

MINUTES OF MEETING – FEBRUARY 24, 2004

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 24th day of February, 2004, 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 Deputy Melissa Velasquez.

The Commissioners' Court retired to Executive Session at 11:02 AM.

The Commissioners' Court reconvened the Voting Session at 12:02 PM.

The Commissioners' Court recessed the Voting Session at 12:03 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened the Voting Session at 1:36 PM and adjourned at 1:37 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, convened the Voting Session at 1:37 PM and adjourned at 2:42 PM.

The Commissioners' Court reconvened the regular Voting Session at 2:42 PM.

The Commissioners' Court retired to Executive Session at 3:00 PM.

The Commissioners' Court reconvened the Voting Session at 3:39 PM.

The Commissioners' Court adjourned the Voting Session at 3:40 PM.

PUBLIC HEARINGS

1. DISCUSS REQUEST TO APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: STEINER RANCH PARKSIDE, AMENDED PLAT OF LOTS 88 AND 93, BLOCK 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). (ACTION ITEM 16) (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 16 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: Joe Gieselman, Executive Manager, 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 TEMPORARILY CLOSE PORTIONS OF BRATTON LANE, GRAND AVENUE PARKWAY, LONG VISTA DRIVE AND WELLS PORT DRIVE ON SUNDAY, MAY 30, 2004, FROM 6:00 A.M. UNTIL 1:00 P.M., IN ORDER TO HOLD THE IRON KIDS TRIATHLON SERIES. (ACTION ITEM 17) (COMMISSIONER SONLEITNER) (9:16 AM) (9:52 AM) (2:50 PM)

Clerk’s Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 17 for the Court’s Motion and Vote.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis 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: Joe Gieselman, Executive Manager, TNR; and Arturo Quintanilla, Travis County Business Owner.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to recess 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

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to reconvene 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: Joe Gieselman, Executive Manager, TNR.

ITEM 2 CONTINUED

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to recess the public hearing until 1:45 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 | yes |

Clerk’s Note: The Court without objection reconvened the Public Hearing to discuss Item 2.

Members of the Court heard from: Stan Tucker, Volunteer, Iron Kids Triathlon.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner 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 |

CITIZENS COMMUNICATION

Clerk’s Note: No speakers addressed the Court. (9:18 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C4, and Items 3, 4, 5, 6.A and B, 7, 8, 11, 12, 13, 15.A and B, 16, 18, 19, 20, 24.A, 27, 28, 31, and 33. (9:18 AM)

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

- C1.** RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2.** AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.
- C3.** APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF FEBRUARY 10, 2004.
- C4.** APPROVE SETTING A PUBLIC HEARING DATE OF MARCH 16, 2004, IN ORDER TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE THE 5' PUBLIC UTILITY EASEMENTS ON EITHER SIDE OF LOT 92, APACHE SHORES FIRST INSTALLMENT, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)

PURCHASING OFFICE ITEMS

- 3.** APPROVE CONTRACT AWARD FOR TRAFFIC PAINT, IFB B040051-RG, TO THE LOW BIDDER, ENNIS PAINT INC. (TNR) (GÓMEZ) (9:18 AM)

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

4. APPROVE PURCHASE OF TWO ANIMAL CONTROL TRUCKS, EIGHT SERVICE BODY TRUCKS AND THIRTY-SEVEN POLICE PACKAGE SEDANS FROM THE HOUSTON GALVESTON AREA COUNCIL, INTERLOCAL AGREEMENT IL198-858. (TNR) (COMMISSIONER GÓMEZ) (9:18 AM)

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

5. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 02T00189EH, SEKA TOTAL CARPET CARE, INC., FOR CARPET AND UPHOLSTERY CLEANING SERVICES. (FACILITIES MANAGEMENT) (COMMISSIONER GÓMEZ) (9:18 AM)

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

6. APPROVE TWELVE MONTH EXTENSION (MODIFICATION NO. 1) TO THE FOLLOWING CONTRACTS FOR SURFACE AGGREGATES 4 AND 5: (9:18 AM)

A. NO. 03T00190RV, VULCAN CONSTRUCTION MATERIALS – PRIMARY CONTRACTOR; AND

B. NO. 03T00191RV, ODEEN HIBBS TRUCKING COMPANY – SECONDARY CONTRACTOR. (COUNTYWIDE) (GÓMEZ)

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

7. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 02T00193LD, OFFICE DEPOT BUSINESS SERVICES, FOR OFFICE SUPPLIES. (COUNTYWIDE) (COMMISSIONER GÓMEZ) (9:18 AM)

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

8. APPROVE SIX-MONTH EXTENSION (MODIFICATION NO. 3) TO INTERLOCAL AGREEMENT NO. IL960420KW, CITY OF AUSTIN, FOR PHARMACEUTICALS AND MEDICAL SUPPLIES (ATCHHS) (COMMISSIONER GÓMEZ) (9:18 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 SOLE SOURCE EXEMPTION ORDER PURSUANT TO LOCAL GOVERNMENT CODE, SECTION 262.0-23 FOR MAINTENANCE OF EZ-VOTE, EZ-TAX, EZ-VIP AND ITP SOFTWARE WITH EASY ACCESS INC.; (9:21 AM) (11:02 AM) (2:46 PM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; Tamara Armstrong, Assistant County Attorney; and Bonnie Floyd, Assistant Purchasing Agent.

Clerk’s Note: Judge Biscoe announced that Item 9.A 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 approve the sole source exemption in Item 9.A.

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. B. APPROVE MODIFICATION NO. 4 TO CONTRACT MA960322, EASY ACCESS INC., FOR MAINTENANCE OF TAX OFFICE COMPUTER SYSTEM. (ITS, TAX OFFICE) (COMMISSIONER GÓMEZ) (9:21 AM) (11:02 AM) (2:43 PM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; Tamara Armstrong, Assistant County Attorney; and Bonnie Floyd, Assistant Purchasing Agent.

Clerk’s Note: Judge Biscoe announced that Item 9.B 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 drop the definition for government mandate or governmental mandate, and leave the contract as it has been, over the last 9 or 10 years.

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 9 CONTINUED

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to drop the governmental immunity, non-waiver language, and simply rely on the applicable law, should this become an issue.

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

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to accept the counter-offer of up to 5% as a compromise, and that we just add language with justification.

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

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to authorize the County Judge to execute the contract, if the changes are agreeable.

An Addition to the previous Motion was made by Judge Biscoe that if one or more of the changes to the contract are not agreeable, then this Item will be back on the Agenda.

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

10. APPROVE SOLE SOURCE EXEMPTION AND RENEWAL (MODIFICATION NO. 5) TO CONTRACT NO. PS990080TS, CAP SYSTEMS, INC., FOR A CASE MANAGEMENT AND BENEFITS ADMINISTRATION (CABA) SYSTEM. (ITS/HHS) (COMMISSIONER GÓMEZ) (9:31 AM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; and Jose Palacios, Travis County Auditor's Office.

Discussion only. No action taken.

Item 10 to be reposted on March 2, 2004.

11. APPROVE MODIFICATION NO. 5 TO CONTRACT NO. 02K0062JJ, MUNIZ CONCRETE AND CONTRACTING, SIDEWALK CONSTRUCTION PROJECTS. (TNR) (COMMISSIONER DAUGHERTY) (9:18 AM)

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

12. APPROVE PURCHASE OF DELL POWEREDGE COMPUTERS FROM TEXAS DEPARTMENT OF INFORMATION RESOURCES THROUGH DELL COMPUTER CORPORATION. (ITS) (COMMISSIONER GÓMEZ) (9:18 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-MONTH EXTENSION (MODIFICATION NO. 4) TO CONTRACT NO. PS010062JS, COMMUNITY PARTNERSHIP FOR THE HOMELESS, FOR TRANSITIONAL HOUSING SERVICES. (HHS&VS) (COMMISSIONER GÓMEZ) (9:18 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. 4 TO INTERLOCAL AGREEMENT NO. IL000273EF WITH AUSTIN INDEPENDENT SCHOOL DISTRICT TO PROVIDE ADULT BASIC EDUCATION SERVICES. (HHS&VS) (COMMISSIONER GÓMEZ) (9:33 AM)

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

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve Item 14.

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 |

15. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING MODIFICATIONS TO CONTRACT NO. 01T0056-MP, AUSTIN AMERICAN STATESMAN, FOR NEWSPAPER ADVERTISING SERVICES: (9:18 AM)

A. RESCIND ACTION TAKEN ON FEBRUARY 10, 2004 TO APPROVE TWELVE MONTH EXTENSION (MODIFICATION NO.3); AND

B. APPROVE 90-DAY EXTENSION (MODIFICATION NO. 4) SERVICE. (PURCHASING OFFICE)

Clerk's Note: Judge Biscoe noted that what we are doing here, basically, is undoing the twelve-month extension, and, in Item 15.B, substituting a 90-day extension, which is more appropriate.

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

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

- 16. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: STEINER RANCH PARKSIDE, AMENDED PLAT OF LOTS 88 AND 93, BLOCK 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) (9:18 AM)

Clerk’s Note: Item 16 is the action item for the public hearing on Agenda Item 1.

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

- 17. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO TEMPORARILY CLOSE PORTIONS OF BRATTON LANE, GRAND AVENUE PARKWAY, LONG VISTA DRIVE AND WELLS PORT DRIVE ON SUNDAY, MAY 30, 2004, FROM 6:00 A.M. UNTIL 1:00 P.M., IN ORDER TO HOLD THE IRON KIDS TRIATHLON SERIES. (COMMISSIONER SONLEITNER) (2:47 PM)

Clerk’s Note: Item 17 is the action item for the public hearing on Agenda Item 2.

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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to approve Item 17.

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. CONSIDER APPROVAL AND EXECUTION OF A CORRECTION SPECIAL WARRANTY DEED FROM STANDARD PACIFIC OF TEXAS, L.P. FOR RIGHT-OF-WAY REQUIRED FOR THE ANDERSON MILL ROAD 2001 BOND PROJECT (CIP # 01-B01-04-3CA) LOCATED IN PRECINCT THREE, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAUGHERTY) (9:18 AM)

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 A PLAT FOR RECORDING IN PRECINCT THREE: RIVER PLACE SECTION 25 (LONG FORM PLAT – 26 LOTS – 47.408 ACRES – TREASURE ISLAND DRIVE AND RIVER PLACE BOULEVARD – NO FISCAL REQUIRED BY TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:18 AM)

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

20. CONSIDER AMENDMENT NO. 1 TO THE ADVANCED FUNDING AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF TRANSPORTATION AND TRAVIS COUNTY FOR THE CONSTRUCTION OF A HIKE AND BIKE TRAIL BETWEEN NORTHEAST METROPOLITAN PARK AND THE CITY OF PFLUGERVILLE, AND TAKE APPROPRIATE ACTION. (COMMISSIONER SONLEITNER) (9:18 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 PROPOSED AGREED ORDER WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR SETTLEMENT OF NOTICE OF ENFORCEMENT ACTION ON THE TRAVIS COUNTY 290 EAST CLOSED LANDFILL. (9:41 AM)

Members of the Court heard from: John Kuhl, Natural Resources Program Manager, TNR; and Kevin Morse, Assistant County Attorney.

Discussion only. No action taken.

22. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING NOTICES RECEIVED FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

A. NOTICE OF FEBRUARY 26, 2004, PUBLIC MEETING REGARDING APPLICATION OF MAGNA-FLOW INTERNATIONAL, INC. FOR APPROVAL OF A SITE FOR LAND APPLICATION OF SLUDGE ON TAYLOR LANE ONE MILE NORTH OF FM 969; (9:55 AM)

Members of the Court heard from: John Kuhl, Natural Resources Program Manager, TNR; and Tom Nuckols, Assistant County Attorney.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 22.A, with the comments that have been generated by Staff, and to move forward with it, and to present this to the authorities as we go to this public meeting on February 26, 2004.

A Clarification of the previous Motion was made by Judge Biscoe that the above Motion is to ratify the delivery of these comments from Travis County, along with the attachments.

| | |
|--|-----|
| 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. B. NOTICE OF MARCH 11, 2004, PUBLIC HEARING REGARDING APPLICATION OF CAP TEX, INC. FOR APPROVAL OF A SITE FOR LAND APPLICATION OF SLUDGE ON SKOG ROAD 7.2 MILES NORTHEAST OF THE FM 1100/HWY 290-EAST INTERSECTION. (COMMISSIONER DAVIS) (10:06 AM)

Members of the Court heard from: John Kuhl, Natural Resources Program Manager, TNR.

Clerk’s Note: The Court authorized Staff to continue to prepare for the hearing

Discussion only. No action taken.

23. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING SOLID WASTE MANAGEMENT ISSUES: (9:12 AM)
- A. PHASE TWO ODOR STUDY RECOMMENDATIONS;
 - B. PROPOSED MEMORANDUM OF UNDERSTANDING WITH BROWNING-FERRIS INDUSTRIES REGARDING APPLICATION FOR EXPANSION AT NORTHEAST TRAVIS COUNTY SITE AND DEADLINE FOR CLOSURE;
 - C. PROPOSED MEMORANDUM OF UNDERSTANDING WITH WASTE MANAGEMENT INC. REGARDING APPLICATION FOR EXPANSION AT NORTHEAST TRAVIS COUNTY SITE AND DEADLINE FOR CLOSURE;
 - D. AGREEMENT AND OTHER NECESSARY DOCUMENTS TO IMPLEMENT REGIONAL STUDY IN PARTNERSHIP WITH CAPITAL AREA PLANNING COUNCIL; AND
 - E. DIRECTIONS ON REQUEST FOR PROPOSAL FOR CONSULTANT TO PERFORM REGIONAL LANDFILL STUDY.

Items 23.A-E postponed until March 2, 2004.

PLANNING AND BUDGET DEPT. ITEMS

24. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
- A. A GRANT APPLICATION TO THE BUREAU OF JUSTICE PROGRAMS FOR A DRUG COURT ENHANCEMENT GRANT PROGRAM IN THE JUVENILE PROBATION DEPARTMENT. A NEW GRANT PROGRAM TO CONTINUE THE SERVICES PROVIDED BY THE JUVENILE DRUG COURT. (9:18 AM)

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

- 25.** REVIEW AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS, DISCUSSION ITEMS, AND NON-ROUTINE REQUESTS FOR TEMPORARY LUMP SUM SALARY INCREASES. (10:08 AM) (2:47 PM) (2:55 PM)

Members of the Court heard from: Leroy Nellis, Budget Manager, Planning and Budget Office (PBO); Diana Ramirez, Budget Analyst, PBO; Tom Nuckols, Assistant County Attorney; and Dana DeBeauvoir, Travis County Clerk.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to approve the first item, the non-routine request to award temporary lump sum salary increase, in the amount of \$6,161.00, and to have the other two items, T1 and DS1, back on the Agenda next week, March 2, 2004.

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 Commissioners' Court revisited Item 25 at 2:55 PM.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to reconsider Item 25.

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 Budget Amendment and Transfer Item DS1, with the taking of the offer from the County Clerk of getting the money that is left over, and putting it back into the CAR Reserve.

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: Budget Transfer Item T1 to be reposted on March 2, 2004.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

26. CONSIDER AND TAKE APPROPRIATE ACTION ON THE REMAINING SOCIAL SERVICES CONTRACTS AND AUTHORIZE THE COUNTY PURCHASING AGENT TO SIGN THE CONTRACTS ON BEHALF OF THE COMMISSIONERS COURT. (10:12 AM)

Members of the Court heard from: Stephen Williams, Executive Manager, TCHHS&VS; and Katy Cappell, Executive Director, Services for the Elderly.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to approve the signing of the contracts with Community Advocates for Teens and Parents, Out Youth Austin, Vaughn House, Inc., and Services for the Elderly, as laid out in Stephen Williams’ memo.

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 |

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 \$581,424.77 FOR THE PERIOD OF FEBRUARY 6 THROUGH FEBRUARY 12, 2004. (9:18 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. (9:18 AM)

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

29. CONSIDER AND TAKE APPROPRIATE ACTION ON TRAVIS COUNTY WELLNESS FESTIVAL AND PLANS FOR FUTURE EVENTS. (10:16 AM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Lee McCormick, Safety Engineer, Human Resources Management Department (HRMD); Jane Frank, Information and Telecommunications Systems (ITS); and Dr. Crystal Wiltz, Texas Cooperative Extension.

Clerk’s Note: The Court directed Staff to report back on the progress of the Wellness Program.

Discussion only. No action taken.

JUSTICE AND PUBLIC SAFETY ITEMS

30. CONSIDER AND TAKE APPROPRIATE ACTION ON OPTIONS FOR PROCEEDING WITH THE PHYSICAL PLANT ANALYSIS OF THE JAIL OPERATIONS STUDY. (10:30 AM)

Members of the Court heard from: Mike Trimble, Criminal Justice Coordinator, Criminal Justice Planning (CJP); David Balagia, Major, Travis County Sheriff’s Office (TCSO); Belinda Powell, Capital Planning Coordinator, PBO; and Roger El Khoury, Director, Facilities Management.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to move forward with the direction of going with a subcontractor, with an outside consultant; and that we need to move forward in terms of a locking down a contract modification, and specific scope of work, and cost, to bring back to the Commissioners’ Court to approve; and to accept the offer of Facilities Management to assist in whatever oversight they can contribute to this task; and to take up the Sheriff’s offer to throw in some salary savings towards the cost of this; but we very specifically lock down whether we need an observation level or an inspection level review, or a blending of those, in terms of the best results; and to bring this back to the Commissioners’ 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 | yes |

Item 30 to be reposted on March 2, 2004.

OTHER ITEMS

- 31. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:18 AM)

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

- 32. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM THE TEXAS ASSOCIATION OF COUNTIES TO IMPLEMENT A PUBLIC AWARENESS PROGRAM REGARDING UNFUNDED MANDATES IMPOSED ON COUNTIES. (10:56 AM)

Motion by Judge Biscoe and seconded by Commissioner Gómez for the County Judge to revise the press statement that the Texas Association of Counties (TAC) sent to Travis County; to include the examples in two categories in an attachment, circulate that to other Court members before the end of the week, hopefully by Thursday, for their input, and to have it back on the Court's Agenda next Tuesday, March 2, 2004, for 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 | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

Item 32 to be reposted on March 2, 2004.

- 33. RECEIVE REVENUE AND EXPENDITURE REPORT FOR THE MONTH OF JANUARY, 2004. (9:18 AM)

Clerk's Note: Item 33 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

34. CONSIDER AND TAKE APPROPRIATE ACTION TO APPROVE THE ISSUANCE BY THE TRAVIS COUNTY HOUSING FINANCE CORPORATION OF VARIABLE RATE DEMAND MULTIFAMILY HOUSING REVENUE REFUNDING BONDS (TRAVIS STATION APARTMENTS PROJECT) SERIES 2004A IN A PRINCIPAL AMOUNT NOT TO EXCEED \$3,650,000 AND OTHER RELATED MATTERS. (2:42 PM)

Motion by Commissioner Sonleitner **and seconded by** Commissioner Daugherty to approve the issuance of the bonds in Item 34.

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 |

35. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR COUNTY PARTICIPATION IN REGIONAL ENVIRONMENTAL SUMMIT ON WASTE REDUCTION AND MANAGEMENT. (9:13 AM)

Item 35 postponed until March 2, 2004.

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.

- 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**
(11:02 AM) (2:52 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.

Motion by Judge Biscoe and seconded by Commissioner Davis to authorize the County Judge to sign the deed, which, basically, conveys this tract of land to the Chautauqua Foundation, in exchange for \$275.00; and that the words be added, "and other good and valuable considerations."

| | |
|--|-----|
| 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. 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
(11:02 AM) (2:52 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.

Clerk’s Note: Items 37, 38, and 39 are associated with one another and were called for concurrent discussion.

Members of the Court agreed to consider one Motion for Items 37, 38, and 39.

Motion by Judge Biscoe and seconded by Commissioner Davis that the County Judge be authorized to sign, on behalf of the Commissioners’ Court, the prepared resale deeds, to Chautauqua Foundation, which has delivered to Travis County, \$275.00 for each property, and other good and valuable considerations, which the deeds will recite.

A Friendly Amendment to the previous Motion was offered by Commissioner Sonleitner that the low prices that are being rendered here are predicated on Chautauqua making every reasonable and best effort to remediate these properties as quickly as possible. This is based on the assurances of the attorney for the Chautauqua, in terms of a decent schedule, related to how fast they are going to do this.

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 |

38. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. PAUL WATROUS (CHAUTAUQUA FOUNDATION RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (11:02 AM) (2:52 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.

Clerk's Note: Items 37, 38, and 39 are associated with one another and were called for concurrent discussion.

Members of the Court agreed to consider one Motion for Items 37, 38, and 39. Please refer to Item 37 for a summary of the Court's Motion and Vote.

39. 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 (11:02 AM) (2:52 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.

Clerk's Note: Items 37, 38, and 39 are associated with one another and were called for concurrent discussion.

Members of the Court agreed to consider one Motion for Items 37, 38, and 39. Please refer to Item 37 for a summary of the Court's Motion and Vote.

40. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION AND/OR CONSIDER SETTLEMENT OFFER IN KATHLEEN EATON VS. TRAVIS COUNTY, TEXAS (EATON, TRAVIS COUNTY; CIVIL RIGHTS) (REQUESTED BY DEFENDANT). ¹ (11:02 AM) (2:54 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 taken.

Item 40 postponed until March 2, 2004.

41. CONSIDER AND TAKE APPROPRIATE ACTION ON COMPENSATION AND CLASSIFICATION OF THE DIRECTOR OF FACILITIES MANAGEMENT POSITION. ³ (11:02 AM) (3:00 PM) (3:39 PM)

Clerk's Note: Judge Biscoe announced that Item 41 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.074, Personnel Matters.

Discussion only. No action taken.

Item 41 to be reposted on March 2, 2004.

42. RECEIVE BRIEFING FROM COUNTY ATTORNEY WITH REGARD TO FAMILY PROTECTION FEE UNDER SECTION 51.961 OF THE TEXAS GOVERNMENT CODE, AND TAKE APPROPRIATE ACTION. ¹ (11:02 AM) (2:54 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 that the County's position be to continue to collect that fee, but that we not spend it. We were advised to put this in a trust account and to hold it until an Attorney General opinion had been given.

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 |

ADJOURNMENT

Motion by Commissioner Davis **and seconded by** Commissioner Sonleitner to adjourn the Voting Session. (3:40 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 yes

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge