

MINUTES – MARCH 12, 2002

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 12th day of March, 2002, the Commissioners' Court convened the regular 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 Melissa Velasquez.

The Commissioners' Court retired to Executive Session at 10:53 AM.

The Commissioners' Court reconvened the Voting Session at 12:10 PM.

The Commissioners' Court adjourned the Voting Session at 12:15 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District No. 3 (Golden Triangle) Board of Directors, called to order the Voting Session at 12:15 PM and adjourned at 12:16 PM.

RESOLUTIONS & PROCLAMATIONS

1. APPROVE RESOLUTION DESIGNATING MARCH 2002 AS "WOMEN'S HISTORY MONTH" IN TRAVIS COUNTY. (COMMISSIONER GOMEZ) (9:15 AM)

Motion by Commissioner Gómez **and seconded by** Commissioner Moore to approve Item 1.

Motion carried:

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

2. APPROVE AND PRESENT RESOLUTION HONORING GERALD HENDERSON FOR HIS 34 YEARS OF SERVICE TO TRAVIS COUNTY AND TO ADULT PROBATION. (9:15 AM) (9:17 AM)

Item 2 postponed until March 26, 2002.

3. APPROVE PROCLAMATION DECLARING MARCH 2002 AS “PURCHASING MONTH” IN TRAVIS COUNTY. (COMMISSIONER GOMEZ) (9:18 AM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; and Frank Holder, Assistant Purchasing Agent.

Motion by Commissioner Gómez **and seconded by** Commissioner Moore to approve Item 3.

Motion carried:

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

CITIZENS COMMUNICATION

Members of the Court heard from: Gus Peña, President of East Austin Concerned Hispanics, and Second Vice President, The Rainbow Coalition; Lucio Peña; son of Gus Peña; Kenneth Snyder, Northridge Acres; Hannah Gergie, Managing Director, Community Technology Training Center, Capital Area Training Foundation; and Roger Haynie, Director of Public Affairs, Time Warner Cable. (9:22 AM)

CONSENT ITEMS CONTINUED

- C8. APPROVE SETTING A PUBLIC HEARING DATE OF APRIL 2, 2002 TO APPROVE A REVISION OF A PLAT AND APPROVE FOR RECORDING THE REVISED PLAT IN PRECINCT THREE: AMENDED PLAT OF LOTS 14, 15, AND 16, SANDY SHORES - (AMENDED – 2 LOTS – .811 ACRES – JOY ROAD – NO FISCAL REQUIRED – LCRA OSSF – CITY OF AUSTIN ETJ). (COMMISSIONER MOORE)

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

- 4. CONSIDER THE CONTENTS OF A COMMENT LETTER TO THE TEXAS TRANSPORTATION COMMISSION ON DRAFT RULES FOR REGIONAL MOBILITY AUTHORITIES AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAVIS) (9:43 AM)

Members of the Court heard from: Elaine Wray, Transportation and Natural Resources (TNR); and Tom Nuckols, Assistant County Attorney.

Motion by Commissioner Davis **and seconded by** Judge Biscoe to approve Item 4, with these particular comments being shared with Williamson County, and also the Capital Metropolitan Planning Organization (CAMPO); and, to include the comments made by Commissioner Sonleitner under the eligibility criteria; and also, those comments made as far as a cover letter with those concerns, to show there is a partnership between Williamson County and Travis County.

A Clarification of the previous Motion was made by Judge Biscoe that the Motion is to approve the draft comments with the changes discussed today, and then, when we submit our comments, make sure we copy CAMPO and Williamson County.

Motion carried:

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

- 5. APPROVE AN ADVANCED FUNDING AGREEMENT FOR VOLUNTARY TRANSPORTATION IMPROVEMENT PROJECTS (ON-SYSTEM) WITH THE STATE OF TEXAS, THE CITY OF AUSTIN AND TRAVIS COUNTY FOR INSTALLATION OF A PERMANENT TRAFFIC SIGNAL AND MODIFY AND LENGTHEN LEFT TURN LANES ON FM 734 AT RIATA VISTA CIRCLE EAST, RIATA VISTA CIRCLE WEST AND DELCOUR DRIVE IN THE CITY OF AUSTIN, A HIGHWAY IMPROVEMENT PROJECT IN PRECINCT TWO. (COMMISSIONER SONLEITNER) (9:41 AM)

Clerk’s Note: Item 5 added to the Consent Items. Please refer to CONSENT ITEMS for the Court’s Motion and Vote.

- 6.
 - A. APPROVE ALTERNATE FISCAL AGREEMENT FOR BELLA VISTA SECTION FOUR, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER MOORE) (9:41 AM)
 - B. APPROVE A CASH SECURITY AGREEMENT FOR BELLA VISTA SECTION FOUR, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER MOORE)

Clerk’s Note: Items 6.A and B added to the Consent Items. Please refer to CONSENT ITEMS for the Court’s Motion and Vote.

- 7. APPROVE REQUEST FOR VARIANCE FROM TRAVIS COUNTY REGULATIONS FOR FLOODPLAIN MANAGEMENT, CHAPTER 64.055(a)(4), FOR ELEVATION REQUIREMENTS OF THE HOME LOCATED AT 23609 LAKESIDE DRIVE. (COMMISSIONER MOORE) (10:06 AM)

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

Motion by Commissioner Moore **and seconded by** Commissioner Gómez to approve Item 7.

Motion carried:

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

- 8. DISCUSS ISSUES RELATING TO HOUSE BILL 1445 AND INTERLOCAL AGREEMENTS WITH CITIES FOR THE REVIEW OF SUBDIVISIONS WITHIN THE EXTRATERRITORIAL JURISDICTION, AND TAKE APPROPRIATE ACTION. (10:08 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; and Tom Nuckols, Assistant County Attorney.

Discussion Only.

Item 8 to be reposted on March 19, 2002.

- 9. APPROVE REIMBURSEMENT RESOLUTION TO PERMIT THE AWARD OF PROFESSIONAL SERVICES AGREEMENTS FOR THE ENGINEERING DESIGN ON SOUTHEAST METRO PARK AND NORTHEAST METRO PARK, 2001 BOND PROJECTS. (10:20 AM)

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

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

Motion carried:

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

PLANNING AND BUDGET DEPT. ITEMS

- 10.** REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE:
(9:41 AM)
- A.** APPROVE GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR PROJECT SPOTLIGHT - GANG INTERVENTION GRANT IN JUVENILE COURT. THE GRANT CONTINUES THE PROGRAM FOR FY 02.
 - B.** APPROVE GRANT CONTRACT WITH CAPITAL AREA PLANNING COUNCIL FOR A SOLID WASTE ENFORCEMENT GRANT IN TRANSPORTATION & NATURAL RESOURCES. THE GRANT CONTINUES THE PROGRAM FOR FY 02.
 - C.** APPROVE GRANT CONTRACT WITH THE OFFICE OF THE ATTORNEY GENERAL, CRIME VICTIM'S SERVICES DIVISION FOR A VICTIM'S ASSISTANCE DISCRETIONARY GRANT IN THE SHERIFF'S OFFICE. THIS GRANT PROVIDES 3 VICTIM WITNESS COUNSELORS AT NO COST TO THE COUNTY.

Clerk's Note: Items 10.A, B, and C added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

11. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (10:43 AM)

Members of the Court heard from: Jessica Rio, Planning and Budget Analyst, Planning and Budget Office (PBO).

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve budget amendment and transfer A1.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	no
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 budget amendments and transfers A2-A11 and T1-T3.

Motion carried:

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

ADMINISTRATIVE OPERATIONS ITEMS

12. 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 \$461,627.98 FOR PERIOD OF FEBRUARY 22, 2002 THROUGH FEBRUARY 28, 2002. (9:41 AM)

Clerk's Note: Item 12 added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

13. DISCUSS AND APPROVE AN ORDER REGARDING THE SETTLEMENT OFFERS RECEIVED FROM EMPLOYEES FOR NON-DESIGNATED HOLIDAY TIME THEY WERE NOT ALLOWED TO USE DURING FY '01, AND TAKE APPROPRIATE ACTION. (10:45 AM)

Members of the Court heard from: Barbara Wilson, Assistant County Attorney.

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve 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 Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

14. APPROVE PERSONNEL AMENDMENTS. (9:41 AM)

Clerk's Note: Item 14 added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

PURCHASING OFFICE ITEMS

15. APPROVE ADDITIONAL WORK (MODIFICATION NO. 2) TO CONTRACT NO. 02C00117RG, SPACESAVER/SOUTHWEST SOLUTIONS FOR MOBILE SHELVING SYSTEM; CONTRACT APPROVED ON FEBRUARY 19, 2002. (RECORDS MANAGEMENT) (COMMISSIONER GOMEZ) (9:41 AM)

Clerk's Note: Item 15 added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

16. APPROVE CONTRACT AWARD FOR SMOKE EVACUATION SYSTEM DUCTWORK REPLACEMENT (BLDG. 130 - TRAVIS COUNTY CORRECTIONAL COMPLEX), IFB B020041-DM, TO THE LOW, RESPONSIVE BIDDER, RAINTREE CONSTRUCTION, INC. (T.C.S.O.) (COMMISSIONER GOMEZ) (9:41 AM)

Clerk's Note: Item 16 added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

17. APPROVE PURCHASE OF TWO (2) FORD CROWN VICTORIA VEHICLES FROM THE HOUSTON-GALVESTON AREA COUNCIL INTERLOCAL AGREEMENT, NO. IL98-98858; APPROVED ON 1/27/98. (JUVENILE PROBATION) (COMMISSIONER GOMEZ) (9:41 AM)

Clerk's Note: Item 17 added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

18. APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. 00T0105-JP, METROCALL, FOR RENTAL OF PAGERS; CONTRACT APPROVED ON 4/4/00. (RADIO USERS COMMITTEE) (COMMISSIONER GOMEZ) (9:41 AM)

Clerk's Note: Item 18 added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

19. APPROVE A 12-MONTH MODIFICATION NO. 1) TO CONTRACT NO. 01T0126-OJ, ACCO WASTE PAPER OF AUSTIN FOR TRANSPORTATION OF RECYCLABLE MATERIALS; CONTRACT APPROVED ON 5/22/01. (TNR) (COMMISSIONER GOMEZ) (9:41 AM)

Clerk's Note: Item 19 added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

20. APPROVE THE SOLE BID RECEIVED FOR THE SALE OF COUNTY'S HEADACHE RACKS. (FIXED ASSETS) (9:41 AM)

Clerk's Note: Item 20 added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

21. APPROVE CONTRACT AWARD FOR ARBITRAGE REBATE CALCULATIONS SERVICES, RFS NO. S20039EF TO FIRST SOUTHWEST ASSET MANAGEMENT, INC. (AUDITOR'S OFFICE) (COMMISSIONER GOMEZ) (9:41 AM)

Clerk's Note: Item 21 added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 22. APPROVE CONTRACT AWARD TO HNTB CORP. FOR THE PROVISION OF PROFESSIONAL ENGINEERING SERVICES FOR THE SOUTHEAST METRO PARK-PHASE III CONSTRUCTION PROJECT. (FACILITIES AND TNR) (COMMISSIONER GOMEZ) (10:26 AM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent.

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve Item 22.

Motion carried:

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

OTHER ITEMS

- 23. DISCUSS STATUS, NECESSARY CONTRACT MODIFICATIONS AND RELATED ISSUES ON THE CRIMINAL JUSTICE PROGRAM (CJP) PROJECTS, AND TAKE APPROPRIATE ACTION. (10:50 AM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the requested exemption order with Southern Steel, for the purchase of detention grade door hardware, in the kitchen of the Travis County Correctional Complex.

Motion carried:

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

- 24. DISCUSS AND TAKE APPROPRIATE ACTION ON ITEMS RELATED TO THE CONDUCT OF THE MARCH 12, 2002 JOINT PRIMARY ELECTIONS. (10:52 AM)

No action necessary on Item 24.

25. CONSIDER SUB-LICENSE AGREEMENT FOR LAW ENFORCEMENT AGENCY ACCESS TO INTEGRATED JUSTICE SYSTEM, AND TAKE APPROPRIATE ACTION. (9:41 AM)

Clerk's Note: Item 25 added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

26. APPROVE REQUEST FROM EMERGENCY SERVICES DISTRICT NO. 9 TO ENTER INTO A NOTE TO BE ISSUED FOR THE PURPOSE OF CONSTRUCTION IMPROVEMENTS. (COMMISSIONER MOORE) (9:41 AM)

Clerk's Note: Item 26 added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

27. APPROVE ACCEPTANCE OF A DONATION IN THE AMOUNT OF \$5,000 FROM THE GREATER AUSTIN MERCHANTS ASSOCIATION TO BE USED BY LAW ENFORCEMENT. (SHERIFF'S) (9:41 AM)

Clerk's Note: Item 27 added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 28. CONSIDER COUNTY POLICY COVERING THE DISPLAY OF LITERATURE IN COUNTY COURTS AND ADMINISTRATIVE BUILDINGS, AND TAKE APPROPRIATE ACTION. (9:15 AM) (10:31 AM) (10:53 AM) (12:10 PM)

Members of the Court heard from: Judge Madrigal, President, Travis County Bar Association; and Jeannie Rollo, Director, Lawyer Referral Service.

Judge Biscoe announced that Item 28 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 Sonleitner that we ask Tenley Aldredge, Assistant County Attorney, and Commissioner Moore to work with our Judges to try to figure out a way to accommodate the Lawyer Referral Service, as they see fit, before we take action on the proposed policy; that we allow ourselves two weeks to get that done, and have this back on the Court's Agenda March 26, 2002.

Motion carried:

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

- 29. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:41 AM)

Clerk's Note: Item 29 added to the Consent Items. Please refer to 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

- 30. A. RECEIVE BRIEFING FROM COUNTY ATTORNEY'S OFFICE REGARDING CLAIMS RECEIVED FROM CONTRACTORS FOR THE CRIMINAL JUSTICE PROGRAM, AND TAKE APPROPRIATE ACTION. ¹ (10:53 AM) (12:11 PM)

- 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 30.A and B are associated with one another and were called for concurrent discussion.

Judge Biscoe announced that Items 30.A and B would be considered in Executive Session.

Motion by Judge Biscoe **and seconded by** Commissioner Davis that we authorize the County Judge to sign the proposed release of claims document with B and B Construction and Interiors Inc., for two amounts; \$106,400.00, and the other amount of \$10,925.51.

Motion carried:

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

