

MINUTES OF MEETING – JUNE 8, 2004

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 8th day of June, 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 retired to Executive Session at 11:15 AM.

The Commissioners' Court reconvened the regular Voting Session at 12:14 PM.

The Commissioners' Court recessed the Voting Session at 12:14 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, convened the Voting Session at 1:50 PM and adjourned at 2:06 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation, the Capital Industrial Development Corporation, and the Capital Health Facilities Development Corporation, convened the Voting Sessions at 2:06 PM and adjourned at 2:08 PM.

The Commissioners' Court reconvened the regular Voting Session at 2:09 PM.

The Commissioners' Court retired to Executive Session at 2:09 PM.

The Commissioners' Court reconvened the Voting Session at 3:29 PM.

The Commissioners' Court adjourned the Voting Session at 4:11 PM.

CITIZENS COMMUNICATION

Members of the Court heard from: Jeff Ripley, Director, Texas Cooperative Extension; Lillianne Goeders, Texas Cooperative Extension; and Stephen Williams, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS). (9:19 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C3, and Items 2.A and B, 3, 5, 8, 9, 12, 13.A, 14, 16.A and B, 17, 18, 19, 20, and 23. (9:21 AM)

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

- C1.** RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2.** AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION SERVICES.
- C3.** APPROVE AUTOMATIC BUDGET TRANSFERS.

PURCHASING OFFICE ITEMS

- 2. A.** APPROVE ASSIGNMENT AND ASSUMPTION OF SINGLETON BEND ANTENNA LEASE AGREEMENT NO. LA020249JW WITH THE REGIONAL RADIO SYSTEM (“RRS”) COALITION; AND (9:21 AM)
- B.** APPROVE ORDER GRANTING EXEMPTION FROM SUBDIVISION PLATTING. (EMERGENCY SERVICES) (COMMISSIONER GÓMEZ)

Clerk's Note: Items 2.A and B added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 3. APPROVE INTERLOCAL NO. IL040184JW, AUSTIN INDEPENDENT SCHOOL DISTRICT (AISD), FOR THE DISTRIBUTION OF UNITIZED MEALS AT THE AUSTIN LEARNING CENTER (ALC) TO JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM STUDENTS. (JUVENILE PROBATION) (COMMISSIONER GÓMEZ) (9:21 AM)

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

- 4. APPROVE CONTRACT AWARDS FOR MEDICAL AND SURGICAL SUPPLIES, IFB NO. B040096OJ, TO: (9:24 AM) (11:15 AM) (2:09 PM) (3:29 PM)
 - A. MEDICAL EXPRESS, INC. AS PRIMARY SUPPLIER; AND
 - B. QUADMED, INC. AS SECONDARY SUPPLIER. (SHERIFF'S OFFICE, JUVENILE COURT, MEDICAL EXAMINER'S OFFICE) (COMMISSIONER GÓMEZ)

Clerk's Note: Items 4.A and B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; John Totten, Account Representative, Southwest Surgical Systems, Inc.; and Lolly Jones, Purchasing.

Clerk's Note: Judge Biscoe announced that Items 4.A and B 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 reject all the bids, and rebid this whole thing.

Motion carried:

County Judge Samuel T. Biscoe	no
Precinct 1, Commissioner Ron Davis	no
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 5. APPROVE PURCHASE OF ONE UTILITY TRACTOR FROM THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD), NO. IL030067OJ. (TNR) (COMMISSIONER GÓMEZ) (9:21 AM)

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

- 6. **A.** APPROVE ORDER EXEMPTING THE PURCHASE OF HOMELAND SECURITY EQUIPMENT FROM THE COMPETITIVE PROCUREMENT PROCESS PURSUANT TO SECTION 262.024 (a)(2) OF THE PURCHASING ACT; AND (9:16 AM)

- B.** APPROVE PURCHASE OF HOMELAND SECURITY EQUIPMENT FROM MULTIPLE VENDORS, USING FY03 GRANT FUNDS THROUGH THE STATE OF TEXAS DOMESTIC PREPAREDNESS EQUIPMENT PROGRAM. (OEM) (COMMISSIONER GÓMEZ)

Items 6.A and B pulled from the Agenda.

- 7. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. 02C00166LC, HART INTERCIVIC, INC., FOR THE DIRECT RECORDING ELECTRONIC VOTING SYSTEM. (COUNTY CLERK) (COMMISSIONER GÓMEZ) (11:11 AM)

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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the contract modification in Item 7.

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 EXEMPTION ORDER AND CONTRACT FOR ACTUARIAL CONSULTING SERVICES RELATED TO ACCOUNTING STANDARDS REPORTING POST-EMPLOYMENT BENEFITS WITH DELOITTE CONSULTING LLP. (AUDITOR'S OFFICE) (COMMISSIONER GÓMEZ) (9:21 AM)

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

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

9. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR THE PARTIAL VACATION OF WEST CYPRESS HILLS PHASE ONE SECTION ONE AND A PLAT FOR RECORDING IN PRECINCT THREE: REPLAT OF LOT 7, BLOCK 1, WEST CYPRESS HILLS PHASE ONE SECTION ONE (REPLAT – 2 LOTS – 0.6 ACRES – TEXAS BLUEBELL DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY CYPRESS RANCH WCID – OUTSIDE ALL ETJ's). (COMMISSIONER DAUGHERTY) (9:21 AM)

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

10. RECEIVE PRESENTATION ON 2030 TRANSPORTATION PLAN FROM CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION. (9:33 AM)

Members of the Court heard from: Michael Aulick, Executive Director, Capital Area Metropolitan Planning Organization (CAMPO); and Stevie Greathouse, Editor, CAMPO Long Range Plan.

Clerk's Note: The Commissioners' Court received the CAMPO Long Range Plan.

Discussion only. No action taken.

11. RECEIVE UPDATE AND TAKE APPROPRIATE ACTION ON CITY OF AUSTIN AND TRAVIS COUNTY EFFORTS TO IMPLEMENT HB 1445 FOR THE REVIEW AND INSPECTION OF SUBDIVISIONS IN THE EXTRATERRITORIAL JURISDICTION. (10:20 AM)

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

Clerk's Note: Judge Biscoe requested Staff to propose a timeline to address major steps needed to implement this process.

Discussion only. No action taken.

12. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: SCHMIDT ADDITION (SHORT FORM PLAT – 1 LOT – 12.267 ACRES – ACRES – CAPITAL OF TEXAS HWY – NO FISCAL REQUIRED – ON-SITE SEPTIC SYSTEM (CITY OF AUSTIN JURISDICTION) – CITY OF AUSTIN LIMITED PURPOSE). (COMMISSIONER DAUGHERTY) (9:21 AM)

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

PLANNING AND BUDGET DEPT. ITEMS

13. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
 - A. A GRANT APPLICATION TO THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ASSOCIATION (SAMHSA) FOR A YOUNG OFFENDER REENTRY GRANT PROGRAM IN JUVENILE PROBATION. A NEW GRANT PROGRAM THAT PROVIDES ENHANCED SERVICES TO YOUTH EXITING SECURED FACILITIES. (9:21 AM)

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

14. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:21 AM)

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

HEALTH AND HUMAN SERVICES DEPT. ITEMS

15. CONSIDER AND TAKE APPROPRIATE ACTION ON OPTIONS ADDRESSING THE PROJECTED BUDGET SHORTFALL IN THE RURAL MEDICAL ASSISTANCE PROGRAM (RMAP). (10:54 AM)

Members of the Court heard from: Stephen Williams, Executive Manager, TCHHS&VS; Mike Wichern, Chief Assistant County Auditor, Travis County Auditor's Office; John Hille, Assistant County Attorney; Christian Smith, Executive Manager, Planning and Budget Office (PBO); and Jose Palacios, Travis County Auditor's Office.

Discussion only. No action taken.

16. CONSIDER AND TAKE APPROPRIATE ACTION TO ACCEPT THE REQUEST OF COMMUNITY ADVOCATES FOR TEENS AND PARENTS TO: (9:21 AM)

- A. TERMINATE CONTRACT WITH TRAVIS COUNTY THROUGH THE HEALTH AND HUMAN SERVICES DEPARTMENT AS OF JUNE 30, 2004 (EFFECTIVELY CEASING THE AGENCY'S PROVISION OF HEALTHY FAMILIES PROGRAM SERVICES); AND
- B. TRANSITION THE PROGRAM TO THE HEALTH AND HUMAN SERVICES DEPARTMENT THROUGH THE CREATION OF TWO CASEWORKER SLOTS AND EXTENDING OFFERS OF COUNTY EMPLOYMENT TO THE TWO CURRENT FAMILY SUPPORT WORKERS.

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent.

Clerk's Note: Items 16.A and B 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 \$276,215.80 FOR THE PERIOD OF MAY 21 THROUGH MAY 27, 2004. (9:21 AM)

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

18. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED PERSONNEL AMENDMENTS. (9:21 AM)

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

OTHER ITEMS

19. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:21 AM)

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

20. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO DISTRIBUTE FLIERS WITH THE JUNE 15TH PAYROLL CHECKS ANNOUNCING THE TRAVIS COUNTY/CITY OF AUSTIN EMANCIPATION DAY - JUNETEENTH CELEBRATION ON JUNE 18, 2004. (JUDGE BISCOE AND COMMISSIONER DAVIS) (9:21 AM)

Clerk's Note: Item 20 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

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. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE OPPORTUNITY TO PURCHASE REAL ESTATE IN SOUTH CENTRAL AUSTIN. ² (9:17 AM)

Item 24 postponed until June 15, 2004.

- 25. CONSIDER TAKE APPROPRIATE ACTION ON OPPORTUNITY TO PURCHASE REAL ESTATE IN CENTRAL AUSTIN. ^{1 and 2} (11:15 AM)
(3:32 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, and Gov't. Code Ann. 551.072, Real Property.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to approve the revisions recommended by the property owner.

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	abstain
Precinct 4, Commissioner Margaret J. Gómez	yes

- 26. RECEIVE BRIEFING ON IMPACT ON ELIGIBILITY FOR PARTICIPATION IN CAFETERIA PLAN AND FEDERAL TAX REPORTING RAMIFICATIONS OF IMPLEMENTATION OF HOUSE BILL 725 REGARDING GROUP BENEFITS FOR EMPLOYEES OF COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT, AND TAKE APPROPRIATE ACTION. ¹ (11:15 AM) (3:33 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.

Members of the Court heard from: Barbara Wilson, Assistant County Attorney.

Motion by Judge Biscoe and seconded by Commissioner Gómez to authorize the County Attorney to prepare and submit a letter ruling request to the Internal Revenue Service, regarding the cafeteria plan benefits of the Community Supervision and Corrections Department (CSCD) employees and payroll-related reporting requirements of Travis County; that we appoint Barbara Wilson, Assistant County Attorney, as our IRS power of attorney, solely for the purpose of dealing with this letter ruling request, as required by the Internal Revenue Service; and third, that we authorize Judge Biscoe to sign all documents required or appropriate, in making this letter ruling request submission. The Travis County Auditor did indicate that she would pay the required \$2,470.00 to the Federal Government.

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

- 27. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION IN STEPHEN C. KUHNS V. TRAVIS COUNTY ET AL.¹ (11:15 AM) (3:35 PM)

Clerk’s Note: Judge Biscoe announced that Item 27 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

No action required.

Item 27 to be reposted when appropriate.

28. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION ON SETTLEMENT PROPOSAL IN SALLY DECKER V. TRAVIS COUNTY AND STEPHEN L. WILLIAMS, IN HIS OFFICIAL CAPACITY. ¹
(11:15 AM) (3:35 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.

Members of the Court heard from: Eric Shepperd, Assistant County Attorney.

Motion by Judge Biscoe to authorize the County Attorney to communicate to the other side, and offer to settle this matter for \$45,000.00.

Clerk's Note: The Motion died for lack of a Second.

Motion by Commissioner Gómez to settle for \$75,000.00 with no reinstatement.

Clerk's Note: The Motion died for lack of a Second.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Daugherty to reject their offer, and that no counter-offer be made.

Motion failed:

County Judge Samuel T. Biscoe	no
Precinct 1, Commissioner Ron Davis	no
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	no

29. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION ON IMPLEMENTATION OF TRAVIS COUNTY HOSPITAL DISTRICT. ¹ (11:15 AM)
(3:36 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.

Item 29 was not discussed and is to be reposted on June 15, 2004.

30. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION ON SETTLEMENT OFFER IN DEBBIE MERGELE, AS REPRESENTATIVE OF THE ESTATE OF JOHN FRUMP V. MARGO FRASIER, ET. AL (FRUMP, MARGO FRASIER; WRONGFUL DEATH) (REQUESTED BY PLAINTIFF). ¹ (11:15 AM) (2:09 PM) (3:36 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.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to authorize the County Attorney to engage in mediation of this matter, and that we authorize Dan Mansour, Risk Manager, Human Resources Management Department (HRMD), to represent Travis County and the Travis County Commissioners’ Court.

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	no
Precinct 4, Commissioner Margaret J. Gómez	yes

31. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATIONS FROM THE COUNTY CLERK TO ADDRESS VARIOUS SECURITY MATTERS AT 5501 AIRPORT BLVD. ^{1 and 4} (11:15 AM) (2:09 PM) (3:37 PM)

Clerk’s Note: Judge Biscoe announced that Item 31 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney, and Gov’t. Code Ann. 551.076, Security.

No action required on Item 31.

Item 31 to be reposted on June 15, 2004.

