

## **MINUTES OF MEETING – JUNE 17, 2003**

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

On Tuesday, the 17<sup>th</sup> day of June, 2003, the Commissioners' Court convened the regular Voting Session at 9:16 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 recessed the Voting Session at 12:02 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation convened the Voting Session at 1:41 PM and adjourned at 1:41 PM.

The Commissioners' Court reconvened the regular Voting Session at 1:41 PM.

The Commissioners' Court retired to Executive Session at 1:54 PM.

The Commissioners' Court reconvened the Voting Session at 3:50 PM.

The Commissioners' Court adjourned the Voting Session at 3:54 PM.

**PUBLIC HEARINGS**

- 1. DISCUSS AUTHORIZING THE FILING OF AN ORDER TO VACATE PORTIONS OF THE RIGHT-OF-WAY OF BARTON CREEK BOULEVARD (FORMERLY TRAVIS COOK ROAD) IN BARTON CREEK SECTION H, A SUBDIVISION IN PRECINCT 3. (ACTION ITEM 4) (COMMISSIONER DAUGHERTY) (9:18 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 Daugherty **and seconded by** Commissioner Gómez to open the public hearing.

<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

**Members of the Court heard from:** Carol Joseph, Assistant Director, Transportation and Natural Resources (TNR).

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to close the public hearing.

<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

2. DISCUSS THE PARTIAL VACATION OF LOT F9 AND A PLAT FOR RECORDING IN PRECINCT THREE: RESUBDIVISION OF THE SOUTH PORTION OF LOT F9, NORTHWEST HILLS RANCH, SECTION ONE (SHORT FORM PLAT – 4 LOTS – 2.835 ACRES – D-K RANCH ROAD AND T-BAR TRAIL – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN ETJ). (ACTION ITEM 5) (COMMISSIONER DAUGHERTY) (9:19 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.

<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

**Members of the Court heard from:** Carol Joseph, Assistant Director, TNR; and Tom Nuckols, Assistant County Attorney.

**Motion by** Commissioner Daugherty **and seconded by** Commissioner Gómez to close the public hearing.

<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

### RESOLUTIONS & PROCLAMATIONS

3. APPROVE PROCLAMATION RECOGNIZING THE 14<sup>TH</sup> ANNUAL EMPLOYEES “JUNETEENTH – EMANCIPATION DAY” CELEBRATION TO BE HELD ON THURSDAY, JUNE 19, 2003. (JUDGE BISCOE AND COMMISSIONER DAVIS) (9:21 AM)

**Members of the Court heard from:** Cheryl Brown, Executive Assistant, Travis County Judge’s Office; Chris Fanuel, Executive Assistant, Travis County Commissioner Precinct 1 Office; and Felicitas Burleson, Executive Assistant, Travis County Commissioner Precinct 1 Office.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve the proclamation in Item 3.

**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:** Mayor Terry Cowan, City of Sunset Valley; and Cat Quintanilla, Mayor Pro Tem, City of Sunset Valley. (9:33 AM)

**CONSENT ITEMS**

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to approve the following Consent Items: C1–C6 and Items 4, 5, 9, 13.A and B, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29.A and B, 30, 31, 32, 33.A and B, 34, 35, 36, 37.A and B, 39, and 40. (9:38 AM)

<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

- 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 VOTING SESSION OF MAY 27, 2003.
- C4. APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF MAY 29, 2003.
- C5. APPROVE COMMISSIONERS COURT MINUTES FOR VOTING SESSION OF JUNE 3, 2003.
- C6. APPROVE SETTING A PUBLIC HEARING DATE OF JULY 8, 2003, IN ORDER 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 842 AND 843, APACHE SHORES SECTION 2, A SUBDIVISION IN PRECINCT 3. (DAUGHERTY)

**TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS**

4. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AUTHORIZE THE FILING OF AN ORDER TO VACATE PORTIONS OF THE RIGHT-OF-WAY OF BARTON CREEK BOULEVARD (FORMERLY TRAVIS COOK ROAD) IN BARTON CREEK SECTION H, A SUBDIVISION IN PRECINCT 3. (COMMISSIONER DAUGHERTY) (9:38 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. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PARTIAL VACATION OF LOT F9 AND A PLAT FOR RECORDING IN PRECINCT THREE: RESUBDIVISION OF THE SOUTH PORTION OF LOT F9, NORTHWEST HILLS RANCH, SECTION ONE (SHORT FORM PLAT – 4 LOTS – 2.835 ACRES – D-K RANCH ROAD AND T-BAR TRAIL – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:38 AM)

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

**Clerk's Note:** Item 5 approved with the understanding that it be a conditional approval, conditioned upon the City of Austin approving it; and if the City of Austin does not approve it, it will be back on the Court's Agenda for reconsideration.

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

- 6. CONSIDER PORTIONS OF THE CITY OF AUSTIN PIPELINE ORDINANCE (PART 4 AND PART 5) FOR ADOPTION BY THE TRAVIS COUNTY COMMISSIONERS COURT, AND TAKE APPROPRIATE ACTION. (10:16 AM)

**Members of the Court heard from:** Fred Dennick, Director, Planning and Engineering, TNR; Holly Noelke, City of Austin Attorney’s Office; Janice Cartwright, Executive Director, Real Estate Council of Austin; and Harry Savio, Executive Vice President, Home Builders Association of Greater Austin.

**Clerk’s Note:** Judge Biscoe requested Staff to provide the following information: 1) to assess the need – exactly how critical it is; 2) the impact on affordable housing; 3) the impact on property values in the areas covered; 4) the federal study – if we think the issues covered there are relevant to our discussion, and this ordinance, what value would there be in waiting to see that, and whether or not, if recommendations are made, and they are acted on, those would take priority over any kind of local effort anyway; but if we think that the ordinance in question is exactly different, then, that should be stated; 5) what authority does Travis County have to do this; 6) the risk assessment and financial impact, how it would apply in other cities, and whether other counties have done something similar; 7) have this information in 120 days.

Discussion only. No action taken.

- 7. APPROVE HAZARD MITIGATION PLAN AND RESOLUTION OF ADOPTION. (COMMISSIONER GÓMEZ) (11:14 AM)

**Motion by** Commissioner Gómez **and seconded by** Commissioner Daugherty to approve submitting this plan, as we said we would during the budget process, so that we can receive the FEMA grant funds.

**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

- 8. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR APPROVAL OF A PRELIMINARY PLAN IN PRECINCT THREE: GARZA BRODIE SUBDIVISION (PRELIMINARY PLAN – 2 LOTS – 31.40 ACRES – BRODIE LANE). (COMMISSIONER DAUGHERTY) (9:16 AM)

Item 8 postponed until June 24, 2003.

- 9. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST FOR APPROVAL OF A PLAT FOR RECORDING IN PRECINCT THREE: SPANISH OAKS, SECTION 5 (LONG FORM PLAT – 5 LOTS – 10.475 ACRES – HWY 71 W. – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY LCRA – VILLAGE OF BEE CAVES ETJ). (COMMISSIONER DAUGHERTY) (9:38 AM)

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

- 10. PROPOSE SUBDIVISION REGULATION AMENDMENTS TO CHAPTER 82, TRAVIS COUNTY CODE, TO RESOLVE INCONSISTENCIES WITH CITY OF AUSTIN CODE AS REQUIRED BY HB 1445, AND TAKE APPROPRIATE ACTION. (11:15 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; Tom Nuckols, Assistant County Attorney; and Harry Savio, Executive Vice President, Home Builders Association of Greater Austin.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve the proposed amendments, and post a newspaper notice for a 30-day comment period.

**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 9:15 A.M.**

11. CONSIDER PROPOSED SOLID WASTE FACILITIES SITING ORDINANCE AND COMMENTS RECEIVED, INCLUDING COMMENTS REGARDING INCORPORATING THE TRAVIS COUNTY FLOOD PLAIN ORDINANCE, AND TAKE APPROPRIATE ACTION. (9:41 AM)

**Members of the Court heard from:** Tom Nuckols, Assistant County Attorney; Trek English, Travis County Resident; Gary Johnson, Northeast Travis County Property Owner; John Kuhl, Natural Resources Program Manager, TNR; Mark McAfee, owner, Barr Mansion; and Paul Gosselink, Attorney representing BFI.

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to post the solid waste siting ordinance for 30 days; and that we also post the Travis County Flood Plain Ordinance with a re-modification for re-adoption, for 30 days, under the Health and Safety Code.

**A Restatement of the previous Motion was made by** Judge Biscoe that the Motion should be for the Court to advertise, to post, and receive comments on the draft that we have before us, unless we change it during this meeting.

**A Addition to the previous Motion was made by** Commissioner Davis to re-adopt Subchapter C, Chapter 64, Travis County Code, as adopted on October 2, 2001, under the Health and Safety Code.

**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

### HEALTH AND HUMAN SERVICES DEPARTMENT ITEMS

- 12. CONSIDER AND TAKE APPROPRIATE ACTION ON NEW WATER DELIVERY RATES FOR CHINATOWN WATER WORKS. (11:24 AM)

**Members of the Court heard from:** Stephen Williams, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS).

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner to approve the new rates, as set forth in Stephen Williams' memo of May 29, 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

### PLANNING AND BUDGET DEPT. ITEMS

- 13. REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE: (9:38 AM)

- A. APPROVE GRANT CONTRACT AMENDMENT WITH THE TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES (TDPRS) FOR THE FY 03 CHILD WELFARE SERVICES GRANT IN HEALTH AND HUMAN SERVICES. THE AMENDMENT CHANGES THE TDPRS CONTRACT NUMBER.

- B. APPROVE GRANT CONTRACT AMENDMENT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE FY 03 COMPREHENSIVE ENERGY ASSISTANCE PROGRAM IN HEALTH AND HUMAN SERVICES. THE AMENDMENT PROVIDES AN ADDITIONAL \$355,151 FOR THE PROGRAM.

**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 BUDGET AMENDMENTS AND TRANSFERS. (9:38 AM)

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

### ADMINISTRATIVE OPERATIONS ITEMS

15. 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, SECOND YEAR JOB ANALYSIS RESULTS, AS APPROVED BY THE COURT ON APRIL 1, 2003. (11:25 AM)

**Members of the Court heard from:** Linda Moore Smith, Director, Human Resources Management Department (HRMD); and Carol Joseph, Assistant Director, TNR.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to approve the implementation of these job descriptions, for Year Two classification changes, effective July 1, 2003, as recommended by Staff.

<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

16. 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 \$369,342.83 FOR THE PERIOD OF MAY 30, 2003 THROUGH JUNE 5, 2003. (9:38 AM)

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

17. CONSIDER WHETHER TO ISSUE CALL FOR RECOMMENDATIONS TO NAME THE BUILDING AT 5501 AIRPORT BOULEVARD, AND TAKE APPROPRIATE ACTION. (11:35 AM)

**Members of the Court heard from:** Alicia Perez, Executive Manager, Administrative Operations.

**Clerk's Note:** Judge Biscoe recommended deferring this Item for one year.

Discussion only. No action taken.

18. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM CITY OF AUSTIN FOR AN ELECTRICAL EASEMENT FOR PRECINCT FOUR OFFICE BUILDING LOCATED AT 4401 MCKINNEY FALLS PARKWAY. (COMMISSIONER GÓMEZ) (9:38 AM)

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

19. APPROVE PERSONNEL AMENDMENTS. (9:38 AM)

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

### **PURCHASING OFFICE ITEMS**

20. APPROVE CONTRACT AWARD FOR ARMORED CAR SERVICE, IFB NO. B030135-RV, TO THE LOW BIDDER, LOOMIS FARGO AND COMPANY. (TREASURER'S OFFICE) (COMMISSIONER GÓMEZ) (9:38 AM)

**Clerk's Note:** Item 20 is approved with a budget adjustment of \$7,000.00.

**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 CASE FILE FOLDERS, IFB B030109-DR, TO THE LOW BIDDER, DER GRAPHICS, INC. (COUNTY CLERK) (COMMISSIONER GÓMEZ) (9:38 AM)

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

22. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. 03T00184RG, PARK BROCHURES WITH JANICE MCLEMORE GRAPHIC DESIGN, INC. (TNR-PARKS) (COMMISSIONER GÓMEZ) (9:38 AM)

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

23. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. 00T0323-LD, GRAINGER, INC., FOR TOOLS AND ACCESSORIES. (TNR) (COMMISSIONER GÓMEZ) (9:38 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. 4 TO CONTRACT NO. 02K00051JJ, SMITH CONTRACTING COMPANY, INC., FOR THE PERKINS MOZELLE DRAINAGE PROJECT. (TNR) (COMMISSIONER GÓMEZ) (9:38 AM)

**Clerk's Note:** Item 24 approved with the understanding that the Village of San Leanna will pay the amount in question.

**Clerk's Note:** Item 24 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

25. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 02T00258RV, DALE COOK BACKHOE SERVICES, INC., FOR SEPTIC SYSTEMS SERVICE. (HOUSING SERVICES) (COMMISSIONER GÓMEZ) (9:38 AM)

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

26. APPROVE MODIFICATION NO. 1 TO CONTRACT MA020208LC, BINDVIEW CORPORATION, FOR SECURITY PRODUCTS, SERVICE AND SUPPORT. (ITS) (COMMISSIONER GÓMEZ) (9:38 AM)

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

27. APPROVE PURCHASE OF ONE (1) MOWER FROM THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD), IL030067OJ. (TNR) (COMMISSIONER GÓMEZ) (9:38 AM)

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

28. APPROVE PROFESSIONAL SERVICES AGREEMENT WITH ENCOTECH ENGINEERING CONSULTANTS, INC. FOR MECHANICAL, ELECTRICAL AND PLUMBING (MEP) ENGINEERING SERVICES FOR THE 5501 AIRPORT BOULEVARD PROJECT. (FM) (COMMISSIONER GÓMEZ) (9:38 AM)

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

29. APPROVE CONTRACT AWARD FOR AUTOMOTIVE OEM PARTS AND MAINTENANCE LABOR, IFB #B030105-LD, TO THE BEST RESPONSIVE BIDDERS: (9:38 AM)

A. LEIF JOHNSON FORD, SECTION A, LINE ITEM 3, SECTION B, LINE ITEM 7; AND

B. CAPITOL CHEVROLET, SECTION A, LINE ITEM 1, SECTION B LINE ITEMS 1 AND 6. (TNR) (COMMISSIONER GÓMEZ)

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

30. APPROVE MODIFICATION 14 TO CONTRACT MA980095, AGREEMENT FOR EXTENDED SERVICES, WITH TIBURON. (ITS) (COMMISSIONER GÓMEZ) (9:38 AM)

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

31. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT MA02197LC, POWERWARE CORP., FOR MAINTENANCE OF UPS SYSTEMS. (ITS) (COMMISSIONER GÓMEZ) (9:38 AM)

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

32. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 6) TO INTERLOCAL NO. IL990083-TS, AUSTIN/TRAVIS COUNTY MENTAL HEALTH AND MENTAL RETARDATION FOR SUBSTANCE ABUSE SERVICES. (HHSD) (COMMISSIONER GÓMEZ) (9:38 AM)

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

33. APPROVE CONTRACT AWARD FOR URINALYSIS DRUG SCREENS, IFB B030102-OJ, TO THE QUALIFIED BIDDERS: (9:38 AM)

A. PHARMATECH – ITEMS 1, 2 AND 3 (JUVENILE COURT); AND

B. DRUG TESTING SERVICES – ITEM 4. (SHERIFF) (GOMEZ)

**Clerk's Note:** Items 33.A and B added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

34. APPROVE CONTRACT AWARD FOR THE NORTHEAST METRO PARK CONSTRUCTION PROJECT, PHASE II, PROJECT 2, IFB #B030090-JJ, TO THE LOW BIDDER, CHASCO CONTRACTING. (TNR) (COMMISSIONER SONLEITNER) (9:38 AM)

**Clerk's Note:** Item 34 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

35. APPROVE CONTRACT AWARD FOR PROTECTIVE FOOTWEAR, IFB #B030065-LD, TO THE LOW BIDDER, IRON AGE CORPORATION. (TNR) (COMMISSIONER GÓMEZ) (9:38 AM)

**Clerk's Note:** Item 35 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

36. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. 00T0326-LD, ARAMARK UNIFORM SERVICES, FOR UNIFORM RENTAL AND RELATED SERVICES. (TNR, FM, GARDNER BETTS) (COMMISSIONER GÓMEZ) (9:38 AM)

**Clerk's Note:** Item 36 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

37. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 3) TO THE FOLLOWING CONTRACTS FOR UNLEADED AND DIESEL FUEL: (9:38 AM)

A. CONTRACT NO. 01T0205-LD, PETROLEUM TRADERS; AND

B. CONTRACT NO. 01T0206-LD, TRIPLE S PETROLEUM. (TNR) (GOMEZ)

**Clerk's Note:** Items 37.A and B added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

## OTHER ITEMS

38. CONSIDER RECOMMENDATION FROM TAX ASSESSOR COLLECTOR AND PLANNING AND BUDGET OFFICE TO ESTABLISH PARCEL RATE FOR TAX YEAR 2003 (FY 04) AT \$1.00, AND TAKE APPROPRIATE ACTION. (11:37 AM)

**Members of the Court heard from:** Dusty Knight, Chief Deputy, Tax Office.

**Clerk's Note:** Commissioner Sonleitner requested that, in light of what was talked about last week, in terms of the County contribution, related to health insurance, if the Tax Office and the Planning and Budget Office (PBO) could reassess their recommendation and get it back to the Court next week, so the Court can act in a timely manner, related to notice.

Discussion only. No action taken.

Item 38 to be reposted on June 24, 2003.



- 39. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:38 AM)

**Clerk's Note:** Item 39 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 40. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF MAY 2003. (9:38 AM)

**Clerk's Note:** Item 40 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 41. CONSIDER STEPS AND TAKE APPROPRIATE ACTION TO MEASURE IMPACT OF STATE APPROVED BUDGET ON TRAVIS COUNTY'S BUDGET AND HOW TO ENGAGE APPROPRIATE COUNTY DEPARTMENTS. (11:39 AM)

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to authorize the County Judge to get with the Planning and Budget Office (PBO), to draft an appropriate letter of request to County managers, and elected and appointed officials, on behalf of the Commissioners' Court, to become engaged in this process.

**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

- 42. DISCUSS AND TAKE APPROPRIATE ACTION ON AMENDMENT ONE TO INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF AUSTIN AND TRAVIS COUNTY FOR EMERGENCY MEDICAL SERVICES AND HELICOPTER SERVICES. (11:44 AM) (1:41 PM)

**Members of the Court heard from:** Barbara Wilson, Assistant County Attorney; Richard Herrington, Executive Director, Austin-Travis County EMS; and Alan Miller, Budget Analyst, Planning and Budget Office (PBO).

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Daugherty to approve Amendment One, related to the EMS interlocal.

**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

### 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

- 43. RECEIVE BRIEFING FROM COUNTY ATTORNEY ON LAWS RELATED TO UNMARKED GRAVES WITHIN COUNTY ROAD RIGHTS OF WAY, ISSUES RELATED TO LOCKWOOD ROAD AND LOCKWOOD ROAD CEMETERY, AND TAKE APPROPRIATE ACTION. <sup>1</sup> (1:54 PM) (3:50 PM)

**Clerk's Note:** Judge Biscoe announced that Item 43 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action taken on Item 43.

Item 43 to be reposted on June 24, 2003.

44. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING OPEN MEETINGS REQUIREMENTS. <sup>1</sup> (1:54 PM) (3:50 PM)

**Clerk's Note:** Judge Biscoe announced that Item 44 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No action taken.

45. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY V. GREAT SOUTHWEST MOBILE HOMES (THUY NGOC TIEN RESALE DEED), AND TAKE APPROPRIATE ACTION. <sup>1</sup> (1:54 PM) (3:51 PM)

**Clerk's Note:** Judge Biscoe announced that Item 45 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 Sonleitner** to execute the tax resale deed to Thuy Ngoc Tien, because he has paid us \$4,399.65 in cash, for this tract of land, and that we authorize the County Judge to sign on behalf of the Commissioners' Court.

<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

- 46. RECEIVE BRIEFING FROM COUNTY ATTORNEY, APPOINT COMMISSIONERS COURT REPRESENTATIVE FOR MEDIATION, AND TAKE APPROPRIATE ACTION REGARDING PHILLIP ROSENBAUM, TRUSTEE V. TRAVIS COUNTY, TEXAS (PHILLIP ROSENBAUM; GIESELMAN; CONDEMNATION). <sup>1</sup> (1:54 PM) (3:51 PM)

**Clerk’s Note:** Judge Biscoe announced that Item 46 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to appoint Commissioner Precinct 3 Gerald Daugherty as the Court’s representative for mediation if, indeed, mediation is necessary in this case.

<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

- 47. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. BAILEY PINK (1412 FORT BRANCH LAND TRUST RESALE DEED), AND TAKE APPROPRIATE ACTION. <sup>1</sup> (9:18 AM)

Item 47 pulled from the Agenda.

- 48. CONSIDER REQUEST TO THE TEXAS TURNPIKE AUTHORITY TO DESIGN AND CONSTRUCT AN INTERCHANGE AT THE PROPOSED HOWARD LANE ARTERIAL DURING THE INITIAL CONSTRUCTION OF STATE HIGHWAY 130, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAVIS) <sup>1 & 2</sup> (1:54 PM) (3:52 PM)

**Clerk’s Note:** Judge Biscoe announced that Item 48 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.

Discussion only. No action taken.

Item 48 to be reposted on June 24, 2003.

49. 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> (1:54 PM) (3:52 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 49.A and B 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 settlement of Mr. Handley’s counter to our counter-offer, to settle this matter for a total payment of \$125,000.00, consistent with the June 17, 2003 memo from his attorney, Betsy Hall Bender. Basically, this is for us to rehire Mr. Handley, and put him on administrative leave through March 31, 2004, and to pay him during that period. It will be \$77,915.65, plus retirement. In addition, that he receive the sum of \$38,395.95. We would expect an appropriate settlement release, and other legal documents, to get this matter done once and for all, as soon as possible.

**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

Item 49 to be reposted on July 1, 2003.

- 50.** CONSIDER APPROVAL AND EXECUTION OF A PURCHASE CONTRACT WITH STANDARD PACIFIC OF TEXAS, L.P. FOR ANDERSON MILL ROAD RIGHT-OF-WAY LOCATED IN PRECINCT THREE, AND TAKE APPROPRIATE ACTION. <sup>2</sup> (1:54 PM)

**Clerk’s Note:** Judge Biscoe announced that Item 50 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.072, Real Property.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Davis to approve and execute an appropriate purchase contract for approximately 10 acres of land, and for the \$10.00 in consideration that we are going to have to pay for this; and that, on the advice of the Transportation and Natural Resources Department (TNR), and our attorneys, we also buy title insurance. It is a one-time cost of approximately \$6,000.00 that is part of this deal, as well.

**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

**ADDED ITEMS:**

- A1.** CONSIDER SENDING COMMENTS TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY CONCERNING THE EXECUTIVE DIRECTOR’S RECOMMENDATION ON EIGHT-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARD DESIGNATIONS, AND TAKE APPROPRIATE ACTION. (11:44 AM)

**Members of the Court heard from:** Scheleen Walker, TNR.

**Motion by** Judge Biscoe **and seconded by** Commissioner Davis to authorize that a draft letter be placed on Commissioners’ Court stationery, signed by the all of the Court by this afternoon, June 17, 2003, and delivered to the Executive Director of the Texas Commission on Environmental Quality (TCEQ), by 5:00 PM, June 18, 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

### **ADJOURNMENT**

**Motion by** Commissioner Davis **and seconded by** Commissioner Sonleitner to adjourn the Voting Session. (3:54 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**