

MINUTES – OCTOBER 15, 2002

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 15th 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 recessed 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 1:39 PM and adjourned the Voting Session at 1:39 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation called to order the Voting Session at 1:39 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 1:45 PM.

The Commissioners' Court reconvened the regular Voting Session at 3:14 PM.

The Commissioners' Court adjourned at the Voting Session at 3:17 PM.

RESOLUTIONS AND PROCLAMATIONS

1. APPROVE A PROCLAMATION COMMENDING JUDY JACKSON FOR HER MANY YEARS OF SERVICE TO TRAVIS COUNTY AND ITS RESIDENTS. (COMMISSIONER MOORE AND COMMISSIONER SONLEITNER) (9:15 AM)

Members of the Court heard from: Judy Jackson, Satellite 2, Transportation and Natural Resources (TNR); Don Wheeler, Division Director, Road Maintenance and Fleet Services, TNR; and Joe Gieselman, Executive Manager, TNR.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Moore to approve the proclamation.

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. (9:20 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C7, and Items 6, 8, 9, 10, 11.A and B, 12.A and B, 13.A, B, and C, 16, 20.A and B, 23.A and B, 24, 25, 26.A and B, 27.A and B, 28, 30, and 31. (9:30 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 THE FOLLOWING VOTING SESSIONS FOR:
 - A.** SEPTEMBER 30, 2002;
 - B.** OCTOBER 1, 2002; AND
 - C.** BUDGET MARK-UP VOTING SESSION OF SEPTEMBER 6, 2002.

- C4.** REAPPOINT GENEVIEVE HEARON TO THE AUSTIN-TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION BOARD OF TRUSTEES FOR A 2-YEAR TERM, EFFECTIVE THROUGH SEPTEMBER 2004. (COMMISSIONER MOORE)

- C5.** APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: SPILLMAN RANCH PHASE ONE SECTION TWO - (LONG FORM PLAT – 54 LOTS – 30.6453 ACRES – FALCON HEAD BOULEVARD – FISCAL POSTED WITH TRAVIS COUNTY - SEWAGE SERVICE TO BE PROVIDED BY LCRA – VILLAGE OF BEE CAVE ETJ). (COMMISSIONER MOORE)

- C6.** APPROVE SETTING A PUBLIC HEARING DATE OF NOVEMBER 5, 2002 TO DISCUSS AND APPROVE AN ORDER TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE THE 5' PUBLIC UTILITY EASEMENT ON EITHER SIDE OF THE COMMON LOT LINE BETWEEN LOTS 1 AND 2, LA HACIENDA ESTATES, SECTION 2, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER MOORE)

CONSENT ITEMS CONTINUED

- C7. APPROVE SETTING A PUBLIC HEARING DATE OF NOVEMBER 5, 2002 TO DISCUSS AND APPROVE AN ORDER TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF THE DRAINAGE EASEMENT ACROSS LOT 28, BLOCK B, LAKEWIND ESTATES, SECTION 3, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER MOORE)

HEALTH AND HUMAN SERVICES DEPARTMENT ITEMS

- 2. CONSIDER DESIGNATION OF EDWARD J. SHERWOOD, M.D., F.A.C.P., AS ACTING HEALTH AUTHORITY AND DESIGNATION OF LINDA WILLIAMS DOOLEY, M.D. AS ALTERNATE HEALTH AUTHORITY FOR AUSTIN/TRAVIS COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT EFFECTIVE OCTOBER 7, 2002, AND TAKE APPROPRIATE ACTION. (9:33 AM)

Members of the Court heard from: Mary Etta Gerhardt, Assistant County Attorney; David Lurie, Director, Austin-Travis County Health and Human Services (A-TCHHS); and Edward J. Sherwood, MD, Fellow of the American College of Physicians (FACP).

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 2, effective October 15, 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

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

- 3. RECEIVE BRIEFING REGARDING RECENT ACTIONS OF THE CAPITAL AREA REGIONAL TRANSPORTATION PLANNING ORGANIZATION (CARTPO), REQUEST FOR ACTION REGARDING CERTAIN PROJECTS, AND TAKE APPROPRIATE ACTION. (COMMISSIONER MOORE) (9:39 AM)

Discussion Only. No action was taken.

Item 3 to be reposted on October 22, 2002.

4. CONSIDER APPOINTMENT OF MEMBER(S) TO THE INTERMUNICIPAL RAIL DISTRICT BOARD, AND TAKE APPROPRIATE ACTION. (COMMISSIONER MOORE) (10:08 AM)

Members of the Court heard from: Tom Nuckols, Assistant County Attorney.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to appoint Commissioner Moore to be Travis County’s voice on the Rail District Board, as our representative.

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

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to ask Joe Gieselman, Executive Manager, TNR, to contact Dave Marsh, Executive Director, Capital Area Rural Transportation System (CARTS); and if he is willing, then maybe, informally get feedback from the Board.

A Clarification of the previous Motion was made by Judge Biscoe that the Motion really is to see if Dave Marsh will be the rural transportation representative for the County, and if he is willing, that we get informal feedback from the CARTS Board; that it is OK for him to do that.

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

Item 4 to be reposted on October 22, 2002.

5. CONSIDER INVOICING CRITERIA FOR CONSULTANT SERVICES RELATING TO THE FORMATION OF A REGIONAL MOBILITY AUTHORITY, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (10:37 AM)

Members of the Court heard from: Tom Nuckols, Assistant County Attorney; Carol Joseph, Assistant Director, TNR; Susan Spataro, Travis County Auditor; Cyd Grimes, Travis County Purchasing Agent; and Joe Gieselman, Executive Manager, TNR.

Clerk's Note: The Court, without objection, directed Staff to get with the consultants in Williamson County; try to put a specific estimated time, hourly rates, bring it to the Travis County Auditor, and bring it back to Court; and reconcile the invoices we have received against this scope of work, to get the consultant to do that, and get it back as quickly as possible.

Discussion Only. No action taken.

Item 5 to be reposted on October 29, 2002.

6. APPROVE ALTERNATE FISCAL AGREEMENT FOR GREENRIDGE PHASE 6, A SUBDIVISION IN PRECINCT 2. (COMMISSIONER SONLEITNER) (9:30 AM)

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

7. APPROVE FY'03 ROADWAY MAINTENANCE AND REHABILITATION/RECONSTRUCTION PROGRAM PROJECT LISTS. (COMMISSIONER MOORE) (10:55 AM)

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

Motion by Commissioner Moore **and seconded by** Commissioner Gómez to approve Item 7.

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

8. APPROVE LIST OF PAVING PROJECTS TO BE DONE FOR THE CITY OF LAKEWAY AS PART OF TRAVIS COUNTY'S FY'03 PAVING CONTRACTS. (COMMISSIONER MOORE) (9:30 AM)

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

9. NOTIFY COURT OF SATISFACTORY CONSTRUCTION OF THE PRIVATE STREET FOR LAKE POINT SECTION 9, A SUBDIVISION IN PRECINCT 3. (COMMISSIONER MOORE) (9:30 AM)

Clerk's Note: Item 9 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

10. NOTIFY COURT OF SATISFACTORY CONSTRUCTION OF THE PRIVATE STREET FOR THE ENCLAVE AT KOLLMAYER SPRINGS, A SUBDIVISION IN PRECINCT 3. (COMMISSIONER MOORE) (9:30 AM)

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

11.
 - A. APPROVE A VARIANCE TO SECTION 82.302(d)(11) OF THE TRAVIS COUNTY STANDARDS FOR CONSTRUCTION OF STREETS AND DRAINAGE IN SUBDIVISIONS. (COMMISSIONER MOORE) (9:30 AM)
 - B. APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: THE UPLANDS EAST COMMERCIAL PARK - (SHORT FORM PLAT – 5 LOTS – 46.348 ACRES – FM 2244 – NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY LCRA – VILLAGE OF BEE CAVE ETJ). (COMMISSIONER MOORE)

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

12.
 - A. APPROVE INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY AND THE CITY OF AUSTIN FOR THE RELOCATION AND ADJUSTMENT OF EXISTING CITY OF AUSTIN WATER UTILITY APPURTENANCES ON MOZELLE LANE, CECIL AND PERKINS DRIVE, AS PART OF THE TRAVIS COUNTY 2001 BOND PROGRAM. (COMMISSIONER GOMEZ) (9:30 AM)
 - B. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. 02K00051-JJ, SMITH CONTRACTING COMPANY, INC. FOR THE PERKINS-MOZELLE DRAINAGE PROJECT.

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

PLANNING AND BUDGET DEPT. ITEMS

13. REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE: (9:30 AM)
 - A. APPROVE GRANT APPLICATION TO THE TASK FORCE ON INDIGENT DEFENSE FOR FUNDS FOR INDIGENT DEFENSE SERVICES IN THE TRAVIS COUNTY JUSTICE SYSTEM. THE GRANT APPLICATION TO CONTINUE THE GRANT PROGRAM FOR FY 03.
 - B. APPROVE GRANT CONTRACT WITH OFFICE OF THE ATTORNEY GENERAL FOR THE TEXAS EXILE INTERLOCAL COOPERATION ACT CONTRACT IN THE DISTRICT ATTORNEY'S OFFICE. THE GRANT CONTRACT CONTINUES THE PROGRAM FOR FY 03.
 - C. APPROVE GRANT CONTRACT AMENDMENT TO VIOLENCE AGAINST WOMEN ACT GRANT IN THE SHERIFF'S OFFICE. THE GRANT AMENDMENT PROVIDES A 9-MONTH EXTENSION TO THE EXISTING GRANT CONTRACT PERIOD.

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

22. APPROVE CONTRACT AWARD FOR HVAC MOLD REMEDIATION, REPAIRS & RESTORATION (TRAVIS COUNTY JAIL), IFB NO. B020165-MB, TO THE LOW BIDDER, BELFOR. (FACILITIES MGMT) (COMMISSIONER GOMEZ) (11:06 AM)

Item 22 postponed until October 22, 2002.

23. A. APPROVE EXEMPTION ORDER FOR PROCUREMENT OF PROFESSIONAL SURVEY SERVICES NEEDED FOR SURVEY OF THE 254-ACRE BLIZZARD TRACT. (9:30 AM)
- B. APPROVE PROFESSIONAL SERVICES AGREEMENT WITH CANALES, MARTINEZ, AND NASH SURVEYING COMPANY FOR SURVEY SERVICES OF 254-ACRE BLIZZARD TRACT.

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

24. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. 00AE606-JJ, CH2M HILL, INC., PROFESSIONAL ENGINEERING SERVICES FOR THE BLAKE MANOR ROAD RECONSTRUCTION PROJECT. (TNR) (COMMISSIONER DAVIS) (9:30 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. 9) TO CONTRACT NO. PS990019-LB, ASSESSNET, FOR DRUG AND ALCOHOL TESTING. (COUNTYWIDE) (COMMISSIONER GOMEZ) (9:30 AM)

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

26. APPROVE 12-MONTH EXTENSIONS (MODIFICATION NO. 1) TO THE FOLLOWING CONTRACTS FOR HOME REFRIGERATORS: (HHSD-HOUSING SERVICES) (COMMISSIONER GOMEZ) (9:30 AM)

- A. 02T00082-MP, LOWES HOME IMPROVEMENT; AND
- B. 02T00083-MP, LOWES HOME IMPROVEMENT.

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

27. APPROVE CONTRACT AWARDS FOR PAINTING AND WALL REPAIR/MINOR CONSTRUCTION, IFB NO. B020156-RV, TO THE LOW BIDDERS AS FOLLOWS: (FACILITIES MGMT) (9:30 AM)

- A. PRIMARY AWARDEE: HARMONY CONSTRUCTION COMPANY, INC., AS THE LOW BIDDER; AND
- B. SECONDARY AWARDEE: SCHNURR, INC., AS THE SECOND LOW BIDDER.

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

28. APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. 01T0037-RV, ADVANCED FILTRATION SYSTEMS, FOR HVACR AIR FILTER REPLACEMENT SERVICES. (FACILITIES MGMT) (COMMISSIONER GOMEZ) (9:30 AM)

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

OTHER ITEMS

- 29.** APPROVE THE ADDITION OF THREE POLICE EQUIPPED VEHICLES PURCHASED WITH PROJECT SPOTLIGHT GRANT FUNDS TO COUNTY FLEET AND THE ASSIGNMENT OF THE VEHICLES TO CONSTABLE, PRECINCT FOUR. (11:54 AM)

Members of the Court heard from: Barbara Swift, Deputy Chief Juvenile Probation Officer, Juvenile Probation Department; and Cyd Grimes, Travis County Purchasing Agent.

Motion by Commissioner Moore **and seconded by** Commissioner Gómez to approve Item 29.

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

- 30.** APPROVE THE PRINTING OF 225,000 COPIES OF TAXPAYER NEWS FOR MAILING WITH THE 2002 PROPERTY TAX BILLS. (TAX OFFICE) (9:30 AM)

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

- 31.** APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:30 AM)

Clerk’s Note: Item 31 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

- 32. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION REGARDING THE MATTER OF HIRING LOCAL COUNSEL IN NEBRASKA TO PURSUE TRAVIS COUNTY'S INTERESTS IN LIQUIDATION OF AMWEST AND FARWEST INSURANCE COMPANIES. (REQUESTED BY COUNTY ATTORNEY) ¹ (1:45 PM)

Item 32 postponed until October 22, 2002.

- 33. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION REGARDING FORMER TNR EMPLOYEE, JAMES YOUNG. (YOUNG, JAMES; PEREZ; SUBROGATION) ¹ (1:45 PM) (3:15 PM)

Clerk's Note: Judge Biscoe announced that Item 33 would be considered in Executive Session.

Motion by Judge Biscoe and seconded by Commissioner Davis to authorize the County Attorney to settle this matter with Mr. Young, for the amount of \$8,565.00, to be paid to Travis County, after which we will execute appropriate settlement agreements and a release.

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

