

MINUTES – OCTOBER 10, 2000

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 10th day of October, 2000, the Commissioners' Court convened the regular Voting Session at 9:11 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 Melissa Velasquez.

The Commissioners' Court retired to Executive Session 10:28 AM.

The Commissioners' Court reconvened the Voting Session at 12:11 PM.

The Commissioners' Court recessed the Voting Session at 12:11 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation (TCHFC) called to order the Voting Session at 1:42 PM and adjourned at 1:53 PM.

The Commissioners' Court reconvened the Voting Session at 1:53 PM.

The Commissioners' Court adjourned the Voting Session at 2:05 PM.

PUBLIC HEARINGS

- 1. PUBLIC HEARING TO APPROVE A TEMPORARY ROAD CLOSURE OF PATTERSON ROAD DURING THE BARTON CREEK ELEMENTARY CARNIVAL ON SATURDAY, OCTOBER 14, 2000 FROM 8:30 A.M. TO 3:30 P.M. (9:12 AM)

Motion by Commissioner Baxter **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 Todd Baxter	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

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

Motion by Commissioner Baxter **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 Todd Baxter	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Clerk’s Note: The action Item for Item 1 is Item C5. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court’s Motion and Vote.

CITIZENS COMMUNICATION

Members of the Court heard from: Joe Harlow, Director, Information and Telecommunications Systems (ITS); Walter Lagrone, Director, Operations and Technology, ITS; and Nelda Wells Spears, Travis County Tax Assessor Collector and Voter Registrar. (9:13 AM)

- 2. RECEIVE STATUS REPORT OF THE COMBINED CHARITIES CAMPAIGN AND TAKE APPROPRIATE ACTION. (9:18 AM)

Members of the Court heard from: Dan Richards, Chief Deputy Sheriff, Travis County Sheriff’s Office (TCSO); Karen Coxs, Executive Director, CASA; and Holly Chacona, Hospice Austin.

Discussion Only.

CONSENT ITEMS

- 3. **Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C5, and Items 5.A & B, 7, 9, 11, 12, 15, 19, and A1. (9:34 AM)

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

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2. AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.
- C3. APPROVE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES IN STONEY RIDGE PHASE A SECTION IIIA AND IIIB IN PRECINCT FOUR.
- C4. APPROVE PLAT FOR RECORDING IN PRECINCT TWO: LAIRSEN ADDITION - (SHORTFORM - NO FISCAL REQUIRED – 2 LOTS - 2.922 ACRES – LYNDON DRIVE – LCRA OSSF - COA LIMITED PURPOSE).
- C5. APPROVE A TEMPORARY ROAD CLOSURE OF PATTERSON ROAD DURING THE BARTON CREEK ELEMENTARY CARNIVAL ON SATURDAY, OCTOBER 14, 2000 FROM 8:30 A.M. TO 3:30 P.M.

Clerk’s Note: Item C5 is the action Item for Item 1.

- 4. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING OUTDOOR BURNING BAN IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:36 AM)

Members of the Court heard from: Pete Baldwin, Emergency Management Coordinator, Department of Emergency Services.

Motion by Judge Biscoe and seconded by Commissioner Gómez that the Court take the affirmative step of lifting the burning ban.

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 4 to be reposted on October 17, 2000.

ADMINISTRATIVE OPERATIONS ITEMS

- 5.
 - A. APPROVE REVISION TO TRAVIS COUNTY CODE, CHAPTER 10, SECTION 10.043, HOLIDAYS, TO CAP THE NUMBER OF HOLIDAY HOURS THAT MAY BE CARRIED OVER FROM FY 2000 INTO FY 2001 ONLY. (9:34 AM)
 - B. APPROVE THE PEACE OFFICER POLICY TO ESTABLISH COMPENSATION RATES ASSOCIATED WITH SALARY, YEARS OF SERVICE, PROMOTIONS, CERTIFICATION, AND SKILLS BASED PAY.

Items 5.A and B added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court’s Motion and Vote.

- 6. APPROVE PURCHASE ORDER WITH CERIDIAN FOR THE ADMINISTRATION OF THE FLEXIBLE SPENDING PLAN FOR TRAVIS COUNTY. (9:39 AM)

Members of the Court heard from: Linda Moore Smith, Director, Human Resources Management Department (HRMD); and Cyd Grimes, Travis County Purchasing Agent.

Motion by Judge Biscoe and seconded by Commissioner Gómez to authorize the Purchasing Agent to sign the purchase order to put this in place, and if there are significant changes it will be on the Agenda.

Motion carried:

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

Item 6 to be reposted on October 17, 2000.

- 7. APPROVE PERSONNEL AMENDMENTS. (9:34 AM)

Item 7 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court’s Motion and Vote.

HEALTH AND HUMAN SERVICES ITEMS

- 8. CONSIDER DEMAND FOR PAYMENT OF \$54,688 FROM CAPITAL AREA WORKFORCE DEVELOPMENT BOARD FOR SERVICES RENDERED UNDER CONTRACT OR, ALTERNATIVELY, QUANTUM MERUIT CLAIM, AND TAKE APPROPRIATE ACTION. (9:41 AM)

Members of the Court heard from: Stephen Williams, Executive Manager, Travis County Health, Human Services, and Veterans’ Services (TCHHS&VS); Mike Wichern, Chief Assistant County Auditor, Travis County Auditor’s Office; Mary Etta Gerhardt, Assistant County Attorney; and Susan Spataro, Travis County Auditor.

Discussion Only.

PURCHASING OFFICE ITEMS

9. APPROVE CONTRACT NO. PS000355-MQ WITH ROBERT KAMM & CHRISTOPHER SHIELDS FOR LEGISLATIVE ADVOCACY SERVICES. (9:34 AM)

Item 9 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.

10. A. APPROVE MODIFICATION NO.2 TO CONTRACT NO. IL000061-TS WITH THE CITY OF AUSTIN FOR THE HUMAN SERVICES FUNDING INTERLOCAL. (10:01 AM)
- B. APPROVE CONTRACT NO. PS000351-MQ WITH AUSTIN-TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION SAFE HAVEN PROGRAM; FUNDING FOR THIS CONTRACT WAS APPROVED 4/25/2000.

Clerk's Note: Items 10.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; Stephen Williams, Executive Manager, TCHHS&VS; Mary Etta Gerhardt, Assistant County Attorney; and Elaine Carroll, Assistant Director, Managed Services, Austin-Travis County Health and Human Services (A-TCHHS).

Discussion Only.

Items 10.A and B to be reposted on October 17, 2000.

11. APPROVE CONTRACT AWARD FOR WORK SHOES AND SAFETY SHOES AND BOOTS, IFB# B000104-JP TO THE LOW RESPONSIVE BIDDER, SAFETY SHOE DISTRIBUTORS. (9:34 AM)

Item 11 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.

PLANNING AND BUDGET DEPT. ITEMS

- 12. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (9:34 AM)

Item 12 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court’s Motion and Vote.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

- 13. CONSIDER DEEDING TO THE CITY OF AUSTIN, 2.921 ACRES OF FEE SIMPLE PROPERTY THAT IS CURRENTLY USED AS YAGER LANE RIGHT-OF-WAY IN PRECINCT ONE, AND TAKE APPROPRIATE ACTION. (9:12 AM)

Item 13 postponed until October 17, 2000.

- 14. A. APPROVE THE CALL DOWN OF FISCAL FOR THE INSTALLATION OF A SIGNAL ON U.S. 290 AND SOUTHVIEW ROAD. (10:10 AM)
- B. APPROVE AN ADVANCE FUNDING AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR THE MODIFICATIONS TO AN EXISTING TRAFFIC SIGNAL AT THE INTERSECTION OF U.S. 290 AND SOUTHVIEW ROAD.

Clerk’s Note: Items 14.A and B are associated with one another and were called for concurrent discussion.

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

Motion by Commissioner Baxter **and seconded by** Commissioner Sonleitner to approve the call down of fiscal in Item 14.A, and also under Item 14.B to approve the advanced funding agreement.

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

15. NOTIFY COURT OF SATISFACTORY CONSTRUCTION OF THE PRIVATE STREET FOR LAKE POINTE SECTION 8, A SUBDIVISION IN PRECINCT 3. (9:34 AM)

Item 15 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.

OTHER ITEMS

16. **TAKE UP AT 1:30 P.M.** DISCUSS STATUS, NECESSARY CONTRACT MODIFICATIONS AND RELATED ISSUES ON THE CRIMINAL JUSTICE PROGRAM (CJP) PROJECTS, AND TAKE APPROPRIATE ACTION. (1:53 PM)

Members of the Court heard from: Dave Stauch, Herndon Stauch and Associates.

Clerk's Note: The Commissioners' Court was asked by Dave Stauch to allow a 10% contingency, so the total requested approval for Signage, that includes what the court previously approved, is \$120,000.00, as found on page 2 of the letter from Herndon Stauch and Associates, and that the amount come from the program contingency budget.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to approve Item 16.

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

17. CONSIDER THE PUBLIC INFORMATION BROCHURE REGARDING TRAVIS COUNTY’S NOVEMBER 7, 2000 BOND ELECTION AND TAKE APPROPRIATE ACTION. (10:12 AM)

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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the brochure with the suggestions for changes that the Judge outlined of eliminating under the second paragraph, the sentence, “ this method of financing allows for the current and next generation”, that sentence out, and then on the next paragraph, “bonds are sold to borrow money to pay for major capital projects”, and to authorize permission of the printing of more than 500 copies.

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

18. APPROVE RESOLUTION PROVIDING FOR COUNTY ACCOUNT, USER AND REPETITIVE TRANSFER AUTHORIZATION FOR EXECUTION OF TRANSFER OF FUNDS (WIRE TRANSFER). (10:22 AM)

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve Item 18.

Motion carried:

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

19. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:34 AM)

Item 19 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court’s Motion and Vote.

COUNTY CLERK – ELECTIONS DIVISION

- 20.** APPROVE LICENSING AGREEMENTS FOR THE USE OF EARLY VOTING POLLING PLACES FOR THE NOVEMBER 7, 2000 JOINT ELECTIONS. (10:24 AM)

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

No action necessary on Item 20.

- 21.** DISCUSS OTHER ISSUES RELATED TO THE NOVEMBER 7, 2000 JOINT ELECTIONS, AND TAKE APPROPRIATE ACTION. (10:25 AM)

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

No action necessary on Item 21.

- 22.** APPROVE ORDER SETTING FORTH ADDITIONAL ELECTION DAY POLLING PLACES FOR THE NOVEMBER 7, 2000 GENERAL ELECTION. (10:25 AM)

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

No action necessary on Item 22.

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

- 23. 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. ¹ (10:28 AM) (2:00 PM)
- B.** RECEIVE BRIEFING FROM COUNTY ATTORNEY'S OFFICE REGARDING CLAIMS RECEIVED FROM CONTRACTORS FOR THE CRIMINAL JUSTICE CENTER AND TAKE APPROPRIATE ACTION. ¹
- 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. ¹

Clerk's Note: Items 23.A - C are associated with one another and were called for concurrent discussion.

Judge Biscoe announced that Items 23.A – C would be considered in Executive Session.

No action necessary on Items 23.A – C.

- 24.** RECEIVE LEGAL ADVICE FROM COUNTY ATTORNEY ON OLD CENTRAL BOOKING INTERLOCAL AGREEMENT WITH CITY OF AUSTIN, DISCUSS OUTSTANDING INVOICES AND RELATED ISSUES, AND TAKE APPROPRIATE ACTION. ¹ (10:28 AM) (2:01 PM)

Judge Biscoe announced that Item 24 would be considered in Executive Session.

No action necessary on Item 24.

25. RECEIVE LEGAL ADVICE FROM COUNTY ATTORNEY REGARDING THE NEW (DRAFT) CENTRAL BOOKING INTERLOCAL AGREEMENT AND TAKE APPROPRIATE ACTION. ¹ (10:28 AM) (2:01 PM)

Judge Biscoe announced that Item 25 would be considered in Executive Session.

No action necessary on Item 25.

26. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING STATUS OF CONSTRUCTION ON PROPERTY ADJACENT TO STARFLIGHT FACILITY, AND TAKE APPROPRIATE ACTION. ¹ (10:28 AM) (2:01 PM)

Judge Biscoe announced that Item 26 would be considered in Executive Session.

Motion by Judge Biscoe and seconded by Commissioner Davis to ask Dinah Dinwiddie, Executive Manager, in charge of Justice and Public Safety, to get with one of our Starflight pilots and visit with the owners of that property and project to make sure they understand the functions of Starflight, and the adverse impact that emissions from their project will cause us, and take whatever additional steps are necessary to achieve a satisfactory level of cooperation, and hopefully be able to report back to us if not next Tuesday the 17th, then the 24th.

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

27. APPROVE REAL PROPERTY PURCHASE CONTRACT WITH THE TRUST FOR PUBLIC LAND FOR APPROXIMATELY 263.381 ACRES (GRANDVIEW HILLS) FOR INCLUSION IN BALCONES CANYONLANDS PRESERVE. ² (10:28 AM) (2:02 PM)

Judge Biscoe announced that Item 27 would be considered in Executive Session.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez that we authorize the County Judge to sign the contract with him initialing that we are going to be striking from that list of permitted exceptions one particular item, and that I would be further authorized to take whatever steps are necessary between now and the closing date to sign any other documents that are needed to close this deal.

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

28. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION AND/OR ACCEPT, REJECT, OR COUNTER SETTLEMENT OFFER IN TRAVIS COUNTY, TEXAS V. CLARK FAMILY PARTNERSHIP, LTD.; PROJECT NO. 97B01-10-4DA, PARCEL #1DE; THORNBERRY LOW WATER (CARSON CREEK); (OWNER – CLARK FAMILY PARTNERSHIP, LTD. – CONDEMNATION CASE). ¹ (10:28 AM) (2:03 PM)

Judge Biscoe announced that Item 28 would be considered in Executive Session.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to post this amount, and indicating our willingness to pay it, and get this matter done, but otherwise working with the owner of the property on whatever issues are still outstanding, including whether we need the Corp of Engineers to look at it.

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

- 29. APPROVE RENEWAL OF LICENSE AGREEMENT WITH LAKE AUSTIN SPA INVESTORS, LTD. FOR ACCESS ACROSS MARY QUINLAN PARK OR TAKE OTHER APPROPRIATE ACTION. ¹ (10:28 AM) (2:04 PM)

Judge Biscoe announced that Item 29 would be considered in Executive Session.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Baxter to grant another 90-day extension of the licensing agreement with the Spa, and the new date would be through December 31, 2000.

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

- 30. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION IN; DESSIE MARIA ANDREWS V. SAMUEL T. BISCOE, ET AL. ¹ (10:28 AM) (2:04 PM)

Judge Biscoe announced that Item 30 would be considered in Executive Session.

No action required on Item 30.

Item 30 to be reposted on October 17, 2000.

THE FOLLOWING IS AN ADDENDUM:

- A1. RATIFY REVISED RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM JUVENILE COURT APPLICATION ORIGINALLY APPROVED BY COMMISSIONERS’ COURT ON 10/3/00. (9:34 AM)

Item A1. added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court’s Motion and Vote.

ADJOURNMENT

Motion by Commissioner Davis **and seconded by** Commissioner Baxter to adjourn the Voting Session. (2:05 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

Date of Approval

Samuel T. Biscoe, Travis County Judge