

**MINUTES OF MEETING--JULY 2, 1996**

**TRAVIS COUNTY COMMISSIONERS' COURT**

On the 2nd day of July 1996, the Commissioners' Court convened the Voting Session at 9:08 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 9:25 AM and reconvened at 11:40 AM.

The Commissioners' Court recessed the Voting Session at 12:32 PM and reconvened the Voting Session at 1:37 PM.

The Commissioners' Court retired to Executive Session at 2:47 PM and reconvened the Voting Session at 4:16 PM.

The Commissioners' Court adjourned the Voting Session at 4:17 PM.

**RESOLUTIONS & HEARINGS**

1. APPROVE RESOLUTION RECOGNIZING JULY 4TH - 6TH, 1996, AS "FLEET RESERVE ASSOCIATION DAYS" IN TRAVIS COUNTY. (9:08 AM)

Members of the Court heard from Jim Wathen, Travis County Veteran's Services.

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

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

**CITIZENS COMMUNICATION**

Members of the Court heard from Ira Calkins and Gus Peña, East Austin Concerned Hispanics. (9:11 AM)

**2. CONSENT ITEMS**

Motion by Commissioner Sonleitner and seconded by Commissioner Biscoe to approve the following Consent Items: 6, 7 (A-C), 11 (A), 14 (noting that Subitem A.1 is to be struck), 17, 19, and Items C.1 - C.12; noting that Commissioner Sonleitner wishes to abstain on the Minutes for Voting Session June 25, 1996, Item C.3, as she was absent for the duration of that Voting Session. (9:14 AM)

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

**C.1 RECEIVE BIDS FROM COUNTY PURCHASING AGENT.**

**C.2 AWARD BIDS FOR FOOD ITEMS FOR TRAVIS COUNTY CORRECTIONAL FACILITIES AND JUVENILE DETENTION FACILITIES.**

**C.3 APPROVE COMMISSIONERS' COURT MINUTES FOR THE FOLLOWING VOTING SESSIONS: JUNE 18, 20, AND 25, 1996.**

[Clerk's note: Consent Item 3 is to be approved noting that Commissioner Sonleitner wishes to abstain on the approval of the Minutes for Voting Session June 25, 1996, as she was absent for the duration of that Voting Session.]

**C.4 APPROVE RESERVE DEPUTY CONSTABLE APPOINTMENTS FOR THE FOLLOWING IN CONSTABLE PRECINCT FOUR OFFICE:**

- |           |                  |           |              |
|-----------|------------------|-----------|--------------|
| <b>A.</b> | BILL SCHWETTMANN | <b>B.</b> | CHARLES RINE |
| <b>C.</b> | JOHN R. BURKE    | <b>D.</b> | ROY ERWIN    |

**C.5 APPROVE GRANT PROPOSALS, APPLICATIONS, AND PERMISSION TO CONTINUE.**

**A. APPROVE APPLICATION TO THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE TO RENEW THE NATIONAL SENIOR SERVICE CORPS RETIRED AND SENIOR VOLUNTEER PROGRAM FOR COMMUNITY SERVICE DIVISION RSVP PROGRAM.**

**B. APPROVE AGREEMENT WITH THE STATE OF TEXAS CRIMINAL JUSTICE DIVISION FOR VICTIM SERVICES GRANT AWARD FOR SHERIFF'S OFFICE.**

**CONSENT ITEMS CONTINUED:****CONSENT ITEM 5 CONTINUED:**

- C. REVIEW AND TAKE ACTION ON CONTRACT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, CONTRACT NO. 567070, FOR THE DOE/OIL OVERCHARGE WEATHERIZATION ASSISTANCE PROGRAM; AUTHORIZE JUDGE ALESHIRE TO DESIGNATE REPRESENTATIVE OF HEALTH AND HUMAN SERVICES DEPARTMENT AS NECESSARY FOR IMPLEMENTATION.
- D. REVIEW AND TAKE ACTION ON CONTRACT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, CONTRACT NO. 817070, FOR THE LIHEAP WEATHERIZATION ASSISTANCE/ENHANCED WEATHERIZATION ASSISTANCE PROGRAMS; AUTHORIZE JUDGE ALESHIRE TO DESIGNATE REPRESENTATIVE OF HEALTH AND HUMAN SERVICES DEPARTMENT AS NECESSARY FOR IMPLEMENTATION.
- E. REVIEW AND TAKE ACTION ON AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT WITH THE CITY OF AUSTIN FOR WEATHERIZATION FOR THE ECONOMICALLY DISADVANTAGED TO RENEW THE AGREEMENT FOR 1996-'97.
- C.6 APPROVE CONTRACT AWARD FOR THE PROVISION OF ABATEMENT OF ASBESTOS AND OTHER HAZARDOUS MATERIALS DISCOVERED IN THE TRAVIS COUNTY PARKING GARAGE, 10TH AND SAN ANTONIO STREETS, TO THE SOLE RESPONDENT, SOUTHWEST CONSTRUCTORS, INC., IN THE AMOUNT OF \$124,500.00.
- C.7 APPROVE STATE TERM CONTRACT PURCHASE OF RECYCLED COPIER PAPER FOR RECORDS MANAGEMENT AND COMMUNICATION RESOURCES IN THE AMOUNT OF \$215,488.00.
- C.8 APPROVE CONTRACT AWARD FOR AVIONICS REPAIR AND SERVICE, IFB NO. B960085-OJ, TO THE SOLE, QUALIFIED BIDDER, AUSTIN AVIONICS. FUNDING SOURCE: 5006.
- C.9 APPROVE CONTRACT MODIFICATION NO. 2 TO CONTRACT NO. 950081-JP, AUSTIN CRUSHED STONE, NON-ASPHALTIC ROAD MATERIALS; CONTRACTS APPROVED ON FEBRUARY 21, 1995; AND MODIFICATION NO. 1 TO EXTEND 12 MONTHS APPROVED NOVEMBER 7, 1995; MODIFICATION ADDS AN ADDITIONAL HAULING LOCATION TO THE CONTRACT.

**CONSENT ITEMS CONTINUED:**

- C.10** APPROVE ACCEPTANCE OF STREETS AND DRAINAGE IN CIRCLE C RANCH PHASE B, SECTION THREE, IN PRECINCT THREE.
- C.11** APPROVE ACCEPTANCE OF STREETS AND DRAINAGE IN CIRCLE C RANCH PHASE B, SECTION 13, IN PRECINCT THREE.
- C.12** APPROVE THE FOLLOWING PLAT FOR RECORDING:
  - A.** USERY SUBDIVISION - (SHORTFORM - NO FISCAL - 2 LOTS - 2.118 ACRES - RIVER ROAD - OETJ), IN PRECINCT THREE.

**R E C E S S**

Motion by Commissioner Bristol and seconded by Commissioner Sonleitner to recess the Voting Session until 11:00 AM. (9:25 AM)

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

**C O U N T Y P O L I C I E S A N D P R O C E D U R E S**

- 3.A** APPROVE POLICY ON USE OF COUNTY-OWNED PASSENGER VEHICLES WHILE OFF-DUTY. (11:40 AM)

Item 3 (A) postponed until July 9, 1996.

- B.** APPROVE STANDARDIZATION OF REIMBURSEMENT FEE OF OFF-DUTY USE OF COUNTY-OWNED VEHICLES. (11:40 AM)

Item 3 (B) postponed until July 9, 1996.

**ADMINISTRATIVE ITEMS**

4. HEAR APPEAL BY GUY MOFFETT REGARDING THE HEALTH DEPARTMENT'S DECISION THAT THE CONDITIONS ON VERNA DRIVE AND TRAPPERS TRAIL ALSO KNOWN AS LOTS 1, 2, 3, 4, 13, 14, 15, BLOCK 1, KINGSBERRY PARK, SECTION 2, ARE A PUBLIC NUISANCE IN ACCORDANCE WITH CHAPTER 61 OF THE TRAVIS COUNTY RULES FOR ABATEMENT OF PUBLIC NUISANCES, JUNKED VEHICLES, AND LITTER, SECTION 61.12. (9:11 AM)

Item 4 to be postponed until July 16, 1996.

5. DISCUSS AND REVIEW AUSTIN TRANSPORTATION STUDY (ATS) ADOPTED BY-LAWS AND RECOMMENDED JOINT POWERS AGREEMENT. (11:15 AM)

Members of the Court received a report from Commissioner, Precinct Three, Valarie Bristol.

Discussion only.

6. APPROVE CANDIDATE PROJECTS FOR BUILD GREATER AUSTIN PROGRAM FROM CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY. (9:12 AM)

Item 6 added to Consent Items.

7. APPROVE INTERLOCAL AGREEMENTS FOR EMERGENCY MEDICAL SERVICES RESPONSE WITH THE FOLLOWING: (9:12 AM)
  - A. ESD #8 (PEDERNALES);
  - B. ESD #9 (WESTLAKE);
  - C. ESD #11 (SETCO).

Items 7 (A-C) added to Consent Items.

8. REVIEW BID FOR PURCHASE OF WATER DELIVERY TRUCKS/PROGRAM AND SET PUBLIC HEARING DATE OF JULY 16, 1996, TO RECEIVE PUBLIC COMMENT ON PRIVATIZATION OF WATER DELIVERY PROGRAM. (12:00 PM)

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

Motion by Commissioner Biscoe and seconded by Commissioner Bristol to approve the setting of a public hearing date of July 16, 1996, at 6:00 PM, to receive public comment on privatization of water delivery program and to request that staff proceed with direction on this item.

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

9. APPROVE CONSTRUCTION PERFORMANCE CASH SECURITY AGREEMENT WITH DESSAU ROAD LIMITED PARTNERSHIP. (9:18 AM) (12:23 PM)

Members of the Court heard from Joe Gieselman, Executive Director of Transportation and Natural Resources; Dan Davis; and Jim Collins, Assistant County Attorney.

Discussion only.

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

Motion by Commissioner Sonleitner and seconded by Commissioner Bristol to approve the construction performance cash security agreement with Dessau Road Limited Partnership.

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

10. DISCUSS AND TAKE APPROPRIATE ACTION REGARDING CONTRACT RESULTING FROM THE ANNUAL INDEPENDENT AUDIT, RFP #R960068-OJ. (9:12 AM)

Item 10 postponed until July 9, 1996.

**11.A REVIEW TREASURER'S REPORT AND GRANT ORDER APPROVING THE TREASURER'S REPORT. (9:13 AM)**

Item 11 (A) added to Consent Items with the observation from Judge Aleshire that the bond funds are not being spent very quickly.

**B. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF MAY, 1996. (9:12 AM)**

Item 11 (B) postponed until July 9, 1996.

**12. DISCUSS AND APPROVE ASSUMPTIONS ON EFFECTIVE TAX RATE CALCULATIONS, INCLUDING DEBT SERVICE SCHEDULES, EXEMPTIONS AND COLLECTION RATE. (1:37 PM)**

Members of the Court heard from Christian Smith, Executive Director of Planning and Budget; Leroy Nellis, Planning and Budget; Ladd Patillo, Travis County bond counsel; Dusty Knight, Tax Office; and Mike Wichern, Auditor's Office.

Motion by Commissioner Biscoe and seconded by Commissioner Sonleitner to assume 100% on the debt side of the collection rate; to keep the option/exemptions as they are; to anticipate approval of the historical exemptions; to approve Option 4 (Four), with regard to how to treat the individual debt-service funds and the overall anticipated reserve level; to set the tax rate at a minimum of 2% (two percent) of the outstanding principal for each individual debt-service fund--should these numbers not reflect this minimum legal requirement--then the Motion will be that these funds be set at that level and that adjustments, as appropriate, shall be made to the totals; and to include the proportions outlined in the spreadsheet with regard to funds 303 and 304 under assumptions (A) in Option Four.

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

**13. REVIEW AND APPROVE FINANCIAL AND BUDGETING GUIDELINES.**  
(1:37 PM)

Members of the Court heard from Christian Smith, Executive Director of Planning and Budget and Ladd Patillo, Travis County bond counsel; and Leroy Nellis, Planning and Budget Office.

Motion by Judge Aleshire and seconded by Commissioner Biscoe to approve this Item.

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

**14. APPROVE BUDGET AMENDMENTS AND BUDGET TRANSFERS.**  
(9:12 AM)

Item 14 added to Consent Items noting that subitem A.1 is to be struck.

**15. APPROVE PERSONNEL AMENDMENTS.** (2:36 PM)

Members of the Court heard from Dr. Mattye Mauldin-Taylor, Director of Human Resources Management.

Motion by Commissioner Sonleitner and seconded by Commissioner Biscoe to approve personnel amendments with the exception of the hire above entry for Facilities Management which will be reposted at a later date.

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



- 16. REVIEW AND APPROVE THE FOLLOWING PROPERTY AND LIABILITY CLAIMS RECOMMENDATIONS:
  - A. HEALTH AND HUMAN SERVICES  
TNR FLEET SERVICES
  - B. JK TINKER  
DENY

Members of the Court heard from Dan Mansour, Risk Manager.

Motion by Commissioner Bristol and seconded by Commissioner Biscoe to approve staff recommendations for Items 16 (A) and (B).

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

- C. RICARDO FRAUSTO  
LONE STAR DAMAGES  
DENY (2:45 PM)

Item 16 (C) pulled from the Agenda.

- 17. REVIEW AND APPROVE PAYMENTS FOR TUITION REFUND PROGRAM FOR THE SPRING '96 SEMESTER. (9:13 AM)

Item 17 added to Consent Items.

- 18. APPROVE STATE CATALOG PURCHASE OF COMPUTERS FOR DISTRICT ATTORNEY'S OFFICE FROM DENSON CONSULTING IN THE AMOUNT OF \$16,766.00. (12:24 PM)

Members of the Court heard from Cyd Grimes, Purchasing Agent and Frank Curcio, Director of ITS.

Motion by Commissioner Bristol and seconded by Commissioner Sonleitner to approve the State catalog purchase of computers for the District Attorney's Office from Denson Consulting in the amount of \$16,766.00.

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

**R E C E S S**

Motion by Commissioner Bristol and seconded by Commissioner Sonleitner to recess the Voting Session until 1:30 PM. (12:32 PM)

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

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

Item 19 added to Consent Items.

- 20. APPROVE, REJECT, OR COUNTER SETTLEMENT OFFER RECEIVED FROM CON-REAL, INC., FOR DISPUTE IN THE CONSTRUCTION OF THE MEDICAL EXAMINER'S BUILDING. (PEREZ - CONSTRUCTION CLAIM). (EXECUTIVE SESSION ALSO, PURSUANT TO TEX. GOV'T CODE, ANN. SECTION 551.071). (2:47 PM) (4:16 PM)

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

Members of the Court agreed to consider one Motion for Items 20, 21, 22, 23, and 24.

Motion by Judge Aleshire and seconded by Commissioner Sonleitner:

- 20. to repost this Item for July 9, 1996, and that, concerning the Con-Real claim, the Commissioners' Court instruct the staff that the Court believes that this is payable from the Risk Management Fund;
- 21. to request that the County Attorney further negotiate this case;
- 22. to take no action on this Item and to repost Item 22 for July 9, 1996.
- 23. to postpone this Item until July 9, 1996; and
- 24. to postpone this Item until July 9, 1996.

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

- 21. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING EMPLOYMENT MATTER RELATED TO PATRICIA FAGAN AND TAKE APPROPRIATE ACTION. (GIESELMAN; EMPLOYMENT MATTER). (EXECUTIVE SESSION ALSO, PURSUANT TO TEX. GOV'T CODE, ANN. SECTION 551.071). (2:47 PM) (4:16 PM)

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

Members of the Court agreed to consider one Motion for Items 20, 21, 22, 23, and 24. Refer to Item 20 for a summary of the Court's action on this Item.

22. AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, OR COUNTER SETTLEMENT OFFER IN RICHARD CONNER V. TRAVIS COUNTY, ET AL, (CONNER; KEEL; CIVIL RIGHTS). (EXECUTIVE SESSION ALSO, PURSUANT TO TEX. GOV'T CODE, ANN. SECTION 551.071). (2:47 PM) (4:16 PM)

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

Members of the Court agreed to consider one Motion for Items 20, 21, 22, 23, and 24. Refer to Item 20 for a summary of the Court's action on this Item.

23. AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, OR COUNTER SETTLEMENT OFFER IN KIRBY M. HISCOX VS. PAUL COSSETTE AND TRAVIS COUNTY. (KEEL; TEXAS TORT CLAIMS ACT). (EXECUTIVE SESSION ALSO, PURSUANT TO TEX. GOV'T CODE, ANN. SECTION 551.071). (2:47 PM) (4:16 PM)

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

Members of the Court agreed to consider one Motion for Items 20, 21, 22, 23, and 24. Refer to Item 20 for a summary of the Court's action on this Item.

24. APPROVE CONTRACTUAL AGREEMENT BETWEEN TRAVIS COUNTY AND SIX-TWENTY SHOPPING CENTER, LTD., KNOWN AS LOHMANS CROSSING, FOR VIOLATIONS OF THE HEALTH AND SAFETY CODES AND WATER CODE, CAUSED BY SEPTIC VIOLATIONS AND SEWAGE DISCHARGE. (WILLIAMS; ENVIRONMENTAL MATTER). (EXECUTIVE SESSION ALSO, PURSUANT TO TEX. GOV'T CODE, ANN. SECTION 551.071). (2:47 PM) (4:16 PM)

Judge Aleshire announced that Item 24 would be considered in Executive Session.

Members of the Court agreed to consider one Motion for Items 20, 21, 22, 23, and 24. Refer to Item 20 for a summary of the Court's action on this Item.

**ADDENDA ITEM 1.**

APPROVE AGREEMENT WITH WOODS HONDA; KAWASAKI; YAMAHA FUN CENTER FOR USE OF WATERCRAFT FOR LAKE USE BY SHERIFF'S OFFICE. (2:42 PM)

Members of the Court heard from Donna Scarbrough, T.C.S.O.

Motion by Commissioner Sonleitner and seconded by Commissioner Biscoe to approve the Agreement.

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

**ADJOURNMENT**

Motion by Commissioner Sonleitner and seconded by Commissioner Biscoe to adjourn the Voting Session. (4:17 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**