

MINUTES – JUNE 4, 2002

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 4th day of June, 2002, the Commissioners' Court convened the regular Voting Session at 9:17 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 recessed the Voting Session at 12:32 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, called to order the Voting Session at 1:38 PM and adjourned at 1:42 PM.

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

The Commissioners' Court retired to Executive Session at 1:52 PM.

The Commissioners' Court reconvened the Voting Session at 2:36 PM.

The Commissioners' Court retired to Executive Session at 3:40 PM.

The Commissioners' Court reconvened the Voting Session at 4:35 PM.

The Commissioners' Court adjourned the Voting Session at 4:39 PM.

CITIZENS COMMUNICATION

Members of the Court heard from: Kenneth Snyder, Resident, Northridge Acres; Mai Nguyen, President, Asian Chamber of Commerce; Sandra Villalaz, Cancer Control Director, American Cancer Society; Jessie Cleveland, Director, Sexual Health Services, Planned Parenthood; Danielle Tierney, Communications Manager, Planned Parenthood Texas Capital Region; Alice Wilson, Executive Director, Breast Cancer Research; Phillip Dick, Private Citizen; and Florence Yearty, Private Citizen. (9:19 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C5, and Items 3, 4.A and B, 5, 7, 8, 10, 11, 12, 13.A, B, and C, 14, 15, 16, 17, 18.A and B, 19, 24, and 27. (9:50 AM)

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

- C1.** RECEIVE BIDS FROM COUNTY PURCHASING AGENT.

- C2.** AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.

- C3.** **REVISED ITEM:** MAKE APPOINTMENT **OF MARVIN MASSIE** TO THE AGING ADVISORY COUNCIL OF THE CAPITAL AREA PLANNING COUNCIL TO REPLACE BETTY ROBBINS, WHO RESIGNED. (JUDGE BISCOE)

- C4.** APPOINT ROSIE RAMON-DURAN TO THE CRIMINAL JUSTICE ADVISORY COMMITTEE OF THE CAPITAL AREA PLANNING COUNCIL. (JUDGE BISCOE)

- C5.** APPROVE A FINAL PLAT FOR RECORDING IN PRECINCT TWO: SPRING WILLOW CREEK - (SHORTFORM PLAT - 25 LOTS – 9.64 ACRES – ORA LANE - BOND WITH TRAVIS COUNTY – CITY OF AUSTIN WATER AND WASTEWATER - CITY OF AUSTIN ETJ). (COMMISSIONER SONLEITNER)

JUSTICE AND PUBLIC SAFETY DEPT. ITEMS

- 1. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:17 AM)

No action required on Item 1.

Item 1 to be reposted on June 11, 2002.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

- 2. **TAKE UP AT 9:10 A.M.** CONSIDER COUNTY'S SOLID WASTE SITING ORDINANCE AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE AND COMMISSIONER DAVIS) (9:55 AM)

Members of the Court heard from: John Kuhl, Natural Resources Program Manager, Transportation and Natural Resources (TNR); Tom Nuckols, Assistant County Attorney; John Joseph, Attorney representing Waste Management; Bob Gregory, CEO and Chairman, Texas Disposal Systems; Paul Gosselink, Attorney representing BFI; Steve Jacobs, Waste Management; John Hutchinson, President, Walnut Place Neighborhood Association; Trek English, President, North East Action Group; Bill McAfee, Owner, Barr Mansion; David Samuelson, President, Blackland Prairie Concerned Citizens Association; and Frank Riley, representing Roger Joseph Properties, Williams Limited, and R and K Properties.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez that 1) the Court indicate the intention to pursue the operating agreement approach; 2) that we direct the County Attorney to come up with a model operating agreement by next Tuesday, June 11, 2002; and 3) that the County Attorney work with Texas Disposal Systems to try to come up with a proposed draft agreement; and to include a June 18, 2002 date for a proposed draft agreement with BFI and Waste Management.

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

Item 2 to be reposted on June 11, 2002.

3. APPROVE USE OF ALTERNATE FISCAL FOR COMANCHE TRAIL ESTATES SECTION 4, A SUBDIVISION IN PRECINCT 3. (COMMISSIONER MOORE)
(9:50 AM)

Clerk's Note: Item 3 added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

PLANNING AND BUDGET DEPT. ITEMS

4. REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE:
(9:50 AM)
 - A. APPROVE GRANT APPLICATION AMENDMENT TO THE AUTO THEFT PREVENTION AUTHORITY APPLICATION, ORIGINALLY APPROVED ON 04/30/02. THE AMENDMENT HAS NO FISCAL IMPACT TO THE COUNTY AND ACCOUNTS FOR A PERSONNEL CHANGE THAT OCCURRED AFTER THE SUBMISSION OF THE ORIGINAL APPLICATION.
 - B. APPROVE GRANT CONTRACT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE DOE/OIL OVERCHARGE WEATHERIZATION ASSISTANCE PROGRAM IN HEALTH AND HUMAN SERVICES DEPARTMENT. THE GRANT CONTINUES THE PROGRAM FOR FY 03.

Clerk's Note: Items 4.A and B added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

5. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (9:50 AM)

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

6. **REVISED WORDING:** CONSIDER LAPSE OF FUNDING FOR A VEHICLE IN CONSTABLE PRECINCT 5 OFFICE AND CREATE FUNDING FOR VEHICLE FOR CONSTABLE PRECINCT 2, AND TAKE APPROPRIATE ACTION.
(9:18 AM) (1:43 PM)

Members of the Court heard from: Bob Vann, Constable Precinct 2; and Leroy Nellis, Budget Manager, Planning and Budget Office (PBO).

Clerk's Note: Commissioner Sonleitner announced that she would work with Constable Precinct 2 and Constable Precinct 5 to reach a resolution.

Item 6 to be reposted on June 11, 2002.

ADMINISTRATIVE OPERATIONS ITEMS

7. 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 \$476,814.73 FOR THE PERIOD OF MAY 17, 2002 THROUGH MAY 23, 2002. (9:50 AM)

Clerk's Note: Item 7 added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

8. APPROVE PERSONNEL AMENDMENTS. (9:50 AM)

Clerk's Note: Item 8 added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

PURCHASING OFFICE ITEMS

- 9. **A.** APPROVE INTERLOCAL AGREEMENT WITH CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY, AGENT FOR THE COUNTY OF LOS ANGELES TO AUTHORIZE USE OF MASTER AGREEMENT 41421 WITH OFFICE DEPOT BUSINESS SERVICES FOR OFFICE SUPPLIES. (COMMISSIONER GOMEZ) (2:38 PM)

- B.** AUTHORIZE PURCHASING AGENT TO SIGN PARTICIPATION CERTIFICATE AND EXECUTE CONTRACT WITH OFFICE DEPOT BUSINESS SERVICES DIVISION FOR THE PURCHASE OF OFFICE SUPPLIES. (PURCHASING OFFICE)

Clerk’s Note: Items 9.A and B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Frank Holder, Assistant Purchasing Agent.

Motion by Commissioner Gómez **and seconded by** Commissioner Moore to approve Items 9.A and B.

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

- 10. APPROVE CONTRACT AWARD FOR THE PROVISION OF CONSTRUCTION SERVICES FOR THE UNDERGROUND STORAGE TANK PIPING REPLACEMENT PROJECT, IFB #B020024-JJ, TO THE LOW BIDDER, AUS-TEX SERVICE STATION EQUIPMENT, INC. (TNR) (COMMISSIONER GOMEZ) (9:50 AM)

Clerk’s Note: Item 10 added to Consent Items. Please refer to Consent Items for the Court’s Motion and Vote.

- 11. APPROVE CONTRACT AWARD FOR TRAILERS, IFB #B020079-RV, TO THE SOLE BIDDER, MAGNUM TRAILERS. (EMERGENCY SERVICES) (COMMISSIONER GOMEZ) (9:50 AM)

Clerk’s Note: Item 11 added to Consent Items. Please refer to Consent Items for the Court’s Motion and Vote.

- 12.** APPROVE CONTRACT FOR MASTER LICENSE AGREEMENT WITH BINDVIEW CORPORATION FOR SECURITY PRODUCTS, SERVICE AND SUPPORT. (I.T.S.) (COMMISSIONER GOMEZ) (9:50 AM)

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

- 13.** APPROVE CONTRACT AWARDS FOR HOMELAND DEFENSE EQUIPMENT, IFB #B020088-MP, TO THE FOLLOWING LOW QUALIFIED BIDDERS: (SHERIFF) (9:50 AM)
- A.** HOYT ENTERPRISES, INC. FOR LINE ITEM 1;
 - B.** SUPER NOVA FOR LINE ITEM 4; AND
 - C.** EXCEPT FOR LINE ITEMS 1 AND 4 ABOVE, REJECT BIDS RECEIVED FOR IFB NO. B020088-MP, HOMELAND DEFENSE EQUIPMENT, AND REBID. (SHERIFF)

Clerk's Note: Items 13.A-C added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

- 14.** APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 01T0166-MP, ACRATOD OF AUSTIN, INC. FOR CASE FILE FOLDERS; CONTRACT APPROVED ON 6/28/01. (COUNTY CLERK) (COMMISSIONER GOMEZ) (9:50 AM)

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

- 15.** APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 00T0329-LD, HERRERA & SONS JANITORIAL FOR JANITORIAL SERVICES, TNR SHOPS; CONTRACT APPROVED ON 8/8/00. (TNR) (COMMISSIONER GOMEZ) (9:50 AM)

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

16. APPROVE A 12-MONTH EXTENSION AND ADDITION OF LINE ITEMS (MODIFICATION NO. 2) TO CONTRACT NO. 00T0326-LD, ARAMARK UNIFORM SERVICES FOR UNIFORM RENTAL AND RELATED SERVICES; CONTRACT APPROVED ON 8/8/00. (TNR, SHERIFF, FACILITIES) (COMMISSIONER GOMEZ) (9:50 AM)

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

17. APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 01T0188-LD, GASTON & SHEEHAN AUCTIONEERS FOR AUCTIONEERING SERVICES, VEHICLES; CONTRACT APPROVED ON 8/7/01. (PURCHASING-FIXED ASSETS) (COMMISSIONER GOMEZ) (9:50 AM)

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

18. APPROVE 12-MONTH EXTENSIONS (MODIFICATION NO. 2) TO THE FOLLOWING CONTRACTS FOR GASOLINE AND DIESEL FUEL; CONTRACTS APPROVED ON 8/14/01. (TNR) (COMMISSIONER GOMEZ) (9:50 AM)

- A. CONTRACT NO. 01T0205-LD, PETROLEUM TRADERS; AND
B. CONTRACT NO. 01T0206-LD, TRIPLE S PETROLEUM.

Clerk's Note: Items 18.A and B added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

19. APPROVE QUANTUM MERUIT CLAIM FOR CLEAN INVESTMENT COUNSELING CENTER (CICC) IN THE AMOUNT OF \$2,071.00. (JUVENILE PROBATION) (COMMISSIONER GOMEZ) (9:50 AM)

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

20. APPROVE PURCHASE OF MAINTENANCE AGREEMENT FOR UPS PRODUCTS, IN ACCORDANCE WITH THE QISV PROGRAM FROM POWERWARE. (I.T.S.) (COMMISSIONER GOMEZ) (9:52 AM)

Item 20 pulled from the Agenda.

OTHER ITEMS

21. CONSIDER RESOLUTION URGING PRESIDENT BUSH AND CONGRESS TO CONTINUE TO FUND STATE CRIMINAL ALIEN ASSISTANCE PROGRAM IN FISCAL YEAR 2003. (JUDGE BISCOE) (2:56 PM)

Motion by Judge Biscoe **and seconded by** Commissioner Moore to approve the resolution, and in addition, send the resolution to Lamar Smith, Ron Kirk, John Cornyn, and President Bush.

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

22. RECEIVE AND DISCUSS FIRST REVENUE ESTIMATE FOR THE FY 2003 BUDGET PROCESS, AND TAKE APPROPRIATE ACTION. (2:45 PM)

Discussion Only.

23. A. CONSIDER INCLUSION OF UNAFFILIATED CHARITIES THAT MEET THE TRAVIS COUNTY CERTIFICATION OF COMPLIANCE REQUIREMENTS FOR THE FY 2002-2003 COMBINED CHARITIES CAMPAIGN, AND TAKE APPROPRIATE ACTION. (3:01 PM)

Members of the Court heard from: Cecelia Burke, Director, Domestic Relations; and Susan Spataro, Travis County Auditor.

Motion by Judge Biscoe **and seconded by** Commissioner Moore to approve Item 23.A.

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

- B. **ADDED ITEM:** DISCUSS NEED TO SELECT A PERSON TO SERVE A CHAIRPERSON OF TRAVIS COUNTY COMBINED CHARITIES CAMPAIGN, AND TAKE APPROPRIATE ACTION. (3:07 PM)

Members of the Court heard from: Cecelia Burke, Director, Domestic Relations.

Discussion Only.

Item 23.B to be reposted on June 11, 2002.

24. APPROVE REQUEST TO DISTRIBUTE FLIERS WITH THE JUNE 15TH PAYROLL CHECKS ANNOUNCING THE TRAVIS COUNTY/CITY OF AUSTIN EMPLOYEES EMANCIPATION DAY - "JUNETEENTH" CELEBRATION. (JUDGE BISCOE AND COMMISSIONER DAVIS) (9:50 AM)

Clerk's Note: Item 24 added to 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

- 28.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION REGARDING FLUOR DANIEL, INC. V. TRAVIS COUNTY, TEXAS; NO. 02-50378; IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT (USDC CIVIL ACTION NO.A-00-CA-021-SS). ¹ (3:40 PM) (4:35 PM)

Clerk's Note: Judge Biscoe announced that Item 28 would be considered in Executive Session.

No action required on Item 28.

Item 28 to be reposted on June 11, 2002.

- 29.** DISCUSS, APPROVE OR TAKE ANY APPROPRIATE ACTION REGARDING THE LEASE PROPOSAL BETWEEN 1825 FORTVIEW, INC. AND TRAVIS COUNTY, TEXAS, FOR THE LEASE AT 1622 RIVERSIDE DRIVE FOR TRAVIS COUNTY EMPLOYEES. ² (9:18 AM)

Item 29 postponed until June 11, 2002.

34. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION IN FREDRICK PLUET (DECEASED) V. MARGO FRASIER, ET AL. (CIVIL RIGHTS). ¹ (9:18 AM) (1:52 PM) (2:36 PM)

Clerk's Note: Judge Biscoe announced that Item 34 would be considered in Executive Session.

Motion by Judge Biscoe and seconded by Commissioner Davis that we authorize the County Attorney to take any and all necessary steps to have DNA tests conducted of the son, on whose behalf this lawsuit has been filed; and Fredrick Pluet, the deceased, to determine whether or not, in fact, the son is the biological son, and Frederick Pluet is the biological father in this matter; and that we ask the County Attorney's Office to take any other steps necessary to efficiently handle this matter, which, we understand, means delaying discovery until some determination has been made, because it seems to be controlling.

Maker and Second accept the Friendly Amendment by Commissioner Sonleitner that we are declining to make a counteroffer until we get those results.

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

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

THE FOLLOWING ITEMS ARE ADDENDA:

- A1.** CONSIDER A TEXAS COMMISSION ON JAIL STANDARDS (TCJS) VARIANCE REQUEST TO INCREASE THE REMOTE COURT HOLDING CELLS CAPACITY IN THE CJC COURTROOMS FROM TEN (10) INMATES TO SIXTEEN (16) INMATES PER FLOOR, AND TAKE APPROPRIATE ACTION. (SHERIFF’S OFFICE) (3:27 PM)

Members of the Court heard from: David Balagia, Major, Travis County Sheriff’s Office (TCSO).

Motion by Commissioner Moore **and seconded by** Commissioner Sonleitner to approve Item A1, and to authorize the County Judge to sign on behalf of the Commissioners’ Court.

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

- A2.** CONSIDER COMMENTS ON CAPTEX APPLICATIONS FOR SLUDGE AND SEPTAGE REGISTRATION #710855 AND #MSW42023, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE AND COMMISSIONER DAVIS) (3:34 PM)

Members of the Court heard from: John Kuhl, Natural Resources Program Manager, TNR.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve the letter to recommend to TNRCC to deny the Captex Septage Registration #710855 and #MSW42023, with the corrected notations made by Commissioner Sonleitner on the dais, and to share the information and provide a copy to the residents.

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

