MINUTES - OCTOBER 1, 2002

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 1st day of October, 2002, the Commissioners' Court convened the regular Voting Session at 9:15 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger 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 11:06 AM.

The Commissioners' Court reconvened the Voting Session at 11:35 AM.

The Commissioners' Court adjourned at the Voting Session at 11:36 AM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation called to order the Voting Session at 11:38 AM and adjourned at 11:54 AM.

PUBLIC HEARINGS

DISCUSS A PLAT FOR RECORDING IN PRECINCT THREE: AMENDED PLAT OF LOT 36-A, BLOCK 'E', OF THE AMENDED PLAT OF LOTS 36 AND 37, BLOCK 'E' – THE FOOTHILLS OF BARTON CREEK, AND LOT 38, BLOCK 'E', THE FOOTHILLS OF BARTON CREEK – (REVISED PLAT – 2 LOTS - 4.035 ACRES – LOST CREEK BOULEVARD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY - CITY OF AUSTIN ETJ). (COMMISSIONER MOORE) (ACTION ITEM # 7) (9:16 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	yes
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 PROPOSED STREET NAME ASSIGNMENTS FOR THREE UNNAMED PRIVATE ROADS AS "TRAVIS PEAK TRAIL", "TRAVIS BEND LANE" AND "MY ROAD" IN PRECINCT THREE. (COMMISSIONER MOORE) (ACTION ITEM #8) (9:17 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 AND PROCLAMATIONS

3. APPROVE PROCLAMATION RECOGNIZING THE CITY OF AUSTIN'S "GREAT CITY SIGN OFF". (JUDGE BISCOE) (9:18 AM)

Members of the Court heard from: Cora Wright, Assistant Director, Neighborhood Planning and Zoning, City of Austin; and Donna Pope, Volunteer Coordinator, Retired Senior Volunteer Program (RSVP).

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 RECOGNIZING DANA DEBEAUVOIR FOR RECEIVING THE 2002 LYNDON B. JOHNSON SCHOOL OF PUBLIC AFFAIRS NATIONAL ALUMNI ASSOCIATION PUBLIC SERVICE AWARD. (COMMISSIONER MOORE) (9:25 AM)

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

Motion by Commissioner Moore **and seconded by** Commissioner Sonleitner 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: Kenneth Snyder, Northridge Acres Resident; Gus Peña, President, East Austin Concerned Hispanics; Charles Williams, Conservation Coordinator, TNR; Mary Beth Miller, LCRA; Ms. Ritter, Private Citizen; and Florence Yurity, Travis County Resident. (9:58 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C9, and Items 6, 7, 8, 11, 12, 13, 14, 15.A, B, C, D, and E, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, and 27. (9:47 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 BUDGET MARK-UP VOTING SESSION OF SEPTEMBER 4, 2002.
- **C4.** APPROVE RESOLUTION PROCLAIMING OCTOBER 2002 AS "CZECH HERITAGE MONTH" IN TRAVIS COUNTY. (JUDGE BISCOE)
- **C5.** APPROVE BOND FOR RESERVE DEPUTY, SHERMAN SCOTT STRANCE, IN CONSTABLE PRECINCT 5 OFFICE.
- C6. APPROVE SETTING A PUBLIC HEARING DATE OF OCTOBER 22, 2002 TO DISCUSS AND APPROVE AN ORDER TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE THE 7.5' PUBLIC UTILITY EASEMENT ON EITHER SIDE OF THE COMMON LOT LINE BETWEEN LOTS 235 AND 236, BLOCK H, IMPERIAL VALLEY SECTION 2, A SUBDIVISION IN PRECINCT ONE. (COMMISSIONER DAVIS)
- C7. APPROVE SETTING A PUBLIC HEARING DATE OF OCTOBER 22, 2002 TO DISCUSS AND APPROVE THE VACATION OF A PORTION OF THE RIGHT-OF-WAY OF GEBRON DRIVE IN CARDINAL HILLS UNIT 7, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER MOORE)

CONSENT ITEMS CONTINUED

- C8. APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: TWIN CREEK COUNTRY CLUB MAINTENANCE AREA SHORTFORM PLAT 1 LOT 1.705 ACRES FM 2769 NO FISCAL REQUIRED SEWAGE SERVICE TO BE PROVIDED BY WTC W.C.I.D. 1G CEDAR PARK ETJ). (COMMISSIONER MOORE)
- C9. APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: TWIN CREEK COUNTRY CLUB SECTION 11 (SHORTFORM PLAT 1 LOT 8.09 ACRES TWIN CREEK COUNTRY CLUB DRIVE NO FISCAL REQUIRED SEWAGE SERVICE TO BE PROVIDED BY WTC W.C.I.D. 1G CEDAR PARK ETJ). (COMMISSIONER MOORE)

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

5. CONSIDER OPTIONS FOR TRAVIS COUNTY TO APPOINT BOARD MEMBERS TO A REGIONAL MOBILITY AUTHORITY, AND TAKE APPROPRIATE ACTION. (9:50 AM)

Members of the Court heard from: Carol Joseph, Assistant Director, TNR; Tom Nuckols, Assistant County Attorney; and Ladd Pattillo, Travis County Financial Advisor.

Clerk's Note: The Court gave direction that Commissioner Moore and Commissioner Sonleitner work on this Item with Staff and Capital Metro, and to report back to the Court in 2 weeks.

Discussion Only. No action was taken.

Item 5 to be reposted on October 8, 2002.

6. APPROVE A CASH SECURITY AGREEMENT WITH MORRISON HOMES FOR THE PURPOSE OF POSTING SIDEWALK FISCAL FOR PART OF STEINER RANCH PHASE 1 SECTION 8 IN PRECINCT THREE. (COMMISSIONER MOORE) (9:47 AM)

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: AMENDED PLAT OF LOT 36-A, BLOCK 'E', OF THE AMENDED PLAT OF LOTS 36 AND 37, BLOCK 'E' – THE FOOTHILLS OF BARTON CREEK, AND LOT 38, BLOCK 'E', THE FOOTHILLS OF BARTON CREEK – (REVISED PLAT – 2 LOTS - 4.035 ACRES – LOST CREEK BOULEVARD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY - CITY OF AUSTIN ETJ). (COMMISSIONER MOORE) (9:47 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 PROPOSED STREET NAME ASSIGNMENTS FOR THREE UNNAMED PRIVATE ROADS AS "TRAVIS PEAK TRAIL", "TRAVIS BEND LANE" AND "MY ROAD" IN PRECINCT THREE. (COMMISSIONER MOORE) (9:47 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.

HEALTH AND HUMAN SERVICES DEPARTMENT ITEMS

9. CONSIDER REQUEST TO NEGOTIATE COUNTY/CITY SOCIAL SERVICE CONTRACTS FOR 2003 CLASSIFIED AS EXEMPT, HIV-RELATED CONTRACTS, THE CONTRACT FOR OPERATION OF THE AUSTIN RESOURCE CENTER FOR THE HOMELESS (ARCH) FACILITY, AND A NEWLY DEVELOPED MODEL FOR DIRECT CHILDCARE CONTRACTS, AND TAKE APPROPRIATE ACTION. (10:24 AM)

Members of the Court heard from: Stephen Williams, Executive Manager, Travis County Health, Human Services and Veterans Services (TCHHSVS); and Vince Cobalis, Assistant Director, Health and Human Services Department.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve Item 9 as requested, and to direct Stephen Williams, Executive Manager, TCHHSVS, and his Staff, to be ready to share an analysis of Health and Human Services' priorities with the Court on October 29, 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

PLANNING AND BUDGET DEPT. ITEMS

10. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (11:05 AM)

No action necessary on Item 10.

11. APPROVE ORDER TO DIRECT DEPOSITING SALARY FUND MONIES INTO THE GENERAL FUND OF TRAVIS COUNTY. (9:47 AM)

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

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 \$275,055.01 FOR THE PERIOD OF SEPTEMBER 13, 2002 THROUGH SEPTEMBER 19, 2002. (9:47 AM)

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

13. APPROVE PERSONNEL AMENDMENTS. (9:47 AM)

Clerk's Note: Item 13 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

PURCHASING OFFICE ITEMS

14. APPROVE CONTRACT AWARD FOR RECORDS STORAGE BOXES, IFB B020145-DR, TO THE QUALIFIED LOW BIDDER, CAPITAL CITY CONTAINER. (RECORDS MGMT) (COMMISSIONER GOMEZ) (9:47 AM)

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

- **15.** APPROVE CONTRACT AWARDS FOR TELEPHONE EQUIPMENT, IFB B020144-RG, TO THE FOLLOWING LOW QUALIFIED BIDDERS: (I.T.S.) (9:47 AM)
 - A. AEROTECH;
 - **B.** TITANIS INCORPORATED:
 - C. SOUTHWEST CENTURY COMMUNICATION;
 - D. CALL ONE, INCORPORATED; AND
 - E. AMERITEL CORPORATION

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

16. APPROVE CONTRACT AWARD FOR FLEET FUEL CARD SERVICES, RFP #P020147-LD, TO THE BEST-QUALIFIED FIRM, FUELMAN OF AUSTIN. (TNR) (COMMISSIONER GOMEZ) (9:47 AM)

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

17. APPROVE THREE (3) MONTHS EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 01T0020-EH, LOWE'S COMPANIES, FOR HOME REPAIR MATERIALS; CONTRACT APPROVED ON 10/17/00. (HHSD) (COMMISSIONER GOMEZ) (9:47 AM)

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

18. APPROVE THREE (3) MONTHS EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. 01T0028-EH, AIRCO MECHANICAL, LTD FOR RESIDENTIAL HVAC SERVICE; CONTRACT APPROVED ON 11/10/00. (HHSD) (COMMISSIONER GOMEZ) (9:47 AM)

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

19. APPROVE CONTRACT AWARD FOR HVAC OUTSIDE AIR MODIFICATIONS AT THE TRAVIS COUNTY POST ROAD FACILITY (JP 4 BUILDING), IFB B020133-SI, TO THE LOW, RESPONSIVE BIDDER, RAINTREE CONSTRUCTION, INC. (FACILITIES) (COMMISSIONER GOMEZ) (9:47 AM)

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

20. DECLARE CERTAIN EQUIPMENT AS SURPLUS, PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (COMMISSIONER GOMEZ) (9:47 AM)

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

21. APPROVE SOLE SOURCE EXEMPTION AND CONTRACT WITH IBM CORPORATION FOR PURCHASE, INSTALLATION, MAINTENANCE, AND TECHNICAL SUPPORT OF DB2 VERSION 7 SOFTWARE. (I.T.S.) (COMMISSIONER GOMEZ) (9:47 AM)

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

OTHER ITEMS

22. RECEIVE REPORT AND RECOMMENDATIONS FROM JAIL OVERCROWDING TASK FORCE AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (10:52 AM)

Members of the Court heard from: Kati Broderick, Manager, Research and Planning, Justice and Public Safety (JPS).

Discussion Only. No action was taken.

23. APPROVE LICENSE AGREEMENT WITH ZACHARY L.L.C. TO USE ARKANSAS BEND PARK OCTOBER 4 THROUGH OCTOBER 7, 2002 FOR FILMING A FEATURE FILM. (9:47 AM)

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

24. APPROVE PROJECT SPOTLIGHT INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY JUVENILE PROBATION DEPARTMENT, TRAVIS COUNTY COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT AND TRAVIS COUNTY CONSTABLE, PRECINCT FOUR. (9:47 AM)

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

25. APPROVE PUBLIC HEARING HELD ON AUGUST 27, 2002 RELATED TO AND ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS (HEATHERWILDE VILLAS APARTMENTS PROJECT) SERIES 2002 BY TRAVIS COUNTY HOUSING FINANCE CORPORATION, AND TAKE APPROPRIATE ACTION. (9:47 AM)

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

26. CONSIDER ASSESSMENT AND COLLECTION SERVICES AGREEMENT BETWEEN TRAVIS COUNTY AND LAKESIDE WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2B. (9:47 AM)

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

27. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:47 AM)

Clerk's Note: Item 27 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 IN EDWIN LOWTHER V. CHRISTOPHER NOWLIN ET AL. 1 (11:06 AM) (11:35 AM)

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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to reject Mr. Lowther's offer, and we counter in the amount of \$4,000.00.

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

29. RECEIVE BRIEFING ON AN EMPLOYEE'S APPEAL OF GRIEVANCE PANEL DECISION OF AUGUST 5, 2002, AND TAKE APPROPRIATE ACTION. 1 AND 3 (11:06 AM) (11:35 AM)

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

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to authorize the County Attorney's Office to represent Travis County in this litigation, which was initiated by the former employee.

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	ves

30. DISCUSS, APPROVE OR TAKE ANY APPROPRIATE ACTION REGARDING THE LEASE AMENDMENT PROPOSAL FOR PARKING SPACES IN THE FROST BANK PARKING GARAGE (9TH AND LAVACA). ² (11:06 AM) (11:35 AM)

Clerk's Note: Judge Biscoe announced that Item 30 would be considered in Executive Session.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the proposed lease renewal in the amount of \$96,000.00, and to authorize the County Judge to sign on the Commissioners' Court's behalf.

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 ITEM IS AN ADDENDUM:

A1. APPROVE SOLE SOURCE EXEMPTION AND AUTHORIZE PURCHASING AGENT TO SIGN PURCHASE ORDERS FOR OPTICAL SCAN BALLOTS FOR THE NOVEMBER 2002 ELECTION FROM HART INTERCIVIC, INC. (COUNTY CLERK) (9:49 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 A1.

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 Moore to adjourn the Voting Session. (11:36 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

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Precinct 4, Commissioner Margaret J. Gómez yes

Date of Approval
Samuel T. Biscoe, Travis County Judge