

## MINUTES OF MEETING – JULY 20, 2004

### TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 20<sup>th</sup> day of July, 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 retired to Executive Session at 10:53 AM.

The Commissioners' Court reconvened the Voting Session at 11:37 AM.

The Commissioners' Court recessed the Voting Session at 12:06 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, convened the Voting Session at 1:41 PM and adjourned at 1:47 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation, convened the Voting Session at 1:47 PM and adjourned at 2:10 PM.

The Commissioners' Court reconvened the regular Voting Session at 2:10 PM.

The Commissioners' Court retired to Executive Session at 2:23 PM.

The Commissioners' Court reconvened the Voting Session at 3:20 PM.

The Commissioners' Court adjourned the Voting Session at 3:41 PM.

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### CITIZENS COMMUNICATION

**Clerk's Note:** No speakers addressed the Court. (9:16 AM)



2. DISCUSS AND TAKE APPROPRIATE ACTION ON REQUEST TO REVISE THE TRAVIS COUNTY PARKS FEES FOR ATHLETIC FIELDS. (9:18 AM)

**Clerk's Note:** The Court discussed revising the Parks fees for athletic fields, so that the two-hour minimum rate for use of ball field lighting be further subdivided into 15-minute increments.

**Members of the Court heard from:** Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR); and Charles Bergh, Division Director, Parks and Natural Resources, TNR.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve Item 2.

**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

3. CONSIDER AND TAKE APPROPRIATE ACTION ON THE REQUEST TO USE ALTERNATIVE FISCAL FOR STONEY RIDGE NORTH POND, A SUBDIVISION IN PRECINCT FOUR. (COMMISSIONER GÓMEZ) (9:16 AM)

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





**HEALTH AND HUMAN SERVICES DEPT. ITEMS**

7. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING FOR THE TRAVIS COUNTY HOSPITAL DISTRICT: (2:10 PM) (2:23 PM) (3:20 PM)
  - A. TRAVIS COUNTY PROGRAMS AND SERVICES TO TRANSFER TO THE HOSPITAL DISTRICT;
  - B. TRAVIS COUNTY FACILITIES TO TRANSFER TO THE HOSPITAL DISTRICT;
  - C. TRAVIS COUNTY FUNDS TO TRANSFER TO THE HOSPITAL DISTRICT;
  - D. ISSUES RELATED TO INDEPENDENT AUDIT REQUIRED BY HEALTH AND SAFETY CODE, SECTION 281.122;
  - E. OTHER MATTERS REGARDING THE IMPLEMENTATION OF THE DISTRICT.

**Clerk's Note:** Items 7.A-E are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Susan Spataro, Travis County Auditor; John Hille, Assistant County Attorney; Barbara Cille, Executive Assistant, Travis County Commissioner Precinct 3 Office; and Christian Smith, Executive Manager, PBO.

**Clerk's Note:** Judge Biscoe announced that Items 7.D and E would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

**ITEM 7 CONTINUED**

**Clerk’s Note:** The Commissioners’ Court discussed Item 7.D, a draft letter prepared by County Staff, which set out three options regarding the independent audit required by Health and Safety Code, Section 281.122.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to approve this letter, to be sent to the entire City Council of the City of Austin and the City Manager; that it be from the Travis County Commissioners’ Court; and that we go with option three. And, that we add a sentence that basically says, that although we request that the City Council suggest a firm which we may jointly retain to make the verification that is required by law, we respectfully request that the outside firm that is the audit firm for the City of Austin not be recommended. And, in the letter we do indicate that the County’s outside firm, Deloitte and Touche, will not perform these duties either; and in our view, for the firm to be independent, and that it is probably necessary that it not be closely associated with either one of us.

<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

**Clerk’s Note:** The Court requested that Staff put together packets of information, including the adjusted budget for FY 04, the projected budget for FY 05, and related budget audit documents that we think the City of Austin ought to be provided, consistent with requests that we have been making from them, of the same nature. We are trying to put these packets of information together, so, beginning the first of August, when the Board of Managers is in place, hopefully, we can hand them those documents, so they can start working toward the first annual budget.

No action on Items 7.A, B, C, and E

**ADMINISTRATIVE OPERATIONS ITEMS**

- 8. 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 \$338,134.20 FOR THE PERIOD OF JULY 2 THROUGH JULY 8, 2004. (9:16 AM)

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

- 9. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED PERSONNEL AMENDMENTS. (11:37 AM) (11:43 AM)
  - A. REVIEW AND TAKE APPROPRIATE ACTION ON POLICY AUTHORIZING TEMPORARY PAY INCREASES.

**Members of the Court heard from:** Linda Moore Smith, Director, Human Resources Management Department (HRMD); Joe Gieselman, Executive Manager, TNR; and John Dietz, District Judge, 250<sup>th</sup> District Court.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the proposed personnel amendments, delaying the Transportation and Natural Resources (TNR) items one week, until July 27, 2004.

**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 9 to be reposted on July 27, 2004.





**PURCHASING OFFICE ITEMS**

- 13.** CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM THE CITY OF AUSTIN TO PARTICIPATE IN SECOND GENERATION DISPARITY STUDY. (9:44 AM) (10:53 AM) (11:38 AM)

**Members of the Court heard from:** Cyd Grimes, Travis County Purchasing Agent; Leno Mindeola, Outside Counsel, City of Austin; Jeff Travillion, Director, Department of Small and Minority Business Resources, City of Austin; David Escamilla, Travis County Attorney; Travis Gatlin, Budget Analyst, PBO; and Sylvia Lopez, (Historically Underutilized Business (HUB) Coordinator, Travis County Purchasing Department.

**Clerk’s Note:** Judge Biscoe announced that Item 13 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 authorize a commitment of up to \$100,000.00, payable \$50,000.00 in October, 2004, and \$50,000.00 in October, 2005. This will be contingent upon our ability to reach an appropriate contract that sets forth a specific scope of work for Travis County, as well as a scope common to all the participating partners.

**Clerk’s Note:** The Court directed the Planning and Budget Office (PBO) to unfreeze a slot in the Purchasing Department to put in the preliminary budget, effective October 1, 2004, and to use that position within the HUB office.

**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

- 14.** APPROVE ORDER EXEMPTING THE PURCHASE OF PROFESSIONAL STRUCTURAL AND MEP ENGINEERING SERVICES HARUTUNIAN ENGINEERING, INC. FROM THE COMPETITIVE PROCUREMENT PROCESS, PURSUANT TO SECTION 262.024(A)(4) OF THE COUNTY PURCHASING ACT. (COMMISSIONER GÓMEZ) (9:16 AM)

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

15. DECLARE 250 ELECTION BALLOT BOX SYSTEMS AS SURPLUS PROPERTY AND APPROVE SALE TO FORT BEND COUNTY, TEXAS. (FIXED ASSETS) (COMMISSIONER GÓMEZ) (9:16 AM)

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

16. APPROVE 12-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 03T00287LD, ACCENT FOODS, FOR CAFETERIA AND VENDING MACHINE CONCESSION SERVICES. (FM) (COMMISSIONER GÓMEZ) (9:16 AM)

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

17. APPROVE PURCHASE OF ONE (1) LOADER SKID FROM THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD), NO. IL030067OJ. (TNR) (COMMISSIONER GÓMEZ) (9:16 AM)

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

18. APPROVE PURCHASE OF ONE (1) ASPHALT PAVER FROM THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD), NO. IL030067OJ. (TNR) (COMMISSIONER GÓMEZ) (9:16 AM)

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

19. APPROVE PURCHASE OF TRACTOR CRAWLER DOZERS OFF STATE CONTRACT FROM HOLT EQUIPMENT. (TNR) (COMMISSIONER GÓMEZ) (9:16 AM)

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

20. APPROVE TERMINATION OF CONTRACT NO. 03T00003RG, WITH TITANIS, INC., FOR TELEPHONE EQUIPMENT. (ITS) (COMMISSIONER GÓMEZ) (9:16 AM)

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

21. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. CM040145LC, VISTA SOLUTIONS GROUP, FOR THE DOCUMENT IMAGING SYSTEM FOR THE COUNTY CLERK AND DISTRICT CLERK. (ITS/COUNTY CLERK/DISTRICT CLERK) (COMMISSIONER GÓMEZ) (9:16 AM)

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

22. APPROVE CONTRACT AWARD FOR PIPES AND FITTINGS FOR THE KENNEDY RIDGE WATER IMPROVEMENTS PROJECT TO THE LOW BIDDER, NATIONAL WATERWORKS, INC. (TNR) (COMMISSIONER DAVIS) (9:16 AM)

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

23. APPROVE CONTRACT AWARD FOR ROOF RESTORATION OF THE EXECUTIVE OFFICE BUILDING, IFB NO. B040111-SI, TO THE LOW BIDDER, QA CONSTRUCTION SERVICES, INC. (FAC. MGMT.) (COMMISSIONER GÓMEZ) (9:16 AM)

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

## OTHER ITEMS

24. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:16 AM)

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

25. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF JUNE 2004. (9:16 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 LEASE AGREEMENT WITH AMERICAN HONDA MOTOR COMPANY FOR FOUR HONDA PERSONAL WATER CRAFT FOR LAW ENFORCEMENT PATROL FUNCTIONS ON LAKE TRAVIS. (9:16 AM)

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

27. APPOINT BRIAN THOMPSON TO SERVE AS COMMISSIONER OF EMERGENCY SERVICES DISTRICT #2 BOARD, TERM EFFECTIVE IMMEDIATELY UNTIL DECEMBER 31, 2006. (COMMISSIONER SONLEITNER) (9:16 AM)

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

28. APPROVE ACCEPTANCE OF DONATIONS IN THE AMOUNT OF \$30.00 FROM THE ROB ROY HOMEOWNERS ASSOCIATION AND \$100.00 FROM TIMOTHY AND ANN COSTELLO TO BE USED BY LAW ENFORCEMENT FOR EQUIPMENT AND SUPPLIES. (9:16 AM)

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

29. APPOINT MILTON GERARD WASHINGTON TO THE TRAVIS COUNTY CHILDREN'S PROTECTIVE SERVICES BOARD, TERM EFFECTIVE IMMEDIATELY, UNTIL JULY 31, 2007. (COMMISSIONER DAVIS) (9:16 AM)

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





34. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL V. CHARLES E. PEARSON (MARGARET PETERS RESALE DEED), AND TAKE APPROPRIATE ACTION. <sup>1</sup> (10:53 AM) (11:41 AM)

**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.

**Motion by Judge Biscoe and seconded by Commissioner Daugherty** to approve a resale deed to Margaret Peters, who has paid Travis County the sum of \$2,691.05.

**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

35. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN DEL VALLE ISD, ET AL V. CONSUELO MORENO (JERRY KILBER RESALE DEED), AND TAKE APPROPRIATE ACTION. <sup>1</sup> (10:53 AM) (11:41 AM)

**Clerk's Note:** Judge Biscoe announced that Item 35 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 approve a resale deed to Jerry Kilber, who has paid Travis County the sum of \$6,641.82.

**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



36. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION CONCERNING THE EXTENSION OF LEAVE FOR A JUVENILE PROBATION DEPARTMENT EMPLOYEE. <sup>1&3</sup> (10:53 AM) (11:41 AM)

**Clerk's Note:** Judge Biscoe announced that Item 36 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney, and Gov't. Code Ann. 551.074, Personnel Matters.

**Clerk's Note:** Judge Biscoe noted that the employee involved occupies Slot 470 in Department 45.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to authorize extension of leave with pay through July 23, 2004, and that would be an additional ten days to the five days already authorized.

**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

37. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN JODI MARSHALL V. TRAVIS COUNTY, ET AL. (MARSHALL, TRAVIS COUNTY; CIVIL RIGHTS) (REQUESTED BY DEFENDANT). <sup>1</sup> (10:53 AM) (11:42 AM)

**Clerk's Note:** Judge Biscoe announced that Item 37 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 agree to mediation, and that we request Dan Mansour, Risk Manager, Human Resources Management Department (HRMD) to represent Travis County in that matter.

**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

- 38. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION CONCERNING REQUEST FOR EXTENSION OF ADMINISTRATIVE LEAVE FOR JUVENILE BOARD EMPLOYEE. <sup>1&4</sup> (9:15 AM)

Item 38 pulled from the Agenda.

- 39. A. CONSIDER AND TAKE APPROPRIATE ACTION ON APPOINTING MEMBERS TO THE BOARD OF MANAGERS OF THE TRAVIS COUNTY HOSPITAL DISTRICT; AND (2:23 PM) (3:35 PM)
- B. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATION OF A JOINT APPOINTEE TO THE CITY OF AUSTIN. <sup>3</sup>

**Clerk's Note:** Judge Biscoe announced that Items 39.A and B would be considered in Executive Session pursuant to Gov't. Code Ann. 551.074, Personnel Matters.

**Motion by Judge Biscoe and seconded by Commissioner Sonleitner** to appoint the following individuals to the Board of Managers of the Travis County Hospital District: Clarke Heidrick, Donald Patrick, Carl Richie, Frank Rodriguez, and Tom Young. The other part of this Motion is that the County Judge, and even other members of the Court, will communicate this list of appointees to the City of Austin subcommittee, along with a reminder of our conversation about the joint appointee.

**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



