

MINUTES – SEPTEMBER 17, 2002

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 17th 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 Melissa Velasquez.

The Commissioners' Court retired to Executive Session at 11:32 AM.

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

The Commissioners' Court recessed the Voting Session at 12:00 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), called to order the Voting Session at 1:39 PM and adjourned the Voting Session at 1:40 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation called to order the Voting Session at 1:40 PM and adjourned at 1:45 PM.

The Commissioners' Court reconvened the regular Voting Session at 1:45 PM.

The Commissioners' Court retired to Executive Session at 2:36 PM.

The Commissioners' Court reconvened the Voting Session at 3:12 PM.

The Commissioners' Court adjourned the Voting Session at 3:18 PM.

PUBLIC HEARINGS

- 1. DISCUSS A PLAT FOR RECORDING IN PRECINCT THREE: REPLAT OF LOTS 33 AND 34, BLOCK UU, TWIN LAKE HILLS - (SHORTFORM PLAT - 1 LOT – 0.42 ACRES – LAKE SHORE DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY - NO ETJ.) (COMMISSIONER MOORE) (ACTION ITEM #7) (9:15 AM)

Clerk’s Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 7 for the Court’s Motion and Vote.

Motion by Commissioner Moore **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	absent
Precinct 3, Commissioner Margaret Moore	yes
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 Moore **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	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

2. DISCUSS A PLAT FOR RECORDING IN PRECINCT THREE: AMENDED PLAT OF LOTS 2, 3 AND 4, BLOCK F, RIVER RIDGE – (SHORT FORM PLAT – 2 LOTS – 0.895 ACRES – TERJO LANE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY – CITY OF AUSTIN ETJ). (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 Moore **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	yes
	Precinct 4, Commissioner Margaret J. Gómez	yes

Members of the Court heard from: Carol Joseph, Assistant Director, TNR.

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

RESOLUTIONS & PROCLAMATIONS

3. APPROVE PROCLAMATION DESIGNATING THE MONTH OF SEPTEMBER 2002 AS LEUKEMIA AND LYMPHOMA AWARENESS MONTH AND ENCOURAGE RESIDENTS TO PARTICIPATE IN THE LIGHT THE NIGHT® WALK IN AUSTIN, TRAVIS COUNTY ON SATURDAY, OCTOBER 19, 2002. (JUDGE BISCOE) (9:17 AM)

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the proclamation in 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

4. APPROVE PROCLAMATION HONORING CAPTAIN DAVID BALL ON HIS RETIREMENT FOR 23 YEARS OF SERVICE TO THE TEXAS ALCOHOLIC BEVERAGE COMMISSION. (JUDGE BISCOE) (9:18 AM)

Members of the Court heard from: David Ball, Captain, Texas Alcoholic Beverage Commission.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the proclamation in Item 4.

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, East Austin Concerned Hispanics; and Kenneth Snyder, Northridge Acres Resident. (9:24 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C9, and Items 5, 6, 7, 8, 11.A-E, 14, 15, 17, 18, 19, 20.A and B, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 37, 38, and 39. (9:33 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.** APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF SEPTEMBER 3, 2002.
- C4.** REAPPOINT DR. ROBERT HENDEE TO THE TRAVIS COUNTY CHILDRENS’ PROTECTIVE SERVICES BOARD, EFFECTIVE OCTOBER 1, 2002. (JUDGE BISCOE)
- C5.** APPROVE A PRELIMINARY PLAN IN PRECINCT ONE: - THE VILLAGES OF ELM CREEK (PRELIMINARY PLAN – 694 LOTS – 235.529 ACRES – HIGHWAY 290 – SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY MUD #14 – ELGIN ETJ). (COMMISSIONER DAVIS)
- C6.** APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: - RIVER PLACE SECTION 26 - SHORTFORM PLAT – 2 LOTS - 78.660 ACRES – BIG VIEW DRIVE – NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY RIVER PLACE MUNICIPAL UTILITY DISTRICT – CITY OF AUSTIN ETJ). (COMMISSIONER MOORE)

CONSENT ITEMS CONTINUED

- C7.** **A.** APPROVE A PRELIMINARY PLAN IN PRECINCT THREE: - THE RANCH AT DEER CREEK PHASE THREE - (PRELIMINARY PLAN – NO FISCAL REQUIRED – 211 LOTS – 75.193 ACRES – ANDERSON MILL ROAD – SEWAGE SERVICE TO BE PROVIDED BY W.C.I.D. 1D).

- B.** APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: - THE RANCH AT DEER CREEK PHASE THREE SECTION ONE - (LONGFORM PLAT – 56 LOTS – 19.050 ACRES – ANDERSON MILL ROAD – FISCAL POSTED WITH TRAVIS COUNTY - SEWAGE SERVICE TO BE PROVIDED BY W.C.I.D. 1D. – CITY OF CEDAR PARK ETJ). (COMMISSIONER MOORE)

- C8.** APPROVE SETTING A PUBLIC HEARING DATE OF OCTOBER 1, 2002 TO DISCUSS AND APPROVE PROPOSED STREET NAME ASSIGNMENTS FOR THREE UNNAMED PRIVATE ROADS TO BE KNOWN AS “TRAVIS PEAK TRAIL”, “TRAVIS BEND LANE” AND “MY ROAD” IN PRECINCT THREE. (COMMISSIONER MOORE)

- C9.** APPROVE SETTING A PUBLIC HEARING DATE OF OCTOBER 8, 2002 TO DISCUSS AND APPROVE AN ORDER TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF THE DRAINAGE EASEMENT ACROSS LOT 18 AND LOT 19, BLOCK A, ROLLING MEADOWS SECTION ONE, A SUBDIVISION IN PRECINCT TWO. (COMMISSIONER SONLEITNER)

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

- 5.** CONSIDER AN INTERLOCAL AGREEMENT WITH THE CITY OF LAKEWAY AND TRAVIS COUNTY TO IMPLEMENT HB 1445, AND TAKE APPROPRIATE ACTION. (COMMISSIONER MOORE) (9:33 AM)

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

6. CONSIDER THE DISPOSITION OF UNUSED, EXCESS RIGHT-OF-WAY OF BOB JOHNSON ROAD IN PRECINCT THREE, CONSIDER APPOINTMENT OF A COMMISSIONER OF SALE AND TAKE APPROPRIATE ACTION.
(COMMISSIONER MOORE) (9:33 AM)

Clerk's Note: Judge Biscoe clarified that Item 6 would be part of the Consent Motion, and that the next step would be the appraisal, and getting ready for the sale, and to appoint Commissioner Moore as the Commissioner of Sale.

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

7. APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: REPLAT OF LOTS 33 AND 34, BLOCK UU, TWIN LAKE HILLS - (SHORTFORM PLAT - 1 LOT – 0.42 ACRES – LAKE SHORE DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY - NO ETJ.) (COMMISSIONER MOORE) (9:33 AM)

Clerk's Note: Item 7 is the action item for the public hearing on Agenda Item 1.

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

8. APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: AMENDED PLAT OF LOTS 2, 3 AND 4, BLOCK F, RIVER RIDGE – (SHORT FORM PLAT – 2 LOTS – 0.895 ACRES – TERJO LANE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY – CITY OF AUSTIN ETJ). (COMMISSIONER MOORE) (9:33 AM)

Clerk's Note: Item 8 is the action item for the public hearing on Agenda Item 2.

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

PLANNING AND BUDGET DEPARTMENT ITEMS

9. CONSIDER PROPOSED CHANGES TO BUDGET RULES FOR FY 2003, AND TAKE APPROPRIATE ACTION. (9:32 AM)

Members of the Court heard from: Christian Smith, Executive Manager, Planning and Budget Office (PBO); and Susan Spataro, Travis County Auditor.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the recommendation of adding language to the budget rules intended to provide more flexibility to departments in the processing of savings to capital projects.

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 Gómez and seconded by Commissioner Moore to approve the recommendation of adding the language to the budget rules that clarifies the Court’s intent on departments that may be projecting a budget deficit.

Maker and Second accept the Friendly Amendment by Commissioner Sonleitner to change the wording to “Mandated services must be given highest priority.”

Acceptance of the Friendly Amendment was made by Commissioner Gómez and Commissioner Moore.

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 Davis and seconded by Commissioner Gómez to approve changing the language in the budget rules with regards to the use of overtime in excess of budgeted amounts.

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 9 to be reposted on September 24, 2002.

10. DISCUSS REMAINING FY 2003 BUDGET ISSUES, AND TAKE APPROPRIATE ACTION. (10:12 AM)

Members of the Court heard from: Christian Smith, Executive Manager, PBO; Leroy Nellis, Budget Manager, PBO; and Diana Ramirez, Budget Analyst, PBO.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve all of the recommended changes/corrections to the FY 2003 budget since completion of budget mark-up, as listed in the backup, except the District Clerk’s Items on page 6 in the backup.

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

Clerk’s Note: Item 10 was further discussed at 10:37 AM, with a request by Commissioner Moore that the Commissioners’ Court record reflect a Corrected Vote in Item 10. Judge Biscoe instructed that the record show Commissioner Moore voting in favor of the Motion on Item 10. The Commissioners’ Court record reflects the Corrected Vote.

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

Status Report on Approved Capital Items (10:32 AM)

Members of the Court heard from: Jessica Rio, Budget Analyst, PBO.

Discussion Only. No action was taken.

Constables Office – ASAP RIF Costs (10:37 AM)

Members of the Court heard from: Christian Smith, Executive Manager, PBO; Bill Derryberry, Senior Budget Analyst, PBO; Linda Moore Smith, Director, Human Resources Management Department (HRMD); and Leroy Nellis, Budget Manager, PBO.

Discussion Only. No action was taken.

10. A. DISCUSS PROPOSED ONE (1) YEAR FREEZE ON ADDITIONAL CERTIFIED PEACE OFFICER POSITIONS IN THE SHERIFF'S CORRECTIONS DIVISION PENDING RECOMMENDATIONS FROM A PLANNED PERFORMANCE REVIEW OF T.C.S.O. IN FY 2003, AND TAKE APPROPRIATE ACTION. (COMMISSIONER SONLEITNER) (10:45 AM)

Members of the Court heard from: Dan Richards, Chief Deputy, Travis County Sheriff's Office (TCSO); David Balagia, Major, TCSO; Emily Trevino, Captain, TCSO; Alex Leo, TCSO; Jerry Kovar, Sergeant, TCSO; and Bill Derryberry, Senior Budget Analyst, PBO.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner 1) that those who are in training for certification already be covered by the current policy, which really is additional compensation, effective September 17, 2002; 2) that the intention be that those who enter the certification program after today realize that there is no guarantee of additional compensation, but 3) that the Court do all they can to try to expedite the performance audit of the Sheriff's Office that we've been discussing, and we make sure that the audit gives us the opportunity to study this issue further.

A Clarification of the previous Motion was made by Commissioner Sonleitner that new hires with the additional certification would also not be guaranteed the additional 6% compensation pay.

Maker accept the Friendly Amendment by Commissioner Davis that whenever this report comes back, to see where we are on video conferencing, and to see a correlation between the staffing requirements and the reduction of the jail overcrowding.

Clerk's Note: Judge Biscoe accepted the Friendly Amendment to the extent that that it is necessary to determine how many corrections officers ought to be certified and receive additional compensation, but that the Court should have a separate Item on the Agenda that enables the Court to focus on this issue separately.

Acceptance of the Friendly Amendment was made by Judge Biscoe.

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

11. REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE:
(9:33 AM)
- A. APPROVE GRANT APPLICATION TO DEPARTMENT OF EMERGENCY SERVICES-EMERGENCY MANAGEMENT FOR AN EMERGENCY MANAGEMENT PLANNING PROGRAM IN EMS DEPARTMENT. THE GRANT CONTINUES THE PROGRAM FOR FY 03.
 - B. APPROVE GRANT APPLICATION TO THE LOWER COLORADO RIVER AUTHORITY FOR COMMUNITY DEVELOPMENT PARTNERSHIP GRANT IN THE SHERIFF'S OFFICE. THE GRANT WOULD PROVIDE FUNDS FOR SWIFT WATER RESCUE EQUIPMENT.
 - C. APPROVE GRANT CONTRACT WITH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR THE PROJECT SPOTLIGHT GRANT PROGRAM IN JUVENILE PROBATION. THE CONTRACT CONTINUES THE GRANT FOR FY 03.
 - D. APPROVE GRANT CONTRACT AMENDMENT WITH TEXAS PARKS AND WILDLIFE FOR THE MANSFIELD DAM PARK PROJECT. THE AMENDMENT EXTENDS THE TERMINATION DATE OF THE GRANT UNTIL JANUARY 31, 2003 AND APPROVES CHANGES IN THE SCOPE OF THE GRANT.
 - E. APPROVE GRANT CONTRACT WITH THE U.S. DEPARTMENT OF JUSTICE FOR THE 2002 LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM IN THE SHERIFF'S OFFICE. THE GRANT CONTINUES THE PROGRAM FOR FY 03.

Clerk's Note: Items 11.A-E added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

12. CONSIDER BROKER/DEALER APPLICANTS FOR CONDUCTING INVESTMENT BUSINESS WITH TRAVIS COUNTY AND TAKE APPROPRIATE ACTION. (9:36 AM) (1:45 PM)

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the eleven broker/dealer applicants, excluding First Southwest Company.

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 Gómez **and seconded by** Commissioner Sonleitner to approve the twelfth broker/dealer applicant, First Southwest Company.

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

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to reconsider Item 12.

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 Judge Biscoe **and seconded by** Commissioner Sonleitner to approve the 7 recommended primary broker/dealers.

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

- 14. CONSIDER REQUEST AND APPROVE FUNDS FOR ONE TRAVIS COUNTY EMPLOYEE TO PARTICIPATE IN THE HISPANIC AUSTIN LEADERSHIP PROGRAM IN ACCORDANCE WITH CHAPTER 16 OF THE TRAVIS COUNTY CODE, AND TAKE APPROPRIATE ACTION. (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. 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 \$210,412.77 FOR THE PERIOD OF AUGUST 30, 2002 THROUGH SEPTEMBER 5, 2002. (9:33 AM)

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

- 16. APPROVE PERSONNEL AMENDMENTS. (2:08 PM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Linda Moore Smith, Director, HRMD; Christian Smith, Executive Manager, PBO; and Norman McRee, Budget/Process Improvement Analyst, HRMD.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve all of the personnel amendments, including the PBO budget slot 6, and that PBO budget slots 3 and 7 be reposted on September 23, 2002.

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 16 to be reposted on September 23, 2002.

PURCHASING OFFICE ITEMS

17. APPROVE CONTRACT NO. PS020264-JW, BULLOCK COUNSELING, FOR LICENSED CHEMICAL DEPENDENCY COUNSELING SERVICES. (JUVENILE PROBATION) (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 CONTRACT AWARD FOR BLEACHERS, IFB NO. B02134-RV, TO THE THIRD LOW BIDDER, ALUMINUM SEATING, INC. (TNR) (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.

19. REJECT ALL BIDS RECEIVED FOR IFB NO. B020094-LD, EMERGENCY EQUIPMENT SERVICE SOLUTION. (RADIO USERS COMMITTEE) (COMMISSIONER GOMEZ) (9:33 AM)

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

20. A. TERMINATE CONTRACT NO. 02T00275-LD, JK JANITORIAL FOR JANITORIAL SERVICES – VARIOUS FACILITIES. (9:33 AM)
- B. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. 02T00273-LD, KB CONTRACT CLEANERS TO ADD GROUPS A, B AND D. (FACILITIES MGMT & HHSD) (COMMISSIONER GOMEZ)

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

21. DECLARE CERTAIN VEHICLES AS SURPLUS PROPERTY, PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (9:33 AM)

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

22. APPROVE A ONE (1) MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 01T0009-EH, SAFETY SHOE DISTRIBUTORS, INC., FOR WORK AND SAFETY SHOES AND BOOTS; CONTRACT APPROVED ON 10/10/00. (TNR) (COMMISSIONER GOMEZ) (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 A 12-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 01T0008-OJ, CERIDIAN BENEFITS SERVICES, INC., FOR THE ADMINISTRATION OF THE FLEXIBLE SPENDING ACCOUNT FOR TRAVIS COUNTY EMPLOYEES. (HRMD) (COMMISSIONER GOMEZ) (9:33 AM)

Clerk's Note: Item 23 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

24. APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 02T00046-OJ, D & L MEDICAL, FOR MEDICAL SUPPLIES FOR THE MEDICAL ASSISTANCE PROGRAM (MAP). (COMMISSIONER GOMEZ) (9:33 AM)

Clerk's Note: Item 24 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

25. APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 02T00038-OJ, UNUM LIFE INSURANCE COMPANY, FOR LIFE, ACCIDENTAL DEATH & DISMEMBERMENT AND LONG TERM DISABILITY (LTD) FOR TRAVIS COUNTY EMPLOYEES. (HRMD) (COMMISSIONER GOMEZ) (9:33 AM)

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

26. APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 10) TO CONTRACT NO. PS960295-KW, AUSTIN CHILD GUIDANCE CENTER, FOR MENTAL HEALTH TREATMENT AND CONSULTATION SERVICES TO JUVENILE OFFENDERS. (JUVENILE PROBATION) (COMMISSIONER GOMEZ) (9:33 AM)

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

27. APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 6) TO CONTRACT NO. PS970029-KW, AUSTIN CHILD GUIDANCE CENTER, FOR PROVISION OF INTENSIVE MULTI-FAMILY COUNSELING SERVICES FOR JUVENILE OFFENDERS UNDER THE SUPERVISION OF THE TRAVIS COUNTY JUVENILE PROBATION DEPARTMENT. (COMMISSIONER GOMEZ) (9:33 AM)

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

28. APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 9) TO CONTRACT NO. PS960294-LH, WORKERS ASSISTANCE PROGRAM, FOR CASE MANAGEMENT SERVICES. (JUVENILE PROBATION) (COMMISSIONER GOMEZ) (9:33 AM)

Clerk's Note: Item 28 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

29. APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 1) TO INTERLOCAL AGREEMENT NO. IL960420-KW, CITY OF AUSTIN, FOR PHARMACEUTICALS AND MEDICAL SUPPLIES. (HHSD) (COMMISSIONER GOMEZ) (9:33 AM)

Clerk's Note: Item 29 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 30. APPROVE A TWO (2)-YEAR EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. PS000355-MQ, KAMM & SHIELDS FOR LEGISLATIVE ADVOCACY SERVICES FOR TRAVIS COUNTY COMMISSIONERS COURT. (9:33 AM)

Clerk’s Note: Item 30 added to Consent Items. Please refer to CONSENT ITEMS for the Court’s Motion and Vote.

- 31. A. DISCUSS BUDGET ISSUES CONCERNING LEASE OF CROCKETT CENTER FOR JURY IMPANELMENT AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAVIS) (9:14 AM) (11:26 AM)

- B. APPROVE CONTRACT MODIFICATION NO. 6 TO LEASE AGREEMENT NO. LA000263-MQ WITH TEXAS LIQUIDATIONS & CLOSEOUTS D/B/A THE CROCKETT CENTER FOR JURY IMPANELMENT. (DISTRICT CLERK) (COMMISSIONER DAVIS)

Members of the Court heard from: Amalia Rodriguez Mendoza, Travis County District Clerk.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the transfer of \$29,000.00 to the temporary salaries in Item 31.A, as listed on the corrections list in budget Agenda Item 10, and to approve the lease agreement modification number 6 in Item 31.B.

Maker and Second accept the Friendly Amendment by Commissioner Sonleitner that this is for fiscal year 2003 only, and that the monies are going into a temporary line item.

Acceptance of the Friendly Amendment was made by Commissioner Gómez 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

32. APPROVE CONTRACT AWARD FOR SPEED MONITOR TRAILER, IFB# B020149-EH, TO THE LOW BIDDER, MPH INDUSTRIES, INC. SHERIFF'S OFFICE. (9:33 AM)

Clerk's Note: Item 32 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

33. APPROVE EXEMPTION ORDER FOR THE PROCUREMENT OF ENGINEERING SERVICES FOR THE DESIGN OF THE NORTH RURAL COMMUNITY CENTER. (FACILITIES MGMT) (9:33 AM)

Clerk's Note: Item 33 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

OTHER ITEMS

34. RECEIVE REPORT AND RECOMMENDATIONS FROM JAIL OVERCROWDING TASK FORCE AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (1:55 PM)

Members of the Court heard from: Kati Broderick, Manager, Research and Planning, Justice and Public Safety (JPS); and Susan Spataro, Travis County Auditor.

Motion by Commissioner Moore **and seconded by** Commissioner Gómez to approve the 24-hour magistration pilot program October 16, 2002 through October 30, 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

35. APPROVE ORDER FOR THE USE OF DIRECT RECORDING ELECTRONIC (DRE) EQUIPMENT AT THE POLLING PLACE FOR PRECINCT 131 ON ELECTION DAY, NOVEMBER 5, 2002. (2:34 PM) (3:14 PM)

Members of the Court heard from: Dana DeBeauvoir, Travis County Clerk.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the order in Item 35.

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

36. CONSIDER PETITION FOR THE CREATION OF THE LAKE TRAVIS COMMUNITY LIBRARY DISTRICT, AND IF THE PETITION IS GRANTED, ADOPT ORDER CALLING AN ELECTION: (9:14 AM) (11:32 AM) (11:57 AM)

- A. ON THE CREATION OF THE LAKE TRAVIS COMMUNITY LIBRARY DISTRICT;
- B. FOR THE INITIAL BOARD OF TRUSTEES; AND
- C. FOR THE IMPOSITION OF A SALES AND USE TAX, AND TAKE ANY OTHER APPROPRIATE ACTION. (JUDGE BISCOE)

Clerk’s Note: Judge Biscoe announced that Item 40 would be considered in Executive Session, pursuant to Gov’t Code Ann 551.071, Consultation with Attorney.

Members of the Court heard from: Ken Oden, Travis County Attorney.

Discussion Only. No action was taken.

37. APPROVE ORDER SETTING FORTH JOINT ELECTION AGREEMENT AND INTERLOCAL COOPERATION AGREEMENT BETWEEN TRAVIS COUNTY AND WATER CONTROL IMPROVEMENT DISTRICT (WCID) #20. (9:33 AM)

Clerk’s Note: Item 37 added to Consent Items. Please refer to CONSENT ITEMS for the Court’s Motion and Vote.

38. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF AUGUST 2002. (AUDITOR’S OFFICE) (9:33 AM)

Clerk’s Note: Item 38 added to Consent Items. Please refer to CONSENT ITEMS for the Court’s Motion and Vote.

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

Clerk’s Note: Item 39 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

40. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL. V. NORRIS R. BOUNDS (DONNA GRABOW RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (2:36 PM) (3:12 PM)

Clerk’s Note: Judge Biscoe announced that Item 40 would be considered in Executive Session.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner that the Court authorize a tax resale deed to Donna Grabow for the amount of \$3,265.00, which she had paid the County, and that the Court authorizes the County Judge to sign for the 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

- 41. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION REGARDING TRAVIS COUNTY SHERIFF'S DEPUTY JOHN HARVEY WILLIAMS #1029; (WILLIAMS; JOHN H. PEREZ; SUBROGATION). ¹ (2:36 PM) (3:13 PM)

Clerk's Note: Judge Biscoe announced that Item 41 would be considered in Executive Session.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner that the Court reject the offer and authorize a counteroffer in the amount of \$10,000.00 to settle the subrogation claim, but make clear that we believe the County is entitled to reimbursement of the overpayment of \$1,281.00.

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

- 42. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION REGARDING SETTLEMENT OFFER IN SANDRA SMITH, ET AL. V. TRAVIS COUNTY, ET AL. ¹ (2:36 PM) (3:13 PM)

Clerk's Note: Judge Biscoe announced that Item 42 would be considered in Executive Session.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez that we reject the offer of settlement of \$55,850.00, and that we counter in the amount of \$16,000.00 to account for attorneys fees and payments to the plaintiffs in whatever way that they would like to divide up those dollars.

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

43. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION IN FREDRICK PLUET (DECEASED) V. MARGO FRASIER, ET AL. (CIVIL RIGHTS). ¹ (2:36 PM) (3:14 PM)

Clerk's Note: Judge Biscoe announced that Item 43 would be considered in Executive Session.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez that we instruct the County Attorney's Office to file for the costs that are due Travis County in the amount of approximately \$4,600.00; they will give us the exact dollar amount; and that we give instructions to the County Attorney's Office to file for attorneys fees under the sanctions clause for attorneys fees that were run up by Travis County since August 1, 2002, which is a critical date for the County, and to pass on our congratulations to the County Attorney's Office, specifically Elaine Casas for excellent work on this case.

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 Judge Biscoe and seconded by Commissioner Gómez to adjourn the Voting Session. (3:18 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