

## **MINUTES – DECEMBER 31, 2002**

### **TRAVIS COUNTY COMMISSIONERS' COURT**

On Tuesday, the 31<sup>st</sup> day of December, 2002, the Commissioners' Court convened the regular Voting Session at 9:13 AM in the Commissioners' Courtroom, 1<sup>st</sup> Floor of the Ned Granger Administration Building, 314 West 11<sup>th</sup> Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Melissa Velasquez.

The Commissioners' Court retired to Executive Session at 10:35 AM.

The Commissioners' Court reconvened the Voting Session at 10:58 AM.

The Commissioners' Court adjourned the Voting Session at 11:02 AM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) called to order the Voting Session at 11:02 AM and adjourned the Voting Session at 11:03 AM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation called to order the Voting Session at 11:03 AM and adjourned at 11:05 AM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation, the Capital Health Facilities Development Corporation, and the Capital Industrial Development Corporation, called to order the Voting Sessions at 11:05 AM and adjourned at 11:05 AM.

The Commissioners' Court, meeting as the Travis County Development Authority and the Travis County Cultural Education Facilities Finance Corporation called to order the Voting Sessions at 11:05 AM and adjourned at 11:06 AM.

**PUBLIC HEARINGS**

- 1. DISCUSS A PLAT FOR RECORDING IN PRECINCT TWO: VISTA BUSINESS PARK (SHORT FORM PLAT – 3 LOTS – 22.624 ACRES – BRATTON LANE AND LONG VISTA DRIVE– NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN– CITY OF AUSTIN ETJ). (COMMISSIONER SONLEITNER) (ACTION ITEM # 4) (9:14 AM)

**Clerk’s Note:** This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 4 for the Court’s Motion and Vote.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Davis 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 Gerald Daugherty                                 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 Sonleitner **and seconded by** Commissioner Davis 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 Gerald Daugherty                                 yes  
                         Precinct 4, Commissioner Margaret J. Gómez                                 yes

- 2. DISCUSS AN ORDER AUTHORIZING THE FILING OF AN INSTRUMENT TO VACATE THE 10’ PUBLIC UTILITY EASEMENT RUNNING DIAGONALLY ACROSS LOT 16B, RESUBDIVISION OF LOTS 11, 12, 13, 15, 16 AND 17, BARTON VALLEY, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (ACTION ITEM # 5) (9:14 AM)

**Clerk’s Note:** This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 5 for the Court’s Motion and Vote.

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

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

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

- 3. DISCUSS A FIVE-DAY ROAD CLOSURE OF WESTLAKE DRIVE BETWEEN ELOHI DRIVE AND LAKE PLACE LANE FOR THE PURPOSE OF ELECTRIC UTILITY CONSTRUCTION IN PRECINCT 3. (COMMISSIONER DAUGHERTY) (ACTION ITEM #6) (9:16 AM)

**Clerk’s Note:** This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 6 for the Court’s Motion and Vote.

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

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

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

**CITIZENS COMMUNICATION**

**Members of the Court heard from:** Gus and Lucio Peña, Travis County Residents. (9:25 AM)

## CONSENT ITEMS

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1–C3, and Items 4, 5, 6, 7, 9, 10, 12.A-C, 13.A-E, 14, 16, 17, and 21. (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 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.** APPOINT CAROLYN LEWIS TO COMMISSIONER OF TRAVIS COUNTY EMERGENCY SERVICES DISTRICT #4; TERM ENDING DECEMBER 31, 2004. (COMMISSIONER SONLEITNER)

## TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

- 4.** APPROVE A PLAT FOR RECORDING IN PRECINCT TWO: VISTA BUSINESS PARK (SHORT FORM PLAT – 3 LOTS – 22.624 ACRES – BRATTON LANE AND LONG VISTA DRIVE– NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN– CITY OF AUSTIN ETJ). (COMMISSIONER SONLEITNER) (9:30 AM)

**Clerk's Note:** Item 4 is the action item for the public hearing on Agenda Item 1.

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

5. APPROVE AN ORDER AUTHORIZING THE FILING OF AN INSTRUMENT TO VACATE THE 10' PUBLIC UTILITY EASEMENT RUNNING DIAGONALLY ACROSS LOT 16B, RESUBDIVISION OF LOTS 11, 12, 13, 15, 16 AND 17, BARTON VALLEY, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:30 AM)

**Clerk's Note:** Item 5 is the action item for the public hearing on Agenda Item 2.

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

6. APPROVE A FIVE-DAY ROAD CLOSURE OF WESTLAKE DRIVE BETWEEN ELOHI DRIVE AND LAKE PLACE LANE FOR THE PURPOSE OF ELECTRIC UTILITY CONSTRUCTION IN PRECINCT 3. (COMMISSIONER DAUGHERTY) (9:30 AM)

**Clerk's Note:** Item 6 is the action item for the public hearing on Agenda Item 3.

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

### **PLANNING AND BUDGET DEPT. ITEMS**

7. REVIEW AND APPROVAL OF TRAVIS COUNTY INDIRECT COST RATES. (9:30 AM)

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

8. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (9:30 AM)

No action necessary on Item 8.

### ADMINISTRATIVE OPERATIONS ITEMS

9. 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 \$ 736,378.11 FOR THE PERIOD OF DECEMBER 13, 2002 THROUGH DECEMBER 19, 2002. (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. APPROVE PERSONNEL AMENDMENTS. (9:30 AM)

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

### PURCHASING OFFICE ITEMS

11. APPROVE MODIFICATION NO. 4 TO CONTRACT NO. PS010173-LC, ENHANCEMENT TO THE FACTS COURT MANAGEMENT SYSTEM. (I.T.S.) (9:55 AM)

**Members of the Court heard from:** Joe Harlow, Director, Information and Telecommunications Systems (ITS); Ron Schroer, Project Manager, ITS; Susan Spataro, Travis County Auditor; and Mike Wichern, Chief Assistant County Auditor, Travis County Auditor's Office.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve Item 11.

**Motion carried:**

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

12. APPROVE THE FOLLOWING ACTIONS REGARDING THE 2003 SOCIAL SERVICES CONTRACTS, AS APPROVED BY THE COMMISSIONERS COURT DECEMBER 19, 2002, USING THE ATTACHED FORMAT: (9:30 AM)
- A. TERMINATION OF THE CONTRACTS BETWEEN THE CONTRACTOR AND CITY OF AUSTIN;
  - B. ONE-YEAR RENEWAL OF THE CONTRACTS BETWEEN THE CONTRACTOR AND TRAVIS COUNTY; AND
  - C. AUTHORIZATION OF THE COUNTY PURCHASING AGENT TO SIGN ALL DOCUMENTS IMPLEMENTING THE ACTION UNDER (A) AND (B).

**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.

13. APPROVE THE FOLLOWING FY'03 CRIME VICTIMS FUND CONTRACTS FOR CRIME VICTIMS SERVICES, RFS NO. S020153-JW: (9:30 AM)
- A. PS030041-JW – CASA;
  - B. PS030042-JW – FOR THE LOVE OF CHRISTI;
  - C. PS030044-JW – YOUTH AND FAMILY ALLIANCE, INC., D/B/A/ LIFEWORKS;
  - D. PS030046-JW – SAFEPLACE; AND
  - E. PS030048-JW – VOLUNTEER LEGAL SERVICE.

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

14. APPROVE ISSUANCE OF PURCHASE ORDER FOR CONSTRUCTION/GEOTECHNICAL TESTING SERVICES, CONTRACT NO. PS000236-JG, RABA KISTNER BRYTEST, FOR CONSTRUCTION TESTING SERVICES FOR NORTHEAST METRO PARK. (TNR) (9:30 AM)

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



15. A. AUTHORIZE TNR TO USE AN ADDITIONAL \$104,351.00 IN SURPLUS 1984 BOND FUNDS AND \$985,351.50 OF THE 1997 CIP BRIDGE PROJECT SAVINGS FOR THE LITTIG ROAD CONSTRUCTION PROJECT. (TNR) (9:33 AM)

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 15.A.

**Motion carried:** 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

- B. APPROVE CONTRACT AWARD FOR CONSTRUCTION SERVICES FOR THE LITTIG ROAD PROJECT, IFB #B020093-JJ, TO THE LOW BIDDER, RGM CONSTRUCTORS, L.P. (9:34 AM)

**Members of the Court heard from:** Frank Holder, Assistant Purchasing Agent; and Eloy Subia, Senior Estimator, RGM Constructors LP.

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to approve the contract award in Item 15.B.

**Motion carried:** 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

16. APPROVE CONTRACT AWARD FOR CONSTRUCTION SERVICES FOR THE BLAKE MANOR ROAD PROJECT, IFB #B020023-JJ, TO THE LOW BIDDER, CAPITAL EXCAVATION CO. (TNR) (9:30 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. 1) TO CONTRACT NO. 02T00081-DR, CONTECH CONSTRUCTION PRODUCTS FOR CULVERT PIPE. (TNR) (9:30 AM)

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

18. APPROVE THIRTY (30)-DAY EXTENSION (MODIFICATION NO. 7) TO CONTRACT NO. 00T0046-OJ, WASTE MANAGEMENT OF TEXAS FOR REFUSE COLLECTION. (COUNTYWIDE) (9:43 AM)

**Members of the Court heard from:** Trek English, Travis County Resident.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Item 18, the 30-day extension.

**Motion carried:**

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

**OTHER ITEMS**

19. CONSIDER COUNTY ACTIONS NECESSARY TO COMPLETE DRAFT LEGISLATION ON HOSPITAL DISTRICT, REQUEST FOR FUNDING AND RELATED MATTERS, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (10:07 AM) (10:59 AM)

**Members of the Court heard from:** David Escamilla, First Assistant County Attorney; and Stephen Williams, Executive Manager, Travis County Health, Human Services and Veterans' Services (TCHHSVS).

**Motion by Judge Biscoe and seconded by** Commissioner Gómez to indicate the Court's agreement to include in the draft legislation, the language contained in section 1.011, of the title, "Advisory Committee", which basically, authorizes the creation of an oversight committee, made up of two members from the Commissioners' Court and 2 members from the Austin City Council, to serve as additional duties, that basically sets forth the duties of the oversight committee, and the general language in A, B, C, and D, incorporating the comments that the Commissioners' Court made today. The second part of the Motion is the language under Article 4, section 4.001, entitled "Dissolution", which basically, authorizes the oversight committee to entertain dissolution, including any appropriate language; and to have the opportunity to review another draft soon.

**Maker and Second accept the Friendly Amendment by** Commissioner Davis to see that a final draft for the bill is filed with the legislature.

<b>Motion carried:</b> 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

**Clerk's Note:** Item 19 was further discussed at 10:59 AM, and the Court took no additional action.

20. APPROVE ELECTED OFFICIALS' BONDS FOR THE FOLLOWING: (9:32 AM)

- A. SAMUEL T. BISCOE, TRAVIS COUNTY JUDGE;
- B. KAREN SONLEITNER, COMMISSIONER, PRECINCT 2;
- C. MARGARET J. GOMEZ, COMMISSIONER, PRECINCT 4;
- D. DANA DEBEAUVOIR, COUNTY CLERK;
- E. AMALIA RODRIGUEZ-MENDOZA, DISTRICT CLERK;
- F. GUY HERMAN, JUDGE, PROBATE COURT;
- G. DAVID PHILLIPS, JUDGE, COUNTY COURT AT LAW NO. 1;
- H. ORLINDA NARANJO, JUDGE, COUNTY COURT AT LAW NO. 2;
- I. DAVID CRAIN, JUDGE, COUNTY COURT AT LAW NO. 3;
- J. MICHAEL DENTON, JUDGE, COUNTY COURT AT LAW NO. 4;
- K. GISELA TRIANA, JUDGE, COUNTY COURT AT LAW NO. 5;
- L. JAN BRELAND, JUDGE, COUNTY COURT AT LAW NO. 6;
- M. ELIZABETH EARLE, JUDGE, COUNTY COURT AT LAW NO. 7;
- N. RICHARD SCOTT, JUSTICE OF THE PEACE, PRECINCT 1;
- O. MELISSA GOODWIN, JUSTICE OF THE PEACE, PRECINCT 3; AND
- P. ELENA DIAZ, JUSTICE OF THE PEACE, PRECINCT 4.

**Clerk's Note:** Judge Biscoe announced that on Items 20.C and E, the Court does not have the originals, but the Court has received a copy and has been advised that they can approve the copy, contingent upon delivery of the original today, December 31, 2002.

**Motion by Judge Biscoe and seconded by Commissioner Sonleitner** to approve the elected officials' bonds, Items 20.A-P.

**Motion carried:**

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

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

**Clerk's Note:** Item 21 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

- 22.** 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 (10:35 AM) (10:58 AM)

**Clerk's Note:** Judge Biscoe announced that Item 22 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.

No action required on Item 22.

Item 22 to be reposted on January 7, 2003.

### **THE FOLLOWING ITEM IS AN ADDENDUM:**

- A1.** APPROVE PROCLAMATION HONORING TOMMY BLACKWELL FOR HIS YEARS OF SERVICE TO TRAVIS COUNTY GOVERNMENT. (9:17 AM)

**Members of the Court heard from:** Alicia Perez, Executive Manager, Administrative Operations; Joe Harlow, Director, ITS; and Tommy Blackwell, Project Manager, ITS.

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner 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 Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

### ADJOURNMENT

**Motion by** Commissioner Davis **and seconded by** Commissioner Daugherty to adjourn the Voting Session. (11:02 AM)

**Motion carried:** 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

### MINUTES APPROVED BY THE COMMISSIONERS' COURT

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**Date of Approval**

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**Samuel T. Biscoe, Travis County Judge**