

MINUTES OF MEETING--MARCH 26, 1996

TRAVIS COUNTY COMMISSIONERS' COURT

On the 26th day of March 1996, the Travis County Commissioners' Court convened the Voting Session at 9:15 AM in the Commissioners' Courtroom, 1st Floor of the Travis County Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Julianne Rompel.

The Commissioners' Court recessed the Voting Session at 11:58 AM and reconvened the Voting Session at 2:14 PM.

The Commissioners' Court retired to Executive Session at 2:23 PM and reconvened the Voting Session at 4:53 PM.

The Commissioners' Court retired to Executive Session at 4:54 PM and reconvened the Voting Session at 5:06 PM.

The Commissioners' Court adjourned the Voting Session at 5:11 PM.

RESOLUTIONS & HEARINGS

**1. APPROVE EXTENSION OF BURNING BAN IN TRAVIS COUNTY.
(9:17 AM)**

Members of the Court heard from Pete Baldwin, Emergency Management Coordinator, Transportation and Natural Resources.

Motion by Commissioner Sonleitner and seconded by Commissioner Gómez to approve the extension of the burning ban for an additional seven days.

Motion carried:	Commissioner 1, Samuel Biscoe	-	yes
	Commissioner 2, Karen Sonleitner	-	yes
	Commissioner 3, Valarie Bristol	-	yes
	Commissioner 4, Margaret Gómez	-	yes
	County Judge, Bill Aleshire	-	yes

2. APPROVE A TEMPORARY ROAD CLOSURE OF PATTERSON ROAD FOR THE PURPOSE OF PROVIDING SAFETY FOR A FUN RUN ON MARCH 30, 1996, IN PRECINCT THREE. (9:19 AM)

Motion by Commissioner Bristol and seconded by Commissioner Gómez that the Public Hearing be opened.

Motion carried:	Commissioner 1, Samuel Biscoe	-	yes
	Commissioner 2, Karen Sonleitner	-	yes
	Commissioner 3, Valarie Bristol	-	yes
	Commissioner 4, Margaret Gómez	-	yes
	County Judge, Bill Aleshire	-	yes

Members of the Court heard from Joe Gieselman, Executive Director of Transportation and Natural Resources.

Motion by Commissioner Bristol and seconded by Commissioner Gómez that the Public Hearing be closed.

Motion carried:	Commissioner 1, Samuel Biscoe	-	yes
	Commissioner 2, Karen Sonleitner	-	yes
	Commissioner 3, Valarie Bristol	-	yes
	Commissioner 4, Margaret Gómez	-	yes
	County Judge, Bill Aleshire	-	yes

CITIZENS COMMUNICATION

Members of the Court heard from Charlie Waites and Bob Barstow. (9:19 AM)

3. CONSENT ITEMS

Motion by Commissioner Sonleitner and seconded by Commissioner Biscoe to approve the following Consent Items: 12, 13 and Items C.1 - C.16. (9:32 AM)

Motion carried:	Commissioner 1, Samuel Biscoe	-	yes
	Commissioner 2, Karen Sonleitner	-	yes
	Commissioner 3, Valarie Bristol	-	yes
	Commissioner 4, Margaret Gómez	-	yes
	County Judge, Bill Aleshire	-	yes

C.1 RECEIVE BIDS FROM COUNTY PURCHASING AGENT.

CONSENT ITEMS CONTINUED:

- C.2 AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION FACILITIES.
- C.3 APPROVE COMMISSIONERS' COURT MINUTES FOR MARCH 12, 1996.
- C.4 APPROVE BUDGET AMENDMENTS AND BUDGET TRANSFERS.
- C.5 APPOINT YVETTE CLAY FOR A THREE-YEAR TERM ON THE CHILD WELFARE BOARD AS A PRECINCT FOUR APPOINTEE.
- C.6 APPOINT LEONARD T. MELCHER TO THE BOARD OF COMMISSIONERS OF TRAVIS COUNTY EMERGENCY SERVICES DISTRICT #3 (OAK HILL) FOR THE UNEXPIRED TERM OF OFFICE ENDING 12/31/96.
- C.7 APPROVE ORDER DESIGNATING MAIN AND TEMPORARY BRANCH EARLY VOTING POLLING PLACES AND HOURS FOR EARLY VOTING ON WEEKDAYS FOR THE APRIL 9, 1996, RUN-OFF PRIMARY ELECTIONS, AND DISCUSS COUNTY RESPONSIBILITIES IN THE OPERATION OF THE EARLY VOTING LOCATIONS.
- C.8 APPROVE AMENDMENT AND EXTENSION OF BOAT SLIP RENTAL AGREEMENTS WITH EMERALD POINT MARINA AND ISLAND AT LAKE TRAVIS MARINA IN CONNECTION WITH TRAVIS COUNTY SHERIFF'S OFFICE BOAT PATROL OPERATIONS.
- C.9 AUTHORIZE EXECUTIVE MANAGER OF ADMINISTRATIVE OPERATIONS TO PROVIDE ANNUAL RENEWAL OF REQUEST FOR WAIVER OF INSURANCE REQUIREMENTS FOR TRAVIS COUNTY LICENSED HVAC MECHANIC TO TEXAS DEPARTMENT OF LICENSING AND REGULATION BECAUSE THE LICENSE HOLDER DOES NOT CONTRACT WITH THE PUBLIC.
- C.10 APPROVE CONTRACT MODIFICATION NO. 1 TO CONTRACT NO. PS960130LH, RESIDENTIAL TREATMENT SERVICES FOR JUVENILE COURT. CONTRACT WAS APPROVED ON FEBRUARY 27, 1996; MODIFICATION CHANGES THE CONTRACTOR'S LEGAL NAME (YOUTH CARE FOUNDATION).
- C.11 APPROVE CONTRACT AWARD FOR THE PROVISION OF AVIATION HARDWARE AND GENERAL MAINTENANCE ITEMS, TO THE SOLE, QUALIFIED BIDDER, FALCON CREST AVIATION.
- C.12 APPROVE STATE CATALOG PURCHASE OF AS/400 UPGRADES FOR \$98,023.00 FOR INFORMATION AND TELECOMMUNICATIONS SYSTEMS.

CONSENT ITEMS CONTINUED:

- C.13** APPROVE A PUBLIC HEARING DATE OF APRIL 2, 1996, TO APPROVE A TEMPORARY ROAD CLOSURE OF A SECTION OF CAMERON ROAD FOR THE PURPOSE OF PROVIDING SAFETY FOR THE FILMING OF A MOVIE ON APRIL 3, 1996, IN PRECINCT ONE.
- C.14** APPROVE A PUBLIC HEARING DATE OF APRIL 9, 1996, TO APPROVE THE VACATION OF A PORTION OF A PUBLIC UTILITY EASEMENT ON LOT 6, BLOCK 16, AUSTIN LAKE ESTATES, SECTION ONE, A SUBDIVISION IN PRECINCT THREE.
- C.15** APPROVE THE FOLLOWING PLATS FOR RECORDING:
- A.** AMENDMENT PLAT OF 600 RIVER HILLS SUBDIVISION - (AMENDMENT PLAT - NO FISCAL - 4 LOTS - 19.9305 ACRES - RIVER HILLS ROAD), IN PRECINCT THREE.
- B.** GAINES RANCH SUBDIVISION - (SHORTFORM - NO FISCAL - 1 LOT - 13.147 ACRES - MOPAC SOUTH EXPRESSWAY), IN PRECINCT THREE.
- C.16** APPROVE A TEMPORARY ROAD CLOSURE OF PATTERSON ROAD FOR THE PURPOSE OF PROVIDING SAFETY FOR A FUN RUN ON MARCH 30, 1996, IN PRECINCT THREE.

ADMINISTRATIVE ITEMS

- 4.** RECEIVE PRESENTATION OF THE REPORT PREPARED BY FLUOR DANIEL TEAM ON "PRELIMINARY MASTER PLAN RECOMMENDATIONS FOR THE TRAVIS COUNTY CORRECTIONAL SYSTEM", FOR DISCUSSION, APPROVAL, AND TO GIVE STAFF DIRECTION.
(9:32 AM)

Members of the Court heard from Alicia Perez, Executive Manager of Administrative Operations; Curtis Pulitzer, Fluor Daniels; David Bogart, Fluor Daniels; Belinda Poppa, Facilities Engineering; Kevin Bailey, Facilities Manager; and Dinah Dinwiddie, Executive Coordinator of Justice and Public Safety.

Discussion only.

Item 4 to be reposted for April 9, 1996.

5. APPROVE AMENDMENT TO CONSTRUCTION TESTING SERVICES PROFESSIONAL SERVICES AGREEMENT BETWEEN TRAVIS COUNTY AND MAXIM TECHNOLOGIES (CONSULTANT). THE AMENDMENT EXPANDS THE BASIC SERVICE FOR THE AGREEMENT IN AN AMOUNT NOT TO EXCEED \$28,700.00 AND ASSIGNS THE CONTRACT TO THE FIRM WHICH PURCHASED THE CONSULTANT. (10:43 AM)

Members of the Court heard from Cyd Grimes, Purchasing Agent; Kevin Bailey, Facilities Manager; and Alicia Perez, Executive Manager of Administrative Operations.

Motion by Commissioner Bristol and seconded by Commissioner Gómez to approve.

Motion carried:	Commissioner 1, Samuel Biscoe	-	yes
	Commissioner 2, Karen Sonleitner	-	yes
	Commissioner 3, Valarie Bristol	-	yes
	Commissioner 4, Margaret Gómez	-	yes
	County Judge, Bill Aleshire	-	opposed

6. CONSIDER AND APPROVE CONTRACT MODIFICATION TO GRAEBER, SIMMONS, AND COWAN CONTRACT FOR THE PROVISION OF AN ENGINEERING STUDY FOR COURTHOUSE UTILITIES. (10:57 AM)

Members of the Court heard from Cyd Grimes, Purchasing Agent; Alicia Perez, Executive Manager of Administrative Operations; Kevin Bailey, Facilities Manager; Trenton Wann, Graeber, Simmons, and Cowan; and Don Olson, HDR.

Motion by Commissioner Bristol and seconded by Commissioner Sonleitner to approve.

Motion carried:	Commissioner 1, Samuel Biscoe	-	yes
	Commissioner 2, Karen Sonleitner	-	yes
	Commissioner 3, Valarie Bristol	-	yes
	Commissioner 4, Margaret Gómez	-	yes
	County Judge, Bill Aleshire	-	yes

7. AMEND CONTRACT WITH GRAEBER, SIMMONS, AND COWAN FOR ARCHITECTURAL AND DESIGN SERVICES ON CJC. (11:04 AM) (2:23 PM) (4:53 PM) (4:54 PM) (5:06 PM)

Members of the Court heard from Alicia Perez, Executive Manager of Administrative Operations; Kevin Bailey, Facilities Manager; Trenton Wann, Graeber, Simmons, and Cowan; and Don Olsen, HDR.

Motion by Commissioner Bristol and seconded by Commissioner Biscoe to approve the portion of the contract relating to demolition and site preparation. [Clerk's note: this Motion is later reconsidered and rescinded--refer to Motion below and Motion on page 7 of the Minutes for this Voting Session.]

Motion carried:	Commissioner 1, Samuel Biscoe	-	yes
	Commissioner 2, Karen Sonleitner	-	yes
	Commissioner 3, Valarie Bristol	-	yes
	Commissioner 4, Margaret Gómez	-	yes
	County Judge, Bill Aleshire	-	yes

Motion by Commissioner Bristol and seconded by Commissioner Sonleitner to increase the scope amount for Graeber, Simmons, and Cowan in the amount of \$200,351.00. (Clerk's note: this Motion was tabled pending Executive Session discussion.)

Judge Aleshire announced that Item 7 would be considered in Executive Session.

Members of the Court heard from Assistant County Attorney Jim Collins.

Judge Aleshire announced that Item 7 would be considered in Executive Session.

Motion by Judge Aleshire and seconded by Commissioner Biscoe to reconsider the former Motions on Item 7.

Motion carried:	Commissioner 1, Samuel Biscoe	-	yes
	Commissioner 2, Karen Sonleitner	-	yes
	Commissioner 3, Valarie Bristol	-	yes
	Commissioner 4, Margaret Gómez	-	yes
	County Judge, Bill Aleshire	-	yes

Members of the Court heard from Assistant County Attorney David Escamilla.

ITEM 7 CONTINUED:

Members of the Court agreed to consider one Motion for Items 7, 14, 15, 18, 21, and 22.

Motion by Judge Aleshire and seconded by Commissioner Sonleitner:

- 7. to rescind the former motions on this Item and, having taken no net action on this item, to repost this item for April 2, 1996;
- 14. to authorize the Travis County Farmer's Market agent to take the necessary legal steps for the eviction of Dinner at Your Doorstep on the basis that Dinner at Your Doorstep does not have a lease which was submitted to the Commissioners' Court for approval;
- 15. that the Court advises the Travis County Farmer's Market agent that the lease for Sweet Encounters which was submitted to the Commissioners' Court does not allow Sweet Encounters to occupy the premises prior to May 1, 1996, according to the terms of that lease; should the Travis County Farmer's Market agent intend to allow Sweet Encounters occupation of that space prior to May 1, 1996, the Court advises the Travis County Farmer's Market agent, that, under the management agreement, it would be necessary for the Travis County Farmer's Market agent to submit either a lease for the period of time from present until May 1, 1996, or a lease amendment for that period of time, and to allow for an opportunity for the Commissioners' Court to approve or reject that lease proposal;
- 18. to reject the \$1,000,000.00 (one million) offer in that case; and
- 21. to authorize the County Attorney to proceed with litigation.

Maker and second accept the Friendly Amendment by Commissioner Biscoe that two members of the Court, Commissioner Biscoe and Commissioner Gómez, be delegated to discuss all outstanding fee-related issues with the architectural and design firms and appropriate staff members to work toward a recommendation for the Commissioners' Court on Tuesday, April 2, 1996.

Motion carried:	Commissioner 1, Samuel Biscoe	-	yes
	Commissioner 2, Karen Sonleitner	-	yes
	Commissioner 3, Valarie Bristol	-	yes
	Commissioner 4, Margaret Gómez	-	yes
	County Judge, Bill Aleshire	-	yes

8. APPROVE INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY AND EMERGENCY SERVICE DISTRICT #6 (HUDSON BEND) FOR EMERGENCY MEDICAL SERVICE RESPONSE. (11:47 AM)

Members of the Court heard from Joe Gieselman, Executive Director of Transportation and Natural Resources and Chief Bruce Watson, Hudson Bend ESD #6.

Motion by Commissioner Bristol and seconded by Commissioner Sonleitner to approve contract as amended (removing section 1.5).

Motion carried:	Commissioner 1, Samuel Biscoe	-	yes
	Commissioner 2, Karen Sonleitner	-	yes
	Commissioner 3, Valarie Bristol	-	yes
	Commissioner 4, Margaret Gómez	-	yes
	County Judge, Bill Aleshire	-	yes

R E C E S S

Motion by Commissioner Bristol and seconded by Commissioner Sonleitner to recess the Voting Session until 1:30 PM. (11:58 AM)

Motion carried:	Commissioner 1, Samuel Biscoe	-	yes
	Commissioner 2, Karen Sonleitner	-	yes
	Commissioner 3, Valarie Bristol	-	yes
	Commissioner 4, Margaret Gómez	-	yes
	County Judge, Bill Aleshire	-	yes

9. APPROVE CONTRACT AWARD TO THE LOWEST AND BEST BID FOR THE PROVISION OF PIGGYBACK STORM WINDOWS THE SCREENS, IFB #B960064-JP. (11:46 AM)

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

Motion by Commissioner Bristol and seconded by Commissioner Gómez to approve staff recommendations to award the contract to Austin Building Products.

Motion carried:	Commissioner 1, Samuel Biscoe	-	opposed
	Commissioner 2, Karen Sonleitner	-	yes
	Commissioner 3, Valarie Bristol	-	yes
	Commissioner 4, Margaret Gómez	-	yes
	County Judge, Bill Aleshire	-	yes

- 10. DISCUSS AND APPROVE FOR ISSUANCE THE ANNUAL INDEPENDENT AUDIT, RFQ NO. R9600068-OJ. (9:15 AM)

Item 10 to be postponed until April 2, 1996.

- 11. APPROVE GRANT PROPOSALS, APPLICATIONS, AND PERMISSION TO CONTINUE.

- A. CRCG (Community Resource Coordination Group) MENTORING PROJECT (JUVENILE COURT). (2:14 PM)

Members of the Court heard from Dobbs Rogers, Juvenile Court; Rachel Howell, CRCG Coordinator; and Claire Burnett, Juvenile Court.

Motion by Judge Aleshire and seconded by Commissioner Bristol to approve.

Motion carried:	Commissioner 1, Samuel Biscoe	-	absent
	Commissioner 2, Karen Sonleitner	-	yes
	Commissioner 3, Valarie Bristol	-	yes
	Commissioner 4, Margaret Gómez	-	yes
	County Judge, Bill Aleshire	-	yes

- 12. APPROVE PERSONNEL AMENDMENTS. (9:15 AM)

Item 12 added to Consent Items.

- 13. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:15 AM)

Item 13 added to Consent Items.

- 14. RECEIVE BRIEFING FROM THE TRAVIS COUNTY FARMERS' MARKET AGENT AND COUNTY ATTORNEY IN REGARD TO DEVELOPMENTS RELATED TO DINNER AT YOUR DOOR STEP. AUTHORIZE AGENT TO EVICT AS PROVIDED IN PARAGRAPH 5 (F) OF THE MANAGEMENT AGREEMENT OF TAKE OTHER APPROPRIATE ACTION. (EXECUTIVE SESSION ALSO, PURSUANT TO TEX. GOV'T CODE, ANN. SECTION 551.071). (2:23 PM) (5:06 PM)

Judge Aleshire announced that Item 14 would be considered in Executive Session.

Members of the Court agreed to consider one Motion for Items 7, 14, 15, 18, 21, and 22. Refer to Item 7 for a summary of the Court's action on this Item.

15. RECEIVE BRIEFING FROM THE TRAVIS COUNTY FARMERS' MARKET AGENT AND COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN REGARD TO DEVELOPMENTS RELATED TO THE LEASE OF SWEET ENCOUNTERS. (EXECUTIVE SESSION ALSO, PURSUANT TO TEX. GOV'T CODE, ANN. SECTION 551.071). (2:23 PM) (5:06 PM)

Judge Aleshire announced that Item 15 would be considered in Executive Session.

Members of the Court agreed to consider one Motion for Items 7, 14, 15, 18, 21, and 22. Refer to Item 7 for a summary of the Court's action on this Item.

16. RECEIVE BRIEFING FROM COUNTY ATTORNEY ON DEVELOPMENTS RELATED TO COMMUNICATIONS WITH THE FEDERAL AVIATION ADMINISTRATION AND AUTHORIZE APPROPRIATE ACTION. (2:23 PM) (5:06 PM)

Judge Aleshire announced that Item 16 would be considered in Executive Session.

Item 16 postponed until April 2, 1996.

17. AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, OR COUNTER SETTLEMENT OFFER IN STATE OF TEXAS V. JACTON CORPORATION, ET. AL, CAUSE NO. 2042; CIP NO. 3-006B, PARCEL 35, F.M. 2304/MANCHACA ROAD; (GIESELMAN; CONDEMNATION). (EXECUTIVE SESSION ALSO, PURSUANT TO TEX. GOV'T CODE, ANN. SECTION 551.071 AND 551.072). (9:15 AM)

Item 17 to be postponed until April 2, 1996.

18. AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, OR MAKE COUNTER OFFER IN RICHARD CONNER V. TRAVIS COUNTY, ET AL. (KEEL; CIVIL RIGHTS). (EXECUTIVE SESSION ALSO, PURSUANT TO TEX. GOV'T CODE, ANN. SECTION 551.071). (2:23 PM) (5:06 PM)

Judge Aleshire announced that Item 18 would be considered in Executive Session.

Members of the Court agreed to consider one Motion for Items 7, 14, 15, 18, 21, and 22. Refer to Item 7 for a summary of the Court's action on this Item.

19. CONSIDER EMPLOYMENT OF OUTSIDE COUNSEL FOR TRAVIS COUNTY CONCERNING KOBUS VS. TRAVIS COUNTY, ET. AL. (KEEL; FALSE ARREST ACTION). (EXECUTIVE SESSION ALSO, PURSUANT TO TEX. GOV'T CODE, ANN. SECTION 551.071). (2:23 PM) (5:06 PM)

Judge Aleshire announced that Item 19 would be considered in Executive Session.

Item 19 to be reposted for April 2, 1996.

20. AUTHORIZE COUNTY ATTORNEY TO MAKE, ACCEPT, OR REJECT SETTLEMENT OFFER CONCERNING ANNETTE KOBUS VS. TRAVIS COUNTY, ET. AL. (KEEL; FALSE ARREST ACTION). (EXECUTIVE SESSION ALSO, PURSUANT TO TEX. GOV'T CODE, ANN. SECTION 551.071). (2:23 PM) (5:06 PM)

Judge Aleshire announced that Item 20 would be considered in Executive Session.

Item 20 postponed until April 2, 1996.

21. AUTHORIZE COUNTY ATTORNEY TO PROCEED WITH LITIGATION IN KEN ODEN V. THE CITY OF AUSTIN, ET AL., CAUSE NUMBER 96-00064, IN HIS OFFICIAL CAPACITY. (THE CITY OF AUSTIN; ODEN; OPEN MEETINGS). (EXECUTIVE SESSION ALSO, PURSUANT TO TEX. GOV'T CODE, ANN. SECTION 551.071). (2:23 PM) (5:06 PM)

Judge Aleshire announced that Item 21 would be considered in Executive Session.

Members of the Court agreed to consider one Motion for Items 7, 14, 15, 18, 21, and 22. Refer to Item 7 for a summary of the Court's action on this Item.

22. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND OUTSIDE COUNSEL AND TAKE APPROPRIATE ACTION REGARDING TEXAS EEL, LTD., D/B/A "WILD ORCHIDS RESTAURANT AND BAR" VS. TRAVIS COUNTY, TEXAS. (WILD ORCHIDS; ALESHIRE; REGULATORY DISPUTE; DECLARATORY JUDGEMENT). (EXECUTIVE SESSION ALSO, PURSUANT TO TEX. GOV'T CODE, ANN. SECTION 551.071). (2:23 PM) (5:06 PM)

Judge Aleshire announced that Item 22 would be considered in Executive Session.

No action taken.

23. CONDUCT PERFORMANCE APPRAISALS FOR EXECUTIVE MANAGERS. (EXECUTIVE SESSION ALSO, PURSUANT TO TEX. GOV'T CODE, ANN. SECTION 551.074). (2:23 PM) (5:06 PM)

Judge Aleshire announced that Item 23 would be considered in Executive Session.

No action taken. Item 23 to be reposted for April 2, 1996.

A D J O U R N M E N T

Motion by Commissioner Sonleitner and seconded by Commissioner Biscoe to adjourn the Voting Session. (5:11 PM)

Motion carried:	Commissioner 1, Samuel Biscoe	-	yes
	Commissioner 2, Karen Sonleitner	-	yes
	Commissioner 3, Valarie Bristol	-	yes
	Commissioner 4, Margaret Gómez	-	yes
	County Judge, Bill Aleshire	-	yes

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Bill Aleshire, Travis County Judge