

## **MINUTES OF MEETING – JUNE 10, 2003**

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

On Tuesday, the 10<sup>th</sup> day of June, 2003, the Commissioners' Court convened the regular Voting Session at 9:14 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 10:38 AM.

The Commissioners' Court reconvened the Voting Session at 11:23 AM.

The Commissioners' Court recessed the Voting Session at 12:18 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation and the Travis County Health Facilities Development Corporation called to order the Voting Sessions at 1:41 PM and adjourned at 2:00 PM.

The Commissioners' Court reconvened the regular Voting Session at 2:00 PM.

The Commissioners' Court adjourned the Voting Session at 4:18 PM.









## RESOLUTIONS & PROCLAMATIONS

5. APPROVE RESOLUTION PROCLAIMING JUNE 2003 “SAFETY MONTH” IN TRAVIS COUNTY, TEXAS. (9:23 AM)

**Members of the Court heard from:** Dan Mansour, Risk Manager, Human Resources Management Department (HRMD); Chuck Watt, Occupational Safety Engineer, HRMD; Lee McCormick, Safety and Loss Prevention, HRMD; and Dennis Miller, Safety Officer, TNR.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the resolution in Item 5.

**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

**Clerk’s Note:** No speakers addressed the Court. (9:31 AM)







8. APPROVE INTERLOCAL NO. IL030211JW, AUSTIN INDEPENDENT SCHOOL DISTRICT (AISD), FOR THE DISTRIBUTION OF UNITIZED MEALS AT THE AUSTIN LEARNING CENTER (ALC) TO JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM (JJAEP) STUDENTS. (JUVENILE PROBATION) (COMMISSIONER GÓMEZ) (9:31 AM)

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

9. APPROVE SOLE SOURCE EXEMPTION OF TRITECH, INC. FOR THE PURCHASE OF TRAVIS COUNTY'S PORTION OF THE INTEGRATED VOYAGER MOBILE DATA COMPUTER SYSTEM CONTRACT. (TCSO) (COMMISSIONER GÓMEZ) (9:31 AM)

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

10. APPROVE CONTRACT AWARD FOR PRECINCT FOUR HVAC TEST AND BALANCING SERVICES, IFB NO. B030118-MB, TO THE LOW BIDDER, AUSTIN AIR BALANCING CORPORATION. (FACILITIES MANAGEMENT) (COMMISSIONER GÓMEZ) (9:31 AM)

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

11. APPROVE CONTRACT AWARD FOR RE-ROOFING OF THE TRAVIS COUNTY BUILDING AT 5501 AIRPORT BLVD., IFB NO. B030129-MB, TO THE LOW BIDDER, TOTAL ROOFING SERVICES, INC. (FACILITIES MANAGEMENT) (COMMISSIONER DAVIS) (9:31 AM)

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

**TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS**

12. CONSIDER AND TAKE APPROPRIATE ACTION ON: (9:14 AM) (9:31 AM)
- A. THE PARTIAL VACATION OF WERKENTHIN SUBDIVISION, SECTION FIVE;
  - B. THE PARTIAL VACATION OF THE AMENDED PLAT OF LOTS 40-43, BLOCK D, LOTS 1-5, BLOCK E, AND LOTS 15-23, BLOCK F, WERKENTHIN SUBDIVISION, SECTION FIVE; AND
  - C. A REQUEST TO APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: LOT 5A, BLOCK E, WERKENTHIN SUBDIVISION, SECTION FIVE A (REVISED PLAT – LOT – 0.97 ACRES – PANDINA DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY WCID NO. 18 – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY)

**Clerk's Note:** Items 12.A, B, and C are the action items for the public hearing on Agenda Item 1.

**Clerk's Note:** Items 12.A and B pulled from the Agenda.

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

13. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: THE AMENDED PLAT OF LOT 45, BLOCK D, OF WERKENTHIN SUBDIVISION, SECTION FIVE AND LOTS 35-38, BLOCK D, WERKENTHIN SUBDIVISION, SECTION SIX AND LOT 39, BLOCK D, WERKENTHIN SUBDIVISION, SECTION FIVE (REVISED PLAT – 4 LOTS – 5.563 ACRES – DEMONA DRIVE AND OESTRICK LANE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY NO. 18 – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:31 AM)

**Clerk's Note:** Item 13 is the action item for the public hearing on Agenda Item 2.

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

- 14. CONSIDER AND TAKE APPROPRIATE ACTION TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PORTION OF THE 5' PUBLIC UTILITY EASEMENT ON EITHER SIDE OF THE COMMON LOT LINE BETWEEN LOTS 406 AND 407, APACHE SHORES SECTION 2, A SUBDIVISION IN PRECINCT 3. (COMMISSIONER DAUGHTERTY) (9:31 AM)

**Clerk's Note:** Item 14 is the action item for the public hearing on Agenda Item 3.

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

- 15. APPROVE THE USE OF ALTERNATIVE FISCAL FOR MAGNOLIA RANCH ESTATES, A SUBDIVISION IN PRECINCT 1. (COMMISSIONER DAVIS) (9:31 AM)

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

- 16. DISCUSS AND TAKE APPROPRIATE ACTION ON INTERLOCAL AGREEMENT WITH THE CITY OF PFLUGERVILLE FOR IMPROVEMENTS TO TRAVIS COUNTY'S NORTHEAST METROPOLITAN PARK. (COMMISSIONER SONLEITNER) (9:37 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Davis to approve the interlocal agreement in Item 16.

**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

**TAKE UP AT 11:00 A.M.**

17. CONSIDER PROPOSED SOLID WASTE FACILITIES SITING ORDINANCE AND COMMENTS RECEIVED, INCLUDING COMMENTS REGARDING INCORPORATING THE TRAVIS COUNTY FLOOD PLAIN ORDINANCE, AND TAKE APPROPRIATE ACTION. (11:23 AM) (3:01 PM)

**Members of the Court heard from:** Tom Nuckols, Assistant County Attorney; John Kuhl, Natural Resources Program Manager, TNR; Trek English, Travis County Resident; Gary Holt, Professional Educator, 7<sup>th</sup> Grade Teacher, Austin Independent School District; Melanie McAfee, owner, Barr Mansion; Joyce Best, Northeast Austin Resident; Mark McAfee, owner, Barr Mansion; and Paul Robbins, Environmental Writer and Activist in Austin; and Paul Gosselink, Attorney representing BFI.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to take Type 4 landfills out of the current siting ordinance and indicate our intention to consider Type 1 and Type 4 in another ordinance.

**A Clarification of the previous Motion was made by Judge Biscoe** for this ordinance to cover all solid waste facilities except Types 1, 2, 3, and 4 landfills.

**A Clarification of the previous Motion was made by Commissioner Sonleitner** that what is still in the ordinance is dealing with the sludge operations, the transfer stations, and the composting and recycling facilities and other waste facilities.

**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	no
Precinct 4, Commissioner Margaret J. Gómez	yes

**Motion by Commissioner Davis and seconded by Commissioner Daugherty** to leave the current floodplain ordinance in place, as written, as we have adopted on October 2, 2001.

**Withdrawal of the previous Motion was made by Commissioner Davis.**





## HEALTH AND HUMAN SERVICES DEPARTMENT ITEMS

18. CONSIDER AND TAKE APPROPRIATE ACTION ON NEW WATER DELIVERY RATES FOR CHINATOWN WATER WORKS. (9:46 AM)

**Members of the Court heard from:** Stephen Williams, Executive Manager, Travis County Health, Human Services, and Veterans Services (TCHHS&VS); Joe Gieselman, Executive Manager, TNR; and Mary Etta Gerhardt, Assistant County Attorney.

Discussion Only. No action taken.

Item 18 to be reposted on June 17, 2003.

**PLANNING AND BUDGET DEPT. ITEMS**

19. REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE:  
(9:31 AM)
- A. REQUEST TO APPROVE GRANT APPLICATION TO THE US DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, FOR THE 2003 STATE CRIMINAL ALIEN ASSISTANCE GRANT (SCAAP) IN THE SHERIFF'S OFFICE. GRANT PROVIDES REIMBURSEMENT FOR FY 02 EXPENSES;
  - B. REQUEST TO APPROVE GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR AN IMPAIRED DRIVING MOBILIZATION SELECTIVE TRAFFIC ENFORCEMENT PROGRAM IN THE SHERIFF'S OFFICE. THE GRANT FUNDS ADDITIONAL OVERTIME TO ALLOW ADDITIONAL TRAFFIC DUTY;
  - C. REQUEST TO APPROVE GRANT CONTRACT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY FOR AN EMERGENCY MANAGEMENT PLANNING GRANT IN EMERGENCY SERVICES. THE GRANT CONTINUES THE PROGRAM FOR FY 03; AND
  - D. REQUEST TO AUTHORIZE HHS TO CONTINUE A GRANT SUBCONTRACT WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER FOR TOBACCO PREVENTION RESEARCH THROUGH THE END OF SEPTEMBER. THIS ALLOWS THE CONTINUATION OF THE AGREEMENT UNTIL A FULLY EXECUTED AGREEMENT CAN BE COMPLETED.

**Clerk's Note:** Judge Biscoe announced that on Item 19.D, we are asked to advance \$6,075.00, which will be reimbursed by grant funds as soon as we receive the money from the grantor, the University of Texas Health Science Center.

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



- 20.** DISCUSS AND TAKE APPROPRIATE ACTION ON WHETHER TO RECONVENE CITIZENS ADVISORY COMMITTEE ON ELECTED OFFICIALS' SALARIES FOR FY 04. (9:53 AM)

**Members of the Court heard from:** Christian Smith, Executive Manager, Planning and Budget Office (PBO); and Diana Ramirez, Budget Analyst, PBO.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to take the Planning and Budget recommendation that we continue to collect data, but that the formal gathering of the committee be deferred for another year.

**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 BUDGET AMENDMENTS AND TRANSFERS. (9:15 AM)

No action necessary on Item 21.

**ADMINISTRATIVE OPERATIONS ITEMS**

- 22.** 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 \$317,241.44 FOR THE PERIOD OF MAY 23, 2003 THROUGH MAY 29, 2003. (9:31 AM)

**Clerk's Note:** Item 22 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 23.** APPOINT JOE HARLOW, CHIEF TECHNOLOGY OFFICER, TO REPRESENT TRAVIS COUNTY AS A MEMBER OF THE TEXAS CONFERENCE OF URBAN COUNTIES OVERSIGHT BOARD FOR THE DEVELOPMENT OF A COMMON INTEGRATED JUSTICE INFORMATION SYSTEM FOR USE BY MULTIPLE TEXAS COUNTIES. (COMMISSIONER GÓMEZ) (9:31 AM)

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

24. DISCUSS AND TAKE APPROPRIATE ACTION ON THE eGOVERNMENT'S OVERSIGHT COMMITTEE RECOMMENDATION TO APPROVE THE ATTACHED SERVICE LEVEL AGREEMENT (SLA) WITH TEXAS ONLINE AND ITS ASSOCIATED ePAY ATTACHMENT (REVISED BY TEXAS ONLINE AUTHORITY). (10:08 AM)

**Members of the Court heard from:** Alicia Perez, Executive Manager, Administrative Operations; Joe Harlow, Director, ITS; and Barbara Wilson, Assistant County Attorney.

**Motion by Judge Biscoe and seconded by Commissioner Daugherty** to approve the proposed contract.

**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

25. APPROVE PERSONNEL AMENDMENTS. (9:31 AM)

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

26. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM HUMAN RESOURCES DEPARTMENT TO ADOPT 158 JOB DESCRIPTIONS FOR APPROXIMATELY 1000 POSITIONS THAT ARE AFFECTED BY THE CLASSIFICATION AND COMPENSATION STRATEGIC PLAN, YEAR 2 JOB ANALYSIS RESULTS, AS APPROVED BY THE COURT ON APRIL 1, 2003. (9:16 AM)

Item 26 postponed until June 17, 2003.

27. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING EMPLOYEE HEALTHCARE ISSUES: (2:02 PM)
- A. A NEW CO-INSURED EPO PLAN WITH COORDINATING CHANGES ON OTHER PLANS;
  - B. PLAN DESIGN, OPTIONS AND CORRESPONDING RATES AND TERMS;
  - C. AN OPTIONAL PHARMACY ONLY PLAN FOR RETIREES OVER 65;
  - D. AN INCREASE TO RETIREE-PAID PREMIUM RATE FOR FY 04 AND BENEFITS FOR OVER AGE 65 RETIREES WHO RECEIVE BOTH MEDICARE PARTS A AND B;
  - E. CHANGES IN THE “OPT OUT” FEATURE OF THE BENEFIT PLAN;
  - F. PPO PLAN AS THE DEFAULT OPTION FOR EMPLOYEES WHO DO NOT ATTEND OPEN ENROLLMENT; AND
  - G. PROPOSED INFORMATIONAL FLIER FOR EMPLOYEE PUBLIC HEARING.

**Members of the Court heard from:** Alicia Perez, Executive Manager, Administrative Operations; Cindy Purinton, Benefits Contract Administrator, HRMD; Dan Mansour, Risk Manager, HRMD; Susan Spataro, Travis County Auditor; Leroy Nellis, Budget Manager, PBO; Greg Powell, AFSCME; Howard Herrin, TNR; Reggie Harris, Facilities Management; and Barbara Wilson, Assistant County Attorney.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve Items 27.A-G as laid out by Staff, as listed in the backup, and that we take this as a preliminary plan. It is not concrete, it is simply for the purpose of educating our County workforce about the plan that is available this year, for their comment, and then employees will come to make comments at the public hearing on June 25, 2003.

**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

28. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE THE ISSUANCE OF TAX EXEMPT BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,650,000 (SERIES 2003) BY TRINITY HIGHER EDUCATION FACILITIES CORPORATION FOR HUSTON-TILLOTSON COLLEGE. (JUDGE BISCOE) (9:31 AM)

**Clerk's Note:** Item 28 is the action item for the public hearing on Agenda Item 4.

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

29. APPROVE REQUEST TO DISTRIBUTE FLIERS WITH THE JUNE 13<sup>TH</sup> PAYROLL CHECKS ANNOUNCING THE TRAVIS COUNTY/CITY OF AUSTIN EMPLOYEES EMANCIPATION DAY - JUNETEENTH CELEBRATION ON JUNE 19, 2003. (JUDGE BISCOE AND COMMISSIONER DAVIS) (9:31 AM)

**Clerk's Note:** Item 29 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

30. APPROVE APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE FOR PAYMENTS TO TRAVIS COUNTY FOR FEDERALLY INITIATED OR REFERRED CRIMINAL CASES DISPOSED OF BETWEEN OCTOBER 1, 2002 AND MARCH 31, 2003. (9:31 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. (9:31 AM)

**Clerk's Note:** Item 31 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

32. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM MILBURN HOMES TO DISTRIBUTE A FLIER ADVERTISING A SPECIAL MORTGAGE OPTION FOR COUNTY EMPLOYEES ALONG WITH PAYCHECKS ON JUNE 30, 2003. (9:31 AM)

**Clerk's Note:** Item 32 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

33. CONSIDER AND TAKE APPROPRIATE ACTION ON ELECTION DAY POLLING PLACE LEASE AGREEMENT FOR JUNE 7, 2003 CITY OF AUSTIN RUNOFF ELECTION. (DANA DEBEAUVOIR) (9:31 AM)

**Clerk's Note:** Item 33 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

34. RECEIVE LEGAL ADVICE FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION REGARDING MANAGEMENT CONTRACT FOR TRAVIS COUNTY FARMERS' MARKET. <sup>1</sup> (10:38 AM) (2:00 PM)

**Clerk's Note:** Judge Biscoe announced that Item 34 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action necessary on Item 34.

Item 34 to be reposted on June 17, 2003.



37. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO TAKE APPROPRIATE ACTION IN THE MATTER OF MERLIN “SPANKY” HANDLEY V. TRAVIS COUNTY, ET AL., IN THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION REGARDING: <sup>1</sup> (10:38 AM) (2:02 PM)

A. ACCEPTING, REJECTING OR COUNTERING OFFER FOR SETTLEMENT;

B. APPOINT REPRESENTATIVE FOR TRIAL AND TAKE ANY OTHER APPROPRIATE ACTION.

**Clerk’s Note:** Judge Biscoe announced that Items 37.A and B would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

No action necessary on Items 37.A and B.

Items 37.A and B to be reposted on June 17, 2003.

### ADJOURNMENT

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to adjourn the Voting Session. (4:18 PM)

<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

### MINUTES APPROVED BY THE COMMISSIONERS’ COURT

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**Date of Approval**

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**Samuel T. Biscoe**