

MINUTES OF MEETING – JANUARY 27, 2004

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 27th day of January, 2004, the Commissioners' Court convened the regular Voting Session at 9:21 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 retired to Executive Session at 10:08 AM.

The Commissioners' Court reconvened the Voting Session at 10:36 AM.

The Commissioners' Court recessed the Voting Session at 11:46 AM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened the Voting Session at 1:41 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 2:04 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation, convened the Voting Session at 2:04 PM and adjourned at 2:05 PM.

The Commissioners' Court reconvened the regular Voting Session at 2:05 PM.

The Commissioners' Court retired to Executive Session at 2:53 PM.

The Commissioners' Court reconvened the Voting Session at 4:27 PM.

The Commissioners' Court adjourned the Voting Session at 4:38 PM.

RESOLUTIONS & PROCLAMATIONS

- 1. APPROVE PROCLAMATION FROM AUSTIN INDEPENDENT SCHOOL DISTRICT RECOGNIZING AFRICAN AMERICAN HERITAGE MONTH. (JUDGE BISCOE) (9:24 AM)

Members of the Court heard from: James Salas, Austin Independent School District (AISD).

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve the proclamation in Item 1.

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

CITIZENS COMMUNICATION

Members of the Court heard from: David Cavalier, Real Estate Broker, Representing property owners on Gattis School Road; and Scott Johnson, Travis County Resident. (9:28 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C3 (excluding Item C4) and Items 3, 4, 5, 6, 8, 10.A, B, and C, 11, 12, 13, 18.A and B, 19, 20, 21, 24, 25, 27, and 29.A, B, and C. (9:36 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.

CONSENT ITEMS CONTINUED

- C2. AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.
- C3. APPROVE A PUBLIC HEARING DATE OF FEBRUARY 10, 2004 TO APPROVE A TEMPORARY ROAD CLOSURE OF WOLF LANE FOR THE PURPOSE OF DRAINAGE IMPROVEMENT IN PRECINCT FOUR. (COMMISSIONER GÓMEZ)
- C4. APPOINT JANE PIPER TO THE TRAVIS COUNTY CHILDREN’S PROTECTIVE SERVICES BOARD, EFFECTIVE IMMEDIATELY TO EXPIRE JANUARY 2005. (COMMISSIONER SONLEITNER) (9:36 AM)

Item C4 pulled from the Agenda.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

- 2. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL AGREEMENT WITH CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY THAT WILL FUND CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY AND ENVISION CENTRAL TEXAS ACTIVITIES. (COMMISSIONER SONLEITNER) (9:39 AM)

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the interlocal in Item 2.

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

3. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT TO THE AGREEMENT FOR LANDSCAPE LIABILITY AND MAINTENANCE OF PUBLIC RIGHT-OF-WAY FOR SEVERAL STREETS IN THE WELLS BRANCH AREA WITH THE WELLS BRANCH ASSOCIATION, TRAVIS COUNTY AND THE CITY OF AUSTIN. (COMMISSIONER SONLEITNER) (9:36 AM)

Clerk's Note: Item 3 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

4. APPROVE FIRST RESPONDER AGREEMENT BETWEEN AUSTIN TRAVIS COUNTY EMS AND TRAVIS COUNTY TNR PARKS AND NATURAL RESOURCES. (COMMISSIONERS SONLEITNER AND DAUGHERTY) (9:36 AM)

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

5. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO VACATE A 15' ACCESS EASEMENT IN NORTHTOWN PARK SECTION THREE AND SECTION FIVE, TWO SUBDIVISIONS IN PRECINCT ONE. (COMMISSIONER DAVIS) (9:36 AM)

Clerk's Note: Judge Biscoe noted that the Commissioners' Court had passed Item 5 last week, January 20, 2004, but the wording was not appropriate for action, so it is being passed again.

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

6. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE A CONSTRUCTION AGREEMENT AND A PLAT FOR RECORDING IN PRECINCT THREE: GREENSHORES ON LAKE AUSTIN, PHASE ONE (LONG FORM PLAT – 138 LOTS – 161.85 ACRES – PEARCE ROAD – FISCAL POSTED WITH THE CITY OF AUSTIN – SEWAGE TO BE PROVIDED BY OAK SHORES WATER COMPANY (MUD) – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:36 AM)

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

- 7. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT NO. 1 TO THE DEVELOPMENT AGREEMENT WITH PLAZA V 620 AND TRAMMEL CROW DEVELOPMENT FOR THE CONSTRUCTION OF ANDERSON MILL ROAD. (COMMISSIONER DAUGHERTY) (9:53 AM)

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

Motion by Commissioner Daugherty **and seconded by** Commissioner Sonleitner to approve the amendment in 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 AND TAKE APPROPRIATE ACTION ON REQUEST TO USE ALTERNATE FISCAL FOR WEST CYPRESS HILLS PHASE I SECTION 2, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:36 AM) (9:52 AM)

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

Clerk’s Note: The Court reconsidered Item 8 at 9:52 AM.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to reconsider the action taken in Item 8.

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 8 CONTINUED

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

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to approve Staff's recommendation to approve the agreement, but conditioned upon the County receiving the fiscal security that the agreement references, and further, that without that condition being met, the agreement, though approved, is not effective.

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

9. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL AGREEMENT WITH THE CITY OF AUSTIN FOR COST SHARING AND CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS ON PLOVER PLACE ROAD. (COMMISSIONER GÓMEZ) (9:43 AM)

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

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the recommendations that the Transportation and Natural Resources Department (TNR) move forward to go for the grant, and to notify the residents at Plover Place of the County's plans.

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

- 10.** REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:36 AM)
- A.** APPROVE GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR A BYRNE FORMULA GRANT IN JUVENILE PROBATION DEPARTMENT. A NEW GRANT APPLICATION TO ENHANCE THE SERVICES OF THE JUVENILE DRUG COURT AND IN-HOME SERVICES; GRANT MATCH REQUIREMENTS FUNDED BY THE DEPARTMENT;
 - B.** APPROVE GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR A JUVENILE ACCOUNTABILITY BLOCK GRANT IN JUVENILE PROBATION DEPARTMENT. THE APPLICATION IS TO CONTINUE THE PROGRAM FOR FY 05; AND
 - C.** APPROVE GRANT CONTRACT WITH THE CHILDREN'S PARTNERSHIP TO RECEIVE FUNDS FROM THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION FOR PROGRAM COORDINATION SERVICES IN HEALTH AND HUMAN SERVICES DEPARTMENT. THE GRANT CONTINUES THE EXISTING PROGRAM FOR FY 04.

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

- 11.** CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:36 AM)

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

ADMINISTRATIVE OPERATIONS ITEMS

- 12. 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 \$475,125.13 FOR THE PERIOD OF JANUARY 9 THROUGH JANUARY 15, 2004. (9:36 AM)

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

- 13. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED PERSONNEL AMENDMENTS. (9:36 AM)

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

- 14. A. RECEIVE AND TAKE APPROPRIATE ACTION ON HOSPITAL AND INSURANCE FUND ANNUAL REPORT FOR FISCAL YEAR 2003; (10:47 AM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Cindy Purinton, Contract Benefits Administrator, Human Resources Management Department (HRMD); Dan Mansour, Risk Manager, HRMD; Norman McRee, Financial Analyst, HRMD; and Barbara Wilson, Assistant County Attorney.

Discussion Only. No action taken.

- 14. B. APPROVE PAYROLL STUFFER FOR WELLNESS FESTIVAL. (11:12 AM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; and Dan Mansour, Risk Manager, HRMD.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the payroll stuffer.

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

15. CONSIDER AND TAKE APPROPRIATE ACTION ON UPDATE ON THE FULLY AUTOMATED COURT TRACKING SYSTEM (FACTS) COMPONENT OF THE INTEGRATED JUSTICE SYSTEM. (11:34 AM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Joe Harlow, Chief Technology Officer, Information and Telecommunications Systems (ITS); Ron Schroer, Project Manager, FACTS Implementation, ITS; Judy Pittsford, ITS; and Beth Blankenship, Travis County Auditor's Office.

Discussion Only. No action taken.

16. CONSIDER AND TAKE APPROPRIATE ACTION ON ELEVATORS IN THE BLACKWELL-THURMAN CRIMINAL JUSTICE CENTER. (2:14 PM) (2:53 PM) (4:27 PM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Roger El Khoury, Director, Facilities Management; John Carr, Division Manager, Building Maintenance and Repair, Facilities Management; Debra Hale, Court Administration; Jim Barr, Contract Administrator, Facilities Management; and Jaime Page, Lieutenant, Travis County Sheriff's Office (TCSO).

Clerk's Note: Judge Biscoe announced that Item 16 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.076, Security.

Clerk's Note: The Commissioners' Court discussed the following Staff recommendations regarding the Criminal Justice Center (CJC) elevators: 1) Work with Judges and Court Administration on schedule modifications to spread out elevator loading; 2) Use attendants to assist passengers with queuing up for elevators; 3) Open stairwells for public use between Court floors; 4) Fully implement KONE Elevator Company's recommendations for elevator maintenance and operation; 5) Provide additional signage to include Court Directories in each elevator cab and at each elevator lobby; and 6) Open stairwell for public use between lobby and Court floors, and continue to work with TCSO (Sheriff's Office) Courthouse Security to address security concerns.

ITEM 16 CONTINUED

Clerk’s Note: The Commissioners’ Court, without objection, directed that Fred Lugo of the Retired Senior Volunteer Program (RSVP) try to locate volunteers to act as attendants to assist passengers with queuing for elevators and fully load elevators, eliminating partially loaded elevators during peak usage times, and to work with Roger El Khoury, Director, Facilities Management, on suitability and training. After 3-5 weeks, it can be determined whether it is working or not. The Commissioners’ Court further directed that Staff conduct a survey to determine whether lawyers in the Criminal Justice Center will use the stairwells if they are opened for public use.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to approve all the Staff’s recommendations, including the changes made in Court.

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	absent

PURCHASING OFFICE ITEMS

- 17. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 03T001070J, WITH TEXAS DISPOSAL SYSTEMS, INC. FOR CONTINGENCY CONTRACT TO REFUSE COLLECTION CONTRACT. (COUNTYWIDE) (COMMISSIONER GÓMEZ) (10:08 AM) (10:47 AM)

Clerk’s Note: Judge Biscoe announced that Item 17 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 approve the contingency contract with Texas Disposal Systems, Inc.

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

18. A. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. SL030126LC, BEARINGPOINT, INC., FOR TEXAS ONLINE SERVICE LEVEL AGREEMENT WITH EPAY ATTACHMENT TO ADD TRAVIS COUNTY PRECINCT THREE CONSTABLE (ITS); AND (9:36 AM)
- B. CONSIDER AND TAKE APPROPRIATE ACTION ON PROCESS FOR COUNTY DEPARTMENTS TO UTILIZE THE EPAY APPLICATION. (COMMISSIONER GÓMEZ)

Clerk's Note: Judge Biscoe noted that it would be up to Facilities Management and the Information and Telecommunications Systems (ITS) Department to communicate to all Travis County departments the process definition for any County Department wishing to utilize the ePay application.

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

19. APPROVE CONTRACT AWARD FOR MAINTENANCE OF XEROX DP96 LASER PRINTING SYSTEM, IFB NO. B040037LC, TO THE SOLE BIDDER, CSU-LSU. (ITS) (COMMISSIONER GÓMEZ) (9:36 AM)

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

20. APPROVE CONTRACT AWARD FOR FIRE EXTINGUISHER/SPRINKLER SYSTEM SERVICE, IFB NO. B040024RG, TO THE LOW BIDDER, AAA FIRE AND SAFETY EQUIPMENT COMPANY, INC. (FACILITIES) (COMMISSIONER GÓMEZ) (9:36 AM)

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

21. APPROVE MODIFICATION NO. 1 TO INTERLOCAL AGREEMENT NO. IL020072EF WITH THE AUSTIN TRAVIS COUNTY MENTAL HEALTH AND MENTAL RETARDATION CENTER, DUAL DIAGNOSIS DRUG COUNSELING. (CRIMINAL COURTS) (COMMISSIONER GÓMEZ) (9:36 AM)

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

22. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 4) TO CONTRACT NO. 03T00074OJ, WASTE MANAGEMENT OF TEXAS, FOR REFUSE COLLECTION. (COUNTYWIDE) (COMMISSIONER GÓMEZ) (9:40 AM) (10:00 AM) (10:08 AM) (10:36 AM)

Members of the Court heard from: Bonnie Floyd, Assistant Purchasing Agent; Kurt Harrison, Waste Management; Cyd Grimes, Travis County Purchasing Agent; and Tom Nuckols, Assistant County Attorney.

Clerk's Note: Judge Biscoe announced that Item 22 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Commissioner Davis to not continue the contract with Waste Management under the existing contract, 03T00074OJ.

Clerk's Note: The Motion dies for lack of a Second.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve a one-year extension, contingent upon Waste Management advising us, at the appropriate time, of any communication from the Texas Commission on Environmental Quality relative to the possible violation that was called to our attention today and that further, Travis County be notified of any violations or notice or citations pursuant to the contract executed about a year ago, so that we can remain basically, posted on developments. The contract language does not place on any party, responsibility for monitoring, and this motion is intended to require that Waste Management call to the County's attention, between now and the expiration of this 12-month extension, if this is approved, any citation, violation; basically tracking the language that is in the current contract.

Clerk's Note: Judge Biscoe noted that the contract has no geographic limit, and that what the existing contract talks about, is any violations or notices or citations associated with this landfill.

Motion carried:

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

23. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE CERTAIN SOCIAL SERVICES CONTRACTS AND AUTHORIZE THE COUNTY PURCHASING AGENT TO SIGN ALL CONTRACT ON BEHALF OF THE COMMISSIONERS COURT. (HHS&VS) (11:28 AM)

Members of the Court heard from: Stephen Williams, Executive Manager, Travis County Health, Human Services, and Veterans’ Services (TCHHS&VS); Frank Holder, Assistant Purchasing Agent; and Cyd Grimes, Travis County Purchasing Agent.

Clerk’s Note: The Commissioners’ Court discussed the following social services contracts: American Youth Works, Any Baby Can, Arc of the Capital Area, The Austin Academy, Austin Area Urban League, Inc., Austin Child Guidance Center, Austin Children’s Shelter, Austin Families, Inc., Austin Tenants Council, Big Brothers Big Sisters of Central Texas, Inc., Blackland Community Development Corporation, Capital Area Food Bank of Texas, Inc., Capital Area Homeless Alliance, Capital Area Mental Health Center, Capital Area Training Foundation, Capital IDEA, Caritas of Austin, Inc., CASA of Travis County, Inc., Child Inc., Communities in Schools, Crime Prevention Institute, Inc., Easter Seals Central Texas, Family Eldercare, Inc., Family Forward, Foundation for the Homeless, Inc., Goodwill Industries, Greater Calvary Rites of Passage Development, Immigration Counseling and Outreach Svcs., LifeWorks, Literacy Austin, Inc., Meals on Wheels and More, Peoples Community Clinic, Planned Parenthood of Austin, Inc., Reading is Fundamental of Austin, River City Youth Foundation, SafePlace, Salvation Army, St. Edward’s University, Sustainable Food Center (Austin Community Gardens), Texas Rural Legal Aid, Workers Assistance Program, Inc., and YWCA of Greater Austin.

Motion by Commissioner Davis and seconded by Commissioner Sonleitner to approve Item 23 and the revised list of social services contracts.

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

24. APPROVE SOLE SOURCE EXEMPTION AND CONTRACT WITH BLUEBONNET ELECTRIC COOP FOR CONSTRUCTION OF UNDERGROUND ELECTRICAL SYSTEM AT THE EAST METRO PARK PROJECT SITE. (TNR, FM) (COMMISSIONER DAVIS) (9:36 AM)

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

- 25. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. MA030099LC, FUTURE COM, FOR MAINTENANCE OF SECURITY PRODUCTS AND SOFTWARE. (ITS) (COMMISSIONER GÓMEZ) (9:36 AM)

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

OTHER ITEMS

- 26. RECEIVE PRESENTATION FROM THE TEXAS ASSOCIATION OF COUNTIES REGARDING AVAILABLE SERVICES. (11:18 AM)

Members of the Court heard from: Victor Uvalle Jr., Field Representative, Texas Association of Counties (TAC).

Discussion Only. No action taken.

- 27. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:36 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 REQUEST FROM THE TEXAS ASSOCIATION OF COUNTIES TO ADOPT A RESOLUTION CALLING FOR A CONSTITUTIONAL AMENDMENT TO PROHIBIT UNFUNDED MANDATES BY THE STATE AND IMPLEMENT A PUBLIC AWARENESS PROGRAM. (2:09 PM)

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the resolution as presented to us by the Texas Association of Counties.

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 28 CONTINUED

Motion by Judge Biscoe and seconded by Commissioner Davis to implement a public awareness program; and ask Travis County managers to help us come up with a list of unfunded mandates imposed by the State of Texas on one hand, and to try to show for each one of them, what the annual financial cost is for Travis County; that if members of the Court come up with specific ones that should be added to this list, that we try to put it together and circulate it.

A Friendly Amendment to the previous Motion was offered by Commissioner Sonleitner to coordinate with Bob Kamm, to help us pull together an appropriate letter, and pull the relevant information together.

Acceptance of the Friendly Amendment was made by Judge Biscoe and Commissioner Davis.

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

29. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REQUESTS: (9:36 AM)

A. APPOINTMENT OF PRESIDING JUDGE, ALTERNATE PRESIDING JUDGE, MANAGERS, ASSISTANT MANAGER AND TABULATION SUPERVISOR OF THE CENTRAL COUNTY STATION;

B. APPOINTMENT OF PRESIDING JUDGES OF RECEIVING SUBSTATIONS;

C. APPOINTMENT OF PRESIDING JUDGE AND ALTERNATE PRESIDING JUDGE OF EARLY VOTING BALLOT BOARD FOR THE MARCH 9, 2004 JOINT PRIMARY ELECTION.

Clerk's Note: Items 29.A, B, and C 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

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.

- 30. RECEIVE BRIEFING, CONSIDER SETTLEMENT OFFER, AND TAKE APPROPRIATE ACTION IN CLAIM RE: IAN TAYLOR V. MARGO FRASIER, ET AL (TAYLOR; FRASIER; CIVIL RIGHTS) (REQUESTED BY PLAINTIFF). ¹**
(2:53 PM) (4:35 PM)

Clerk's Note: Judge Biscoe announced that Item 30 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to accept the counter offer in the amount of \$78,750.00, and in deference to Commissioner Gómez, for today, for the purposes of getting this thing settled, that the source of funding be out of Risk Management, but that this item be brought back, in case the Court may have a different observation about what should be the funding source, or not.

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	absent

- 31. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND GIVE DIRECTION AND TAKE APPROPRIATE ACTION AND/OR ACCEPT, REJECT, OR COUNTER A SETTLEMENT OFFER FROM ANTONIO VARGAS HERNANDEZ IN THE MATTER OF TRAVIS COUNTY, TEXAS V. ANTONIO VARGAS HERNANDEZ, FRANCISCO CAMPOS AND ISABEL HUITRON, A00372500990201 (HERNANDEZ; PEREZ; SUBROGATION). ¹ (2:53 PM) (4:35 PM)

Clerk’s Note: Judge Biscoe announced that Item 31 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 accept the counter offer in the amount of \$10,000.00.

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	yes
Precinct 4, Commissioner Margaret J. Gómez	absent

- 32. CONSIDER AND TAKE APPROPRIATE ACTION ON APPEAL OF MEDWAY RANCH DRIVEWAY APPLICATION PERMIT #03-2266. (COMMISSIONER DAUGHERTY) ¹ (2:06 PM) (4:36 PM)

Clerk’s Note: Judge Biscoe announced that Item 32 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from: Sarah Crocker, Authorized Representative, Medway Ranch.

Discussion Only. No action taken.

Item 32 to be reposted on February 10, 2004.

- 33. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION IN FREDERICK PLUET, (DECEASED) V. MARGO FRASIER, ET AL, (PLUET; FRASIER; CIVIL RIGHTS) (REQUESTED BY DEFENDANT). ¹ (2:53 PM) (4:36 PM)

Clerk’s Note: Judge Biscoe announced that Item 33 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No action necessary on Item 33.

34. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING ONGOING LITIGATION IN CONGRESSIONAL REDISTRICTING MATTER. ¹
(9:23 AM)

Item 34 postponed until February 3, 2004

35. 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
(9:23 AM)

Item 35 postponed until February 3, 2004

36. 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
(9:23 AM)

Item 36 postponed until February 3, 2004

37. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. PAUL WATROUS (CHAUTAUQUA FOUNDATION RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (9:23 AM)

Item 37 postponed until February 3, 2004

38. 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 (9:23 AM)

Item 38 postponed until February 3, 2004

39. RECEIVE LEGAL ADVICE FROM COUNTY ATTORNEY REGARDING VARIOUS QUESTIONS UNDER THE TEXAS OPEN MEETINGS ACT. ¹
(2:53 PM) (4:36 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.

Discussion only. No action necessary on Item 39.

- 40. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION AND/OR ACCEPT, REJECT OR COUNTER SETTLEMENT DEMAND AND/OR AUTHORIZE COUNTY ATTORNEY TO INITIATE CONDEMNATION REGARDING PROJECT #01B01-09-2CA, GRAND AVENUE PARKWAY; PARCEL No. 17; ELENA PERALES, AND TRAVIS COUNTY, TEXAS (ELENA PERALES; GIESELMAN; CONDEMNATION). (REQUESTED BY THE COUNTY ATTORNEY) ¹ (2:53 PM) (4:36 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.

Discussion only. No action necessary on Item 40.

- 41. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION IN ROSENBAUM V. TRAVIS COUNTY (REQUESTED BY COUNTY ATTORNEY). ¹ (2:53 PM) (4:37 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 Commissioner Daugherty **and seconded by** Commissioner Sonleitner that, contingent on the Travis County Attorney’s Office drawing up an agreement where Mr. Rosenbaum would sign off on any further liability of Travis County; the motion would be to instruct the Planning and Budget Office (PBO) to transfer \$70,000.00 from the Reserve Fund 456 to supplement the existing budget, which is roughly \$108,000.00, to pursue settlement with the Rosenbaum claim.

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	absent

42. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION AND/OR RECEIVE SUMMARY OF SPECIAL COMMISSIONERS HEARING AND/OR ACCEPT, REJECT OR COUNTER SETTLEMENT DEMAND REGARDING PROJECT #01B01-09-2CA, GRAND AVENUE PARKWAY; PARCEL No. 3; THOMAS D. SHAFFER AND DEBRA V. SHAFFER, AND TRAVIS COUNTY, TEXAS (THOMAS D. SHAFFER AND DEBRA V. SHAFFER; GIESELMAN; CONDEMNATION). ¹ (2:53 PM) (4:37 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 Commissioner Sonleitner **and seconded by** Judge Biscoe to reject the counter offer in the amount of \$45,000.00 plus, and their proposal to rebuild their driveway onto their property, and there would be no counter.

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	absent

ADJOURNMENT

Motion by Commissioner Davis **and seconded by** Commissioner Daugherty to adjourn the Voting Session. (4:38 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 yes
Precinct 4, Commissioner Margaret J. Gómez absent

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge