

MINUTES OF MEETING – JANUARY 6, 2004

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 6th day of January, 2004, the Commissioners' Court convened the regular Voting Session at 9:16 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 record notes that Precinct Two Commissioner Karen Sonleitner and Precinct Four Commissioner Margaret Gómez were not present during this Voting Session.

The Commissioners' Court retired to Executive Session at 10:20 AM.

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

The Commissioners' Court adjourned the Voting Session at 11:04 AM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened the Voting Session at 11:04 AM and adjourned at 11:05 AM.

1. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF THE SALE OR USE OF RESTRICTED FIREWORKS IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:18 AM)

Clerk's Note: Items 1 and 2 are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Dennis Haas, Travis County Fire Marshall.

Members of the Court agreed to consider one Motion for Items 1 and 2.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to reinstate the two orders – prohibiting the sale or use of restricted fireworks, and prohibiting outdoor burning, in the unincorporated areas of Travis County.

Motion carried:

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

2. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:18 AM)

Clerk's Note: Items 1 and 2 are associated with one another and were called for concurrent discussion. Please refer to Item 1 for a summary of the Court's Motion and Vote.

CITIZENS COMMUNICATION

Members of the Court heard from: Gus Peña, President, East Austin Concerned Hispanics. (9:21 AM)

CONSENT ITEMS

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C4 and Items 3.A, 4, 6, 7, 9, 11.A, B, and C, 12.A, and 14. (9:27 AM)

Motion carried:

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

- 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 DECEMBER 9, 2003.
- C4.** APPROVE SETTING A PUBLIC HEARING ON FEBRUARY 4, 2004 TO DISCUSS AND APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: AMENDED PLAT OF LOTS 11 AND 12, BLOCK A, FITZHUGH RANCH, SECTION 1 AND AMENDED PLAT OF LOT 39, BLOCK A, LONG BRANCH VALLEY (SHORT FORM PLAT – 3 LOTS – 5.73 ACRES – WINDING CREEK DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY)

Clerk’s Note: Judge Biscoe noted a correction on Item C4: Instead of the public hearing being set for February 4, 2004, it will be set for Tuesday, February 3, 2004.

ADMINISTRATIVE OPERATIONS ITEMS

3. **A.** 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 \$175,953.09 FOR THE PERIOD OF DECEMBER 19 THROUGH DECEMBER 25, 2003. (9:27 AM)

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

3. **B.** RECEIVE STATUS REPORT ON ACTUAL AND PROJECTED EXPENDITURES FOR EMPLOYEE HEALTH INSURANCE THROUGH DECEMBER 31, 2003. (9:30 AM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Dan Mansour, Risk Manager, Human Resources Management Department (HRMD); Norman McRee, Financial Analyst, Lead, HRMD; and Barbara Wilson, Assistant County Attorney.

Discussion only. No action taken.

4. **CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED PERSONNEL AMENDMENTS.** (9:27 AM)

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

5. DISCUSS AND APPROVE THE INVITATION AND PROGRAM FOR THE DEDICATION OF THE PRECINCT FOUR OFFICE BUILDING. (9:54 AM)

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

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve Item 5.

Motion carried:

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

PURCHASING OFFICE ITEMS

6. APPROVE MODIFICATIONS NO. 5 TO CONTRACT PS010173LC, TIBURON, INC., FOR ENHANCEMENT TO THE FACTS COURT MANAGEMENT SYSTEM. (ITS) (COMMISSIONER GÓMEZ) (9:27 AM)

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

7. APPROVE MODIFICATION NO. 11 TO CONTRACT NO. MA010043, CERTIFIED SYSTEMS, INC. ("CSI"), FOR MAINTENANCE SUPPORT OF THE AUTOMATED DROCES SYSTEM FOR THE DOMESTIC RELATIONS OFFICE. (ITS) (COMMISSIONER GÓMEZ) (9:27 AM)

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

8. APPROVE CONTRACT AWARD FOR PRECINCT FOUR OFFICE BUILDING OFF-SITE DRAINAGE IMPROVEMENTS, IFB NO. B040039MB, TO THE LOW BIDDER, KEYSTONE CONSTRUCTION. (FM) (COMMISSIONER GÓMEZ) (9:17 AM)

Item 8 postponed until January 13, 2004.

- 9. APPROVE INTERLOCAL AGREEMENT WITH TEXAS COMMISSION FOR THE DEAF AND HARD OF HEARING FOR TRAVIS COUNTY TO PROVIDE INTERPRETING AND CAPTIONING SERVICES. (HHS&VS) (COMMISSIONER GÓMEZ) (9:27 AM)

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

- 10. CONSIDER AND TAKE APPROPRIATE ACTION ON: (10:14 AM)
 - A. SECOND OF TWO PUBLIC NOTICES: CONSIDER ORDER WAIVING SECTION 32.004(C) OF TRAVIS COUNTY CODE, CHAPTER 32, SUBCHAPTER A, ETHICS POLICY IN RELATION TO CONTRACT WITH BANK ONE N.A. FOR COMMERCIAL CARD SERVICES; AND
 - B. CONTRACT WITH BANK ONE N.A. FOR COMMERCIAL CARD SERVICES FOR THE SHERIFF'S OFFICE USE. (TCSO) (COMMISSIONER GÓMEZ)

Clerk's Note: Items 10.A and B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Frank Holder, Assistant Purchasing Agent; and Barbara Wilson, Assistant County Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Daugherty to approve the order in Item 10.A and the contract in Item 10.B.

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

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

11. DISCUSS AND APPROVE THE FOLLOWING FOR BROOKFIELD ESTATES II:
(9:27 AM)
- A. A PRELIMINARY PLAN IN PRECINCT TWO: BROOKFIELD ESTATES II (REVISED PRELIMINARY PLAN – 323 LOTS – 67.031 ACRES – DESSAU ROAD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY NORTHTOWN MUNICIPAL UTILITY DISTRICT – CITY OF AUSTIN ETJ);
 - B. A CONSTRUCTION AGREEMENT FOR BROOKFIELD ESTATES II; AND
 - C. A PLAT FOR RECORDING IN PRECINCT TWO: BROOKFIELD ESTATES II (LONG FORM PLAT – 323 LOTS – 67.031 ACRES – DESSAU ROAD – FISCAL POSTED WITH THE CITY OF AUSTIN – SEWAGE SERVICE TO BE PROVIDED BY NORTHTOWN MUNICIPAL UTILITY DISTRICT – CITY OF AUSTIN ETJ). (COMMISSIONER SONLEITNER)

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

PLANNING AND BUDGET DEPT. ITEMS

12. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE:
(9:27 AM)
- A. A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR THE PROTECTIVE ORDER GUARDIAN AD LITEM PROGRAM IN TRAVIS COUNTY JUVENILE PROBATION DEPARTMENT. THE APPLICATION IS FOR THE THIRD YEAR OF FUNDING; COUNTY MATCH REQUIREMENTS ARE MET THROUGH INTERNAL JUVENILE PROBATION RESOURCES.

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 BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:54 AM) (10:07 AM)

Members of the Court heard from: Leroy Nellis, Budget Manager, Planning and Budget Office (PBO); Diana Ramirez, Budget Analyst, PBO; and Dana DeBeauvoir, Travis County Clerk.

Motion by Judge Biscoe and seconded by Commissioner Davis to approve Item 13, Budget Amendment A1.

Motion carried:

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

OTHER ITEMS

14. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:27 AM)

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

15. REVIEW AND TAKE APPROPRIATE ACTION ON REQUEST TO BROADCAST MENTOR RECRUITING TAPE ON CHANNEL 17. (9:55 AM)

Members of the Court heard from: Leroy Nellis, Budget Manager, PBO.

Motion by Judge Biscoe and seconded by Commissioner Davis to authorize showing this tape on Channel 17.

Motion carried:

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

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

The Commissioners Court will consider the following items in Executive Session. The Commissioners Court may also consider any other matter posted on the agenda if there are issues that require consideration in Executive Session and the Commissioners Court announces that the item will be considered during Executive Session.

- 16. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING PROPERTY AT 1412 COLLIER IN AUSTIN, TEXAS, AND TAKE APPROPRIATE ACTION.
^{1 & 2} (10:20 AM) (11:02 AM)

Clerk's Note: Judge Biscoe announced that Item 16 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.

Motion by Judge Biscoe and seconded by Commissioner Daugherty to authorize County Staff to carry out the prepared work order.

Motion carried:

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

- 17. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING ONGOING LITIGATION IN CONGRESSIONAL REDISTRICTING MATTER. ¹
(10:20 AM) (11:03 AM)

Clerk's Note: Judge Biscoe announced that Item 17 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action required on Item 17.

Item 17 to be reposted on Friday, January 9, 2004.

18. RECEIVE BRIEFING, CONSIDER SETTLEMENT OFFER, AND TAKE APPROPRIATE ACTION IN CLAIM RE: IAN TAYLOR V. MARGO FRASIER, ET AL. (TAYLOR; FRASIER; CIVIL RIGHTS) (REQUESTED BY PLAINTIFF). ¹ (10:20 AM) (11:04 AM)

Clerk's Note: Judge Biscoe announced that Item 18 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 Davis to counter the counter-offer in the amount of \$60,000.00.

Motion carried:

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

Item 18 to be reposted on January 13, 2004.

19. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION, AND/OR CONSIDER SETTLEMENT OFFER IN JODI MARSHALL V. TRAVIS COUNTY, ET AL., (MARSHALL, TRAVIS COUNTY; CIVIL RIGHTS) (REQUESTED BY PLAINTIFF). ¹ (10:19 AM)

Item 19 postponed until January 13, 2004.

