

MINUTES – DECEMBER 23, 2002

TRAVIS COUNTY COMMISSIONERS' COURT

On Monday, the 23rd day of December, 2002, the Commissioners' Court convened the regular Voting Session at 10:10 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 10:24 AM.

The Commissioners' Court reconvened the Voting Session at 10:52 AM.

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

The Commissioners' Court reconvened the Voting Session at 12:35 PM.

The Commissioners' Court adjourned the Voting Session at 12:43 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation called to order the Voting Session at 12:43 PM and adjourned at 12:44 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation called to order the Voting Session at 12:44 PM and adjourned at 12:45 PM.

CITIZENS COMMUNICATION

No speakers addressed the Court. (10:12 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1–C8, with the corrections made on Items C4 and C5, and Items 3.A, 4, 5, 6, 7, 8, 9.A and B, 10, 11, 12, 13.A and B, 15, 16, 18, 19.A, C, and D, and 20. (10:12 AM)

Motion carried:

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| County Judge Samuel T. Biscoe | yes |
| Precinct 1, Commissioner Ron Davis | yes |
| Precinct 2, Commissioner Karen Sonleitner | yes |
| Precinct 3, Commissioner Gerald Daugherty | 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 MEETING DATES:
 - A.** VOTING SESSION OF DECEMBER 3, 2002; AND
 - B.** SPECIAL REGIONAL MOBILITY AUTHORITY VOTING SESSION OF DECEMBER 3, 2002 AND RECONVENED DECEMBER 4 & 5, 2002.
- C4.** APPOINT COL. BRUCE CONOVER TO SERVE A 3-YEAR TERM AS COMMISSIONER OF TRAVIS COUNTY EMERGENCY SERVICES DISTRICT #11; EFFECTIVE JANUARY 1, 2003 REPLACING JESSE COLUNGA. (COMMISSIONER GOMEZ) (10:12 AM)

Clerk's Note: Judge Biscoe announced that the "3-year term" indicated in Item C4 should be a 2-year term.

CONSENT ITEMS CONTINUED

- C5.** APPOINT CAROLINA SARABIA TO SERVE A 3-YEAR TERM AS COMMISSIONER OF TRAVIS COUNTY EMERGENCY SERVICES DISTRICT #11; EFFECTIVE JANUARY 1, 2003 REPLACING ANN BERAN. (COMMISSIONER GOMEZ) (10:12 AM)

Clerk's Note: Judge Biscoe announced that the "3-year term" indicated in Item C5 should be a 2-year term.

- C6.** APPROVE SETTING A PUBLIC HEARING DATE OF JANUARY 14, 2003 TO DISCUSS AND APPROVE A PROPOSED STREET NAME CHANGE FOR A PORTION OF HOG EYE ROAD TO IMPERIAL DRIVE, PRECINCT ONE. (COMMISSIONER DAVIS)
- C7.** APPROVE SETTING A PUBLIC HEARING DATE OF JANUARY 14, 2003 AUTHORIZING THE FILING OF AN INSTRUMENT TO VACATE A DRAINAGE EASEMENT ON LOTS 24 AND 25 WESTVIEW ESTATES SECTION 2, IN PRECINCT 3. (COMMISSIONER DAUGHERTY)
- C8.** RATIFY APPOINTMENT OF COMMISSIONER GERALD DAUGHERTY TO REPLACE COMMISSIONER MARGARET MOORE ON THE FOLLOWING COMMITTEES: (A) CAPCO GENERAL ASSEMBLY AND CAPCO EXECUTIVE COMMITTEE; (B) BALCONES CANYONLANDS (BCP) COMMITTEE; AND (C) E-COMMERCE COMMITTEE.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

1. DISCUSS AND TAKE APPROPRIATE ACTION ON A RESTRICTIVE COVENANT FOR THE MAINTENANCE OF PROPOSED FLOOD PLAIN MODIFICATIONS ON THE IESI SITE AT 9600 FM 812. (COMMISSIONER GOMEZ) (10:16 AM)

Members of the Court heard from: John Kuhl, Natural Resources Program Manager, Transportation and Natural Resources (TNR); and John Daigh, Attorney, IESI.

Motion by Commissioner Gómez **seconded by** Commissioner Sonleitner to approve Item 1.

Motion carried:

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

2. DISCUSS LICENSE AGREEMENT WITH PHILIP HENDREN AND LINDA HUMPHREY FOR THE LIMITED USE OF A PORTION OF MARY QUINLAN PARK, AND TAKE APPROPRIATE ACTION. (10:21 AM)

Motion by Commissioner Daugherty **and seconded by** Judge Biscoe to approve Item 2.

Motion carried:

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

PLANNING AND BUDGET DEPT. ITEMS

3. REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE:
 - A. APPROVE GRANT CONTRACT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE FY03 SYSTEMS BENEFIT PROGRAM IN THE HEALTH AND HUMAN SERVICES AND VETERANS SERVICE DEPARTMENT. GRANT FUNDS WILL PROVIDE WEATHERIZATION IMPROVEMENTS FOR QUALIFIED COUNTY RESIDENTS. THIS IS A CONTINUATION OF A GRANT PROGRAM THAT REQUIRES NO COUNTY MATCH. (10:12 AM)

Clerk's Note: Item 3.A added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

4. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (10:12 AM)

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

ADMINISTRATIVE OPERATIONS ITEMS

5. 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 \$247,766.58 FOR THE PERIOD OF DECEMBER 6, 2002 THROUGH DECEMBER 12, 2002. (10:12 AM)

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

6. APPROVE PERSONNEL AMENDMENTS. (10:12 AM)

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

PURCHASING OFFICE ITEMS

7. APPROVE PURCHASE OF IBM SOFTWARE SUBSCRIPTIONS, SUPPORT LINE AND EQUIPMENT UPGRADES, OFF STATE CATALOG (QISV) FROM MARK III, INC. (I.T.S.) (COMMISSIONER GOMEZ) (10:12 AM)

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

8. APPROVE INTERLOCAL AGREEMENT NO. IL020213-EF (CSBG PROGRAM) BETWEEN THE CITY OF AUSTIN AND TRAVIS COUNTY FOR VARIOUS SERVICES PROVIDED BY TRAVIS COUNTY'S FIVE (5) RURAL NEIGHBORHOOD CENTERS. (HHSD) (COMMISSIONER GOMEZ) (10:12 AM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; and Mary Etta Gerhardt, Assistant County Attorney.

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

9. APPROVE THE FOLLOWING FY'03 CRIME VICTIMS FUND CONTRACTS FOR CRIME VICTIMS SERVICES, RFS NO. S020153-JW. (10:12 AM)
 - A. PS030047-JW – CHILDREN'S ADVOCACY CENTER; AND
 - B. PS030049-JW – TRAVIS COUNTY SHERIFF'S OFFICE VICTIM'S DIVISION.

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

10. APPROVE CONTRACT AWARD FOR FIRE EXTINGUISHER/SPRINKLER SYSTEMS SERVICE, IFB B030017-RG, TO THE LOW BIDDER, AAA FIRE AND SAFETY EQUIPMENT COMPANY. (FACILITIES MGMT) (COMMISSIONER GOMEZ) (10:12 AM)

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

11. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. PS020080-EF, CAPITAL AREA TRAINING FOUNDATION FOR COMPUTER TECHNOLOGY TRAINING TO DISADVANTAGED CENTRAL TEXAS RESIDENTS. (HHSD) (COMMISSIONER GOMEZ) (10:12 AM)

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

12. APPROVE THE LONE BID RECEIVED FOR THE SALE OF COUNTY'S HELICOPTER PARTS. (FIXED ASSETS) (COMMISSIONER GOMEZ) (10:12 AM)

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

13. APPROVE CONTRACT AWARDS FOR ASSORTED CONSTRUCTION SANDS, IFB NO. B030021-EH, TO THE LOW BIDDER AS FOLLOWS: (TNR) (COMMISSIONER GOMEZ) (10:12 AM)

- A. CAPITOL AGGREGATES, LTD., AS PRIMARY CONTRACTOR FOR LINE ITEMS 1A, 1B, 1D, 2A, 3A, 3B, 3C, AND 3D, AND SECONDARY CONTRACTOR FOR LINE ITEMS 1C, 2B, 2C, AND 2D (FILL SAND, CONCRETE SAND, AND MORTAR SAND).

- B. CENTEX MATERIALS, LP., AS PRIMARY CONTRACTOR FOR LINE ITEMS 1C, 2B, 2C AND 2D, AND SECONDARY CONTRACTOR FOR LINE ITEMS 1A, 1B, 1D, AND 2A (FILL SAND, CONCRETE SAND, AND MORTAR SAND).

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

- 14. APPROVE CONTRACT, CONTRACT MODIFICATION (IFB NO. B030007-OJ), AND MAKING OF CONTRACT TO WASTE MANAGEMENT OF TEXAS FOR REFUSE COLLECTION (COUNTYWIDE), OR TAKE OTHER APPROPRIATE ACTION. (COMMISSIONER GOMEZ) (10:22 AM) (10:52 AM)

Clerk’s Note: Judge Biscoe announced that Item 14 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; Amy Kersten, Chimney Hills North Resident; Trek English, Travis County Resident; Melanie McAfee, Owner, Barr Mansion; Mark McAfee, Owner, Barr Mansion; John Hille, Assistant County Attorney; and John Joseph, Attorney, Waste Management.

Motion by Commissioner Davis **and seconded by** Commissioner Daugherty to reject all bids.

Clerk’s Note: The Court did not take a Vote on the previous Motion.

A Substitute Motion was made by Judge Biscoe **and seconded by** Commissioner Sonleitner to get with the other side, and, if we can unilaterally extend the 30 days, let’s do it. If we need to chat with them to get their approval, let’s do that.

Motion carried:

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| County Judge Samuel T. Biscoe | yes |
| Precinct 1, Commissioner Ron Davis | no |
| Precinct 2, Commissioner Karen Sonleitner | yes |
| Precinct 3, Commissioner Gerald Daugherty | yes |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

Clerk’s Note: Judge Biscoe stated that before January 21, 2003, the Court should work out whatever due diligence and modification language is necessary between now and then. Basically, on that day, the Court will either approve the bids that are before it, reject all bids, or take any other appropriate action.

Item 14 to be reposted on January 21, 2003.

15. APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. PS020148-EF, CAPITAL AREA TRAINING FOUNDATION FOR CONSTRUCTION VOCATIONAL TRAINING. (JPS) (COMMISSIONER GOMEZ) (10:12 AM)

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

OTHER ITEMS

16. APPROVE AGREEMENT WITH THE DEPARTMENT OF PUBLIC SAFETY TO PURCHASE DRIVERS LICENSE RECORDS INFORMATION IN BULK. (DISTRICT CLERK'S JURY OFFICE) (10:12 AM)

Clerk's Note: Judge Biscoe announced that by passing Item 16, the Court is ratifying the action of the District Clerk, who has already performed the action.

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

17. CONSIDER COUNTY ACTIONS NECESSARY TO COMPLETE DRAFT LEGISLATION ON HOSPITAL DISTRICT, REQUEST FOR FUNDING AND RELATED MATTERS, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (11:26 AM)

Discussion only. No action taken.

Item 17 to be reposted on December 31, 2002.

18. RECEIVE SENATE BILL 7 FEE SCHEDULE FOR INDIGENT DEFENSE ADOPTED BY TRAVIS COUNTY JUVENILE BOARD ON DECEMBER 18, 2002 FOR CALENDAR YEAR 2003. (JUDGE BISCOE) (10:12 AM)

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

19. APPROVE ELECTED OFFICIALS' BONDS FOR THE FOLLOWING:

A. HERBERT EVANS, JUSTICE OF THE PEACE, PRECINCT 5; (10:12 AM)

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

B. GUY HERMAN, PROBATE JUDGE; (10:11 AM)

Item 19.B pulled from the Agenda.

C. DOLORES ORTEGA CARTER, COUNTY TREASURER; (10:12 AM)

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

D. BARBARA BEMBRY, JUSTICE OF THE PEACE, PRECINCT 2. (10:12 AM)

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

20. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (10:12 AM)

Clerk's Note: Item 20 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

- 21. CONSIDER REQUEST FROM TRAVIS COUNTY JUDGES REGARDING WORKPLACE SAFETY ISSUES AT 1622 E. RIVERSIDE DRIVE, AUSTIN, TEXAS, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) ^{1 and 2}
(11:32 AM) (12:35 PM)

Clerk's Note: Judge Biscoe announced that Item 21 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney, and Gov't. Code Ann. 551.072, Real Property.

Members of the Court heard from: Pat Ford, Real Estate Manager, Facilities Management; and Jessica Rio, Budget Analyst, Planning and Budget Office (PBO).

Motion by Judge Biscoe **and seconded by** Commissioner Davis to authorize the County Attorney's Office to initiate an appropriate conversation with the current landlord, to let him know, basically, our considerations. Further, that we authorize Pat Ford, Real Estate Manager, to keep seeking an alternative location for us to move the Community Supervision and Corrections Department (CSCD) employees currently at this location, to another one, due to health reasons, and the potential lost of substantial revenue for CSCD.

Motion carried:

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

Item 21 to be reposted on January 7, 2003.

