

MINUTES OF MEETING – MARCH 23, 2004

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 23rd day of March, 2004, the Commissioners' Court convened the regular Voting Session at 9:15 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 12:03 PM.

The Commissioners' Court reconvened the Voting Session at 1:36 PM.

The Commissioners' Court recessed the Voting Session at 4:48 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened the Voting Session at 4:49 PM and adjourned at 4:49 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, convened the Voting Session at 4:49 PM and adjourned at 4:52 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 4:52 PM and adjourned at 4:52 PM.

The Commissioners' Court reconvened the regular Voting Session at 4:53 PM.

The Commissioners' Court retired to Executive Session at 4:53 PM.

The Commissioners' Court reconvened the Voting Session at 5:15 PM.

The Commissioners' Court adjourned the Voting Session at 5:17 PM.

ADMINISTRATIVE OPERATIONS ITEMS

3. 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 \$419,544.00 FOR THE PERIOD OF MARCH 5 THROUGH MARCH 11, 2004. (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. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED PERSONNEL AMENDMENTS. (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.
 - A. CONSIDER AND TAKE APPROPRIATE ACTION ON OPTIONS FOR COMPLETION OF THE 5501 AIRPORT BOULEVARD BUILDING PROJECT PHASE TWO; AND (4:17 PM)
 - B. CONSIDER AND TAKE APPROPRIATE ACTION ON CONTRACT, CONTRACT MODIFICATION AND MAKING OF CONTRACT FOR BASE BID OR ALTERNATE NO. 1 TO BARECKY CONSTRUCTION COMPANY FOR THE AIRPORT BOULEVARD BUILDING - PHASE 2 RENOVATIONS, IFB NO. B040056-MB.

Clerk's Note: Items 5.A and B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; Roger El Khoury, Director, Facilities Management; Alicia Perez, Executive Manager, Administrative Operations; and Danny Hobby, Emergency Services Coordinator, Travis County Department of Emergency Services.

Discussion only. No action taken.

Items 5.A and B to be reposted on April 13, 2004.

PURCHASING OFFICE ITEMS

6. APPROVE AUTHORIZATION TO COMMENCE CONTRACT NEGOTIATIONS WITH FUGRO SOUTH, INC., THE MOST HIGHLY QUALIFIED FIRM SUBMITTING PROPOSALS FOR RFQ NO. Q040030JJ, PROFESSIONAL ENGINEERING SERVICES FOR THE PAVEMENT CONDITION SURVEY PROJECT. (TNR) (COMMISSIONER GÓMEZ) (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. APPROVE CONTRACT AWARD FOR THE BLAKE MANOR ROAD RECONSTRUCTION PROJECT, IFB NO. B040022JJ, TO THE LOW BIDDER, AARON CONCRETE CONTRACTORS, L.P. (TNR) (COMMISSIONER DAVIS) (9:36 AM)

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

8. APPROVE 12-MONTH EXTENSION (MODIFICATION NO. 2) TO THE FOLLOWING CONTRACTS FOR DELIVERED ASPHALTIC ROAD MATERIALS: (9:36 AM)

A. CONTRACT NO. 02T00182EH, INDUSTRIAL ASPHALT, INC.; AND

B. CONTRACT NO. 02T00183EH, VULCAN CONSTRUCTION MATERIALS. (TNR) (COMMISSIONER GÓMEZ)

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

9. APPROVE PURCHASE OF IN-CAR VIDEO SYSTEMS OFF STATE CONTRACT FROM MOBILE-VISION INC. (TNR) (COMMISSIONER GÓMEZ) (9:36 AM)

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

10. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING PURCHASING ACTIONS FOR CONTRACTS WITH FRANK SOLUTIONS INC., FOR INTERACTIVE VOICE RESPONSE/INTERACTIVE WEB RESPONSE SYSTEMS: (9:36 AM)
- A. ASSIGNMENT OF CONTRACT, MODIFICATION NO. 2, TO CONTRACT NO. 02C00118LC, FOR DOMESTIC RELATIONS, FROM FRANK SOLUTIONS INC., TO FRANK SOLUTIONS, A DIVISION OF GOVONE SOLUTIONS, LP.;
 - B. MODIFICATION NO. 3, TO CONTRACT NO. 02C00118LC; AND
 - C. ASSIGNMENT OF CONTRACT, MODIFICATION NO. 1, TO CONTRACT NO. CM030193LC, FOR TRAVIS COUNTY SHERIFF'S OFFICE, FROM FRANK SOLUTIONS INC., TO FRANK SOLUTIONS, A DIVISION OF GOVONE SOLUTIONS, LP. (DRO/TCSO/ITS) (COMMISSIONER GÓMEZ)

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. APPROVE CONTRACT NO. PS030171JW WITH TEXAS OAKS PSYCHIATRIC HOSPITAL, LP, DBA OAKS TREATMENT CENTER TO PROVIDE RESIDENTIAL TREATMENT SERVICES TO JUVENILE OFFENDERS. (JUVENILE PROBATION) (COMMISSIONER GÓMEZ) (9:36 AM)

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

12. APPROVE ASSIGNMENT OF CONTRACT (MODIFICATION NO. 3) FROM D & L MEDICAL PRODUCTS TO DESERT MEDICAL, FOR THE FOLLOWING: (9:36 AM)
- A. CONTRACT NO. 02T000460J, MEDICAL SUPPLIES FOR MEDICAL ASSISTANCE PROGRAM; AND
 - B. CONTRACT NO. 02T001360J, DURABLE MEDICAL EQUIPMENT AND MEDICAL SUPPLIES. (TCHHS) (COMMISSIONER GÓMEZ)

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

13. APPROVE CONTRACT AWARD FOR THE GRAND AVENUE PARKWAY WIDENING PROJECT, IFB NO. B040071JJ, TO THE LOW BIDDER, DAYCO CONSTRUCTION CO. (TNR) (COMMISSIONER SONLEITNER) (4:39 PM) (4:53 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Sean O’Neal, Travis County Auditor’s Office; and Cyd Grimes, Travis County Purchasing Agent.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Daugherty to approve the contract in Item 13.

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

Clerk’s Note: Item 13 was further discussed at 4:53 PM with a request by Commissioner Gómez that the Commissioners’ Court record reflect a Corrected Vote on Item 13. Judge Biscoe instructed that the record show Commissioner Gómez voting in favor of the Motion on Item 13. The Commissioners’ Court record does reflect the Corrected Vote.

Corrected Vote:

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 13 to be reposted on March 30, 2004.

17. CONSIDER AUTHORIZING SPECIFIED POSITIONS IN THE TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT (TNR) TO SIGN NOTICES AND REPORTS REQUIRED BY THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM (TPDES) GENERAL PERMIT FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES, AND TAKE APPROPRIATE ACTION. (9:36 AM)

Clerk's Note: Judge Biscoe noted that Item 17 was approved “on matters covered by the language.” He also noted that part of the Motion to pass this Item is that we authorize the County Judge to sign a letter authorizing the Transportation and Natural Resources Department (TNR) to sign for the Judge on the notices described in the Item.

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

18. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REQUESTS REGARDING AUSTIN'S COLONY PHASE 4, A SUBDIVISION IN PRECINCT ONE: (9:36 AM)

A. ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES; AND

B. MAINTENANCE AGREEMENT WITH CENTEX HOMES, A NEVADA GENERAL PARTNERSHIP, FOR THE MAINTENANCE OF A DRAINAGE CHANNEL. (COMMISSIONER DAVIS)

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

AT 1:45 P.M.

19. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING CLEAN AIR ACTION PLAN REQUESTS: (1:57 PM)

- A.** ADOPTION OF THE CLEAN AIR ACTION PLAN FOR THE EARLY ACTION COMPACT;
- B.** RESOLUTION REQUESTING TRAVIS COUNTY TO PARTICIPATE IN THE STATE’S VEHICLE INSPECTION AND MAINTENANCE PROGRAM AS PART OF THE CLEAN AIR ACTION PLAN FOR THE EARLY ACTION COMPACT; AND
- C.** RESOLUTION REQUESTING THE AUTHORIZATION OF LOW-INCOME VEHICLE REPAIR ASSISTANCE, RETROFIT AND ACCELERATED VEHICLE RETIREMENT PROGRAM (LIRAP) IN TRAVIS COUNTY.

Clerk’s Note: Items 19.A, B, and C are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Scheleen Walker, TNR; Cyril Durnberger, University of Texas; Cathy Stephens, Capital Metropolitan Planning Organization (CAMPO) and Chair, Early Action Compact Task Force; Janet Altenhoff, Clean Air Force; Hazel Barber, Mobile Source Program Manager, Texas Commission on Environmental Quality (TCEQ); Vincent J. May, Travis County Resident; Robert Howard, Private Citizen; Wes Benedict, Travis County Resident; Steve Adams, Travis County Resident; Steve Rabbit, Travis County Resident; McCallum Seton, Northeast Travis County Resident; Sandy Henches, Vice President of Public Policy, Austin Chamber of Commerce; Ramon Alvarez, Austin Office of Environmental Defense; and Bill Gill, Capital Area Planning Council Organization (CAPCO) and member, Early Action Compact Task Force.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to approve Items 19.A, B, and C, that is the Clean Air Action Plan, and the resolutions in 19.B and C.

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

20. CONSIDER AND TAKE APPROPRIATE ACTION ON THE REQUIREMENTS OF HOUSE BILLS 1445 AND 1204 FOR CITY OF AUSTIN AND TRAVIS COUNTY TO ESTABLISH A SINGLE OFFICE FOR SUBDIVISION REVIEW IN THE EXTRA TERRITORIAL JURISDICTION, INCLUDING: (3:38 PM)
- A. DELOITTE-TOUCHE CONSULTING PHASE I REPORT ON THE SUBDIVISION REVIEW PROCESS;
 - B. ADDITIONAL STEPS NECESSARY FOR LEGAL COMPLIANCE;
 - C. FEASIBILITY OF INVOKING LEGALLY REQUIRED ARBITRATION; AND
 - D. ANY OTHER APPROPRIATE REMEDIAL STEPS.

Clerk’s Note: Items 20.A-D are associated with one another and were called for concurrent discussion.

Clerk’s Note: The Court discussed sending a letter from Judge Biscoe, on behalf of the Commissioners’ Court, to Austin Mayor Wynn and the Austin City Council, stating the Court’s desire to engage in high-level discussions to resolve these matters. If the parties are unable to resolve these discussions, then Travis County would be willing to enter into binding arbitration to have the conflict resolved. Judge Biscoe suggested that the final sentence of the letter be worded as follows: “We look forward to high level and substantive discussions with the City of Austin by April 30, 2004, to resolve the duplication of efforts, but we are convinced we are legally obligated to submit to binding arbitration should our efforts fail.”

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; and Harry Savio, Executive Vice President, Homebuilders Association of Austin.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to approve the letter, with the changes recommended, and have the Court sign it.

A Friendly Amendment to the previous Motion was offered by Commissioner Sonleitner to fax the letter to the Austin City Council, with originals to follow.

Acceptance of the Friendly Amendment was made by Judge Biscoe.

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

AT 9:30 A.M.

21. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING SOLID WASTE MANAGEMENT ISSUES: (9:42 AM)

- A.** PROPOSED MEMORANDUM OF UNDERSTANDING WITH BROWNING-FERRIS INDUSTRIES REGARDING APPLICATION FOR EXPANSION AND CLOSURE OF NORTHEAST TRAVIS COUNTY LANDFILL;
- B.** PROPOSED MEMORANDUM OF UNDERSTANDING WITH WASTE MANAGEMENT INC. REGARDING APPLICATION FOR EXPANSION AND CLOSURE OF NORTHEAST TRAVIS COUNTY LANDFILL.

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: Tom Nuckols, Assistant County Attorney; John Joseph, Attorney, Waste Management (WMI); John Kuhl, Natural Resources Program Manager, TNR; Gayle Vittori, Travis County Precinct 1 Resident; Paul Gosselink, Attorney, Browning Ferris Industries (BFI); Ray Schull, BFI; J.D. Porter, Travis County Precinct 1 Resident; Melanie McAfee, Travis County Resident; Robin Schneider, Texas Campaign for the Environment; Joyce Thoresen, Walnut Place Neighborhood Association; and Joyce Best, North East Austin Resident.

Motion by Commissioner Daugherty **and seconded by** Commissioner Davis to not proceed with the development of a memorandum of understanding with Browning Ferris Industries (BFI), along the lines that are in the draft.

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

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to take no further action on these matters today, and to have them back on the Court’s Agenda on March 30, 2004.

Clerk’s Note: The Court did not take a Vote on the previous Motion and Second.

ITEM 21 CONTINUED

A Substitute Motion was made by Commissioner Sonleitner **and seconded by** Commissioner Davis that, related to Item 21.B, that we reject moving forward any further on a memorandum of understanding with Waste Management (WMI).

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

Motion by Commissioner Gómez **and seconded by** Commissioner Daugherty to table the matter for two weeks, April 6, 2004.

Motion failed: 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 21 to be reposted on April 6, 2004.

PLANNING AND BUDGET DEPT. ITEMS

- 22.** REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
(9:36 AM)
- A.** A GRANT CONTRACT AMENDMENT TO THE FY 03 DEPARTMENT OF ENERGY (DOE)/OIL OVERCHARGE WEATHERIZATION ASSISTANCE PROGRAM IN HEALTH AND HUMAN SERVICES. CONTRACT AMENDMENT MAKES MINOR CHANGES IN LANGUAGE AND APPROVES A BUDGET CHANGE THAT HAS NO FISCAL IMPACT ON THE GRANT;
 - B.** A GRANT CONTRACT AMENDMENT TO THE FY 03 LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP) WEATHERIZATION ASSISTANCE PROGRAM IN HEALTH AND HUMAN SERVICES. CONTRACT AMENDMENT MAKES MINOR CHANGES IN LANGUAGE AND APPROVES A BUDGET CHANGE THAT HAS NO FISCAL IMPACT ON THE GRANT; AND
 - C.** REQUEST TO AUTHORIZE HEALTH AND HUMAN SERVICES DEPARTMENT TO CONTINUE THE FY 03 DOE/OIL OVERCHARGE, AND FY 03 LIHEAP WEATHERIZATION ASSISTANCE PROGRAM THROUGH THE END OF JUNE. THIS ALLOWS CONTINUATION OF THE PROGRAM UNTIL A FULLY EXECUTED CONTRACT CAN BE COMPLETED.

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

23. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:36 AM) (1:36 PM)

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

Clerk's Note: At 1:36 PM, Item 23 was called back up for further discussion.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to call back up 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	absent

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to approve the list of claims and automatic budget adjustment forms from the County Auditor.

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

HEALTH AND HUMAN SERVICES DEPT. ITEMS

- 24. CONSIDER AND TAKE APPROPRIATE ACTION ON STAFF RECOMMENDATIONS REGARDING A PROFESSIONAL SERVICES CONTRACT FOR AFTER SCHOOL CARE. (3:30 PM)

Members of the Court heard from: Deborah Britton, Travis County Health and Human Services Department (TCHHSD); Deacon Doots Dufour, Diocese of Austin; and Stephen Williams, Executive Manager, Travis County Health, Human Services, and Veterans’ Services (TCHHS&VS).

Motion by Judge Biscoe and seconded by Commissioner Davis to authorize the use of \$48,000.00 of the money available to Stephen Williams and the Health and Human Services Department (HHSD), and indicate our intentions to begin this program in the fall, and to diligently work between now and then, on doing whatever is necessary to make the program work.

A Clarification of the previous Motion was made by Commissioner Sonleitner that the rest of what is going to have to be necessary in order to implement this would go through the fiscal year 2005 budget process.

Motion carried:

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

OTHER ITEMS

- 25. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:36 AM)

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

26. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF FEBRUARY 2004. (9:36 AM)

Clerk's Note: Item 26 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

27. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO INVITE THE TRAVIS COUNTY LEGISLATIVE DELEGATION TO THE WILDFIRE AWARENESS WEEK KICK-OFF EVENT ON SATURDAY, MARCH 27, 2004. (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. REVIEW 2004 PRO RATA TOBACCO SETTLEMENT DISTRIBUTION COUNTY EXPENDITURE STATEMENT, AND TAKE APPROPRIATE ACTION. (9:36 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 TO APPROVE A RESOLUTION SUPPORTING THE APPLICATION OF TRAVIS COUNTY HOUSING FINANCE CORPORATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR HOME FUNDS TO PROVIDE HOMEBUYER ASSISTANCE FOR LOW AND MODERATE INCOME FIRST-TIME BUYERS. (9:36 AM)

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

30. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(4:47 PM)

- A. LEGISLATIVE ISSUES IMPACTING COUNTIES DURING THE 78TH LEGISLATURE'S SPECIAL SESSION; AND
- B. STRATEGY TO COLLABORATE WITH STATE OFFICIALS TO PROVIDE TAXPAYER RELIEF AND PROTECT COUNTY BUDGET MANDATES, CHALLENGES AND OPPORTUNITIES.

Clerk's Note: Items 30.A and B are associated with one another and were called up for concurrent discussion.

Clerk's Note: Commissioner Sonleitner gave a brief update to the Court that the instructions submitted from the Commissioners Court were turned into an actual briefing paper, and that it was the Motion that was adopted by the Conference of Urban Counties (CUC) policy committee.

Discussion only. No action taken.

Items 30.A and B to be reposted on March 30, 2004.

31. 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. (4:47 PM)

Item 31 to be reposted on March 30, 2004.

32. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO RECONSIDER DECISION TO LOCATE TAX ASSESSOR SATELLITE OFFICE AT PRECINCT ONE JP AND CONSTABLE OFFICE BUILDING AT SPRINGDALE AND MLK BLVD. (11:42 AM) (1:37 PM)

Members of the Court heard from: Roger El Khoury, Director, Facilities Management; Richard Scott, Justice of the Peace, Precinct 1; Luke Mercer, Constable, Precinct 1; Ms. Jeffery, Travis County Resident; Alicia Perez, Executive Manager, Administrative Operations; and Nelda Wells Spears, Travis County Tax Assessor Collector.

Motion by Judge Biscoe to delay completion of construction of this space for the Tax Assessor indefinitely, and that we indicate our intention to revisit this Item on an appropriate Agenda Item, as soon as it is ready.

Clerk's Note: The Motion died for lack of a second.

Motion by Commissioner Davis **and seconded by** Judge Biscoe that Roger El Khoury, Director, Facilities Management, Nelda Wells Spears, Travis County Tax Assessor Collector, and others, to come back with specific language to address a detached Tax Office at the Precinct 1 office building, for 600 sq. ft. or more; and that it comes back to the Commissioners' Court with that specific language, to go in that direction.

A Friendly Amendment to the previous Motion was offered by Judge Biscoe to authorize the continued use of this new space by the Constable and Justice of the Peace, Precinct 1.

Acceptance of the Friendly Amendment was made by Commissioner Davis.

An Addition to the previous Motion was made by Judge Biscoe that the internal walls be left as they are.

A Restatement of the previous Motion was made by Judge Biscoe that the Motion is to authorize use of the space out there by the Constable and Justice of the Peace, and to direct Staff to bring back a proposal, after further discussion, of a satellite office for the Tax Assessor Collector – one that the residents will have access to, without going through the JP/Constable's space.

ITEM 33 CONTINUED

A Clarification of the Substitute Motion was made by Judge Biscoe that the Substitute Motion is that the Employee Benefits Committee, already in place, take a look at deferred compensation.

A Clarification of the Substitute Motion was made by Commissioner Sonleitner that until they look at it, the intent of the motion is that we will not make a decision about issuing a Request for Services (RFS).

A Friendly Amendment to the Substitute Motion was offered by Commissioner Daugherty that he be authorized to add another member to the committee who has expertise related to deferred compensation issues.

Acceptance of the Friendly Amendment was made by Commissioner Sonleitner and Commissioner Gómez.

Motion carried: County Judge Samuel T. Biscoe no
 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

- 34. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPOINT A PRESIDING JUDGE IN COUNTY COURT-AT-LAW #5 THROUGH THE GENERAL ELECTION. (4:34 PM)

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to appoint Nancy Hohengarten as presiding Judge to County Court at Law #5.

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

39. AUTHORIZE COUNTY ATTORNEY TO HIRE EXPERT(S) REGARDING JODI MARSHALL V. TRAVIS COUNTY, ET AL, (MARSHALL, TRAVIS COUNTY; CIVIL RIGHTS) (REQUESTED BY DEFENDANT). ¹ (4:53 PM) (5:16 PM)

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

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to authorize the County Attorney to hire appropriate experts.

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

40. RECEIVE LEGAL ADVICE ON RECENT TEXAS ATTORNEY GENERAL OPINION ON WHETHER A COMMISSIONERS COURT MAY DELEGATE ITS AUTHORITY TO AMEND A DEPARTMENT'S BUDGET BY TRANSFERRING AMOUNTS BETWEEN BUDGETED ITEMS. ¹ (4:53 PM)

Members of the Court heard from: Susan Spataro, Travis County Auditor.

Clerk's Note: Judge Biscoe without objection directed that the Planning and Budget Office not prepare automatic budget transfers, and that the Commissioners Court would be approving all of the Budget Amendment and Transfers.

Discussion only. No formal action taken.

Item 40 to be reposted on April 6, 2004.

41. RECEIVE BRIEFING AND CONSIDER AND TAKE APPROPRIATE ACTION ON EXTENSION OF LEAVE WITH PAY FOR JUVENILE PROBATION DEPARTMENT EMPLOYEE. ^{1 & 3} (4:53 PM) (5:17 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, and Gov't Code Ann 551.074, Personnel Matters.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to authorize an additional eight days, which should carry this employee through March 25, 2004.

A Clarification of the previous Motion was made by Commissioner Sonleitner that this would be "up to" eight days.

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

ADDED ITEMS

- A1. APPROVE LETTER OPPOSING RELOCATION OF CHILD PROTECTIVE SERVICES OFFICE. (COMMISSIONER GÓMEZ) (9:36 AM)

Clerk's Note: Item A1 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

A2. CONSIDER AND TAKE APPROPRIATE ACTION ON AGREEMENT WITH WINDEMERE UTILITY COMPANY, INC. FOR PAYMENT OF RELOCATING WATER LINES WITHIN THE COUNTY'S GRAND AVENUE PARKWAY CIP PROJECT. (COMMISSIONER SONLEITNER) (4:45 PM) (4:53 PM)

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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Daugherty to approve the agreement in Item A2.

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

Clerk's Note: Item A2 was further discussed at 4:53 PM with a request by Commissioner Gómez that the Commissioners' Court record reflect a Corrected Vote on Item A2. Judge Biscoe instructed that the record show Commissioner Gómez voting in favor of the Motion on Item A2. The Commissioners' Court record does reflect the Corrected Vote.

Corrected Vote:

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

