

MINUTES -- JANUARY 6, 1998

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 6th day of January 1998, the Commissioners' Court convened the Voting Session at 9:14 AM in the Commissioners' Courtroom, 1st Floor of the Travis County Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Anna M. Valdez.

The Commissioners' Court retired to Executive Session at 10:27 AM and reconvened the Voting Session at 10:45 AM.

The Commissioners' Court adjourned the Voting Session at 10:47 AM.

The Commissioners' Court, meeting as the Northwest Travis County Road District No. 3 (Golden Triangle) Board of Directors, convened the NWTCRD #3 Voting Session at 10:47 AM and adjourned at 10:48 AM.

The Commissioners' Court, meeting as the Corporations' Board of Directors, convened the Corporations' Voting Session at 1:42 PM and adjourned at 2:15 PM.

RESOLUTIONS & HEARINGS

CITIZENS' COMMUNICATION

There were no respondents who addressed the Court. (9:16 AM)

CONSENT ITEMS

- 1. **Motion by** Commissioner Sonleitner and **seconded by** Commissioner Gómez to approve the following Consent Items: 10, A.2 and C1 - C9, excluding C7. (9:16 AM)

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

Clerk's Note: Precinct One Commissioner Darwin McKee and Precinct Three Commissioner Margaret Moore requested that the record reflect that they abstained on Item C3. A formal Division of the Vote was not requested.

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2. AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION FACILITIES.
- C3. APPROVE COMMISSIONERS' COURT MINUTES FOR VOTING SESSION OF AUGUST 12, 1997; AUGUST 19, 1997; AND RECONVENED MEETING ON AUGUST 20, 1997.
- C4. APPROVE THE USE OF ALTERNATE FISCAL FOR STEINER RANCH PHASE 2 SECTION 3C, A SUBDIVISION IN PRECINCT 2.

CONSENT ITEMS CONTINUED

- C5. APPROVE PLAT FOR RECORDING IN PRECINCT TWO: J.B. MERRILLTOWN SECTION ONE - (SHORTFORM- NO FISCAL REQUIRED - 1 LOT - 16.559 ACRES - MERRILLTOWN DRIVE).
- C6. REAPPOINT MIKE BEST AND GARVID WILSON, JR. TO THE BOARD OF TRAVIS COUNTY EMERGENCY SERVICES DISTRICT #4 FOR TWO-YEAR TERMS TO EXPIRE ON 12/31/99.
- C7. REAPPOINT S.J. FOWLER AND LERAY STANDARD TO THE BOARD OF TRAVIS COUNTY EMERGENCY SERVICES DISTRICT #12 FOR TWO-YEAR TERMS TO EXPIRE ON 12/31/99. (9:15 AM) (9:18 AM)

Item C7 postponed until January 20, 1998.

- C8. **ADDED ITEM** - APPOINT MS. JUANITA VARGAS TO THE FEDERAL EMERGENCY MANAGEMENT ASSISTANCE (FEMA) BOARD.
- C9. **ADDED ITEM** - APPOINT THE FOLLOWING MEMBERS TO THE CAPITAL AREA WORKFORCE DEVELOPMENT BOARD:
 - A. GINGER BYRAM - (PRIVATE-LARGE CATEGORY - TERM: NOVEMBER 1, 1997 THROUGH OCTOBER 31, 2000).
 - B. MICHELLE FRISENHAHN - (PRIVATE-SMALL CATEGORY - TERM: NOVEMBER 1, 1997 THROUGH OCTOBER 31, 2000).

ADMINISTRATIVE ITEMS

- 2. DISCUSS AND GIVE STAFF DIRECTION ON THE TECHNICALLY PREFERRED ALIGNMENT FOR STATE HIGHWAY 130 IN THE VICINITY OF NORTHEAST METRO PARK AND RECOMMEND COUNTY PREFERENCES TO TEXAS DEPARTMENT OF TRANSPORTATION. (9:20 AM)

Discussion Only.

Item 2 to be reposted on January 13, 1998.

- 3. A. APPROVE 1998 PRIMARY ELECTION SERVICES CONTRACT BETWEEN TRAVIS COUNTY AND TRAVIS COUNTY DEMOCRATIC PARTY. (9:15 AM)

Item 3.A postponed until January 13, 1998.

- B. APPROVE 1998 PRIMARY ELECTION SERVICES CONTRACT BETWEEN TRAVIS COUNTY AND TRAVIS COUNTY REPUBLICAN PARTY. (9:15 AM)

Item 3.B postponed until January 13, 1998.

- 4. A. APPROVE WAIVER OF SECTION 32.004 OF THE TRAVIS COUNTY ETHICS POLICY AND WAIVER OF A PORTION OF THE STANDARD INDEMNIFICATION LANGUAGE REGARDING: THE PROPOSED RENEWAL AND AMENDMENT OF 1997 INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF AUSTIN, TRAVIS COUNTY AND THE AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER; THE CAN CONTRACT WITH MHMR ROVING LEADER PROGRAM; THE MHMR C.A.R.E. PROGRAM; AND THE MHMR HOMELESS/RESOURCE PROGRAM. (9:21 AM)

Members of the Court heard from: Stephen Williams, Executive Manager, Austin-Travis County Health and Human Services Department and Veterans Affairs Services; and David Evans, Executive Director, Austin-Travis County Mental Health and Mental Retardation (MHMR) Center.

Motion by Commissioner Sonleitner and **seconded by** Commissioner Gómez to approve the waiver under Item 4.A which includes the waiver of the standard indemnification language.

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

Motion by Commissioner Sonleitner and **seconded by** Commissioner Gómez to approve the three (3) contracts posted under Item 4.A.

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

ITEM 4 CONTINUED

B. CONSIDER AND TAKE ACTION ON RENEWAL AND AMENDMENT OF 1997 INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF AUSTIN, TRAVIS COUNTY AND THE AUSTIN-TRAVIS COUNTY MENTAL HEALTH AND MENTAL RETARDATION CENTER. (9:21 AM)

Members of the Court heard from: Stephen Williams, Executive Manager, Austin-Travis County Health and Human Services Department and Veterans Affairs Services; and David Evans, Executive Director, Austin-Travis County MHMR Center.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Item 4.B.

Motion carried:	County Judge Bill Aleshire	-	yes
	Precinct 1, Commissioner Darwin McKee	-	yes
	Precinct 2, Commissioner Karen Sonleitner	-	yes
	Precinct 3, Commissioner Margaret Moore	-	yes
	Precinct 4, Commissioner Margaret J. Gómez	-	yes

5. APPROVE ORDER WAIVING THE REQUIREMENTS OF DISCRETIONARY CONTRACTS PURSUANT TO SECTION 32.004(F) OF THE TRAVIS COUNTY ETHICS POLICY FOR THE PURPOSE OF ENTERING INTO A LEASE AGREEMENT WITH ROBERT TIEMANN FOR THE LEASE OF AN ANIMAL IMPOUND FACILITY. (9:27 AM)

Motion by Commissioner Gómez **and seconded by** Commissioner McKee to approve the waiver under Item 5.

Motion carried:	County Judge Bill Aleshire	-	yes
	Precinct 1, Commissioner Darwin McKee	-	yes
	Precinct 2, Commissioner Karen Sonleitner	-	yes
	Precinct 3, Commissioner Margaret Moore	-	yes
	Precinct 4, Commissioner Margaret J. Gómez	-	yes

- 6. RECEIVE STATUS UPDATE ON COMPUTER-AIDED DISPATCH (CAD) OPTIONS AND TAKE APPROPRIATE ACTION. (9:28 AM) (9:57 AM)

Members of the Court heard from: Dan T. Richards, Deputy Chief, Travis County Sheriff's Office (TCSO); and Tommy Blackwell, Director of Information Services, TCSO.

Discussion Only.

Item 6 to be reposted on January 13, 1998.

- 7. CONSIDER ISSUANCE OF UP TO \$4,000,000 OF TRAVIS COUNTY HOUSING FINANCE CORPORATION MULTIFAMILY HOUSING REVENUE BONDS, SERIES 1987 (SOUTH CENTER OAKS AND TOWNHOUSE APARTMENTS PROJECT) BY THE TRAVIS COUNTY HOUSING FINANCE CORPORATION, AND TAKE APPROPRIATE ACTION. (9:15 AM)

Item 7 postponed until January 13, 1998.

- 8. A. APPOINT MEMBERS OF THE CITIZENS BOND PROJECT ACCOUNTABILITY COMMITTEE AND ADOPT CHARTER FOR THE COMMITTEE. (9:16 AM) (9:28 AM) (9:34 AM) (10:04 AM)

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

Motion by Commissioner Gómez and **seconded by** Commissioner Moore to appoint the following people to the Committee, **nominated by:**

Precinct One Commissioner McKee: Dr. Charles Akins, Albert Johs, Thomas (Hollywood) Henderson, and Larry McKee.

Precinct Three Commissioner Moore: Virginia Agnew.

Judge Aleshire: Sterling Lands and Robert Knight.

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

ITEM 8.A CONTINUED

Motion by Commissioner Gómez and **seconded by** Commissioner Moore to approve the Charter as amended and submitted to the Clerk.

Motion carried:	County Judge Bill Aleshire	-	yes
	Precinct 1, Commissioner Darwin McKee	-	yes
	Precinct 2, Commissioner Karen Sonleitner	-	yes
	Precinct 3, Commissioner Margaret Moore	-	yes
	Precinct 4, Commissioner Margaret J. Gómez	-	yes

Item 8.A to be reposted on January 13, 1998.

B. DETERMINE ORGANIZATION, LOCATION, INSTRUCTIONS, AND BUDGET FOR COUNTY STAFF TO MANAGE BOND PROJECTS AND TO SUPPORT THE OPERATION OF THE CITIZENS BOND PROJECT ACCOUNTABILITY COMMITTEE. (9:30 AM)

Discussion Only.

Item 8.B to be reposted on January 13, 1998

C. APPROVE STAKEHOLDER APPOINTMENTS FOR PARK BOND PROJECTS FOR SOUTHEAST METRO PARK, WEBBERVILLE PARK, NORTHEAST METRO PARK, AND MANSFIELD DAM PARK PROJECTS. (9:34 AM) (10:04 AM)

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

Motion by Commissioner Sonleitner and **seconded by** Commissioner Gómez to require that any recommendations of the Stakeholder groups must be consistent with the budget and timetables established and monitored by the Commissioners' Court with advice from the Citizens' Bond Project Accountability Committee.

Motion carried:	County Judge Bill Aleshire	-	yes
	Precinct 1, Commissioner Darwin McKee	-	yes
	Precinct 2, Commissioner Karen Sonleitner	-	yes
	Precinct 3, Commissioner Margaret Moore	-	yes
	Precinct 4, Commissioner Margaret J. Gómez	-	yes

ITEM 8.C CONTINUED

Motion by Commissioner Sonleitner and **seconded by** Commissioner Gómez to indicate that each of the Commissioners is free to appoint the members of the Stakeholders' Committee for each of the parks in their area. Commissioner Sonleitner requests the advice of Commissioner McKee regarding representatives from the Manor School District and the City of Manor for the Northeast Metro Park.

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

9. APPOINT MEMBERS OF THE ON-SITE SEWAGE FACILITY RULES ADVISORY COMMITTEE. (9:16 AM) (9:34 AM)

Motion by Judge Aleshire and **seconded by** Commissioner Gómez to appoint Suzanne Zarling to fill the LCRA slot.

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

Motion by Commissioner Sonleitner and **seconded by** Commissioner Gómez to appoint Dr. Bern Jackson to the Committee.

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

- 10. APPROVE CONTRACT AWARD FOR PROFESSIONAL ENGINEERING SERVICES TO TURNER COLLIE & BRADEN, INC. FOR THE ANDERSON MILL ROAD EXTENSION PROJECT, NOT-TO-EXCEED \$299,967.00. (9:18 AM)

Item 10 added to Consent. Please refer to Agenda Item 1 (CONSENT ITEMS) for the Court's Motion and Vote.

- 11. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (9:17 AM)

No action taken on Item 11.

- 12. APPROVE PERSONNEL AMENDMENTS. (9:35 AM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Linda Moore Smith, Director, Human Resources Management Department (HRMD); Susan Spataro, Travis County Auditor; Carlotta Valdez, Compensation Manager, HRMD; Dan T. Richards, Deputy Chief, TCSO; and Debbie Rich, TCSO.

Motion by Judge Aleshire and **seconded by** Commissioner Gómez to indicate that: subject to the same 30% limitation that would occur on any new staff hired since the Court's last authorization and limited only to those positions under which the Commissioners' Court sets the salary, the Court delegates to the Human Resources Management Department the authorization to set the matrix level so entry of information can continue. The Court authorizes Alicia Perez, Executive Manager of Administrative Operations, to be the Court's designee in starting the process.

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

Motion by Commissioner Gómez and **seconded by** Commissioner Moore to approve the personnel amendments with the noted correction.

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

13. REVIEW AND APPROVE THE FOLLOWING PROPERTY AND LIABILITY CLAIM RECOMMENDATIONS: (10:16 AM)

- A. TNR - SETTLE

- B. TCSO - SETTLE

- C. TNR - SETTLE

- D. TCSO - SETTLE

Members of the Court heard from: Daniel Mansour, Risk Manager, HRMD.

Motion by Commissioner McKee **and seconded by** Commissioner Gómez to approve 13.A, B, C and D as recommended by the Risk Manager.

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

14. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:28 AM)

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

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

EXECUTIVE SESSION ITEMS

Note 1 - Gov't Code Ann 551.071, Consultation with Attorney

Note 2 - Gov't Code Ann 551.072, Real Property

Note 3 - Gov't Code Ann 551.074, Personnel Matters

- 15.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION IN TRAVIS COUNTY, TEXAS V. LAURELWOOD PARTNERS, LTD.; (LAURELWOOD; GIESELMAN; CONDEMNATION).¹ (9:15 AM)

Item 15 pulled from the agenda.

- 16.** AUTHORIZE COUNTY ATTORNEY TO INITIATE CONDEMNATION REGARDING CIP PROJECT NO. 2-019, PARCEL 19; PROPOSED DESSAU ROAD NORTH EXTENSION; (OWNER: NAJIB F. WEHBE; GIESELMAN; CONDEMNATION)¹ AND ² (9:15 AM)

Item 16 pulled from the agenda.

- 17.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, COUNTER OFFER OR SETTLEMENT OFFER AND/OR TAKE APPROPRIATE ACTION IN: ROSIE CAROTHERS V. MONTGOMERY ELEVATOR AND TRAVIS COUNTY; (TEXAS TORT CLAIMS ACT; PERSONAL INJURY).¹ (9:15 AM)

Item 17 postponed until January 13, 1998.

- 18.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, COUNTER OFFER OR SETTLEMENT OFFER AND/OR TAKE APPROPRIATE ACTION IN: BRENT CULLISON V. VIVIAN INDUSTRIAL PLASTICS, INC., ET AL; (CULLISON; RICH; TEXAS TORT CLAIMS ACT, PERSONAL INJURY).¹ (10:27 AM) (10:45 AM)

Judge Aleshire announced that Item 18 would be considered in Executive Session.

Clerk's Note: Judge Aleshire extended the Court's congratulations to the County Attorney's Office on the Summary Judgment in this case. No action necessary by the Commissioners' Court.

19. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, COUNTER OFFER OR SETTLEMENT OFFER AND/OR TAKE APPROPRIATE ACTION IN: CURTIS S. CANTWELL AND TAMMY CANTWELL V. TRAVIS COUNTY AND TRAVIS COUNTY; (TEXAS TORT CLAIMS ACT; PERSONAL INJURY).¹ (9:15 AM)

Item 19 postponed until January 13, 1998.

20. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT OR REJECT SETTLEMENT OFFER AND TAKE APPROPRIATE ACTION IN CUMMINS, TWC# 97-048648.¹ (9:15 AM)

Item 20 postponed until January 13, 1998.

21. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION AND/OR ACCEPT, REJECT, OR COUNTER SETTLEMENT DEMAND IN (REGINALD SWISHER V. KEEL, ET AL; CAUSE NO. A-97-CA-462-SS).¹ (10:27 AM) (10:45 AM)

Judge Aleshire announced that Item 21 would be considered in Executive Session.

Item 21 postponed until January 13, 1998.

22. ADDED ITEM - RECEIVE BRIEFING FROM COUNTY ATTORNEY AND GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION ON RIGHT-OF-WAY RELATING TO TRAVIS OAKS DRIVE; AND/OR AUTHORIZE CONDEMNATION. (GIBBS; GIESELMAN; CONDEMNATION).¹ (10:27 AM) (10:45 AM)

Judge Aleshire announced that Item 22 would be considered in Executive Session.

Item 22 postponed until January 13, 1998.

THE FOLLOWING WERE ADDED:

- A.1** APPROVE A RESOLUTION CLARIFYING ARTICLE IV, SECTION 4.1 (a) (2) (c) OF THE INTERLOCAL COOPERATION AGREEMENT BETWEEN TRAVIS COUNTY AND THE CITY OF AUSTIN, PERTAINING TO THE TAX INCREMENT FINANCING PLAN FOR THE BALCONES CANYONLANDS PLAN (BCP). (10:22 AM)

Members of the Court heard from: David Escamilla, First Assistant County Attorney.

Motion by Commissioner Moore and **seconded by** Commissioner Sonleitner to approve the Resolution under Item A.1.

Motion carried:

Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes
County Judge Bill Aleshire	-	yes

- A.2** CONSIDER AND TAKE ACTION ON 1998 COMMUNITY ACTION NETWORK (C.A.N.) CONTRACT FOR HUMAN SERVICES WITH THE FOLLOWING AGENCY: VAUGHN HOUSE. (9:18 AM)

Item A.2 added to Consent. Please refer to Agenda Item 1 (CONSENT ITEMS) for the Court's Motion and Vote.

ADJOURNMENT

Motion by Commissioner Sonleitner and **seconded by** Commissioner Gómez to adjourn the Voting Session. (10:47 AM)

Motion carried:

Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes
County Judge Bill Aleshire	-	yes

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Bill Aleshire, Travis County Judge