

MINUTES – SEPTEMBER 10, 2002

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 10th day of September, 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 Robert Resnick.

The Commissioners' Court retired to Executive Session at 11:45 AM.

The Commissioners' Court reconvened the Voting Session at 11:55 AM.

The Commissioners' Court adjourned at the Voting Session at 11:57 AM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), called to order the Voting Session at 1:41 PM and adjourned the Voting Session at 1:41 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation called to order the Voting Session at 1:41 PM and adjourned at 2:03 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation called to order the Voting Session at 2:03 PM and adjourned at 2:03 PM.

PUBLIC HEARINGS

- 1. DISCUSS AN ORDER TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF THE 7.5' PUBLIC UTILITY AND TWO PORTIONS OF THE DRAINAGE EASEMENT ON LOTS 3, LITTLE BEE CREEK ESTATES SECTION 2, A SUBSDIVISION IN PRECINCT THREE. (COMMISSIONER MOORE) (ACTION ITEM #8) (9:16 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 8 for the Court's Motion and Vote.

Motion by Commissioner Sonleitner **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 Margaret Moore	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

Members of the Court heard from: Carol Joseph, Assistant Director, Transportation and Natural Resources (TNR).

Motion by Commissioner Sonleitner **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 Margaret Moore	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

RESOLUTIONS AND PROCLAMATIONS

2. APPROVE PROCLAMATION HONORING THE 192ND ANNIVERSARY OF THE DIEZ Y SEIZ DE SEPTIEMBRE CELEBRATION. (COMMISSIONER GOMEZ)
(9:17 AM)

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve Item 2.

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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

CITIZENS COMMUNICATION

Clerk's Note: Travis County Judge Samuel T. Biscoe announced that the American flag will be flown at half-mast at all County buildings tomorrow, September 11, 2002, in recognition of 9/11, and asked Travis County employees to participate in the activity of their choice.

Members of the Court heard from: Kenneth Snyder, Northridge Acres Resident; Brenda King, Travis County Resident; and Gus Peña, President, East Austin Concerned Hispanics. (9:20 AM)

4 REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE:
(9:33 AM)

- A.** APPROVE GRANT APPLICATION TO THE TRAVIS COUNTY CRIME VICTIMS FUND TO PROVIDE FUNDING FOR THE POT O' GOLD RESTITUTION PROGRAM IN JUVENILE PROBATION. THE GRANT APPLICATION IS TO CONTINUE THE PROGRAM FOR FY 03.
- B.** APPROVE GRANT APPLICATION TO THE TRAVIS COUNTY CRIME VICTIMS FUND TO PROVIDE FUNDING FOR FAMILY COURT SERVICES PROVIDED IN THE DOMESTIC RELATIONS OFFICE. THE GRANT APPLICATION IS TO CONTINUE THE PROGRAM FOR FY 03.
- C.** APPROVE INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY AND THE CITY OF AUSTIN TO PROVIDE SERVICES UNDER THE AUTO THEFT PREVENTION GRANT PROGRAM. THE INTERLOCAL CONTINUES THE AGREEMENT FOR FY 03.

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

- D.** APPROVE REQUEST FOR TRAVIS COUNTY TO SUBMIT GRANT APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE TO PROVIDE MENTAL HEALTH SERVICES SUPPORT TO A MENTAL HEALTH COURT. THIS IS A NEW GRANT WITH A \$37,500 CASH OR IN-KIND MATCH REQUIRED. (9:14 AM)

Item 4.D pulled from the Agenda until further notice.

HEALTH AND HUMAN SERVICES DEPARTMENT ITEMS

9. CONSIDER RECOMMENDATION TO APPROVE SUBSTANTIVE CONTENT OF THE TRAVIS COUNTY MEDICAL ASSISTANCE PROGRAM POLICIES TO ADD CLARIFICATION LANGUAGE FOR **(A)** ENROLLEE USE OF OUT-OF-NETWORK PROVIDERS, AND **(B)** SUBROGATION, AND TAKE APPROPRIATE ACTION. (11:11 AM)

Members of the Court heard from: Stephen Williams, Executive Manager, Travis County Health, Human Services, & Veterans’ Services (TCHHS&VS); and David Norman, Administrator, Medical Assistance Program.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve Items 9.A and B.

Motion carried:

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

10. CONSIDER RECOMMENDATION FOR **(A)** INCREASED FEES IN THE FEE SCHEDULE FOR COVERED DENTAL SERVICES AND **(B)** AN ENROLLEE CO-PAYMENT OF \$5.00 FOR EACH DENTAL VISIT FOR THE TRAVIS COUNTY DENTAL ASSISTANCE PROGRAM, AND TAKE APPROPRIATE ACTION. (11:14 AM)

Members of the Court heard from: Stephen Williams, Executive Manager, TCHHS&VS; David Norman, Administrator, Medical Assistance Program; and Valerie Spinelli, Budget Analyst, PBO.

Motion by Commissioner Davis **and seconded by** Judge Biscoe to approve Items 10.A and B.

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

- 11. CONSIDER REQUEST FOR TWO TRAVIS COUNTY EMPLOYEES TO PARTICIPATE IN THE LEADERSHIP AUSTIN PROGRAM IN ACCORDANCE WITH CHAPTER 16 OF THE TRAVIS COUNTY CODE, AND TAKE APPROPRIATE ACTION. (9:33 AM)

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

- 12. RECEIVE REPORT FROM THE TRAVIS COUNTY HISTORICAL COMMISSION ON RENAMING OF THE TRAVIS COUNTY ADMINISTRATION BUILDING (STOKES BUILDING), AND TAKE APPROPRIATE ACTION. (11:18 AM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; and Ken Oden, Travis County Attorney.

Discussion Only.

Item 12 to be reposted on September 24, 2002.

- 13. CONSIDER CONSTRUCTION DOCUMENTS FOR THE PRECINCT 4 OFFICE BUILDING AND RELEASE FOR BID, AND TAKE APPROPRIATE ACTION. (COMMISSIONER GOMEZ) (11:28 AM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Roger El Khoury, Director, Facilities Management; and Leslie Stricklan, Senior Project Manager, Facilities Management.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the construction documents as presented to us by Facilities today; and that we release them for bids; and to add the Tax Office space of 900 sq. ft. as an alternate.

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. 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 \$ 371,397.58 FOR THE PERIOD OF AUGUST 23, 2002 THROUGH AUGUST 29, 2002. (9:33 AM)

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

15. APPROVE PERSONNEL AMENDMENTS. (11:08 AM)

Members of the Court heard from: Norman McRee, Budget/Process Improvement Analyst, Human Resources Management Department (HRMD); and Alicia Perez, Executive Manager, Administrative Operations.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 15.

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

PURCHASING OFFICE ITEMS

16. APPROVE RENEWAL OF TWENTY-THREE (23) INTERLOCAL AGREEMENTS AND ONE HUNDRED TWENTY-ONE (121) CONTRACTS WITH VARIOUS HEALTH AND HUMAN SERVICES AGENCIES AND CONTRACTORS. **(SEE ATTACHMENT 'A' FOR LISTING OF AGENCIES AND CONTRACTORS)** (COMMISSIONER GOMEZ) (9:33 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. 2) TO CONTRACT NO. 01T0040-RG, TIRE DISTRIBUTION SYSTEMS, FOR FLAT TIRE AND TUBE REPAIR AND REPLACEMENT SERVICES. (TNR) (COMMISSIONER GOMEZ) (9:33 AM)

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

18. APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 02T00063-RG, PERCHES-FALCON GROUP, INC., TRANSPORT OF CADAVERS. (MEDICAL EXAMINERS) (COMMISSIONER GOMEZ) (9:33 AM)

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

OTHER ITEMS

19. RECEIVE REPORT AND RECOMMENDATIONS FROM JAIL OVERCROWDING TASK FORCE AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (11:11 AM)

No action necessary on Item 19.

20. RECEIVE FOR FILING WITH THE TRAVIS COUNTY COMMISSIONERS' COURT A PETITION FOR THE CREATION OF THE LAKE TRAVIS COMMUNITY LIBRARY DISTRICT AND INSTRUCT STAFF TO REVIEW THE PETITION AND ALL RELATED ISSUES, AND TAKE ANY OTHER APPROPRIATE ACTION. (JUDGE BISCOE) (9:14 AM) (10:03 AM)

Members of the Court heard from: Tamara Armstrong, Assistant County Attorney; Dan Pedersen, Lake Travis Library District Petition Committee; Julie Rhone, Library Volunteer; Laura Dobbs, Library Volunteer; Jenny Braunch, Bee Caves Resident; Jean Johnson, Lake Travis Community Librarian; Caroline Murphy, Mayor, Village of Bee Cave; Alan Borquez, City Attorney, Village of Bee Cave; James Fisher, City Administrator, Village of Bee Cave; and David Escamilla, First Assistant County Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to receive the filing, and instruct Staff to conduct the necessary review.

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 20 to be reposted on September 17, 2002.

21. APPROVE A RESOLUTION AUTHORIZING TRAVIS COUNTY TO NEGOTIATE AND EXECUTE AN INTERLOCAL AGREEMENT WITH OTHER GOVERNMENTAL ENTITIES TO PARTICIPATE IN THE GREATER AUSTIN CHAMBER OF COMMERCE'S PROJECT "AMERICAN DREAM" REGARDING THE USE OF TAX FORECLOSED PROPERTIES FOR AFFORDABLE HOUSING. (COMMISSIONER GOMEZ) (10:58 AM)

Members of the Court heard from: Mary Ann Neely, Lower Colorado River Authority (LCRA), and Chair, Chamber Affordable Housing Task Force; and Sandy Hentges, Director, Public Policy, Greater Austin Chamber of Commerce.

Motion by Commissioner Gómez **and seconded by** Commissioner Moore to approve the Resolution.

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. RATIFY LICENSE TO USE TRAVIS COUNTY ROADS (CELE ROAD AND CAMERON ROAD) BY CHAINSAW PRODUCTIONS, LLC FOR FILMING FEATURE FILM OVERNIGHT ON MONDAY AND TUESDAY, SEPTEMBER 9-10, 2002 FROM APPROXIMATELY 3:00 P.M. UNTIL APPROXIMATELY 7:00 A.M.; APPROVE LICENSE AGREEMENT TO USE SAME ROADS OVERNIGHT ON TUESDAY AND WEDNESDAY, SEPTEMBER 10 - 11, 2002 FROM APPROXIMATELY 8:00 P.M. UNTIL APPROXIMATELY 7:00 A.M. AND ON WEDNESDAY AND THURSDAY, SEPTEMBER 11-12, 2002 FROM APPROXIMATELY 8:00 P.M. UNTIL APPROXIMATELY 7:00 A.M. (9:33 AM)

Clerk's Note: Item 22 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

23. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:33 AM)

Clerk's Note: Item 23 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

24. 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 (11:45 AM)

Item 24 postponed until September 17, 2002.

- 25. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY ET AL. V. NRC, INC. (ERIC G. TIMMES RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (11:45 AM) (11:56 AM)

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

Members of the Court agreed to consider one Motion for Items 25, 26, 28, and 29.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to create a ministerial act and record, that we have received the money in all of the resale deeds that are listed on our Agenda: For Eric G. Timmes, Elizabeth Xan Wilson, Monica Ann Terrazas and Angie Cortez; and Jeanette Finch-Walton; to authorize the County Judge to sign the deeds back to the date of the original Court action; that we show that we have received the monies that were due to Travis County; and this will allow the proper filing of all of those documents in Items 25, 26, 28, and 29.

Motion carried:

County Judge Samuel T. Biscoe	absent
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. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY ET AL. V. TAIYO CORP. (ELIZABETH XAN WILSON RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (11:45 AM) (11:56 AM)

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

Members of the Court agreed to consider one Motion for Items 25, 26, 28, and 29. Please refer to Item 25 for a summary of the Court’s Motion and Vote.

- 27. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY ET AL. V. TAIYO CORP. (HIRAM GUTIERREZ RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (9:15 AM)

Item 27 pulled from the Agenda.

28. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY ET AL. V. TAIYO CORP. (MONICA ANN TERRAZAS AND ANGIE CORTEZ RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (11:45 AM) (11:56 AM)

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

Members of the Court agreed to consider one Motion for Items 25, 26, 28, and 29. Please refer to Item 25 for a summary of the Court's Motion and Vote.

29. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY ET AL. V. JOE ROACH (JEANETTE FINCH-WALTON RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (11:45 AM) (11:56 AM)

Clerk's Note: Judge Biscoe announced that Item 29 would be considered in Executive Session.

Members of the Court agreed to consider one Motion for Items 25, 26, 28, and 29. Please refer to Item 25 for a summary of the Court's Motion and Vote.

30. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION IN FREDRICK PLUET (DECEASED) V. MARGO FRASIER, ET AL. (CIVIL RIGHTS.) ¹ (11:45 AM)

Item 30 postponed until September 17, 2002.

ADJOURNMENT

Motion by Commissioner Moore **and seconded by** Commissioner Gómez to adjourn the Voting Session. (11:57 AM)

Motion carried:	County Judge Samuel T. Biscoe	absent
	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