

## **MINUTES OF MEETING – JANUARY 28, 2003**

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

On Tuesday, the 28<sup>th</sup> day of January, 2003, the Commissioners' Court convened the regular Voting Session at 9:10 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 10:42 AM.

The Commissioners' Court reconvened the Voting Session at 11:55 AM.

The Commissioners' Court recessed the Voting Session at 12:21 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) called to order the Voting Session at 1:55 PM and adjourned at 1:55 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation called to order the Voting Session at 1:55 PM and adjourned at 2:02 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation, the Capital Health Facilities Development Corporation, the Capital Industrial Development Corporation, the Travis County Development Authority, and the Travis County Cultural Education Facilities Finance Corporation, called to order the Voting Session at 2:02 PM and adjourned at 2:02 PM.

The Commissioners' Court reconvened the regular Voting Session at 2:03 PM.

The Commissioners' Court retired to Executive Session at 2:18 PM.

The Commissioners' Court reconvened the Voting Session at 2:59 PM.

The Commissioners' Court adjourned the Voting Session at 3:00 PM.









**TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS**

- 6. CONSIDER AND TAKE APPROPRIATE ACTION ON LANDFILLS AND SOLID WASTE ORDINANCE ISSUES, INCLUDING THE FOLLOWING: (JUDGE BISCOE) (9:10 AM)
  - A. OPERATING AGREEMENTS WITH AREA LANDFILLS;
  - B. A SITING ORDINANCE GOVERNING NEW LANDFILLS;
  - C. A SITING ORDINANCE COVERING WASTE FACILITIES THAT ARE NOT TYPE 1 LANDFILLS; AND
  - D. ODOR ISSUES AT EXISTING LANDFILLS.

Items 6.A-D postponed until February 11, 2003.

- 7. REQUEST COUNTY ATTORNEY’S OFFICE TO REVIEW AND BRIEF THE COMMISSIONERS’ COURT ON ALL OF TRAVIS COUNTY’S LEGAL ENFORCEMENT AND COMPLIANCE OPTIONS TO RESPOND TO COMPLAINTS ABOUT VIOLATION OF ENVIRONMENTAL LAWS OR REGULATIONS AT LANDFILLS IN TRAVIS COUNTY. (COMMISSIONER DAVIS) (9:55 AM)

**Members of the Court heard from:** Tom Nuckols, Assistant County Attorney; and Kevin Morse, Assistant County Attorney.

**Clerk’s Note:** The Commissioners’ Court requested the County Attorney’s Office to review and brief the Commissioners’ Court on legal enforcement and compliance options.

Discussion Only. No action was taken.

- 8.
  - A. APPROVE THE USE OF ALTERNATE FISCAL FOR CYPRESS RANCH BOULEVARD ROADWAY DEDICATION, A SUBDIVISION IN PRECINCT 3; AND; (9:52 AM)
  - B. APPROVE A CASH SECURITY AGREEMENT FOR CYPRESS RANCH BOULEVARD ROADWAY DEDICATION, A SUBDIVISION IN PRECINCT 3. (COMMISSIONER DAUGHERTY)

**Clerk’s Note:** Items 8.A and B added to Consent Items. Please refer to CONSENT ITEMS for the Court’s Motion and Vote.

9. APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: RESUBDIVISION OF LOT F7, NORTHWEST HILLS RANCH, SECTION ONE – (SHORTFORM PLAT – 3 LOTS – 3.49 ACRES – D-K RANCH ROAD - NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY ONSITE SEWAGE FACILITY – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:11 AM)

Item 9 pulled from the Agenda.

10. APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: APACHE SHORES SECTION 7 AMENDED PLAT F LOTS 15-17, BLOCK 'F' – (SHORT FORM PLAT – 2 LOTS – 1.638 ACRES - FT. SMITH TRAIL - NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY WCID NO. 17 - CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:52 AM)

**Clerk's Note:** Item 10 is the action item for the public hearing on Agenda Item 1.

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

11. APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: HIGHLAND CREEK LAKES, SECTION 1, REVISED PLAT OF LOTS 53 AND 54, BLOCK 'H' – (SHORT FORM PLAT – 1 LOT – .353 ACRES – PANORAMA DRIVE - NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC - NO MUNICIPAL ETJ). (COMMISSIONER DAUGHERTY) (9:52 AM)

**Clerk's Note:** Item 11 is the action item for the public hearing on Agenda Item 2.

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

**PLANNING AND BUDGET DEPT. ITEMS**

12. REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:52 AM)
- A. APPROVE GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE PLANNING, FOR JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT DISCRETIONARY FUNDS TO CONTINUE AN ELEMENT OF THE PROJECT SPOTLIGHT PROGRAM IN JUVENILE PROBATION. THE GRANT IS A NEW FUNDING PROPOSAL TO CONTINUE A PORTION OF THE PROJECT SPOTLIGHT PROGRAM; AND
  - B. APPROVE GRANT CONTRACT WITH THE UNIVERSITY OF NORTH TEXAS FOR A SENIORS AND VOLUNTEERS FOR CHILDHOOD IMMUNIZATION PROGRAM IN HEALTH AND HUMAN SERVICES DEPARTMENT. THE GRANT CONTINUES THE PROGRAM FOR FY 03.

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

13. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (9:11 AM)

No action necessary on Item 13.

14. CONSIDER AND TAKE APPROPRIATE ACTION ON PROJECTS AND AMOUNTS FOR FUNDING FROM ROAD AND PARK BONDS AND CERTIFICATES OF OBLIGATION TO BE ISSUED IN FY'03. (10:01 AM)

**Members of the Court heard from:** Christian Smith, Executive Manager, Planning and Budget Office (PBO); Jessica Rio, Budget Analyst, PBO; and Leroy Nellis, Budget Manager, PBO.

Discussion Only. No action was taken.

Item 14 to be reposted on February 4, 2003.



**PURCHASING OFFICE ITEMS**

- 17. APPROVE CONTINGENCY CONTRACT AWARD FOR REFUSE COLLECTION, IFB NO. B030007-OJ TO TEXAS DISPOSAL SYSTEMS, INC. (COUNTYWIDE). (COMMISSIONER GOMEZ) (9:59 AM)

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 17.

**Motion carried:**

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

- 18. APPROVE CONTRACT MODIFICATION NO. 3 TO CONTRACT NO. IL000065-TS, CAPITAL AREA RURAL TRANSPORTATION SYSTEM. (HHSD) (COMMISSIONER GOMEZ) (9:52 AM)

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

- 19. **A.** APPROVE EXEMPTION ORDER FOR PROCUREMENT OF PROFESSIONAL SURVEY SERVICES NEEDED FOR SURVEY OF THE TOMEN-PARKE CAVES PROPERTY; AND (9:52 AM)
- B.** APPROVE PROFESSIONAL SERVICES AGREEMENT WITH MARTINEZ, WRIGHT & MENDEZ, INC. FOR SURVEY SERVICES FOR THE TOMEN-PARKE CAVES PROPERTY.

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

- 20. APPROVE CONTRACT AWARD FOR RESIDENTIAL HVAC SERVICES, IFB B030033-EH, TO THE LOW BIDDER, AIRCO MECHANICAL, LTD. (HHSD) (COMMISSIONER GOMEZ) (9:52 AM)

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

- 21. APPROVE CONTRACT AWARD FOR HOME REPAIR MATERIALS, IFB NO. B030049-EH, TO THE QUALIFIED, LOW BIDDER, LOWE'S HOME IMPROVEMENT. (HHSD) (COMMISSIONER GOMEZ) (9:52 AM)

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

- 22. APPROVE CONTRACT AWARD FOR SECURITY UPGRADE PROJECT, IFB NO. B030038-SP, TO THE LOW BIDDER, EBM, INC. (FACILITIES MGMT) (COMMISSIONER SONLEITNER) (9:52 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. 1) TO CONTRACT NO. 02T00170-RV, AFS ENVIRONMENTAL, INC. FOR EROSION CONTROL SERVICES. (COMMISSIONER GOMEZ) (9:52 AM)

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

- 24. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. 99AE601-JJ, MARTINEZ, WRIGHT & MENDEZ, PROFESSIONAL ENGINEERING SERVICES FOR THE FERGUSON LANE/TUSCANY WAY DESIGN PROJECT. (TNR) (10:16 AM)

**Members of the Court heard from:** Cyd Grimes, Travis County Purchasing Agent; and Carol Joseph, Assistant Director, TNR.

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 24.

**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

**OTHER ITEMS**

25. DISCUSS RECOMMENDATIONS FROM THE JAIL OVERCROWDING TASKFORCE REGARDING JUSTICE SYSTEM WORKFLOW ANALYSIS, STRATEGIES TO IMPROVE JAIL OPERATIONS AND RELATED ISSUES, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (11:59 AM)

**Members of the Court heard from:** Kati Broderick, Manager, Research and Planning, Justice and Public Safety (JPS); Margo Frasier, Travis County Sheriff; and Mike Denton, Judge, County Court at Law #4.

Discussion Only. No action was taken.

26. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM SETON HEALTHCARE NETWORK AND ASCENSION HEALTH TO REFINANCE 1999 REVENUE BONDS ISSUED THROUGH THE TRAVIS COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION. (JUDGE BISCOE) (10:41 AM)

Item 26 postponed until February 11, 2003.

27. CONSIDER AN INTERLOCAL COOPERATION AGREEMENT BETWEEN GONZALES COUNTY AND TRAVIS COUNTY FOR THE HOUSING OF INMATES, AND TAKE APPROPRIATE ACTION. (9:52 AM)

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

28. DISCUSS AND TAKE APPROPRIATE ACTION ON AN AGREEMENT WITH THE CITY OF AUSTIN FOR THE CONDUCT OF ELECTIONS AND A PLAN FOR COUNTY CLERK REORGANIZATON. (2:04 PM)

**Members of the Court heard from:** Dana DeBeauvoir, Travis County Clerk; John Hille, Assistant County Attorney; and Diana Ramirez, Budget Analyst, PBO.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the interlocal in concept, with the understanding that it's in broad general concept, that this is the direction that we are going, understanding that PBO (Planning and Budget) and the County Clerk will be refining all numbers and that there may be a change, but we are not expecting it to be some large substantive change.

**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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

Item 28 to be reposted on February 4, 2003.

29. DISCUSS APPOINTMENT OF ELECTED OFFICIALS' SALARY GRIEVANCE COMMITTEE AND TAKE APPROPRIATE ACTION. (2:03 PM)

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

Discussion Only. No action was taken.

Item 29 to be reposted on February 4, 2003.

**30. DISCUSS BOARD AND COMMITTEE ASSIGNMENTS FOR COMMISSIONERS COURT MEMBERS, AND TAKE APPROPRIATE ACTION. (10:33 AM)**

**Members of the Court heard from:** John Hille, Assistant County Attorney.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the committee assignment list with the corrections listed: adding Judge Biscoe to the Clean Air Force Committee; making it clear that the Corporations assignments, that those are the listings for all of the Corporations, not simply the Capital Industrial Development Corporation; that the CAPCO Solid Waste Committee finally be deleted from the Committee list; that the Central Booking Committee be deleted from the Committee list; and to also delete the North American Superhighway Committee from the list.

**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

**31. DISCUSS LEGISLATIVE ISSUES, GIVE DIRECTION AND TAKE APPROPRIATE ACTION. (10:20 AM)**

**Clerk's Note:** The Court discussed when to consider this Item on future Agendas.

Discussion Only. No action was taken.

**32. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:52 AM)**

**Clerk's Note:** Item 32 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

- 33. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TNR AND/OR TAKE APPROPRIATE ACTION REGARDING RIGHT-OF-WAY TRANSACTIONS RELATING TO COUNTY ROADWAY CONNECTIONS TO SH 130. <sup>1 AND 2</sup> (2:18 PM) (2:59 PM)**

**Clerk's Note:** Judge Biscoe announced that Item 33 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action required on Item 33.

- 34. CONSIDER WORKPLACE SAFETY ISSUES AT 1622 E. RIVERSIDE DRIVE, AND TAKE APPROPRIATE ACTION. <sup>2</sup> (9:12 AM)**

Item 34 postponed until February 4, 2003.

- 35. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING AUSTIN 1825 FORTVIEW, INC. V. TRAVIS COUNTY, TEXAS, IN THE DISTRICT COURT OF TRAVIS COUNTY, TEXAS, 353<sup>RD</sup> JUDICIAL DISTRICT COURT, AND TAKE APPROPRIATE ACTION. <sup>1</sup> (2:18 PM) (2:59 PM)**

**Clerk's Note:** Judge Biscoe announced that Item 35 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to authorize the County Attorney to file an appropriate response, preferably a plea to the jurisdiction in this matter, for Travis County.

**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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

36. DISCUSS STARFLIGHT ORGANIZATIONAL ISSUES, RECEIVE LEGAL ADVICE AND TAKE APPROPRIATE ACTION. <sup>1</sup> (2:18 PM) (3:00 PM)

**Clerk’s Note:** Judge Biscoe announced that Item 36 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

No action taken on Item 36.

37. DISCUSS CERTAIN PERSONNEL ISSUES REGARDING MERLIN “SPANKY” HANDLEY, RECEIVE LEGAL ADVICE, AND TAKE APPROPRIATE ACTION. <sup>1 AND 3</sup> (10:42 AM) (11:55 AM)

**Clerk’s Note:** Judge Biscoe announced that Item 37 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney; and Gov’t. Code Ann. 551.074, Personnel Matters.

**Motion by Judge Biscoe and seconded by Commissioner Davis** that another member of the Commissioners' Court join Judge Biscoe in conducting interviews of Starflight workers between now and 5:00 PM Friday, January 31, 2003, with an eye toward gathering additional information; that we speak with County Employees first; that we communicate with the City of Austin and indicate our interest in conducting similar interviews with City of Austin employees who are part of Starflight; that we put together a written summary of the information we receive for the Commissioners' Court in anticipation of these two items posted, and other appropriate items being posted, on Tuesday, February 4, 2003, for appropriate action by the Commissioners' Court; that we communicate also with Mr. Handley, and try to get his responses to the same basic questions.

**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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

Item 37 to be reposted on February 4, 2003.

