. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF DECEMBER 2003. (9:32 AM)

Clerk's Note: Item 38 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

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

Clerk's Note: Item 39 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 40. CONSIDER BOARD AND COMMITTEE ASSIGNMENTS FOR COMMISSIONERS COURT MEMBERS, AND TAKE APPROPRIATE ACTION. (3:09 PM)

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the current Commissioners' Court assignments, with the exception of making it clear that Commissioner Davis is on the Clean Air Force and Judge Biscoe is on the Clean Air Coalition; to add Commissioner Daugherty to the 911 Regional Communications Center, and to change the name of the Bail Bond Committee to the Bail Bond Board.

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

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

The Commissioners Court will consider the following items in Executive Session. The Commissioners Court may also consider any other matter posted on the agenda if there are issues that require consideration in Executive Session and the Commissioners Court announces that the item will be considered during Executive Session.

- 41. RECEIVE BRIEFING AND/OR TAKE APPROPRIATE ACTION IN MICHAEL S. HANSON VS. HOLLYWOOD VIDEO, INC., ET AL (HANSON, FRASIER; CIVIL RIGHTS) (REQUESTED BY DEFENDANT). ¹ (3:12 PM) (4:56 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.

- 42. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND GIVE DIRECTION AND CONSIDER REPRESENTATION OF TRAVIS COUNTY REGARDING TRAVIS COUNTY MEDICAL EXAMINER'S FACILITY, AND TAKE APPROPRIATE ACTION. ¹ (3:12 PM) (4:56 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 Gómez to authorize Travis County to hire Charles Kelly, Attorney at Law to represent us in this matter, and our carrier, Zurich, has selected Charles Kelly and his firm to represent them and us.

Motion carried:

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

- 43. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, COUNTER OFFER OR SETTLEMENT OFFER AND/OR TAKE APPROPRIATE ACTION IN CAUSE NO. GN-300127; AUSTIN 1825 FORTVIEW, INC. V. TRAVIS COUNTY, TEXAS IN THE 353RD DISTRICT COURT OF TRAVIS COUNTY, TEXAS. ¹ (3:12 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.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to reject the counter offer of \$60,000.00 and make no further offers. That leaves outstanding our \$45,000.00 counter offer.

Motion carried:

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

- 44. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING ONGOING LITIGATION IN CONGRESSIONAL REDISTRICTING MATTER. ¹
(3:12 PM) (4:57 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.

Discussion Only. No action taken.

Item 44 to be reposted on January 27, 2004.

- 45. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE REQUEST FOR ZONING CHANGE ON THE PROPERTY ADJACENT TO 4011 MCKINNEY FALLS PARKWAY (PRECINCT FOUR OFFICE BUILDING). ¹ (3:12 PM)
(4:57 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.

Motion by Judge Biscoe and seconded by Commissioner Gómez that we authorize Alicia Perez, Executive Manager, Administrative Operations, to send to her counterpart at the City of Austin an appropriate letter, simply calling to the cities attention the existence of our new precinct four building, and the fact that there will be 10,000 probationers with many criminal offenses coming there on a day-to-day basis.

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

46. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR APPROVAL OF PERSONNEL ACTION FORM REGARDING EXTENSION OF LEAVE WITH PAY FOR JUVENILE PROBATION DEPARTMENT FROM FIVE (5) TO SIX (6) WORK DAYS. ^{1, 3, & 4} (3:12 PM) (4:58 PM)

Clerk’s Note: Judge Biscoe announced that Item 46 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney, Gov’t. Code Ann. 551.074, Personnel Matters, and Gov’t. Code Ann. 551.076, Security.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner that we authorize the extension of leave with pay from 5 days, as authorized by our policy, to six days. This is basically ratifying action that was already taken.

Motion carried:

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

47. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. DECKER MCKIM (JULES CAPLAN RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:12 PM)

Item 47 pulled from the Agenda.

48. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. GLEN C. ANDERSON (JONATHON MOORE RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:12 PM) (4:59 PM)

Clerk’s Note: Judge Biscoe announced that Item 48 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 execution of a resale deed to Jonathon Moore in the amount of \$4,361.41, and that the County Judge be authorized to sign on behalf of the Commissioners’ Court.

Motion carried:

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

49. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. C E GUTHRIE (BOBBY GREEN RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:12 PM) (4:59 PM)

Clerk’s Note: Judge Biscoe announced that Item 49 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 sign the prepared resale deed to Bobby Green, for he has paid the County \$2,500.00. This involves a little issue involving the title and structures already on the premises that we would like to take note of officially.

Motion carried:

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

50. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. U RENT M INC. (TONY CERNOSEK RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:12 PM) (5:00 PM)

Clerk’s Note: Judge Biscoe announced that Item 50 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 that the County Judge be authorized to execute a resale deed to Tony Cernosek, who has paid to Travis County \$7,500.00.

Motion carried:

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

51. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. KIP WESTLING AND CHARLES A. DRESCHLER (TONY CERNOSEK RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:12 PM) (5:00 PM)

Clerk’s Note: Judge Biscoe announced that Item 51 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 that the County Judge be authorized to execute a resale deed to Tony Cernosek, who has paid to Travis County \$3,000.00.

Motion carried:

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

52. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. CARMEN NAVARO DE DUHART (TONY CERNOSEK RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:12 PM) (5:00 PM)

Clerk’s Note: Judge Biscoe announced that Item 52 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 that the County Judge be authorized to execute a resale deed to Tony Cernosek, who has paid to Travis County \$2,550.00.

Motion carried:

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

53. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. JOHN A. SHAW (TONY CERNOSEK RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:12 PM) (5:01 PM)

Clerk's Note: Judge Biscoe announced that Item 53 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 that the County Judge be authorized to execute a resale deed to Tony Cernosek, who has paid to Travis County \$3,400.00.

Motion carried:

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

54. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. PRINCE ALBERT HILL AND ERNESTINE HILL (CHAUTAUQUA FOUNDATION RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:12 PM) (5:01 PM)

Clerk's Note: Judge Biscoe announced that Item 54 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion Only. No action taken.

Item 54 to be reposted on January 27, 2004.

55. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. PRINCE ALBERT HILL AND ERNESTINE HILL (CHAUTAUQUA FOUNDATION RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:12 PM) (5:01 PM)

Clerk's Note: Judge Biscoe announced that Item 55 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion Only. No action taken.

Item 55 to be reposted on January 27, 2004.

- 56. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. PAUL WATROUS (CHAUTAUQUA FOUNDATION RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:12 PM) (5:01 PM)

Clerk’s Note: Judge Biscoe announced that Item 56 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Discussion Only. No action taken.

Item 56 to be reposted on January 27, 2004.

- 57. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. J.D.C.B. INC. AND AKA UNIVERSAL TRADING AND BROKERAGE CO. AND AKA UNIVERSITY TRADING CO. (CHAUTAUQUA FOUNDATION RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:12 PM) (5:01 PM)

Clerk’s Note: Judge Biscoe announced that Item 57 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Discussion Only. No action taken.

Item 57 to be reposted on January 27, 2004.

- 58. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. RICHARD BIRD (JULES CAPLAN RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:12 PM) (5:02 PM)

Clerk’s Note: Judge Biscoe announced that Item 58 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 sign, on behalf of the Commissioners’ Court, a resale deed to Jules Caplan for the amount of \$50,000.00.

Motion carried:

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

59. RECEIVE LEGAL ADVICE ON REQUIREMENTS FOR CITIZENS COMMUNICATION AGENDA ITEM DURING COMMISSIONERS COURT MEETINGS, AND TAKE APPROPRIATE ACTION. ¹ (3:12 PM) (5:03 PM)

Clerk's Note: Judge Biscoe announced that Item 59 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion Only. No action required on Item 59.

60. RECEIVE LEGAL ADVICE FROM COUNTY ATTORNEY REGARDING VARIOUS QUESTIONS UNDER THE TEXAS OPEN MEETINGS ACT. ¹ (3:12 PM) (5:03 PM)

Clerk's Note: Judge Biscoe announced that Item 60 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion Only. No action taken.

Item 60 to be reposted on January 27, 2004.

