

## **MINUTES OF MEETING – JANUARY 13, 2004**

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

On Tuesday, the 13<sup>th</sup> day of January, 2004, 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 recessed the Voting Session at 11:58 AM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) convened the Voting Session at 1:41 PM and adjourned at 1:42 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, and the Travis County Health Facilities Development Corporation convened the Voting Sessions at 1:42 PM, retired to Executive Session at 2:08 PM, reconvened Voting Sessions at 2:08 PM, and adjourned the Voting Sessions at 2:12 PM.

The Commissioners' Court, meeting as the Capital Industrial Development Corporation, the Capital Health Facilities Development Corporation, the Travis County Development Authority, and the Travis County Cultural Education Facilities Finance Corporation, convened the Voting Sessions at 2:12 PM, and adjourned at 2:13 PM.

The Commissioners' Court reconvened the regular Voting Session at 2:13 PM.

The Commissioners' Court retired to Executive Session at 2:13 PM.

The Commissioners' Court reconvened the Voting Session at 3:48 PM.

The Commissioners' Court adjourned the Voting Session at 3:53 PM.





## RESOLUTIONS & PROCLAMATIONS

3. PROCLAMATION RECOGNIZING THE MONTH OF JANUARY AS “MENTORING MONTH” IN TRAVIS COUNTY. (COMMISSIONERS SONLEITNER AND GÓMEZ) (9:23 AM)

**Members of the Court heard from:** Leroy Nellis, Budget Manager, Planning and Budget Office (PBO); Carla Robinson, Austin Independent School District (AISD); Pat Dabbert, AISD; Cheryl Knockless, Travis County Health and Human Services (TCHHS); Travis Gatlin, Budget Analyst, PBO; Harvey Davis, Manager, Travis County Corporations and Assistant Investment Manager, Cash/Investment Management; and Robert Mendoza, AISD.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez 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

**Clerk’s Note:** No speakers addressed the Court. (9:33 AM)



## JUSTICE AND PUBLIC SAFETY ITEMS

4. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL AGREEMENT FOR THE OPERATION AND MAINTENANCE OF THE REGIONAL RADIO SYSTEM (RRS). (9:35 AM)

**Members of the Court heard from:** Danny Hobby, Emergency Services Coordinator, Travis County Department of Emergency Services; and Barbara Wilson, Assistant County Attorney.

Discussion only. No action taken.

Item 4 to be reposted on January 20, 2004.

## PURCHASING OFFICE ITEMS

5. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. 03T00224RV, LOOMIS FARGO AND COMPANY, FOR ARMORED CAR SERVICES. (COUNTY TREASURER) (COMMISSIONER GÓMEZ) (9:33 AM)

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

6. APPROVE NINETY (90) DAY EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. 02T00115MP, 5-F MECHANICAL COMPANY, FOR RESIDENTIAL PLUMBING SERVICES. (HHSD) (COMMISSIONER GÓMEZ) (9:33 AM)

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

7. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. 02T0081DR, CONTECH CONSTRUCTION PRODUCTS, INC., FOR CULVERT PIPE. (TNR) (COMMISSIONER GÓMEZ) (9:33 AM)

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

8. DISCLOSE RELATIONSHIP WITH KEY CONTRACTING PERSON (SPOUSE) AND APPROVE ORDER WAIVING THE REQUIREMENTS OF DISCRETIONARY CONTRACTS PURSUANT TO SECTION 32.004(F) OF THE TRAVIS COUNTY ETHICS POLICY FOR THE PURPOSE OF APPROVING CONTRACTS DURING 2004 BETWEEN TRAVIS COUNTY AND AUSTIN TRAVIS COUNTY MENTAL HEALTH RETARDATION. (JUDGE BISCOE) (10:06 AM)

**Members of the Court heard from:** Frank Holder, Assistant Purchasing Agent.

**Clerk's Note:** Judge Biscoe noted that the purpose of this Item is to disclose a relationship with a key contracting person.

Discussion only. No action taken.

Item 8 to be reposted on January 20, 2004.

9. APPROVE CONTRACT AWARD FOR HVAC MODIFICATIONS AT THE TRAVIS COUNTY CRIMINAL JUSTICE FACILITY (CENTRAL PLANT) – N.L. GAULT BUILDING, IFB NO. B040017SI, TO THE LOW BIDDER, MECHANICAL AND PROCESS SYSTEMS, L.L.C. (COMMISSIONER GÓMEZ) (9:33 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 OFFICE BUILDING OFF-SITE DRAINAGE IMPROVEMENTS, IFB NO. B040039MB, TO THE LOW BIDDER, KEYSTONE CONSTRUCTION. (FM) (COMMISSIONER GÓMEZ) (9:14 AM)

Item 10 postponed until January 20, 2004.

**TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS**

- 11. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING REQUEST TO TAKE 2.35 ACRES OF EAST METROPOLITAN PARK LAND FOR THE WIDENING OF BLAKE MANOR ROAD. (COMMISSIONER DAVIS) (9:33 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.

- 12. CONSIDER REQUEST TO CERTIFY COMPLIANCE WITH CHAPTER 242, LOCAL GOVERNMENT CODE, REGARDING THE INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY AND THE CITY OF AUSTIN FOR REGULATION OF SUBDIVISIONS IN THE EXTRA TERRITORIAL JURISDICTION (ETJ), AND TAKE APPROPRIATE ACTION. (10:08 AM) (2:13 PM) (3:49 PM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; and Tom Nuckols, Assistant County Attorney.

**Clerk’s Note:** Judge Biscoe announced that Item 12 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 Davis to certify on all issues on this matter, with the exception of the issue of fees and the potential of duplication of fees, because of duplication of services, and that an appropriate follow-up order be prepared for us for signature next Tuesday, January 20, 2004, that will clearly lay out the reasons why we feel that way, and the very specifics about what things we are certifying, and what it is that we are not.

**Clerk’s Note:** The Court directed Staff to produce an appropriate document, beyond the Commissioners’ Court Minutes, that encapsulates the previous nine months of discussions.

<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	absent

Item 12 to be reposted on January 20, 2004.

- 13. REVIEW AND CONSIDER AMENDMENTS TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) LONG RANGE TRANSPORTATION PLAN, AND TAKE APPROPRIATE ACTION. (10:20 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; and Elaine Wray, Planning/Engineering Services, TNR.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve the recommended changes.

**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

- 14. DISCUSS AND APPROVE A CONSTRUCTION AGREEMENT AND A PLAT FOR RECORDING IN PRECINCT FOUR: STONEY RIDGE 5-B (LONG FORM PLAT – 72 LOTS – 14.21 ACRES – ARROWMOUND PASS – FISCAL POSTED WITH TRAVIS COUNTY AND CITY OF AUSTIN – SEWAGE SERVICE TO BE PROVIDED BY MOORE’S CROSSING MUNICIPAL UTILITY DISTRICT – CITY OF AUSTIN ETJ). (COMMISSIONER GÓMEZ) (9:33 AM)

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

**PLANNING AND BUDGET DEPT. ITEMS**

- 15. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE: (9:33 AM)

- A. APPROVE A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR A VIOLENCE AGAINST WOMEN ACT GRANT PROGRAM IN THE SHERIFF’S OFFICE. THE APPLICATION IS TO CONTINUE THE PROGRAM FOR FY 05.

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

16. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:33 AM)

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

### ADMINISTRATIVE OPERATIONS ITEMS

17. 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 \$465,458.07 FOR THE PERIOD OF DECEMBER 26, 2003 THROUGH JANUARY 1, 2004. (9:33 AM)

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

18. RECEIVE UPDATE AND TAKE APPROPRIATE ACTION ON TRAVIS COUNTY EMPLOYEE WELLNESS PROGRAM. (10:56 AM)

**Members of the Court heard from:** Alicia Perez, Executive Manager, Administrative Operations; Dan Mansour, Risk Manager, Human Resources Management Department (HRMD); Leroy Nellis, Budget Manager, PBO; Barbara Wilson, Assistant County Attorney; Jane Frank, Information and Telecommunications Systems (ITS); Lee McCormick, HRMD; and Lolly Jones, Purchasing.

Discussion only. No action taken.

Item 18 to be reposted on January 20, 2004.

19. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED PERSONNEL AMENDMENTS. (9:33 AM)

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

**OTHER ITEMS**

- 20.** APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:33 AM)

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

- 21.** CONSIDER BOARD AND COMMITTEE ASSIGNMENTS FOR COMMISSIONERS COURT MEMBERS, AND TAKE APPROPRIATE ACTION. (10:55 AM)

**Clerk's Note:** Commissioner Daugherty requested that his name be considered for the 911 Regional Communications Center Committee.

Discussion only. No action taken.

Item 21 to be reposted on January 20, 2004.

- 22.** CONSIDER REQUEST TO DRAW NAMES FROM GRAND JURY POOL FOR SALARY GRIEVANCE COMMITTEE FOR 2004, AND TAKE APPROPRIATE ACTION. (10:51 AM)

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

**Clerk's Note:** The members of the Commissioners' Court chose the following names from the Grand Jury pool to be candidates for the Salary Grievance Committee for 2004: Walter E. Timberlake, Edwin "Ed" Golden, Wanda G. Bates, Charlie Carradine, Ross Rathgeber, Bill King, Freddy Maxwell, Charles Patterson, Ms. Socorro Leos, Gregg Werkenthin, Elizabeth "Beth" Mason, Rodrigo "Tito" Hernandez, Anne Glasgow, Bobby Walden, Josie L. Barrett.

Discussion only. No action taken.



**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.

- 24. RECEIVE BRIEFING FROM COUNTY ATTORNEY, GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION REGARDING LEASE FOR 2919 MANCHACA ROAD PREMISES. <sup>1&2</sup> (2:13 PM) (3:50 AM)

**Clerk's Note:** Judge Biscoe announced that Item 24 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 Staff to settle part of the outstanding issues for the amount of \$3,345.75, which represents one-half of the \$6,691.00 that we have refused to pay the landlord in this matter. The Motion, basically, is to pay the landlord half of it, as the landlord requested, until we resolve outstanding issues.

**A Friendly Amendment to the previous Motion was offered by** Commissioner Sonleitner that the "true-up" happen as quickly as we can get going. The source of this is at this point is out of lease savings, but if there is another option, that will be brought back to the Court.

**Acceptance of the Friendly Amendment was made by** Judge Biscoe and Commissioner Daugherty.

**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	absent

Item 24 to be reposted on January 20, 2004.

25. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING ONGOING LITIGATION IN CONGRESSIONAL REDISTRICTING MATTER. (2:13 PM) (3:51 PM)

**Clerk's Note:** Judge Biscoe announced that Item 25 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action taken on Item 25.

Item 25 to be reposted on January 20, 2004.

26. 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). <sup>1</sup> (2:13 PM) (3:51 PM)

**Clerk's Note:** Judge Biscoe announced that Item 26 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 in the amount of \$70,000.00, with a reminder to the defendant/victim in this case that the Deputy in question no longer is employed by Travis County, and this goes with our full apology for what happened.

**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	absent

27. 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). <sup>1</sup> (2:13 PM)

Item 27 postponed until January 27, 2004.

28. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE REQUEST FOR ZONING CHANGE ON THE PROPERTY ADJACENT TO 4011 MCKINNEY FALLS PARKWAY (PRECINCT FOUR OFFICE BUILDING). <sup>1</sup> (2:13 PM) (3:52 PM)

**Clerk's Note:** Judge Biscoe announced that Item 28 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action taken on Item 28.

Item 28 to be reposted on January 20, 2004.

29. RECEIVE LEGAL ADVICE ON REQUIREMENTS FOR CITIZENS COMMUNICATION AGENDA ITEM DURING COMMISSIONERS COURT MEETINGS, AND TAKE APPROPRIATE ACTION. <sup>1</sup> (2:13 PM) (3:52 PM)

**Clerk's Note:** Judge Biscoe announced that Item 29 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action taken on Item 29.

Item 29 to be reposted on January 20, 2004.

30. RECEIVE LEGAL ADVICE FROM COUNTY ATTORNEY REGARDING VARIOUS QUESTIONS UNDER THE TEXAS OPEN MEETINGS ACT. <sup>1</sup> (2:13 PM) (3:52 PM)

**Clerk's Note:** Judge Biscoe announced that Item 30 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action taken on Item 30.

Item 30 to be reposted on January 20, 2004.

