

MINUTES – SEPTEMBER 3, 2002

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 3rd day of September, 2002, the Commissioners' Court convened the regular Voting Session at 9:13 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 Robert Resnick.

The Commissioners' Court recessed the Voting Session at 12:06 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), called to order the Voting Session at 1:42 PM and adjourned the Voting Session at 1:42 PM.

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

The Commissioners' Court retired to Executive Session at 1:42 PM.

The Commissioners' Court reconvened the Voting Session at 2:25 PM.

The Commissioners' Court adjourned the Voting Session at 2:27 PM.

CITIZENS COMMUNICATION

Members of the Court heard from: Kenneth Snyder, Northridge Acres Resident; Eileen Oldag, Basic Needs Services Council; Fred Butler, Executive Director, Community Action Network (CAN); and Gus Peña, President, East Austin Concerned Hispanics. (9:14 AM)

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

1. DISCUSS ACTIONS NEEDED TO CREATE A REGIONAL MOBILITY AUTHORITY, AND TAKE APPROPRIATE ACTION. (9:37 AM)

Members of the Court heard from: Tom Nuckols, Assistant County Attorney; and Mike Krusee, State Representative.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve the resolution, which basically, authorizes and adopts the petition.

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. CONSIDER AN INTERLOCAL AGREEMENT WITH THE CITY OF PFLUGERVILLE AND TRAVIS COUNTY TO IMPLEMENT HB 1445, AND TAKE APPROPRIATE ACTION. (9:35 AM)

Item 2 added to Consent Items. Please refer to the action taken on CONSENT ITEMS for the Court’s Motion and Vote.

Clerk’s Note: Item 2 was passed on Consent with the following correction: The name of the City Manager of Pflugerville was corrected to read, “Steve Jones”.

3. APPROVE THE RELEASE OF ESCROW ASSOCIATED WITH A CASH SECURITY AGREEMENT PROVIDED TO TRAVIS COUNTY FOR A TRAFFIC SIGNAL AT FM 1825 AND SARAH’S CREEK DRIVE IN PRECINCT TWO. (COMMISSIONER SONLEITNER) (9:35 AM)

Item 3 added to Consent Items. Please refer to the action taken on CONSENT ITEMS for the Court’s Motion and Vote.

- 5.** REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE: (9:35 AM)
- A.** APPROVE FIRST GRANT APPLICATION TO THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION TO PROVIDE ADDITIONAL SUBSTANCE ABUSE TREATMENT SERVICES IN JUVENILE PROBATION DEPARTMENT. THIS IS A NEW GRANT PROGRAM WITH NO COUNTY MATCH.
 - B.** APPROVE SECOND GRANT APPLICATION TO THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION TO PROVIDE INCREASED COMMUNITY AWARENESS TO SUBSTANCE ABUSE ISSUES. THE PROGRAM IS TO BE ADMINISTERED BY JUVENILE PROBATION DEPARTMENT. THIS IS A NEW GRANT PROGRAM WITH NO COUNTY MATCH.
 - C.** APPROVE GRANT CONTRACT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR AN UNDERAGE DRINKING PREVENTION PROGRAM IN THE COUNTY ATTORNEY 'S OFFICE. THE CONTRACT CONTINUES THE GRANT FOR FY 03.

Items 5.A, B, and C added to Consent Items. Please refer to the action taken on CONSENT ITEMS for the Court's Motion and Vote.

- 6.** APPROVE BUDGET AMENDMENTS AND TRANSFERS. (9:35 AM)

Item 6 added to Consent Items. Please refer to the action taken on CONSENT ITEMS for the Court's Motion and Vote.

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 \$318,573.25 FOR THE PERIOD OF AUGUST 16, 2002 THROUGH AUGUST 22, 2002. (9:35 AM)

Item 7 added to Consent Items. Please refer to the action taken on CONSENT ITEMS for the Court's Motion and Vote.

8. APPROVE PERSONNEL AMENDMENTS. (9:35 AM)

Item 8 added to Consent Items. Please refer to the action taken on CONSENT ITEMS for the Court's Motion and Vote.

PURCHASING OFFICE ITEMS

9. APPROVE CONTRACT AWARD FOR MOBILE COMMAND POST, IFB NO. 020150-RG, TO THE LOW BIDDER, SURREY FIRE SAFETY HOUSE. (SHERIFF'S OFFICE) (COMMISSIONER GOMEZ) (9:35 AM)

Item 9 added to Consent Items. Please refer to the action taken on CONSENT ITEMS for the Court's Motion and Vote.

10. REJECT SOLE BID RECEIVED FOR IFB NO. B020131-MP, PRESORT MAIL SERVICE. (RECORDS MGMT) (COMMISSIONER GOMEZ) (9:35 AM)

Item 10 added to Consent Items. Please refer to the action taken on CONSENT ITEMS for the Court's Motion and Vote.

11. APPROVE CONTRACT AWARDS FOR JANITORIAL SERVICES – VARIOUS FACILITIES, IFB NO. B020137-MP TO KB CONTRACT CLEANERS, JK JANITORIAL AND BLUEBONNET. (FACILITIES MGMT & HHSD) (10:17 AM)

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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the contract awards as recommended by the Purchasing Agent.

Motion carried:

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

- 12. A. REJECT ALL BIDS RECEIVED FOR IFB NO. B020106-MB, FIRE ALARM SYSTEMS REPLACEMENT, BLDG. 130 – TRAVIS COUNTY CORRECTIONAL COMPLEX. (10:33 AM)
- B. APPROVE SOLE SOURCE EXEMPTION AND CONTRACT AWARD FOR THE PROCUREMENT OF FIRE ALARM SYSTEM REPLACEMENT AT BUILDING 130 OF THE TRAVIS COUNTY CORRECTIONAL COMPLEX TO DESIGN SYSTEMS GROUP, INC. (T.C.S.O.)

Clerk’s Note Items 12.A and B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: John Hille, Assistant County Attorney; and Cyd Grimes, Travis County Purchasing Agent.

Motion by Commissioner Gómez **and seconded by** Commissioner Moore to approve Items 12.A and B, based on the minor correction made.

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

- 13. APPROVE INTERLOCAL NO. IL020037-EF, MODIFICATION NO. 2, WITH THE TEXAS DEPARTMENT OF HUMAN SERVICES FOR DEAF SERVICES PROVIDED BY TRAVIS COUNTY SERVICES FOR THE DEAF. (HHSD) (9:35 AM)

Item 13 added to Consent Items. Please refer to the action taken on CONSENT ITEMS for the Court’s Motion and Vote.

- 14. A. APPROVE INTERLOCAL AGREEMENT BETWEEN THE LOWER COLORADO RIVER AUTHORITY (LCRA) AND TRAVIS COUNTY FOR REPAIR AND MAINTENANCE OF STREETS BY THE COUNTY. (TNR) (9:35 AM)
- B. APPROVE MODIFICATION NO. 2 TO CONTRACT 02K0172ADM WITH WHEELER COATINGS ASPHALT, INC. FOR THE 2000 TYPE ‘C’ HOT MIX ASPHALTIC CONCRETE OVERLAY PROGRAM. (TNR)

Item 14.A and B added to Consent Items. Please refer to the action taken on CONSENT ITEMS for the Court’s Motion and Vote.

OTHER ITEMS

- 15. RECEIVE STATUS REPORT AND RECOMMENDATIONS FROM JAIL OVERCROWDING TASK FORCE AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (9:13 AM)

Item 15 postponed until September 10, 2002.

- 16. REVIEW VEHICLE REPLACEMENT POLICY AND ASSIGNMENT AND USE OF COUNTY VEHICLES, AND TAKE APPROPRIATE ACTION. (10:35 AM)

Members of the Court heard from: Bill Derryberry, Senior Budget Analyst, PBO; Mike Joyce, Transportation and Natural Resources (TNR); Carol Joseph, Assistant Director, TNR; Cynthia McDonald, Financial Services, TNR; Dan Richards, Chief Deputy, Travis County Sheriff’s Office (TCSO); Cyd Grimes, Travis County Purchasing Agent; Christian Smith, Executive Manager, PBO; Bob Vann, Constable, Precinct 2; Drew McAngus, Constable, Precinct 3; Susan Spataro, Travis County Auditor; and John Hille, Assistant County Attorney.

Motion by Judge Biscoe and seconded by Commissioner Davis to prohibit taking County-owned vehicles out-of-County, to an employee’s place of residence, effective January 1, 2003; and, to make provision for exceptions to this policy on a case-by-case basis, by the Commissioners’ Court, in conjunction with the elected official or appointed official.

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

Maker did not accept an Amendment to the previous Motion offered by Commissioner Davis to see if it is possible to get the operations and maintenance costs of what we are dealing with here now, for the vehicles overall. Of course, outside of law enforcement, looking at a possibility of lease versus purchase.

A Clarification of the previous Motion was made by Commissioner Moore that we have a policy that you do not take County vehicles out-of-County, however, that there also be the opportunity for exceptions to be made to that policy.

ITEM 16 CONTINUED

Maker accept the Friendly Amendment by Commissioner Moore that there be a time-specific, that the elected and department heads be able to submit those written recommendations and justifications to us, so that we know (whether it is October 31 or not) in advance of the January 1, 2003 deadline, the Commissioners' Court will, in fact, be able to take a look at those, the needs for the exceptions and the justifications, and act on them, well in advance of January 1.

Acceptance of the Friendly Amendment was made by Judge Biscoe.

A Clarification of the previous Motion was made by Judge Biscoe that the Court will make it effective January 1, 2003, to give people an opportunity to make the necessary arrangements; and, if we want to say, OK, if you think you have exceptions to this that the Court will buy into, then, visit with us, either October 15th or 31st, either day is fine with me.

Clerk's Note: The Court did not take a Vote on the Standing Motion and Second at this time.

A Substitute Motion was made by Commissioner Sonleitner that we would disallow out-of-County use, except, specific exceptions that the Commissioners' Court allows, and, that we continue the 15-mile limit with TCSO primary vehicles, that is currently on the books. But, everything else the Judge listed about written justification of the County vehicle.

Clerk's Note: The Substitute Motion died for lack of a Second.

Clerk's Note: The Court took a Vote on the Standing Motion and Second at this time.

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

ITEM 16 CONTINUED

Motion by Judge Biscoe **and seconded by** Commissioner Davis that we ask all elected and appointed officials, who are involved in the automobile assigning process, to put together a written justification for each and every assignment, to be presented directly to the Travis County Commissioners' Court, by October 15, 2002; and, that the same document be filed with the Risk Management Office (which is where they are supposed to be filed already): and, as a justification, we simply want to see that official's reasoning, reasons, rationale, for assigning the vehicle.

A Clarification of the previous Motion was made by Judge Biscoe that, hopefully, the gist of what I am saying is, that the Commissioners' Court wants to play a more active role in reviewing these assignments, and we want to see what the official should have been doing, pursuant to current policy, anyway. And, so there won't be any misunderstanding, what I would suggest we do is, that, after we go through this process in late October, that we take a real close look at our policy and see whether we need to revise it or not.

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

Motion by Commissioner Moore **and seconded by** Judge Biscoe that we allow the elected Constables to have permission to assign themselves a take-home vehicle, subject to the same policies and rules that apply to the assignment of vehicles within their department, and within existing resources.

A Clarification of the previous Motion was made by Commissioner Moore that we grant permission to the elected Constables.

A Clarification of the previous Motion was made by Judge Biscoe that, for this Motion to be interpreted consistently with what we have done today already, we would expect to see the justification for the Constables, same as other officials.

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

ITEM 16 CONTINUED

Motion by Commissioner Davis **and seconded by** Judge Biscoe that we look at the possibility of leasing vehicles instead of purchasing them; and I would like for the County Attorney’s Office, and also, Purchasing Office, to get together, and see about the possibility of leasing; to look at this, to see if there are maybe further cost savings in the future, and report back to the Commissioners' Court before January 1 of 2003.

Motion carried:

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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Moore to keep the Travis County Sheriff’s Office primary policy at 3 years/60,000 miles; and, that we go with the recommendations of our Fleet Manager, related to all other vehicles; and, we closely monitor, over this next year, since we have this next year, to see how that works, in terms of, what the increased costs are, related to maintenance and upkeep; and, that this be brought back early on in our Budget discussions next year, to see if this was indeed, a great idea, or one that was a nice try.

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

17. REVIEW COUNTY POLICY REGARDING COLLECTION OF HUMAN BODY PARTS, AND TAKE APPROPRIATE ACTION. (12:03 PM)

Members of the Court heard from: Dr. Roberto Bayardo, Travis County Medical Examiner.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to acknowledge the policy; await the delivery of the other information that we requested; and, if it doesn't tell us that we ought to do something different, then we, basically, leave the policy in place; and that I be authorized to share this with the gentleman from the Statesman that I had a conversation with.

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

18. APPROVE AMENDMENT TO CONTRACT FOR DRUG AND ALCOHOL COUNSELING SERVICES FOR INMATES BETWEEN TRAVIS COUNTY AND TRAVIS COUNTY SUPERVISION AND CORRECTIONS DEPARTMENT (CSCD) EXTENDING THE CONTRACT FROM SEPTEMBER 1, 2002 AND ENDING ON AUGUST 31, 2003. (9:35 AM)

Item 18 added to Consent Items. Please refer to the action taken on CONSENT ITEMS for the Court's Motion and Vote.

19. APPROVE REQUEST FROM EMERGENCY SERVICES DISTRICT NO. 9 TO ENTER INTO A NOTE TO BE ISSUED FOR CONSTRUCTION IMPROVEMENTS. (COMMISSIONER MOORE) (9:35 AM)

Item 19 added to Consent Items. Please refer to the action taken on CONSENT ITEMS for the Court's Motion and Vote.

20. APPROVE ORDER SETTING FORTH JOINT ELECTION AGREEMENT AND INTERLOCAL COOPERATION AGREEMENT BETWEEN TRAVIS COUNTY AND THE BARTON SPRINGS EDWARDS AQUIFER CONSERVATION DISTRICT. (BSEACD). (9:35 AM)

Item 20 added to Consent Items. Please refer to the action taken on CONSENT ITEMS for the Court's Motion and Vote.

- 21. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:35 AM)

Item 21 added to Consent Items. Please refer to the action taken on 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

- 22. 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 (1:42 PM) (2:25 PM)

Clerk’s Note: Judge Biscoe announced that Item 22 would be considered in Executive Session.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to communicate a final offer to settle, in the amount of \$1,000,000.00.

Motion carried:

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

23. CONSIDER LEASE AMENDMENT BETWEEN NATIONS BANK, N.A., TRUSTEE OF THE PEARSON TRUST, JOAN MARIE MAYNARD, PATTY JEAN MCDERMOTT AND JUDITH GOODWIN SMITH AND TRAVIS COUNTY FOR THE LEASE OF A PARKING LOT LOCATED AT 504 WEST 11TH, AND TAKE APPROPRIATE ACTION. ¹ (1:42 PM) (2:25 PM)

Clerk's Note: Judge Biscoe announced that Item 23 would be considered in Executive Session.

Motion by Judge Biscoe **and seconded by** Commissioner Moore to approve the proposed lease at 504 W. 11th St., and authorize the County Judge to execute the lease 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

24. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION IN FREDRICK PLUET (DECEASED) V. MARGO FRASIER, ET AL. (CIVIL RIGHTS) ¹ (1:42 PM) (2:25 PM)

Clerk's Note: Judge Biscoe announced that Item 24 would be considered in Executive Session.

No action necessary on Item 24.

Item 24 to be reposted on September 10, 2002.

25. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING FILING A PROTEST AND ANY APPROPRIATE ACTION AGAINST APPLICATION OF TEXAS ORGANIC RECYCLERS FOR SEPTAGE AND GREASE TRAP WASTE FACILITY AT 15620 JACOBSON ROAD, DEL VALLE, TEXAS, AND TAKE APPROPRIATE ACTION. ¹ (1:42 PM) (2:26 PM)

Clerk’s Note: Judge Biscoe announced that Item 25 would be considered in Executive Session.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to authorize the County Judge to sign a letter to the Texas Natural Resources Conservation Commission (TNRCC) ratifying the letter sent by Commissioner Gómez previously.

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

26. CONDUCT PERFORMANCE EVALUATIONS OF EXECUTIVE MANAGERS FOR ADMINISTRATIVE OPERATIONS DEPARTMENT, HEALTH AND HUMAN SERVICES AND VETERANS’ SERVICES DEPARTMENT, BUDGET, RESEARCH AND PLANNING DEPARTMENT, TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT AND JUSTICE AND PUBLIC SAFETY DEPARTMENT, AND TAKE APPROPRIATE ACTION. ³ (1:42 PM) (2:26 PM)

Clerk’s Note: Judge Biscoe announced that Item 26 would be considered in Executive Session.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to give each of the Executive Managers a pay increase in the amount of 3%, congratulate them for a job well done; and for the Executive Manager of Justice and Public Safety, that we authorize a 3% compensation award from October 1, 2001 to July 31, 2002, the date of severance, which is consistent with Travis County policy.

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

ADJOURNMENT

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to adjourn the Voting Session. (2:27 PM)

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

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge