

## **MINUTES – JULY 5, 2000**

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

On Tuesday, the 5<sup>th</sup> day of July, 2000, the Commissioners' Court convened the regular Voting Session at 9:13 AM in the Commissioners' Courtroom, 1<sup>st</sup> Floor of the Travis County Administration Building, 314 West 11<sup>th</sup> Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Melissa Velasquez.

The Commissioners' Court recessed the Voting Session at 10:04 AM.

The Commissioners' Court reconvened the Voting Session at 10:55 AM.

The Commissioners' Court recessed the Voting Session at 12:18 PM.

The Commissioners' Court reconvened the Voting Session at 1:55 PM.

The Commissioners' Court retired to Executive Session at 1:55 PM.

The Commissioners' Court reconvened the Voting Session at 2:26 PM.

The Commissioners' Court adjourned the Voting Session at 2:29 PM.

## RESOLUTIONS & PROCLAMATIONS

1. APPROVE RESOLUTION SUPPORTING PROTECTION OF CLEAN AIR IN TRAVIS COUNTY AND ADDRESSING ALCOA STRIP MINING PERMIT IN CENTRAL TEXAS. (9:13 AM) (10:55 AM) (2:27 PM)

**Members of the Court heard from:** Jim Hodson, ALCOA; Robin Snyder, Texas Campaign for the Environment; John Kuhl, Natural Resources Program Manager, Transportation and Natural Resources (TNR); Earl Wayne Snibley, ALCOA; Angela Dorsey, Travis County Resident; Larry Fisher, ALCOA; Heather Lewis, Travis County Resident; Frank Summers, Milam County Judge; and Billie Woods, Neighbors for Neighbors.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to approve the resolution.

**Clerk's Note:** The Court did not vote on the Standing Motion and Second at this time.

**Maker and Second accept the Friendly Amendment by Commissioner Baxter** to amend the resolution to read "Whereas recent air quality test results in Travis County failed current National Health Standards for ozone". So, after "failed", and before "national", my amendment would be that we insert the word "current".

**Acceptance of the previous Amendment was made by Judge Biscoe and seconded by Commissioner Davis.**

**ITEM 1 CONTINUED**

**Motion by** Commissioner Baxter **and seconded by** Commissioner Sonleitner to offer an amendment that would say, “Whereas, Alcoa, and other area power generators burn fossil fuels which, if not properly controlled using approved technologies, can impact ozone non-attainment; and whereas some of these power generating facilities are grandfathered and contribute in varying levels to the air quality in Travis County”. That’s the first part of the amendment. The second part of the amendment; go to the second paragraph in the most current draft, add after “emissions”, “especially regarding lignite coal emissions, and emissions that contribute to ozone non-attainment.”

**A Clarification of the previous Motion was made by** Commissioner Baxter to strike the 5<sup>th</sup> paragraph of the most current draft, and substitute the 6<sup>th</sup> paragraph in the other resolution. But, include after “impact”, and before “and”, the words “ozone non-attainment”, strike “air quality”, and put “ozone non-attainment” in that 5<sup>th</sup> paragraph. So, striking the 5<sup>th</sup> paragraph, substituting that 6<sup>th</sup> paragraph with that change; the rest of that amendment would be, in the second to the last paragraph, after the word “emissions” add “especially regarding lignite coal emissions, and emissions that contribute to ozone non-attainment”.

<b>Motion carried:</b>	County Judge Samuel T. Biscoe	no
	Precinct 1, Commissioner Ron Davis	no
	Precinct 2, Commissioner Karen Sonleitner	yes
	Precinct 3, Commissioner Todd Baxter	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

**Motion by** Commissioner Baxter **and seconded by** Commissioner Sonleitner to add language after the word “fuel” to say, “or adopt additional emissions control technologies to continue to reduce air emissions”.

<b>Motion failed:</b>	County Judge Samuel T. Biscoe	no
	Precinct 1, Commissioner Ron Davis	no
	Precinct 2, Commissioner Karen Sonleitner	yes
	Precinct 3, Commissioner Todd Baxter	yes
	Precinct 4, Commissioner Margaret J. Gómez	no

**ITEM 1 CONTINUED**

**Motion by** Commissioner Baxter **and seconded by** Commissioner Sonleitner to put language in after “Alcoa”, and “all industries” in the 5<sup>th</sup> line down after the words “compel Alcoa”; to propose to add “and all industries, as per state and federal laws and regulations to take immediate steps to dramatically reduce emissions”, and to delete the next paragraph.

**An Addition to the previous Motion was made by** Commissioner Sonleitner to add, “compel Alcoa, all area industries, and other power generators, including mobile sources”.

**Motion failed:**

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

**Substitute Motion by** Commissioner Baxter **and seconded by** Commissioner Sonleitner to say “compel Alcoa, as per state and federal laws and regulations, to take immediate steps to dramatically reduce emissions”.

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

**Maker and Second accept the Friendly Amendment by** Commissioner Gómez to substitute “require” for “compel”.

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

**Maker and Second accept the Friendly Amendment by** Commissioner Sonleitner that rather than the words “has obtained variances”, to say, on paragraph 6, “Alcoa was granted variances to operate its Rockdale facilities.”

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

**A Question on the Motion was called by** Commissioner Gómez on the motion to approve the resolution.

**Motion carried:**

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

**ITEM 1 CONTINUED**

**Motion by Judge Biscoe and seconded by Commissioner Sonleitner to reconsider Item 1.**

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

**Motion by Judge Biscoe and seconded by Commissioner Baxter to substitute “proposed” for “current” qualifier of National Health Standards, in the Whereas clause #4 on page one.**

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

**CITIZENS COMMUNICATION**

**Clerk’s Note:** There were no speakers during Citizens Communication. (9:55 AM)

**CONSENT ITEMS**

2. **Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C7, and Items 3, 6.A - D, 8, and 12. (9:55 AM)

<b>Motion carried:</b>	County Judge Samuel T. Biscoe	yes
	Precinct 1, Commissioner Ron Davis	yes
	Precinct 2, Commissioner Karen Sonleitner	yes
	Precinct 3, Commissioner Todd Baxter	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 THE TOTAL VACATION OF A PLAT IN PRECINCT FOUR: RIVER VALLEY ESTATES – (40 LOTS – 240 ACRES – SEPTIC SYSTEMS – FALWELL LANE – AUSTIN ETJ).
- C4. APPROVE VACATION OF RAYMOND JOHNSON SUBDIVISION AND APPROVE THE RE-PLAT FOR RECORDING IN PRECINCT THREE: PORSCH SUBDIVISION - (SHORTFORM – NO FISCAL – 3 LOTS – 8.011 ACRES – SEPTIC SYSTEMS APPROVED BY CITY OF AUSTIN – RIVER HILLS ROAD – AUSTIN ETJ).
- C5. APPROVE PLAT FOR RECORDING IN PRECINCT TWO: AMENDED PLAT OF LOTS 1 AND 2 OF COLDWATER P.U.D. SECTION 1 (AMENDED PLAT – 2 LOTS – 29.952 ACRES - BRIDGE POINT PARKWAY – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY THE CITY OF AUSTIN - COA - ETJ).
- C6. APPROVE PLAT FOR RECORDING IN PRECINCT TWO: SETTLER’S MEADOW SECTION THREE - (LONGFORM – FISCAL POSTED WITH CITY OF AUSTIN - 87 LOTS – 20.277 ACRES - WASTEWATER SERVICE TO BE PROVIDED FOR BY CITY OF PFLUGERVILLE).
- C7. APPROVE A PUBLIC HEARING DATE OF JULY 25, 2000 IN ORDER TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A 5’ PUBLIC UTILITY EASEMENT ON EITHER SIDE OF THE COMMON LOT LINE BETWEEN LOT 6 & 7, BLOCK G, RIVER RIDGE, IN PRECINCT TWO.

**PURCHASING OFFICE ITEMS**

- 3. APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. MA980248, HOTSY CARLSON EQUIPMENT FOR MAINTENANCE OF VEHICLE WASH EQUIPMENT; CONTRACT APPROVED ON JULY 21, 1998. (9:55 AM)

Item 3 added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court’s Motion and Vote.

- 4. APPROVE MODIFICATION NO. 4 TO CONTRACT NO. 99K0706-JG, LOHMAN’S CROSSING ROAD PROJECT WITH AUSTIN BRIDGE AND ROAD; MODIFICATION INCREASES QUANTITY OF MATERIALS DUE TO MISCALCULATION OF ORIGINAL QUANTITIES. (10:01 AM)

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

**Motion by** Commissioner Baxter **and seconded by** Commissioner Gómez to approve modification #4 to Lohman’s Crossing Road Project.

**Motion carried:**

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

- 5. APPROVE CONTRACT MODIFICATION NO. 2 TO CONTRACT NO. PS000036-MB, CRIMINAL JUSTICE PROGRAM (CJP) PROJECT AND CONSTRUCTION MANAGEMENT SERVICES; MODIFICATION INCORPORATES SIGNAGE DESIGN AND MANAGEMENT SERVICES FOR THE CRIMINAL JUSTICE CENTER. (9:55 AM)

Item 5 postponed until July 11, 2000.

**PLANNING AND BUDGET DEPT. ITEMS**

6. APPROVE GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE. (9:55 AM)
  - A. APPROVE CONTRACT FOR TRANSPORTATION AND NATURAL RESOURCES TO CONTINUE THE FY 2000 SOLID WASTE ENFORCEMENT GRANT FROM THE CAPITAL AREA PLANNING COUNCIL.
  - B. APPROVE CONTRACT FOR TRANSPORTATION AND NATURAL RESOURCES TO CONTINUE THE FY 2000 RECYCLING GRANT FROM THE CAPITAL AREA PLANNING COUNCIL.
  - C. APPROVE CONTRACT FOR HEALTH AND HUMAN SERVICES TO CONTINUE THE SENIORS AND VOLUNTEERS FOR CHILDHOOD IMMUNIZATION (SVCI) GRANT FROM THE TEXAS DEPARTMENT OF HEALTH.
  - D. APPROVE CONTRACT FOR THE SHERIFF'S OFFICE TO CONTINUE THE VICTIMS OF CRIME ACT (VOCA) GRANT FROM THE CRIMINAL JUSTICE DIVISION OF THE GOVERNOR'S OFFICE.

Items 6.A - D added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court's Motion and Vote.

7. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (9:56 AM) (10:00 AM)

**Members of the Court heard from:** Christian Smith, Executive Manager, Planning and Budget Office (PBO).

Discussion Only.

No action required on Item 7.



**ADMINISTRATIVE OPERATIONS ITEMS**

- 8. APPROVE PERSONNEL AMENDMENTS. (9:55 AM)

Item 8 added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court’s Motion and Vote.

**JUSTICE AND PUBLIC SAFETY ITEMS**

- 9. APPROVE LICENSE AGREEMENTS WITH PRO-TECH CONTRACTORS, INC. AND QUALITY FIRST (A DIVISION OF Q-1 SERVICES, INC) TO ALLOW ACCESS FOR PHASE TWO REMEDIATION WORK AT THE FORENSIC CENTER. (9:56 AM)

**Motion by Judge Biscoe and seconded by Commissioner Sonleitner** to approve Item 9.

**Motion carried:**

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

**OTHER ITEMS**

- 10. DISCUSS STATUS, NECESSARY CONTRACT MODIFICATIONS AND RELATED ISSUES ON THE CRIMINAL JUSTICE PROGRAM (CJP) PROJECTS, AND TAKE APPROPRIATE ACTION. (9:55 AM)

Item 10 postponed until July 11, 2000.

- 11. CONSIDER TRAVIS COUNTY APPOINTMENTS TO CAPITAL AREA PLANNING COUNCIL (CAPCO), AND TAKE APPROPRIATE ACTION. (9:57 AM)

Discussion Only.

Item 11 to be reposted on July 11, 2000.

- 12. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:55 AM)

Item 12 added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court’s Motion and Vote.

### EXECUTIVE SESSION ITEMS

Note 1 – Gov’t Code Ann 551.071, Consultation with Attorney

Note 2 – Gov’t Code Ann 551.072, Real Property

Note 3 – Gov’t Code Ann 551.074, Personnel Matters

Note 4 – Gov’t Code Ann 551.076, Security

- 13. A. RECEIVE BRIEFING FROM COUNTY ATTORNEY’S OFFICE REGARDING CONTRACTS WITH FLUOR DANIEL, INC., M.W. BUILDERS, GRAEBER, SIMMONS & COWAN AND OTHER CONTRACTORS FOR THE CRIMINAL JUSTICE CENTER AND TAKE APPROPRIATE ACTION. <sup>1</sup> (1:55 PM)  
(2:26 PM)
  
- B. RECEIVE BRIEFING FROM COUNTY ATTORNEY’S OFFICE REGARDING CLAIMS RECEIVED FROM CONTRACTORS FOR THE CRIMINAL JUSTICE CENTER AND TAKE APPROPRIATE ACTION. <sup>1</sup>
  
- C. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION REGARDING FLUOR DANIEL, INC. V. TRAVIS COUNTY, TEXAS; CIVIL ACTION NO. A 00CA021SS; IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION. <sup>1</sup>

**Clerk’s Note:** Items 13.A, B, and C are associated with one another and were called for concurrent discussion.

Judge Biscoe announced that Items 13.A, B, and C would be considered in Executive Session.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to authorize the County Attorney to acquire an appropriate high speed printer, server, and associated network PC; and that the source of funding be identified as the Risk Management Fund.

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

- 14. REVIEW STATUS OF LEASE AT 1300 GUADALUPE BUILDING AND TAKE APPROPRIATE ACTION. <sup>1 AND 2</sup> (1:55 PM)**

Item 14 postponed until July 11, 2000.

- 15. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION AND/OR ACCEPT, REJECT OR COUNTER SETTLEMENT DEMAND REGARDING CIP PROJECT NO. 97-21, PARCEL #17; HOWARD LANE; (PRIME TIME ENTERTAINMENT, INC.) (GIESELMAN; CONDEMNATION CASE). <sup>1 & 2</sup> (1:55 PM)**

Item 15 postponed until July 11, 2000.

- 16. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION AND/OR ACCEPT, REJECT, OR COUNTER AWARD OF THE SPECIAL COMMISSIONERS' HEARING REGARDING PROJECT NO. 97B02-18-2PA, PARCEL #5; N.E. PARK ACCESS ROAD; (OWNER – STEVEN MICHAEL ANDERSON AS TRUSTEE OF THE ROBERT F. ANDERSON NON-REVOCABLE TRUST). (CONDEMNATION) <sup>1 & 2</sup> (1:55 PM)**

Item 16 postponed until July 11, 2000.

**ADJOURNMENT**

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Baxter to adjourn the Voting Session. (2:29 PM)

**Motion carried:**

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Todd Baxter	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**