

MINUTES – MARCH 6, 2001

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 6th day of March, 2001, the Commissioners' Court convened the regular Voting Session at 9:09 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 at 10:30 AM.

The Commissioners' Court reconvened the Voting Session at 11:30 AM.

The Commissioners' Court recessed the Voting Session at 12:22 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation (TCHFC) called to order the Voting Session at 1:38 PM and adjourned at 1:40 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District No. 3 (Golden Triangle) Board of Directors, (NWTCRD #3), convened the NWTCRD #3 Voting Session at 1:41 PM and adjourned at 1:41 PM.

The Commissioners' Court reconvened the Voting Session at 1:42 PM.

The Commissioners' Court adjourned the Voting Session at 1:57 PM.

CITIZENS COMMUNICATION

Clerk's Note: There were no speakers during Citizens Communication. (9:10 AM)

CONSENT ITEMS

- 1. Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve Consent Items: C1 – C8 and Items 3, 4, 5, 6, 8.A – E, 10.A, 13, and 17. (9:10 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 COMMISSIONERS COURT MINUTES FOR FEBRUARY 20, 2001.
- C4.** APPOINT NATALIE A. RODRIGUEZ TO THE TRAVIS COUNTY CHILDREN'S PROTECTIVE SERVICES BOARD FOR A TERM EFFECTIVE THROUGH MARCH, 2004.
- C5.** APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: ROB ROY 360 - (SHORT FORM PLAT – 1 LOT - 16.82 ACRES – CAPITAL OF TEXAS HIGHWAY - NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY – CITY OF AUSTIN ETJ).
- C6.** APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: RIVERCLIFF SECTION TWO, PHASE A (SHORT FORM PLAT – 15 LOTS – 86.397 ACRES – RIVERCLIFF DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY.).
- C7.** APPROVE SETTING A PUBLIC HEARING DATE OF MARCH 13, 2001 TO APPROVE A TEMPORARY ROAD CLOSURE ON DIES RANCH ROAD APPROXIMATELY 2000 FEET NORTH OF FM 2769 FOR THE PURPOSE OF PERFORMING TELEPHONE AND WATER UTILITY CONSTRUCTION, BEGINNING WEDNESDAY, MARCH 14, 2001, AT 10:00P.M. THROUGH APPROXIMATELY 6:00 A.M. MARCH 15, 2001.
- C8.** **ADDED ITEM:** APPOINT DANIEL MCCLELLAN TO THE TRAVIS COUNTY CHILDREN'S PROTECTIVE SERVICES BOARD TO AN UNEXPIRED TERM ENDING MARCH 2002; DANIEL REPLACES ANN STANLEY.

HEALTH AND HUMAN SERVICES ITEMS

2. RECEIVE REPORT FROM COMMUNITY ACTION NETWORK (C.A.N.) REGARDING GOALS AND INITIATIVES FOR 2001. (9:12 AM)

Members of the Court heard from: Fred Butler, Executive Director, Community Action Network; and Ronnie Earle, Travis County District Attorney.

Discussion Only.

3. APPROVE DISTRIBUTION OF BROCHURES WITH COUNTY PAYROLL OF MARCH 15, 2000, ANNOUNCING AA FUNDRAISING EVENT (THE ANNUAL APPLIED MATERIALS “HUMAN RACE”) BENEFITING THE RETIRED SENIOR VOLUNTEER PROGRAM (RSVP). (9:10 AM)

Item 3 added to Consent Items. Please refer to Agenda Item 1 (CONSENT ITEMS) for the Court’s Motion and Vote.

JUSTICE AND PUBLIC SAFETY ITEMS

4. APPROVE FEE OF \$125.00 FOR A 21-HOUR ADVANCED PLUS ALCOHOL/DRUG COUNSELING PROGRAM PROVIDED BY THE COUNSELING & EDUCATION SERVICES (CES) DEPARTMENT. (9:10 AM)

Item 4 added to Consent Items. Please refer to Agenda Item 1 (CONSENT ITEMS) for the Court’s Motion and Vote.

PURCHASING OFFICE ITEMS

5. APPROVE PURCHASE OF MOBILE DATA COMPUTING SYSTEMS, OFF STATE CATALOG (QISV) FROM MOTOROLA. (9:10 AM)

Item 5 added to Consent Items. Please refer to Agenda Item 1 (CONSENT ITEMS) for the Court’s Motion and Vote.

6. APPROVE CONTRACT AWARD FOR JANITORIAL SERVICES, IFB#B010038-MP, TO THE LOW BIDDER, K-B CONTRACT CLEANING, INC. (9:10 AM)

Item 6 added to Consent Items. Please refer to Agenda Item 1 (CONSENT ITEMS) for the Court's Motion and Vote.

7. PROVIDE UPDATE REGARDING REQUEST FOR QUALIFICATIONS Q010031-DM, PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF A NEW CENTRAL HVAC SYSTEM AT THE TRAVIS COUNTY EXPOSITION CENTER AND REQUEST AUTHORIZATION FOR THE PURCHASING AGENT AND FACILITIES MANAGEMENT TO COMMENCE NEGOTIATIONS WITH THE HIGHEST RANKED FIRM. (9:09 AM) (10:20 AM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; and Roger El Khoury, Director, Facilities Management.

Motion by Judge Biscoe and seconded by Commissioner Gómez that the Court direct Staff to negotiate with the highest ranked firm, that being Carter Burgess.

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	no
	Precinct 4, Commissioner Margaret J. Gómez	yes

8. APPROVE 12-MONTH EXTENSIONS (MODIFICATION NO. 2) TO THE FOLLOWING CONTRACTS FOR HEAVY DUTY ROAD MACHINERY OEM PARTS/MAINTENANCE; CONTRACTS APPROVED ON 4/27/99: (9:10 AM)

- A. CONTRACT NO. 99T0131-MG, WAUKESHA PEARCH;
- B. CONTRACT NO. 99T0132-MG, TEXANA MACHINERY CORP.;
- C. CONTRACT NO. 99T0133-MG, RDO EQUIPMENT CO.;
- D. CONTRACT NO. 99T0134-MG, HOLT COMPANY OF TEXAS; AND
- E. CONTRACT NO. 99T0135-MG, COOPER EQUIPMENT COMPANY.

Items 8.A - E added to Consent Items. Please refer to Agenda Item 1 (CONSENT ITEMS) for the Court's Motion and Vote.

PLANNING AND BUDGET DEPT ITEMS

9. DISCUSS COMMISSIONERS COURT NOMINATION OF TWO FORMER ELECTED COUNTY OFFICIALS AND A NON-COUNTY ELECTED OFFICIAL TO THE CITIZENS ADVISORY COMMITTEE ON ELECTED OFFICIALS' SALARIES AND TAKE APPROPRIATE ACTION. (9:34 AM)

Members of the Court heard from: Leroy Nellis, Budget Manager, Planning and Budget Office (PBO).

Clerk's Note: The Court announced the following nominations: Former Judge Pete Lowry; Former Judge Mary Pearl Williams; Beverly Silas, Current ACC Board member; and Gus Garcia, Former member of the Austin City Council.

Motion by Judge Biscoe and seconded by Commissioner Gómez that we take two or three days, contact these individuals, try to get them to serve, but to the extent that we fall short of the three, then we go to the Grand Jury List again and try to come up with three.

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

10. REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:10 AM)

- A. APPROVE GRANT CONTRACT FROM OFFICE OF THE GOVERNOR - CRIMINAL JUSTICE DIVISION - FOR RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM (RSAT) IN THE JUVENILE PROBATION DEPARTMENT.

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

11. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (9:44 AM)

Members of the Court heard from: Joe Harlow, Director, Information and Telecommunications Systems (ITS); John Hille, Assistant County Attorney; Leroy Nellis, Budget Manager, PBO; Cyd Grimes, Travis County Purchasing Agent; Dan Richards, Chief Deputy, Travis County Sheriff's Office (TSCO); Dinah Dinwiddie, Executive Manager, Justice and Public Safety (JPS); Jessica Rio, Planning and Budget Analyst, PBO; Karen Shafer Castro, Assistant Budget Manager, PBO; Diana Ramirez, Planning and Budget Analyst, PBO; and Alicia Perez, Executive Manager, Administrative Operations.

Motion by Judge Biscoe and seconded by Commissioner Davis to approve budget amendment A2.

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

Motion by Commissioner Gómez and seconded by Commissioner Davis to approve budget amendments and transfers A1 and T1.

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 Court postponed the add-on budget amendments and transfers Items A3 – A8 until March 13, 2001.

ADMINISTRATIVE OPERATIONS ITEMS

- 12. RECEIVE STATUS REPORT FROM THE RISK RESERVE REVIEW COMMITTEE (RRRC) AND TAKE APPROPRIATE ACTION. (10:01 AM)**

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Dan Mansour, Risk Manager, Human Resources Management Department (HRMD); Cyd Grimes, Travis County Purchasing Agent; Leroy Nellis, Budget Manager, PBO; and Linda Moore Smith, Director, HRMD.

Discussion Only.

- 13. APPROVE PERSONNEL AMENDMENTS. (9:10 AM)**

Item 13 added to Consent Items. Please refer to Agenda Item 1 (CONSENT ITEMS) for the Court's Motion and Vote.

OTHER ITEMS

- 14. 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. (1:42 PM)**

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; Roger El Khoury, Director, Facilities Management; and Marvin Brice, Construction Procurement Manager, Purchasing.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to approve the contract modification with Austin Air Balancing in the amount of \$36,000.00.

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

Motion by Commissioner Sonleitner and seconded by Commissioner Gómez to approve the contract modification to Howard Construction Company in the amount of \$42,600.00.

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

- 15. APPROVE REIMBURSEMENT FOR A PREVIOUS TRAVEL EXPENDITURE THAT WAS NOT PREVIOUSLY ENCUMBERED FOR JUVENILE PROBATION EMPLOYEE. (10:18 AM)**

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 15 in the amount of \$875.51.

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

- 16. APPOINT TWO ADDITIONAL MEMBERS TO THE CHILDREN’S PROTECTIVE SERVICES BOARD FOR A TERM EFFECTIVE THROUGH MARCH, 2004. (10:19 AM)**

Motion by Judge Biscoe **and seconded by** Commissioner Davis to appoint Ron Hubbard and Gisela Triana, Judge, County Court at Law #5 to the Children’s Protective Services Board.

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. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:10 AM)**

Item 17 added to Consent Items. Please refer to Agenda Item 1 (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

- 18. A. RECEIVE BRIEFING FROM COUNTY ATTORNEY’S OFFICE REGARDING CLAIMS RECEIVED FROM CONTRACTORS FOR THE CRIMINAL JUSTICE CENTER AND TAKE APPROPRIATE ACTION.** ¹ (10:30 AM) (11:31 AM)
- B. 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 18.A and B are associated with one another and were called for concurrent discussion.

Judge Biscoe announced that Items 18.A and B would be considered in Executive Session.

No action necessary on Items 18.A and B.

- 19. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING FURNITURE STORAGE DELAY CLAIM FROM THE SHELTON-KELLER GROUP DUE TO THE WATER DAMAGE AT THE BLACKWELL-THURMAN CRIMINAL JUSTICE CENTER, AND TAKE APPROPRIATE ACTION.** ¹ (10:30 AM) (11:31 AM)

Judge Biscoe announced that Item 19 would be considered in Executive Session.

Motion by Judge Biscoe and seconded by Commissioner Baxter that we deposit that money in the County Treasury, we authorize payment of the same amount (\$44,250.00) to the claimant, Shelton Keller, and that we approve the settlement agreement and release that has been provided to us by the County Attorney’s Office.

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

- 20. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING STATUS OF ADDITIONAL SERVICES REQUEST RECEIVED FROM CASABELLA ARCHITECT, INC. FOR AGREEMENT FOR DESIGN OF RENOVATIONS TO THE TRAVIS COUNTY EXPOSITION CENTER, AND TAKE APPROPRIATE ACTION.** ¹ (10:30 AM) (11:30 AM)

Judge Biscoe announced that Item 20 would be considered in Executive Session.

Members of the Court heard from: John Hille, Assistant County Attorney.

Motion by Judge Biscoe and seconded by Commissioner Baxter that we notify the Attorney for Casabella Architect Inc., the Courts decision to hold claims in abeyance until after completion of the construction project, which we understand will in about 2 months. At which time, hopefully, they will present their claims in full, we will present ours, and we will consider any and all possible ways to resolve them.

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

- 21. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION IN KENJURA TILE V. TRAVIS COUNTY. (GIESELMAN)** ¹ (9:09 AM)

Item 21 postponed until March 13, 2001.

- 22. RECEIVE BRIEFING FROM COUNTY ATTORNEY'S OFFICE REGARDING NOTICE OF INTENT TO SUE RECEIVED FROM INTERPORT HOLDINGS, LTD., AND TAKE APPROPRIATE ACTION.** ¹ (10:29 AM)

Item 22 pulled from the Agenda.

- 23. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR GIVE DIRECTION AND/OR DISCUSS STATUS OF LAWSUIT REGARDING AUSTIN SPA INVESTORS, LTD. FOR ACCESS ACROSS MARY QUINLAN PARK OR TAKE OTHER APPROPRIATE ACTION.** ¹ (10:30 AM)

Item 23 postponed until March 13, 2001.

THE FOLLOWING ITEM IS AN ADDENDUM:

- A1. DISCUSS LEGISLATIVE ISSUES, AND TAKE APPROPRIATE ACTION.**
(9:09 AM) (11:32 AM)

Members of the Court heard from: Bob Kamm, Legislative Consultant; and Joe Gieselman, Executive Manager, Transportation and Natural Resource (TNR).

Senate Bill 217: Relating to the application and enforcement of traffic regulations in certain private subdivisions

Clerk's Note: The Court, without objection, gave directions to remove off the priority list the bill giving the County the authority to redirect truck traffic away from neighborhood roads.

House Concurrent Resolution 193: Directing TxDOT to release land originally obtained for SH130 right-of-way to Williamson County and the City of Round Rock to use for transportation projects.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve becoming part of that resolution, which is to mandate TxDOT to return the Mogan right-of-way, that we bought, as appropriate.

An Addition to the previous Motion was made by Judge Biscoe that if the representative thinks that his is moving quite smoothly, and he doesn't want it to be burdened by another County, then I think what we ought to do is try to put together our resolution and do pretty much the same thing; so the Motion is basically either/or, with a preference to try to piggy back his, if we can, especially without TxDOT opposition, and if that's a problem for him then we do our own.

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 A1 CONTINUED

Efficient & Reliable 911 Service: (11:48 AM)

Members of the Court heard from: Dinah Dinwiddie, Executive Manager, JPS; Teresa Reel, Manager, Emergency and Wireless Communications, JPS; and Bob Kamm, Legislative Consultant.

Discussion Only.

Item A1 to be reposted on March 13, 2001.

ADJOURNMENT

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to adjourn the Voting Session. (1:57 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