

## **MINUTES OF MEETING – APRIL 26, 2005**

### **TRAVIS COUNTY COMMISSIONERS' COURT**

On Tuesday, the 26<sup>th</sup> day of April, 2005, the Commissioners' Court convened the regular Voting Session at 9:15 AM in the Commissioners' Courtroom, 1<sup>st</sup> Floor of the Ned Granger Administration Building, 314 West 11<sup>th</sup> Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Melissa Velasquez.

The Commissioners Court retired to Executive Session at 10:32 AM.

The Commissioners Court reconvened the Voting Session at 11:15 AM.

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

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened at 1:44 PM and adjourned at 1:44 PM.

The Commissioners Court reconvened the regular Voting Session at 1:44 PM.

The Commissioners Court retired to Executive Session at 2:29 PM.

The Commissioners Court reconvened the Voting Session at 4:54 PM.

The Commissioners Court adjourned the Voting Session at 5:11 PM.

**PUBLIC HEARINGS**

- 1. RECEIVE COMMENTS REGARDING REQUEST TO TEMPORARILY CLOSE THE CUL-DE-SAC OF WESTFALIAN TRAIL IN PRECINCT THREE ON MAY 1, 2005 FROM 12:00 P.M. TO 4:00 P.M. FOR A NEIGHBORHOOD BLOCK PARTY. (ACTION ITEM 29) (COMMISSIONER DAUGHERTY) (9:15 AM)

**Clerk’s Note:** This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 29 for a summary of the Court’s action.

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to open the public hearing.

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

**Members of the Court heard from:** Carol Joseph, Assistant Director, Transportation and Natural Resources (TNR).

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to close the public hearing.

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

## RESOLUTIONS & PROCLAMATIONS

2. APPROVE RESOLUTION RECOGNIZING MAY 1 THROUGH MAY 7, 2005 AS "ARSON AWARENESS WEEK" IN TRAVIS COUNTY. (COMMISSIONER DAUGHERTY) (9:16 AM)

**Members of the Court heard from:** Lem Biggs, Assistant Travis County Fire Marshal; and Paul Maldonado, State Fire Marshal.

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to approve the resolution 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

## CITIZENS COMMUNICATION

**Clerk's Note:** No speakers addressed the Court. (9:25 AM)

**CONSENT ITEMS**

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C4, and Items 3, 4.A-F, 5, 6, 7, 9, 10, 12.A-C, 14.A&B, 16, 17, 18.A&B, 19, 20, 21.A&B, 22, 23.A&B, 25, 26.A&B, 27, 28, 29, 30, 31.A&B, 32, 33, 35, 36, and 38. (9:48 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 AUTOMATIC BUDGET TRANSFERS.
- C4.    APPROVE SETTING A PUBLIC HEARING DATE ON MAY 17, 2005 TO RECEIVE COMMENTS REGARDING REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A 7.5’ PUBLIC UTILITY EASEMENT LYING ON THE NORTH SIDE OF LOT 271, BLOCK O LOCATED IN IMPERIAL VALLEY SECTION TWO – A SUBDIVISION IN PRECINCT ONE. (COMMISSIONER DAVIS)

**PLANNING AND BUDGET DEPT. ITEMS**

- 3.    CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:25 AM)

**Clerk’s Note:** Item 3 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

4. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:  
(9:25 AM)
- A. GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR AN IN-HOME SERVICES GRANT PROGRAM IN JUVENILE PROBATION DEPARTMENT. A NEW GRANT THAT PROVIDES ENHANCED RESOURCES FOR SERVICES TO JUVENILES AND THEIR FAMILIES TO PREVENT RECIDIVISM;
  - B. GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR ENHANCED DRUG COURT SERVICES IN JUVENILE PROBATION. THE APPLICATION IS TO CONTINUE THE EXISTING PROGRAM FOR FY 06;
  - C. GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR A DRUG COURT PROGRAM IN THE CRIMINAL COURTS. THE APPLICATION IS TO CONTINUE THE EXISTING PROGRAM FOR FY 06;
  - D. GRANT APPLICATION TO THE AUTO THEFT PREVENTION AUTHORITY FOR THE SHERIFF'S COMBINED AUTO THEFT TASK FORCE. THE GRANT APPLICATION IS TO CONTINUE THE EXISTING PROGRAM FOR FY 06;
  - E. GRANT APPLICATION TO THE U.S. FISH & WILDLIFE SERVICE THROUGH TEXAS PARKS & WILDLIFE DEPARTMENT FOR THE FY 05 HABITAT CONSERVATION PLAN (HCP) LAND ACQUISITION ASSISTANCE. APPLICATION IS FOR ADDITIONAL BCP LAND ACQUISITION FUNDS, COUNTY MATCH IS BUDGETED; AND
  - F. GRANT CONTRACT WITH THE TEXAS TASK FORCE ON INDIGENT DEFENSE FOR AN AMENDMENT TO THE EXISTING TECHNOLOGY IMPROVEMENTS FOR TRAVIS COUNTY INDIGENT DEFENSE GRANT. THE AMENDMENT EXTENDS THE GRANT PERIOD THROUGH JULY 31, 2005.

**Clerk's Note:** Items 4.A-F approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

## HEALTH AND HUMAN SERVICES DEPT. ITEMS

5. CONSIDER AND TAKE APPROPRIATE ACTION TO AUTHORIZE TRAVIS COUNTY HEALTH AND HUMAN SERVICES AND VETERANS SERVICE TO ACCEPT SPECIFIC DONATED EQUIPMENT FROM WORKSOURCE.  
(9:25 AM)

**Clerk's Note:** Item 5 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

## ADMINISTRATIVE OPERATIONS ITEMS

6. 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 \$349,961.02 FOR THE PERIOD OF APRIL 8 THROUGH APRIL 14, 2005. (9:25 AM)

**Clerk's Note:** Item 6 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

7. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:25 AM)

**Clerk's Note:** Item 7 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

## JUSTICE AND PUBLIC SAFETY ITEMS

8. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATIONS FROM GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT REGARDING POSSIBLE ASSISTANCE FOR DAMAGE SUSTAINED ON FRIDAY, MARCH 25, 2005. (9:29 AM)

**Members of the Court heard from:** Pete Baldwin, Emergency Management Coordinator, Travis County Emergency Services.

**Clerk's Note:** The Court received an update on the efforts being made to assist Travis County residents who sustained damage due to a hailstorm on March 25, 2005.

Discussion Only. No formal action taken.

9. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE APPOINTMENT OF PETE BALDWIN AS TRAVIS COUNTY VOTING MEMBER ON THE CAPITAL AREA COUNCIL OF GOVERNMENTS 9-1-1 TASK FORCE. (9:25 AM)

**Clerk's Note:** Item 9 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

10. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE APPOINTMENT OF CHARLES BROTHERTON AS VOTING MEMBER ON THE REGION 49, TEXAS 800 MHz REGIONAL REVIEW COMMITTEE. (9:25 AM)

**Clerk's Note:** Item 10 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 11. RECEIVE AND TAKE APPROPRIATE ACTION ON NATIONAL INSTITUTE OF CORRECTIONS REPORT REGARDING A LOCAL SYSTEM ASSESSMENT OF THE TRAVIS COUNTY CRIMINAL JUSTICE SYSTEM. (9:37 AM)

**Members of the Court heard from:** Mike Trimble, Criminal Justice Coordinator, Criminal Justice Planning (CJP); and David Balagia, Major, Travis County Sheriff's Office (TCSO).

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Daugherty to approve the letter of appreciation, for the entire Commissioners Court to sign, to the National Institute of Corrections, for their provision of the Local System Assessment to Travis County.

**Motion carried:**

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

**Clerk's Note:** The Court without objection gave directions to Staff that specific recommendations, including a change to the Task Force's name, be presented to the Jail Overcrowding Task Force and the Community Council; and that Staff bring the recommendations to the Commissioners Court for further consideration.

### PURCHASING OFFICE ITEMS

- 12. APPROVE CONTRACT AWARDS FOR HEAVY DUTY MACHINERY OEM PARTS/MAINTENANCE, IFB NO. B050075-MP, TO THE FOLLOWING LOW QUALIFIED BIDDERS: (9:25 AM)
  - A. CLOSNER EQUIPMENT CO., FOR LINE ITEM 16;
  - B. PROFESSIONAL TURF PRODUCTS, FOR LINE ITEMS 1, 1A, 8, AND 8A;
  - C. REJECT SOLE BID RECEIVED FOR ITEMS 1B THRU 1F AND 8B THRU 8F AND REBID. (TNR) (COMMISSIONER GÓMEZ)

**Clerk's Note:** Items 12.A-C approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.



13. APPROVE MODIFICATION NO. 5 TO INTERLOCAL AGREEMENT NO. IL010211EF WITH AUSTIN COMMUNITY COLLEGE TO PROVIDE EARLY CHILDHOOD MENTORING SERVICES. (HHS & VS) (COMMISSIONER GÓMEZ) (9:32 AM)

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

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the modification to the interlocal 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	yes

14. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 1) TO THE FOLLOWING CONTRACTS FOR FLEXIBLE BASE MATERIAL, TYPE A: (9:25 AM)

A. NO. 04T00216DR, AUSTIN CRUSHED STONE; AND

B. NO. 04T00217DR, COLORADO MATERIALS. (TNR) (COMMISSIONER GÓMEZ)

**Clerk's Note:** Items 14.A and B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

15. APPROVE PURCHASE OF TWO (2) UTILITY TRACTORS AND SIX (6) BUSH HOG SHREDDERS FROM THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE, BUYBOARD, NO. IL030067OJ. (TNR) (COMMISSIONER GÓMEZ) (9:15 AM)

Item 15 pulled from the Agenda.

16. APPROVE CONTRACT AWARD FOR CASE FILE FOLDERS, IFB NO. B050069-DR, TO THE LOW BIDDER, DER GRAPHICS. (COUNTY CLERK) (COMMISSIONER GÓMEZ) (9:25 AM)

**Clerk's Note:** Item 16 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

17. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 03T00213DR FOR PAINT AND PAINT SUPPLIES TO MONARCH PAINT. (FM) (COMMISSIONER GÓMEZ) (9:25 AM)

**Clerk's Note:** Item 17 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

18. A. DECLARE CERTAIN WEAPONS AS TRADE-IN FOR NEW WEAPONS, PURSUANT TO SECTION 263.152 OF THE TEXAS LOCAL GOVERNMENT CODE; (9:25 AM)
- B. RATIFY CERTAIN WEAPONS AS TRADE-IN FOR NEW WEAPONS, PURSUANT TO SECTION 263.152 OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (SHERIFF'S OFFICE) (COMMISSIONER GÓMEZ)

**Clerk's Note:** Items 18.A and B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

19. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 03T00228LD, IRON AGE CORP., FOR PROTECTIVE FOOTWEAR. (TNR) (COMMISSIONER GÓMEZ) (9:25 AM)

**Clerk's Note:** Item 19 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

20. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 04T00228LD, WASHING EQUIPMENT OF TEXAS, FOR LANDA RECYCLING VEHICLE WASH EQUIPMENT MAINTENANCE. (TNR) (COMMISSIONER GÓMEZ) (9:25 AM)

**Clerk's Note:** Item 20 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

21. APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 2) TO THE FOLLOWING CONTRACTS FOR AUTOMOTIVE OEM PARTS AND MAINTENANCE LABOR: (9:25 AM)

A. CONTRACT NO. 03T00231LD, LEIF JOHNSON FORD; AND

B. CONTRACT NO. 03T00232LD, CAPITOL CHEVROLET, INC. (TNR) (COMMISSIONER GÓMEZ)

**Clerk’s Note:** Items 21.A and B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

22. APPROVE PURCHASE OF IN-CAR VIDEO SYSTEMS OFF STATE CONTRACT FROM MOBILE-VISION INC. (TNR) (COMMISSIONER GÓMEZ) (9:25 AM)

**Clerk’s Note:** Item 22 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

23. APPROVE CONTRACT AWARDS FOR CARPET AND UPHOLSTERY CLEANING SERVICES, IFB NO. B050065-OJ, TO: (9:25 AM)

A. SEKA TOTAL CARPET CARE; AND

B. K-B CONTRACT CLEANING, INC. (FM) (COMMISSIONER GÓMEZ)

**Clerk’s Note:** Items 23.A and B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

24. APPROVE MODIFICATION NO. 8 TO CONTRACT NO. 03T00074OJ, REFUSE COLLECTION, WITH WASTE MANAGEMENT OF TEXAS. (COUNTYWIDE) (COMMISSIONER GÓMEZ) (10:32 AM)

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Item 24.

<b>Motion carried:</b> 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

25. APPROVE ISSUANCE OF JOB ORDER NO. 13, MINOR CONSTRUCTION AND RENOVATION SERVICES CONTRACT NO. 04K0203ARV, WILLIAMS AND THOMAS, INC. D.B.A. JAMAIL CONSTRUCTION, TO INSTALL A CANOPY COVER OVER THE LOADING DOCK AT THE AIRPORT BOULEVARD OFFICE COMPLEX. (FM) (COMMISSIONER GÓMEZ) (9:25 AM)

**Clerk's Note:** Item 25 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

26. APPROVE TWELVE-MONTH EXTENSIONS (MODIFICATION NO. 1) TO THE FOLLOWING CONTRACTS FOR MINOR CONSTRUCTION AND RENOVATION SERVICES: (9:25 AM)

A. NO. 04K0203ARV, WILLIAMS & THOMAS, INC. DBA JAMAIL CONSTRUCTION; AND

B. NO. 04K0203BRV, ARCHITECTURAL HABITAT OF AUSTIN, INC. (COUNTYWIDE) (COMMISSIONER GÓMEZ)

**Clerk's Note:** Items 26.A and B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

27. APPROVE MODIFICATION NO. 8 TO CONTRACT NO. 02K00030JJ, BLAKE MANOR ROAD RECONSTRUCTION, WITH CAPITAL EXCAVATION COMPANY. (TNR) (COMMISSIONER DAVIS) (9:25 AM)

**Clerk's Note:** Item 27 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

28. APPROVE PURCHASE ORDER PURSUANT TO THE TEXAS GOVERNMENT CODE 497.025 (B) AND (C) WITH TEXAS CORRECTIONAL INDUSTRIES, FOR A SECURITY FENCE AT THE EAST COMMAND CENTER. (SHERIFF'S OFFICE) (COMMISSIONER DAVIS) (9:25 AM)

**Clerk's Note:** Item 28 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

**TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS**

- 29.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO TEMPORARILY CLOSE THE CUL-DE-SAC OF WESTFALIAN TRAIL IN PRECINCT THREE ON MAY 1, 2005 FROM 12:00 P.M. TO 4:00 P.M. FOR A NEIGHBORHOOD BLOCK PARTY. (COMMISSIONER DAUGHERTY)  
(9:25 AM)

**Clerk's Note:** Item 29 is the action item for the public hearing on Agenda Item 1.

**Clerk's Note:** Item 29 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 30.** APPROVE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES IN RANCH AT DEER CREEK, PHASE 3 SECTION 3, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)  
(9:25 AM)

**Clerk's Note:** Item 30 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 31.** CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING REQUESTS REGARDING ELM CREEK, SECTION 1, A SUBDIVISION IN PRECINCT ONE: (9:25 AM)

- A.** ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES IN ELM CREEK SECTION 1; AND
- B.** LICENSE AGREEMENT WITH ELM CREEK HOMEOWNERS ASSOCIATION, INC. (COMMISSIONER DAVIS)

**Clerk's Note:** Items 31.A and B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

32. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: AUBREY OAKS (SHORT FORM PLAT – 2 LOTS – 7.0 ACRES – PEDERNALES CANYON TRAIL – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC – NO MUNICIPAL ETJ). (COMMISSIONER DAUGHERTY) (9:25 AM)

**Clerk's Note:** Item 32 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

33. CONSIDER AND TAKE APPROPRIATE ACTION ON THE USE OF ALTERNATIVE FISCAL FOR DESTINY HILLS, SECTION 2, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:25 AM)

**Clerk's Note:** Item 33 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

34. DISCUSS AND TAKE APPROPRIATE ACTION ON TRAVIS COUNTY COMMENTS TO CAMPO BOARD OF DIRECTORS REGARDING DRAFT 2030 TRANSPORTATION PLAN. (10:16 AM)

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

Discussion Only. No formal action taken.

Item 34 to be reposted on May 5, 2005.

### OTHER ITEMS

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

**Clerk's Note:** Item 35 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

36. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE LEASE AGREEMENT AMENDMENT WITH AMERICAN HONDA MOTOR COMPANY FOR FOUR (4) HONDA PERSONAL WATER CRAFT FOR LAW ENFORCEMENT PATROL FUNCTIONS ON LAKE TRAVIS. (9:25 AM)

**Clerk's Note:** Item 36 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

37. RECEIVE AND DISCUSS MID-YEAR REVENUE REPORT FOR FISCAL YEAR 2005. (10:27 AM)

**Members of the Court heard from:** Blain Keith, Chief Assistant County Auditor.

Discussion Only. No formal action taken.

38. APPROVE BOND FOR CEILA CASTRO TO SERVE AS VISITING TRAVIS COUNTY JUSTICE OF THE PEACE. (9:25 AM)

**Clerk's Note:** Item 38 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

**TO BE TAKEN UP AT 11:00 A.M.**

39. CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE ISSUES AND PROPOSED BILLS BEFORE THE 79<sup>TH</sup> TEXAS LEGISLATURE. (A LIST MAY BE OBTAINED FROM ANY MEMBER OF THE TRAVIS COUNTY COMMISSIONERS COURT.) (11:15 AM)

**Clerk's Note:** The Court discussed **House Bill 470 (HB470)**: Relating to local delivery of aging, disability, behavioral health, and mental retardation services; and **House Bill 2572 (HB2572)**: Relating to the functions of local mental health and mental retardation authorities.

**Members of the Court heard from:** Sherri Fleming, Executive Manager, Travis County Health, Human Services, and Veterans Services (TCHHS&VS).

Discussion Only. No formal action taken.

## ITEM 39 CONTINUED

**Clerk's Note:** The Court discussed **House Bill 2833 (HB2833)**: Relating to the protection of private real property from regulatory takings.

**Members of the Court heard from:** Tom Nuckols, Assistant County Attorney.

Discussion Only. No formal action taken.

**Clerk's Note:** The Court discussed **House Bill 2236 (HB2236)**: Relating to restrictions on the imposition of permit fees by political subdivisions.

**Members of the Court heard from:** Tom Nuckols, Assistant County Attorney; and Ann Denkler, Executive Assistant, Travis County Commissioner Precinct 3.

Discussion Only. No formal action taken.

**Clerk's Note:** The Court discussed **House Bill 1704 (HB1704)** and the companion legislation **Senate Bill 848 (SB848)**: Relating to the approval of certain permit applications by local governments.

**Members of the Court heard from:** Scheleen Walker, Senior Planner, TNR; and Joe Gieselman, Executive Manager, TNR.

Discussion Only. No formal action taken.

**Clerk's Note:** The Court discussed **House Bill 3278 (HB3278)**: Relating to the management, security, and protection of personal information and governmental records; providing a criminal penalty.

**Members of the Court heard from:** Dana DeBeauvoir, Travis County Clerk.

Discussion Only. No formal action taken. Discussion of House Bill 3278 to be reposted on May 3, 2005.



**ITEM 39 CONTINUED**

**Clerk’s Note:** The Court discussed **House Bill 1964 (HB1964)** and the companion legislation, **Senate Bill 478 (SB478):** Relating to the authority of certain counties to impose a local tax on the sale of gasoline and to the use of the tax revenue by a regional mobility authority; and **House Bill 2702 (HB2702):** Relating to the construction, acquisition, financing, maintenance, management, operation, ownership, and control of transportation facilities and the progress, improvement, policing, and safety of transportation in this state.

**Members of the Court heard from:** Ann Denkler, Executive Assistant, Travis County Commissioner Precinct 3.

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner that as the Travis County Commissioners Court, we take a position in support of Senate Bill 478 and House Bill 1964.

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

**Clerk’s Note:** The Court directed that a letter be drafted and signed by the Court in support of the proposed legislation Senate Bill 478 and House Bill 1964.

## 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.

- 40.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING EXCESSIVE FORCE CLAIM AGAINST MICHAEL BOTELLO. <sup>1</sup> (10:32 AM) (5:01 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.

No action necessary on Item 40.

Item 40 to be reposted on May 10, 2005.

- 41.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN MURRAY, ET AL. V. EARLE, ET AL., NO. A-02-CA-252-SS (REQUESTED BY COUNTY ATTORNEY). <sup>1</sup> (10:32 AM) (5:02 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.

**Clerk's Note:** Judge Biscoe requested the Court to take a moment and thank Elaine Casas and Marion Damen, who did an outstanding job working on the appellate brief, and presenting oral arguments before the 5<sup>th</sup> Circuit Court of Appeals.

Discussion only. No formal action taken.

42. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING IN THE MATTER OF THE APPLICATION OF MAGNA-FLOW INTERNATIONAL, INC., PERMIT NO. WQ0004484, TCEQ DOCKET NO. 2005-0199-SLG. <sup>1</sup> (10:32 AM) (2:29 PM) (5:02 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 Davis **and seconded by** Judge Biscoe that Travis County sit at the table in a mediation posture before the Texas Commission on Environmental Quality (TCEQ) on the application of permit number WQ0004484, Magna Flow International, Inc., but only as a posture as far as mediation is concerned; and that I would like to ensure that John Kuhl, Environmental Officer, TNR, will be sitting at the table along with the Parks Springs Neighborhood Association.

**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

- 43. RECEIVE LEGAL ADVICE FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING CLAIM RECEIVED FROM TENANTS AT THE TRAVIS COUNTY FARMERS MARKET FOR REPAIR OF BROKEN NATURAL GAS PIPES. <sup>1</sup> (1:52 PM) (2:29 PM) (4:56 PM)

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

**Members of the Court heard from:** John Hille, Assistant County Attorney; Garland Earls, tenant, Travis County Farmers Market; Jonathan Matthews, Dog Almighty; Jason Harvey, Contractor’s; Quincy Adams Erickson, Les Femmes Culinaires; Steve Nagle, Attorney, representing Ms. Erickson; Peter Donovan, Attorney, representing Abigail Donovan, Les Femmes Culinaires; Timothy Thomas, Owner, Brentwood Tavern; and Hill Rylander, Manager, Travis County Farmers Market.

**Motion by Judge Biscoe and seconded by Commissioner Sonleitner** to indicate the Court’s intention to negotiate with the County’s agent, Hill Rylander, an approach that achieves the following results: For Travis County to pay for the necessary expenses to repair the gas lines; that we seek reimbursement from the agent from proceeds that the agent receives from the tenants; that we negotiate rent concessions that might be appropriate for the affected tenants; that this matter be back on the Court’s Agenda May 3, 2005; that we encourage the tenants not to pay rent until next Tuesday, May 3, 2005; that we ask our Facilities Management Department to attempt to work with the City of Austin to expedite and facilitate any permit requirements, to enable the tenants at the property to start using their premises for the purposes intended in the lease agreement; that we also look at the need for the inside gas repairs necessary to get the permit from the City of Austin; and see what, if anything, Travis County might do. The other thing is for the Travis County Attorney’s Office to put the other parties on notice as the need for settlement documents arise.

**An Addition to the previous Motion was made by Commissioner Sonleitner** that the County needs to get a final invoice for the repairs that have occurred to the gas line within the common area.

**An Addition to the previous Motion was made by Judge Biscoe** that John Hille, Assistant County Attorney, is the contact person on this Item.

**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

- 44. RECEIVE LEGAL ADVICE AND TAKE APPROPRIATE ACTION ON ISSUE REGARDING THE TIMING OF RELEASE OF CERTAIN INFORMATION PROVIDED IN RESPONSE TO THE RFI/RFP ON THE COLLECTION OF DELINQUENT TAXES. <sup>1</sup> (10:32 AM) (2:29 PM) (5:05 PM)**

**Clerk’s Note:** Judge Biscoe announced that Item 44 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

**Motion by Judge Biscoe and seconded by** Commissioner Gómez to delete language in the document pertaining to keeping information secret until after a contract is awarded, and substitute the following language in Part I, Section B – the second full paragraph is deleted, and replaced with the following: “Travis County cautions firms that responses to this RFI may become public knowledge. In the interest of full and open disclosure, information received will be made available for review or copying for anyone making a Public Information Act (“the Act”) request to the Purchasing Office. All information submitted would be subject to disclosure pursuant to the Act, and may be released. The County will not, however, release any information confidential pursuant to Section 552.101 of the Act.” The bid opening date and time remain unchanged – April 29, 2005 at 2:00 PM. The Court requests the Purchasing Agent to get this information to interested firms, parties, etc., as soon as possible.

**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

- 45. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING TAKING IMPACT ASSESSMENT REQUIREMENTS ASSOCIATED WITH SECTION 82.203(a)(4), TRAVIS COUNTY CODE. <sup>1</sup> (10:32 AM) (2:29 PM) (5:09 PM)**

**Clerk’s Note:** Judge Biscoe announced that Item 45 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

**Motion by Judge Biscoe and seconded by** Commissioner Gómez to ratify the action taken on March 15, 2005 by the Commissioners Court regarding adoption of Section 82.203(a)(4), Travis County Code.

**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

46. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING AN OPPORTUNITY TO LEASE OR PURCHASE REAL ESTATE IN SOUTH CENTRAL AUSTIN. <sup>2</sup> (10:32 AM) (5:08 PM)

**Clerk's Note:** Judge Biscoe announced that Item 46 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.072, Real Property.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to 1) direct the County Attorney to prepare documents and negotiate legal language with seller's attorneys; 2) direct Investors Alliance to notify the seller that business terms are agreeable; 3) direct Staff to work with the Planning and Budget Office (PBO) and the County Attorney on financial items; and 4) place on the Commissioners Court Agenda May 10, 2005 for update and possible further directions or 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 46 to be reposted on May 10, 2005.

47. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING COMPLIANCE BY TEXAS DISPOSAL SYSTEMS LANDFILL, INC. WITH THE TERMS OF THE LICENSE AGREEMENT FOR THE SOLID WASTE TRANSFER STATION FACILITIES AT 4001 STATE HIGHWAY 620. <sup>1 & 2</sup> (10:32 AM) (5:10 PM)

**Clerk's Note:** Judge Biscoe announced that Item 47 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.072, Real Property.

Discussion only. No formal action taken.

48. DISCUSS AND TAKE APPROPRIATE ACTION ON CONTRACT WITH REPUBLIC OF TEXAS BIKER RALLY FOR 2005 EVENT. <sup>1</sup> (10:32 AM) (2:29 PM) (5:10 PM)

**Clerk's Note:** Judge Biscoe announced that Item 48 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 48 to be reposted on May 3, 2005.

**ADDED ITEMS**

- A1.** RECEIVE LEGAL ADVICE AND TAKE APPROPRIATE ACTION ON REQUEST FROM AMERICAN FIREWORKS FOR APPROVAL TO CONSTRUCT COMMERCIAL BUILDING AT 5150 STATE HIGHWAY 71 EAST WITHOUT NEED TO COMPLY WITH INTERNATIONAL FIRE CODE, AND RELATED ISSUES. <sup>1</sup> (EXECUTIVE SESSION ITEM – NOTE 1 GOV'T CODE ANN 551.071, CONSULTATION WITH ATTORNEY) (1:45 PM) (2:29 PM) (4:54 PM)

**Clerk's Note:** Judge Biscoe announced that Item A1 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Members of the Court heard from:** Mr. Davis, American Fireworks; and Barbara Wilson, Assistant County Attorney.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that we indicate our determination that the International Fire Code does apply, that construction of the driveway on the adjacent property was not sufficient, and that we direct County Staff to work with Mr. Davis to meet the appropriate water supply requirement.

**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 **seconded by** Commissioner Daugherty to adjourn the Voting Session. (5:11 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**

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**Date of Approval**

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**Samuel T. Biscoe, Travis County Judge**