

MINUTES – MAY 26, 1998

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 26th day of May 1998, the Commissioners' Court convened the Voting Session at 9:18 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 Anna M. Valdez.

The Commissioners' Court recessed the Voting Session at 12:09 PM and reconvened the Voting Session at 1:41 PM.

The Commissioners' Court retired to Executive Session at 5:06 PM and reconvened the Voting Session at 6:33 PM.

The Commissioners' Court adjourned the Voting Session at 6:40 PM.

RESOLUTIONS & HEARINGS

1. APPROVE AN ORDER TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A DRAINAGE AND PUBLIC UTILITY EASEMENT ON LOT 18, BLOCK B, WESTVIEW ON LAKE AUSTIN PHASE A, A SUBDIVISION IN PRECINCT THREE. (9:21 AM)

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

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

Members of the Court heard from: Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR).

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

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

Clerk's Note: The action item for Item 1 is Item C10. Please refer to Agenda Item 4 (CONSENT ITEMS) for the Court's Motion and Vote.

2. APPROVE AN ORDER TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE TWO 5' PUBIC UTILITY EASEMENTS ON LOT 14 AND ONE PUBLIC UTILITY EASEMENT ON LOT 13 BLOCK 36, AUSTIN LAKE ESTATES SECTION THREE, A SUBDIVISION IN PRECINCT THREE. (9:22 AM)

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

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR.

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

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

Clerk's Note: The action item for Item 2 is Item C11. Please refer to Agenda Item 4 (CONSENT ITEMS) for the Court's Motion and Vote.

3. APPROVE A TEMPORARY ROAD CLOSURE OF GRISHAM TRAIL AND PACE BEND ROAD FOR THE PURPOSE OF PROVIDING SAFETY FOR A TRIATHLON IN PACE BEND PARK IN PRECINCT THREE. (9:23 AM)

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

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR.

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

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

Clerk's Note: The action item for Item 3 is Item C12. Please refer to Agenda Item 4 (CONSENT ITEMS) for the Court's Motion and Vote.

CITIZENS' COMMUNICATION

Members of the Court heard from: Greg Erikson, Free Press International; Gus Peña, President, East Austin Concerned Hispanics; John Foreman, Host, Texas Best Seminars and Producer, In Your Face Campaign; Jimmy Castro, Private Citizen; Steve Lane, Private Citizen; and Alex Jones, Private Citizen. (9:23 AM)

CONSENT ITEMS

4. **Motion by** Commissioner Moore and **seconded by** Commissioner Sonleitner to approve the following Consent Items: 17, 25, 28, 30 and C1 – C12. (9:42 AM)

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	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 FACILITIES.
- C3. APPROVE COMMISSIONERS' COURT MINUTES FOR VOTING SESSION OF APRIL 21, 1998 AND SPECIAL VOTING SESSION OF MAY 15, 1998.
- C4. REAPPOINT LAVERNE REDWINE TO THE TRAVIS COUNTY CHILDREN'S PROTECTIVE SERVICES BOARD TO EXPIRE MAY, 2001.
- C5. APPROVE REQUEST TO DISTRIBUTE FLIERS WITH THE JUNE 15, 1998 PAYROLL CHECKS ANNOUNCING THE TRAVIS COUNTY/CITY OF AUSTIN EMPLOYEES EMANCIPATION DAY - "JUNETEENTH" CELEBRATION.
- C6. APPROVE CONSTRUCTION LICENSE WITH PARK ADVENTURE-WESTVIEW, LIMITED PARTNERSHIP FOR CONSTRUCTION OF A SEGMENT OF ANIKAWI DRIVE, AND ACCEPT DEDICATION OF RIGHT-OF-WAY FOR HAMMERHEAD TURN-AROUND AT THE TERMINUS OF ANIKAWI DRIVE.
- C7. APPROVE AND RENEW THE UT INTERLOCAL AGREEMENT FOR JOSATS EVALUATION OVERSIGHT.

CONSENT ITEMS CONTINUED

- C8.** APPROVE GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSION TO CONTINUE.
- A.** APPROVE GRANT APPLICATION TO CORPORATION FOR NATIONAL SERVICE (MERICORPS VISTA MEMBER PROPOSAL) FOR PARENTING & EARLY LITERACY DEVELOPMENT PROJECT FOR HEALTH AND HUMAN SERVICES DEPARTMENT.
 - B.** APPROVE GRANT APPLICATION TO CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR RSVP PROGRAM FOR HEALTH AND HUMAN SERVICES DEPT.
 - C.** APPROVE PERMISSION TO CONTINUE THE WEATHERIZATION GRANTS FOR HEALTH AND HUMAN SERVICES DEPARTMENT.
- C9.** APPROVE CANCELLATION OF LEASE AGREEMENT WITH LAGO VISTA STORAGE AND RENTAL CENTER, CONTRACT #LA970305KW.
- C10.** APPROVE AN ORDER TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A DRAINAGE AND PUBLIC UTILITY EASEMENT ON LOT 18, BLOCK B, WESTVIEW ON LAKE AUSTIN PHASE A, A SUBDIVISION IN PRECINCT THREE.
- C11.** APPROVE AN ORDER TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE TWO 5' PUBIC UTILITY EASEMENTS ON LOT 14 AND ONE PUBLIC UTILITY EASEMENT ON LOT 13 BLOCK 36, AUSTIN LAKE ESTATES SECTION THREE, A SUBDIVISION IN PRECINCT THREE.
- C12.** APPROVE A TEMPORARY ROAD CLOSURE OF GRISHAM TRAIL AND PACE BEND ROAD FOR THE PURPOSE OF PROVIDING SAFETY FOR A TRIATHLON IN PACE BEND PARK IN PRECINCT THREE.

ADMINISTRATIVE ITEMS

5. ACCEPT AND DISCUSS THE PETITION FOR THE CREATION OF THE WELLS BRANCH COMMUNITY LIBRARY DISTRICT. (9:42 AM)

Members of the Court heard from: Dana DeBeauvoir, Travis County Clerk; and Diane Kohler, Representative, Citizens of Wells Branch.

Motion by Commissioner Sonleitner and **seconded by** Commissioner Gómez to accept the petition for the creation of the Wells Branch Community Library District.

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

6. DETERMINE TRAVIS COUNTY'S ROLE IN THE POSSIBLE FORMATION OF A COMMUTER RAIL DISTRICT, RECEIVE COUNTY ATTORNEY'S ADVICE, AND TAKE APPROPRIATE ACTION. (9:18 AM) (10:05 AM)

Members of the Court heard from: John Hille, Assistant County Attorney; Jim Collins, Executive Assistant County Attorney; David Escamilla, First Assistant County Attorney; Richard Hamner, Legislative Staff Director, State Senator Gonzalo Barrientos – District 14; Bill Gaston, Chairman, Transportation Committee, Greater Austin Chamber of Commerce (GACC); and Brent White, Private Citizen and Member, Re-thinking Our Urban Transportation Environment (ROUTE).

Discussion Only.

Item 6 to be reposted on June 2, 1998.

7. APPROVE REVISION OF THE FEE STRUCTURE FOR PARTICIPATION IN THE BALCONES CONSERVATION PLAN, AS PER THE ACTIONS OF THE BCP COORDINATING COMMITTEE TAKEN AT ITS MAY 4, 1998 MEETING.
(9:18 AM) (9:49 AM) (5:06 PM) (6:33 PM)

Members of the Court heard from: Joe Lessard, Assistant City Manager, City of Austin; David Escamilla, First Assistant County Attorney; and Leroy Nellis, Budget Manager, Planning and Budget Office (PBO).

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

Motion by Commissioner Moore and **seconded by** Commissioner Sonleitner to approve the fee structure as it was adopted by the Austin City Council. In adopting this fee structure, the Travis County Commissioners' Court makes a determination that there is no private real property impact (by the adoption of this fee structure). The Court wants to make it clear that the provision, that this fee structure will be in place for one year and then expire at that point and have to be affirmatively re-enacted, applies to the entire Resolution and not just the amounts of the fees.

Motion carried: County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	absent

8. REVIEW AND DISCUSS THE NO KILL MILLENNIUM PLAN AND TAKE APPROPRIATE ACTION. (11:31 AM) (11:52 AM) (2:56 PM)

Members of the Court heard from: Jim Collins, Co-Founder, Austin Pets Alive; Laurie Michelle, Member, Austin Pets Alive and Private Attorney; Beverly Gainer, German Shepherd Rescue for Central Texas; Stephen Williams, Executive Manager, Austin-Travis County Health and Human Services Department and Veterans' Affairs Services; Dr. Patrick Randall, Chair, Animal Advisor Commission; Mary Stewart, Manager, Animal Services; Karen Medicus, Executive Director, Humane Society.

Motion by Commissioner Sonleitner and **seconded by** Commissioner McKee to endorse the plan under the County's rules for the planning and budget process which would permit the preparation and request submittal of a budget to PBO. This would give the Commissioners' Court something to consider. Without this step in this year's process, this would not be considered in the budget process.

Motion carried: County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

9. APPROVE LETTER OF SUPPORT FOR CAPACITY FOR JUSTICE GRANT APPLICATION. (11:31 AM) (1:42 PM)

Members of the Court heard from: Genevieve Heron, President, Capacity for Justice; Jim Malatech, Travis County Mental Health and Mental Retardation (MHMR); and Rod Gustafson, Director of Court Management, Criminal Courts.

Motion by Judge Aleshire and **seconded by** Commissioner McKee that the Court authorize (contingent on and not provided until after Judge Denton and Judge Aguilar have supplied their letters) the following letter be addressed from the Commissioners' Court to Ms. Heron. This letter is written concerning The Capacity for Justice in a SAMHSA grant application, community action grant for service system change. County consultants who now conduct competency-to-stand-trial evaluations are funded through the County Budget. Other qualified consultants to whom the Judges make referrals would be paid from the same funding source. We would expect to continue participation, at least in an information loop, during the review period.

A Qualification was made of the previous Motion by Commissioner McKee that leaving so little breathing room for the Commissioners' Court to ask that additional information be brought back to them is a real dangerous way to operate.

A Clarification was made of the previous Motion by Judge Aleshire that "and" is what was meant in the Motion. not provided until after Judge Denton *and* Judge Aguilar have supplied their letters...both are needed, not one or the other, both.

Motion carried: County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	no
Precinct 4, Commissioner Margaret J. Gómez	-	yes

10. APPROVE OR DISAPPROVE A REQUEST FOR VARIANCE FROM TRAVIS COUNTY RULES FOR ON-SITE PRIVATE SEWAGE FACILITIES FOR THE FOLLOWING:

A. 4501 EAST RAPID SPRINGS COVE - SERENO HOMES, INC.

B. 9101 WEST MINSTER GLEN AVE. - RANDY ROLLO HOMES, INC.

Members of the Court heard from: Jim Fulton, Engineering Associate III, Austin-Travis County Health and Human Services Department; and Kevin Dunn, Dunn Company.

Motion by Commissioner Moore and **seconded by** Commissioner McKee to approve the appeals, as submitted, under Items 10.A and B.

A Division of the Vote was requested by Judge Aleshire on Item 10.A versus Item 10.B.

First Division of the Vote: Approval of Item 10.A (4501 East Rapid Springs Cove – Sereno Homes, Inc.

Motion carried: County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

Second Division of the Vote: Approval of Item 10.B (9101 West Minster Glen Ave. – Randy Rollo Homes, Inc.

Motion carried: County Judge Bill Aleshire	-	no
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

11. DISCUSS, APPROVE AND/OR GIVE STAFF DIRECTION REGARDING APPROVAL FOR BIDDING OF THE RELEASE 2T CONSTRUCTION DOCUMENTS FOR THE TELECOMMUNICATIONS INFRASTRUCTURE IMPROVEMENTS AT THE TRAVIS COUNTY CORRECTIONAL COMPLEX. (4:09 PM)

Members of the Court heard from: Ken Gaede, Project Manager, Facilities Management; and Mike Barrow, Construction Project Manager, Fluor Daniel.

Motion by Commissioner Gómez and **seconded by** Commissioner Sonleitner to approve Item 11.

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	absent
Precinct 4, Commissioner Margaret J. Gómez	-	yes

12. A. DISCUSS REQUEST FROM PFLUGER WIGINTON HOOKER/NBBJ FOR ADDITIONAL COMPENSATION FOR PHASE 1 DESIGN SERVICES. (4:13 PM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; and Ken Gaede, Project Manager, Facilities Management.

Discussion Only.

Item 12.A to be reposted on June 9, 1998.

- B. APPROVE CONTRACT MODIFICATION AND TAKE OTHER ACTION TO PROVIDE FOR ARCHITECTURAL ENGINEERING SERVICES (BASIC AND CONSTRUCTION PHASE SERVICES) AND PROJECT MANAGEMENT FOR CAPITAL IMPROVEMENT PROJECTS AT DEL VALLE. (9:18 AM) (4:13 PM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; and Ken Gaede, Project Manager, Facilities Management.

Discussion Only.

Item 12.B to be reposted on June 9, 1998.

13. DISCUSS ALTERNATE ALIGNMENT ANALYSIS FOR LOHMANS CROSSING ROAD 1997 BOND PROJECT AND TAKE APPROPRIATE ACTION.
(2:56 PM) (3:33 PM) (5:06 PM) (6:34 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; and Henry Pearson, Consultant, Carter Burgess.

Judge Aleshire announced that Item 13 would be considered in Executive Session.

Motion by Commissioner Moore and **seconded by** Commissioner Sonleitner to direct staff to pursue Alignment A as presented in the Carter Burgess Study. Staff is also instructed to pursue using CO's instead of bond money.

Maker and Second accept the Friendly Amendment by Judge Aleshire that in the preparation of the proposal, to use Certificates of Obligation in lieu of the 1997 bonds, staff should demonstrate compliance with the County's Debt Policy.

Acceptance of the Friendly Amendment was made by Commissioner Moore and **seconded by** Commissioner Sonleitner.

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	absent

14. CONSIDER REQUEST BY THE TEXAS DEPARTMENT OF TRANSPORTATION FOR AN ADDITIONAL \$47,000 FOR TRAVIS COUNTY'S SHARE OF RIGHT-OF-WAY COST FOR THE FM 1431 SAFETY PROJECT AND TAKE APPROPRIATE ACTION. (3:54 PM)

Item 14 postponed until June 2, 1998.

15. A. APPROVE AGREEMENT WITH WELLS BRANCH JOINT VENTURE AND TANDEM COMPUTERS, INC. (4:28 PM) (5:06 PM) (6:36 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR.

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

Members of the Court agreed to consider one Motion for Item 15.A and B.

Motion by Commissioner Sonleitner and **seconded by** Commissioner Moore to approve Items 15.A and B as stated.

Motion carried: County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	absent

**B. APPROVE THE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FOR DOUBLE FILE TRAIL IN PRECINCT TWO.
(9:18 AM) (4:28 PM) (5:06 PM) (6:36 PM)**

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR.

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

Members of the Court agreed to consider one Motion for Item 15.A and B. Please refer to Item 15.A for a summary of the Court's action on this Motion.

16. A. APPROVE CASH SECURITY AGREEMENT FOR RIVER PLACE SECTION 13, A SUBDIVISION IN PRECINCT TWO. (4:32 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Frank Del Costello, Espey Huston; and Gordon Bowman, Assistant County Attorney.

Members of the Court agreed to consider one Motion for Items 16.A, B and C.

Motion by Commissioner Sonleitner and **seconded by** Commissioner McKee to approve Items 16.A, B and C. The Court notes that on 16.B, the approval of the plat is contingent on the plat note being added (which is in the back-up material) and contingent on the City of Austin administratively putting it on their plat before it is presented to the County Clerk for filing.

Motion carried: County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

B. APPROVE PLAT FOR RECORDING IN PRECINCT TWO: RIVER PLACE SECTION 13 - (LONGFORM - FISCAL POSTED WITH THE CITY OF AUSTIN AND TRAVIS COUNTY - 65 LOTS - 59.607 ACRES - BIG VIEW DRIVE - WASTEWATER SERVICE TO BE PROVIDED FOR BY RIVER PLACE MUD). (4:32 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Frank Del Costello, Espey Huston; and Gordon Bowman, Assistant County Attorney.

Members of the Court agreed to consider one Motion for Items 16.A, B and C. Please refer to Item 16.A for a summary of the Court's action on this Motion.

C. APPROVE A QUITCLAIM DEED FOR A PORTION OF RIVER PLACE BOULEVARD IN PRECINCT TWO. (4:32 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Frank Del Costello, Espey Huston; and Gordon Bowman, Assistant County Attorney.

Members of the Court agreed to consider one Motion for Items 16.A, B and C. Please refer to Item 16.A for a summary of the Court's action on this Motion.

17. APPROVE CERTIFICATION THAT THE PLAT FOR THE RESUBDIVISION OF LOT 10, LAKE TRAVIS SUBDIVISION NO. 7, A SUBDIVISION IN PRECINCT TWO, COMPLIES WITH THE SUBDIVISION DESIGN REGULATIONS OF TRAVIS COUNTY, TEXAS (WASTEWATER SERVICE TO BE PROVIDED BY ON-SITE SEWAGE SERVICE). (9:42 AM)

Item 17 added to Consent. Please refer to Agenda Item 4 (CONSENT ITEMS) for the Court's Motion and Vote.

18. A. APPROVE CASH SECURITY AGREEMENT PROVIDING FULL FISCAL FOR BARTON CREEK ABC WEST, PHASE 1, A SUBDIVISION IN PRECINCT THREE. (4:40 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR.

Members of the Court agreed to consider one Motion for Items 18.A and B.

Motion by Commissioner Moore **and seconded by** Commissioner Gómez to approve Items 18.A and B.

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

- B. APPROVE PLAT FOR RECORDING IN PRECINCT THREE: BARTON ABC WEST PHASE 1 - (LONGFORM - CASH SECURITY AGREEMENT POSTED WITH TRAVIS COUNTY - 82 LOTS - 149.165 ACRES - WIMBERLY LANE - SEWER SERVICE PROVIDED BY TRAVIS COUNTY MUD NUMBERS 3 AND 4). (4:40 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR.

Members of the Court agreed to consider one Motion for Items 18.A and B. Please refer to Item 18.A for a summary of the Court's action on this Motion.

19. A. APPROVE CASH SECURITY AGREEMENT PROVIDING FULL FISCAL FOR BARTON CREEK SECTION F BLOCK A, LOT 1, A SUBDIVISION IN PRECINCT THREE. (9:20 AM)

Item 19.A postponed until June 2, 1998.

- B. APPROVE PLAT FOR RECORDING IN PRECINCT THREE: BARTON CREEK SECTION F, BLOCK A, LOT 1 - (LONGFORM - CASH SECURITY AGREEMENT POSTED WITH TRAVIS COUNTY - 1 LOT - 21.706 ACRES - BARTON CLUB DRIVE - SEWER SYSTEM PROVIDED BY TRAVIS COUNTY MUD NUMBER 4). (9:20 AM)

Item 19.B postponed until June 2, 1998.

20. CONSIDER RESUMPTION OF COUNTY MAINTENANCE OF MARGO DRIVE IN PRECINCT FOUR. (9:18 AM) (4:41 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; and Gordon Bowman, Assistant County Attorney.

Motion by Commissioner Gómez and **seconded by** Commissioner McKee to resume County maintenance of Margo Road.

Motion carried: County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

21. AUTHORIZE PROCEDURE FOR CERTIFYING PLATS TO THE CITY OF AUSTIN FOR COMPLIANCE WITH TRAVIS COUNTY STANDARDS. (4:46 PM)

Members of the Court heard from: Gordon Bowman, Assistant County Attorney.

Motion by Commissioner Sonleitner and **seconded by** Commissioner Moore to approve the procedure and Order under Item 21 with the added provision that the Court notifies each member of the Austin City Council about the County's procedure.

Maker and Second accept the Friendly Amendment by Commissioner McKee that each member of the Planning Commission is also notified about the procedure.

Acceptance of the Friendly Amendment was made by Commissioner Sonleitner and **seconded by** Commissioner Moore.

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

22. APPROVE CONTRACT AWARD FOR THE PROVISION OF PROFESSIONAL ENGINEERING SERVICES FOR THE SPRINKLE ROAD BRIDGE (NO. 103) REPLACEMENT PROJECT, RFQ #Q980019JJ, TO CFX, INC., IN THE NOT-TO-EXCEED AMOUNT OF \$85,895.00. (9:18 AM) (4:49 PM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; and Joe Gieselman, Executive Manager, TNR.

Motion by Commissioner McKee and **seconded by** Commissioner Sonleitner to approve Item 22 as stated.

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

23. APPROVE CONTRACT AWARD FOR THE PROVISION OF ELECTRICAL TIME AND MATERIALS, IFB# B980054-MG, TO THE LOW RESPONSIVE AND QUALIFIED BIDDER, SCHMIDT ELECTRIC CO., INC., IN THE ESTIMATED AMOUNT OF \$20,000.00. (1:41 PM)

Item 23 pulled from the agenda.

24. APPROVE CONTRACT AWARD FOR THE PROVISION OF ONE (1) DIGITAL MICROFILM READER-PRINTER-SCANNER AND ONE (1) YEAR POST WARRANTY MAINTENANCE, IFB# B980061-MG, TO THE SOLE BIDDER, RACOM, IN THE AMOUNT OF \$20,730.00. (4:50 PM)

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

Motion by Commissioner Moore and **seconded by** Commissioner Gómez to approve Item 24 as stated.

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

25. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF APRIL, 1998. (9:42 AM)

Item 25 added to Consent. Please refer to Agenda Item 4 (CONSENT ITEMS) for the Court's Motion and Vote.

26. APPROVE \$15,000 CONTRACT WITH AUSTIN/TRAVIS COUNTY MHMR FOR A COMMUNITY ASSESSMENT PROGRAM. (4:51 PM)

Members of the Court heard from: Stephen Williams, Executive Manager, Austin-Travis County Health and Human Services Department and Veterans' Affairs Services; and Cyd Grimes, Travis County Purchasing Agent.

Motion by Judge Aleshire and **seconded by** Commissioner Gómez to approve the contract with MHMR for the Community Assessment Program.

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

27. REVIEW AND APPROVE RENEWAL OF INTERLOCAL ASSISTANCE AGREEMENT WITH THE CAPITOL AREA NARCOTICS TASK FORCE. (9:23 AM)

Item 27 postponed until June 2, 1998.

28. APPROVE PERSONNEL AMENDMENTS. (9:42 AM)

Item 28 added to Consent. Please refer to Agenda Item 4 (CONSENT ITEMS) for the Court's Motion and Vote.

29. REVIEW AND APPROVE THE FOLLOWING PROPERTY AND LIABILITY CLAIM RECOMMENDATIONS: (4:55 PM)

- A. T.C.S.O. - SETTLE
- B. TNR - SETTLE
- C. ROLLINS - SETTLE
- D. REBECCA PRICE - DENY
- E. GENEVA HILL - DENY

Members of the Court heard from: Daniel Mansour, Risk Manager, Human Resources Management Department (HRMD).

Motion by Commissioner Sonleitner and **seconded by** Commissioner Moore to approve the property and liability claims as recommended by the Risk Manager (noting that neither Rebecca Price nor Geneva Hill was present to address the Court regarding their claims).

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

30. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:42 AM)

Item 30 added to Consent. Please refer to Agenda Item 4 (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

- 31.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION WITH REGARD TO JOHNNY B. TUCKER, ET AL, PLAINTIFFS V. INTERSTATES BRANDS CORPORATION, ET AL, DEFENDANTS, (TUCKER; ALESHIRE; CLASS ACTION). ¹ (9:18 AM) (6:37 PM)

Item 31 postponed until June 2, 1998.

- 32.** AUTHORIZE COUNTY ATTORNEY TO TAKE APPROPRIATE LEGAL ACTION AGAINST SHELL OIL COMPANY, VANGUARD PLASTICS, INC., MCWANE, INC., WITCO CORPORATION AND MOBILE OIL CORPORATION. ² (5:06 PM) (6:37 PM)

Judge Aleshire announced that Item 32 would be considered in Executive Session.

Motion by Judge Aleshire and **seconded by** Commissioner Sonleitner to authorize the County Attorney's Office to work with Purchasing to solicit proposals for legal representation. The letter presented to the Commissioners' Court by the County Attorney's Office, with the suggested changes made by the Court in terms of editing and adding on Item 6, should be used as a base.

Motion carried: County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	absent

33. RECEIVE LEGAL ADVICE FROM COUNTY ATTORNEY RE: RESALE OF PROPERTY OWNED BY LAKE TRAVIS INDEPENDENT SCHOOL DISTRICT AS TRUSTEE FOR ALL TAXING JURISDICTIONS, LOCATED IN APACHE SHORES, REQUESTING THAT THE PROPERTY BE SOLD FOR LESS THAN THE DELINQUENT TAXES OR APPRAISED VALUE AS PROVIDED FOR IN THE TEXAS PROPERTY TAX CODE, AND TAKE APPROPRIATE ACTION. ¹
(5:06 PM) (6:37 PM)

Judge Aleshire announced that Item 33 would be considered in Executive Session.

Motion by Judge Aleshire and **seconded by** Commissioner Moore indicate the Court's agreement that auction ought to be held for the properties mentioned in Item 33, including, if necessary, selling them for less than either the taxes due or the TCAB value. They would be sold in groups as opposed to individual lots.

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	absent

34. RECEIVE BRIEFING AND/OR ADVICE FROM COUNTY ATTORNEY AND/OR GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION AND/OR AUTHORIZE CONDEMNATION ON CIP PROJECT NO. 4-005, PARCEL NO. 1, SHANNON L. AND RUTH MADISON, AND TRAVIS COUNTY, TEXAS; (GIESELMAN; CONDEMNATION). ¹ (5:06 PM) (6:38 PM)

Judge Aleshire announced that Item 34 would be considered in Executive Session.

Motion by Judge Aleshire and **seconded by** Commissioner Sonleitner to authorize the County Attorney's Office to proceed with condemnation proceedings on that property and indicate to the other party that Travis County is open to discussing selling the other parcel involved. The Court also authorizes the County Attorney's Office to divulge to them the County's estimate of the fair market value of that other parcel.

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	absent

AMENDED WORDING

35. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION AND/OR ACCEPT, REJECT, OR COUNTER SETTLEMENT DEMAND ON CIP PROJECT 4-003, PARCEL NO. 7, JESUS TURULLOLS AND TRAVIS COUNTY, TEXAS; (GIESELMAN; CONDEMNATION). ¹ (3:54 PM)

Item 35 postponed until June 2, 1998.

36. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, COUNTER OFFER OR SETTLEMENT OFFER AND/OR TAKE APPROPRIATE ACTION IN; GARY CUTLER V. TRAVIS COUNTY CIVIL SERVICE COMMISSION FOR SHERIFF'S OFFICE EMPLOYEES, CHAIRPERSON ALLISON B. WETZEL, COMMISSIONER VELVA PRICE AND COMMISSIONER COLON E. JORDAN, IN THEIR OFFICIAL CAPACITIES AS COMMISSIONERS OF THE TRAVIS COUNTY CIVIL SERVICE COMMISSION, AND SHERIFF MARGO L. FRASIER, (CUTLER; FRASIER, CIVIL SERVICE EMPLOYMENT ISSUES). ¹ (5:06 PM) (6:39 PM)

Judge Aleshire announced that Item 36 would be considered in Executive Session.

Motion by Judge Aleshire and **seconded by** Commissioner Sonleitner to reject the offer in the case of Gary Cutler vs. Travis County Civil Service Commission.

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	absent

- 37. ADDED ITEM - RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, COUNTER OFFER OR SETTLEMENT OFFER AND/OR TAKE APPROPRIATE ACTION IN; CURTIS S. CANTWELL V. TRAVIS COUNTY, TEXAS; (CANTWELL; GIESELMAN; TEXAS TORT CLAIMS ACT; PERSONAL INJURY). ¹ (5:06 PM) (6:39 PM)**

Judge Aleshire announced that Item 37 would be considered in Executive Session.

Motion by Judge Aleshire and **seconded by** Commissioner Moore to reject their offer of \$18,000.00 and counter in the amount of \$15,000.00.

Motion carried: County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	absent

THE FOLLOWING IS AN ADDENDUM:

- A.1 APPROVE CHANGE ORDER FOR \$139,808.65 TO INCLUDE THE RECONSTRUCTION OF CHURCH LANE INTO THE CONTRACT WITH JAY-REESE CONTRACTORS, CONTRACT #97K0703JJ FOR 1996 TRAVIS COUNTY BRIDGE REPLACEMENT PROJECT. (9:18 AM) (5:00 PM) (5:06 PM) (6:39 PM)**

Judge Aleshire announced that Item A.1 would be considered in Executive Session.

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Gordon Bowman, Assistant County Attorney; John Hille, Assistant County Attorney; and Cyd Grimes, Travis County Purchasing Agent.

Motion by Commissioner McKee and **seconded by** Commissioner Moore to authorize the staff and Purchasing Agent to proceed with a Notice for Request for Bids for the reconstruction of Church Lane as soon as possible.

Motion carried: County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	absent

ADJOURNMENT

Motion by Commissioner Sonleitner and **seconded by** Commissioner Moore to adjourn the Voting Session. (6:40 PM)

Motion carried:

County Judge Bill Aleshire	-	yes
Precinct 1, Commissioner Darwin McKee	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Margaret Moore	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	absent

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Bill Aleshire, Travis County Judge