

## **MINUTES – DECEMBER 8, 1998**

### **TRAVIS COUNTY COMMISSIONERS' COURT**

On Tuesday, the 8<sup>th</sup> day of December, 1998, the Commissioners' Court convened the Voting Session at 9:08 AM in the Commissioners' Courtroom, 1<sup>st</sup> Floor of the Travis County Administration Building, 314 West 11<sup>th</sup> Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Robert Resnick.

The Commissioners' Court recessed the Voting Session at 12:05 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District No. 3 (Golden Triangle) Board of Directors, (NWTCRD), convened the NWTCRD #3 Voting Session at 1:39PM and adjourned at 1:39 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation (TCHFC), called to order the TCHFC Voting Session at 1:40 PM and adjourned the TCHFC Voting Session at 2:21 PM.

The Commissioners' Court reconvened the Voting Session at 2:22 PM.

The Commissioners' Court retired to Executive Session at 2:43 PM and reconvened the Voting Session at 4:08 PM.

The Commissioners' Court adjourned the Voting Session at 4:18PM.

**CITIZENS COMMUNICATION**

**Members of the Court heard from:** Linda Moore Smith, Director, Human Resources Management Department (HRMD); Cindy Purinton, Benefits Contract Administrator, HRMD; Gus Peña, President, East Austin Concerned Hispanics; John Foreman, Producer, In-Your-Face Campaign; Robert Kurtz, Private Citizen; Dana DeBeauvoir, Travis County Clerk; Melissa Nuñez, Commissioners’ Court Specialist; Charles T. Waits, Jr., Private Citizen; Brent Johnson, Private Citizen; and Mary Aleshire, Democratic Precinct Chair, Precinct 462. (9:08 AM)

**CONSENT ITEMS**

**Members of the Court heard from:** Stephen Williams, Executive Manager, Austin-Travis County Health and Human Services Department (HHSD) and Veterans’ Services; Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR); and Dinah Dinwiddie, Executive Manager, Justice and Public Safety (JPS).

- 1. **Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the following Consent Items: C1-C13 (excluding Item C7), A.1, 7, 10.A & B, 12, 17.A, B, & C, and 20. (9:34 AM)

**Motion carried:**

County Judge Samuel T. Biscoe	-	yes
Precinct 1, Commissioner Ron Davis	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Todd Baxter	-	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 NOV. 24, 1998.
- C4. APPROVAL OF ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES IN WILLOW RUN SECTION 10B, A SUBDIVISION IN PRECINCT 2.
- C5. APPROVAL OF ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES IN BRATTON HILL SECTION 1, A SUBDIVISION IN PRECINCT 2.

**CONSENT ITEMS CONTINUED**

- C6. APPROVAL OF RECORDING OF A PLAT IN PRECINCT 2: RESUBDIVISION OF LOT 35A, PFLUGERVILLE ACRES II, PHASE 2 (SHORTFORM - NO FISCAL REQUIRED - 2 LOTS - 4.01 ACRES - PRIEM LANE - PFLUGERVILLE ETJ - INDIVIDUAL ON-SITE SEPTIC).
- C7. APPROVAL OF PLAT FOR RECORDING IN PRECINCT 3: LAKECLIFF ON LAKE TRAVIS SECTION FIVE - (SHORTFORM - NO FISCAL REQUIRED - 4 LOTS - 6.855 ACRES - CLIFF OVERLOOK - SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY). (9:34 AM)

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

Item C7 postponed until December 15, 1998.

- C8. APPROVAL OF CONSTRUCTION FOR DAVENPORT WEST PUD SECTION 5 PHASE 2, A PRIVATE STREET SUBDIVISION IN PRECINCT 3.
- C9. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. 98T0069-RH, LONGSTAR SOUTHWEST MAILING SERVICES. CONTRACT APPROVED BY COMMISSIONERS' COURT ON JANUARY 27, 1998. MODIFICATION ALLOWS FOR A TWELVE (12) MONTH EXTENSION.
- C10. REAPPOINT ANN BERAN, JESSE COLUNGA AND HAROLD REYNOLDS TO SERVE AS FIRE COMMISSIONERS ON SETCO BOARD.
- C11. BOND APPROVAL FOR RESERVE DEPUTY CONSTABLE FOR CONSTABLE PCT. 4: HOMER J. HUERTA.
- C12. APPROVE/ACCEPT FILING OF ELECTED OFFICIALS' BONDS.
- C13. SET A PUBLIC HEARING DATE OF DECEMBER 29, 1998, TO APPROVE AN ORDER TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A PUBLIC UTILITY AND DRAINAGE EASEMENT 5' ON EITHER SIDE OF THE OLD LOT LINE DIVIDING LOTS 18 AND 19, RED WAGON RANCHETTES 2, A SUBDIVISION IN PRECINCT 2.

**ADMINISTRATIVE ITEMS**

- 2. A. ADOPT STRATEGY FOR DEALING WITH CONSTRUCTION BIDS IN EXCESS OF BUDGET FOR THE GARDNER BETTS PROJECT: INCREASE BUDGET AND AWARD CONTRACT; REQUEST PURCHASING AGENT TO NEGOTIATE A MODIFICATION; INSTRUCT ARCHITECT TO REDESIGN FOR REBID; OR TAKE APPROPRIATE ACTION CONCERNING THE JUVENILE COURT EXPANSION AND RENOVATION PROJECT AT GARDNER-BETTS JUVENILE JUSTICE CENTER, IFB 990701-JG. (9:44 AM)

**Members of the Court heard from:** The Honorable W. Jeanne Meurer, 98<sup>th</sup> District Court Judge; Alicia Perez, Executive Manager, Administrative Operations; Kevin Bailey, Director, Facilities Management; and Dave Gonzalez, Travis County Purchasing Office.

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to adopt the Tier 1 recommended changes, increase the budget by \$1.137 million, and authorize the Budget Office to increase the CO's by that amount.

**Motion carried:**

County Judge Samuel T. Biscoe	-	yes
Precinct 1, Commissioner Ron Davis	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Todd Baxter	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

- B. DISCUSS, APPROVE AND/OR GIVE STAFF APPROPRIATE DIRECTION REGARDING THE AUTHORIZATION TO OBTAIN A LEASE PROPOSAL FROM EASTERLING PROPERTIES FOR TEMPORARY PARKING SPACES ACROSS FROM THE GARDNER-BETTS JUVENILE JUSTICE CENTER. (10:02 AM)

**Members of the Court heard from:** Alicia Perez, Executive Manager, Administrative Operations; Kevin Bailey, Director, Facilities Management; Leslie Strickland, Facilities Planner, Facilities Management; and Gordon Bowman, Assistant County Attorney.

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

**Motion carried:**

County Judge Samuel T. Biscoe	-	yes
Precinct 1, Commissioner Ron Davis	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Todd Baxter	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

3. APPOINT COMMISSIONERS' COURT MEMBERS TO BOARDS, COMMITTEES AND SUBCOMMITTEES. (10:05 AM)

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

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the revised appointment list, including Precincts 1, 2, and 3 Commissioners on the Austin Transportation Study; Precinct 1 Commissioner and County Judge on the Community Action Network; Precinct 4 Commissioner and County Judge on the Planning and Budget Committee; Precincts 1, 2, and 4 Commissioners on the Capitol Improvement Planning Committee; and the formation of two TNR Committees.

<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 Todd Baxter	-	yes
	Precinct 4, Commissioner Margaret J. Gómez	-	yes

4. DISCUSS NEED FOR WORK SESSION WITH EXECUTIVE MANAGERS, AND TAKE APPROPRIATE ACTION. (10:18 AM)

**Members of the Court heard from:** Mary Etta Gerhardt, Assistant County Attorney; Alicia Perez, Executive Manager, Administrative Operations; Dinah Dinwiddie, Executive Manager, JPS; Christian Smith, Executive Manager, Planning and Budget Office (PBO); Stephen Williams; Executive Manager, Austin-Travis County HHSD and Veterans' Services; and Cyd Grimes, Travis County Purchasing Agent.

Discussion Only.

5. PROVIDE DIRECTION ON PROCUREMENT STRATEGIES FOR NEW AMBULANCE VEHICLES TO ENHANCE GROUND EMERGENCY MEDICAL SERVICES IN TRAVIS COUNTY. (10:36 AM)

**Clerk's Note:** Items 5 and 6 are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Dinah Dinwiddie, Executive Manager, JPS; Dr. Ed Racht, Medical Director, Austin-Travis County Emergency Medical Services (EMS); Chris Callsen, Director of Emergency Services, JPS; Christian Smith, Executive Manager, PBO; and Barbara Wilson, Assistant County Attorney.

Discussion Only.

Item 5 to be reposted on December 15, 1998.

6. DISCUSS EMS TRANSITION TEAM WORKPLAN AND TAKE APPROPRIATE ACTION. (10:52 AM)

**Clerk's Note:** Items 5 and 6 are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Dinah Dinwiddie, Executive Manager, JPS; Dr. Ed Racht, Medical Director, Austin-Travis County EMS; Chris Callsen, Director of Emergency Services, JPS; Christian Smith, Executive Manager, PBO; and Barbara Wilson, Assistant County Attorney.

Discussion Only.

Item 6 to be reposted on December 15, 1998.

7. APPROVE AUTOMATIC RENEWAL OF INTERLOCAL AGREEMENT WITH CAPITAL AREA RURAL TRANSPORTATION SYSTEM FOR THE PERIOD OCTOBER 1, 1998 THROUGH SEPTEMBER 30, 1999. INTERLOCAL APPROVED BY COMMISSIONERS' COURT ON OCTOBER 5, 1995. (9:35 AM)

**Members of the Court heard from:** Stephen Williams, Executive Manager, Austin-Travis County HHSD and Veterans' Services.

Item 7 added to Consent Items. Please refer to Item 1 (CONSENT ITEMS) for the Court's Motion and Vote.

- 8. APPROVE OR DISAPPROVE A REQUEST FOR VARIANCE FROM THE TRAVIS COUNTY RULES FOR PRIVATE SEWAGE FACILITIES: DUKE COVERT, OWNER, TO ALLOW (1) A 20 PERCENT INCREASE IN THE APPLICATION RATE FROM 0.2 TO 0.25 GPD/SQ. FT. AND (2) ALLOW 18 INCHES OF SAND AND AN AVERAGE OF 12 INCHES OF WEATHERED LIMESTONE BENEATH THE BOTTOM OF THE SAND LINED TRENCHES FOR A LPD SYSTEM WITHOUT DISINFECTION, AT 602 LISA DRIVE, LOT 7, BLOCK E, AQUA MONTE II SUBDIVISION. (11:30AM) (2:43 PM) (4:08 PM) (4:13 PM)

**Members of the Court heard from:** Stephen Williams, Executive Manager, Austin-Travis County HHSD and Veterans' Services; Matt Phelps, Private Sewage Facilities Engineer, Austin-Travis County HHSD; Susan Parten, P.E., Community Environmental Services, Inc.; Cris Guzman, P.E., Program Manager, City of Austin Water and Wastewater; and John Hille, Assistant County Attorney.

Judge Biscoe announced that Item 8 would be considered in Executive Session.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Item 8.

**Motion carried:**

County Judge Samuel T. Biscoe	-	yes
Precinct 1, Commissioner Ron Davis	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Todd Baxter	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

- 9. APPROVE THE USE OF A FORM FOR A LETTER OF CREDIT FOR FISCAL SUBSTITUTION DIFFERENT FROM THE STANDARDS FOR CONSTRUCTION OF STREETS AND DRAINAGE IN SUBDIVISIONS FOR NINE SECTIONS OF STEINER RANCH, SUBDIVISIONS IN PRECINCT 2. (11:54 AM)

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

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Item 9.

**Motion carried:**

County Judge Samuel T. Biscoe	-	yes
Precinct 1, Commissioner Ron Davis	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Todd Baxter	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

10. A. APPROVE A CHANGE IN THE USE OF FUNDS (\$112,700) APPROPRIATED BY COMMISSIONERS' COURT FOR THE MOKAN-U (GREGG LANE) (1-U015) IN 1984 CIP BOND PROGRAM. (9:35 AM)
- B. APPROVE CONTRACT AWARD FOR THE PROVISION OF CONSTRUCTION SERVICES FOR THE GILBERT ROAD AND NEZ PERCE TRACE IMPROVEMENTS PROJECT, IFB #B980728-JJ, TO THE LOW, QUALIFIED BIDDER, BAY MAINTENANCE CO., INC., IN THE ESTIMATED AMOUNT OF \$288,294.60.

Items 10.A & B added to Consent Items. Please refer to Item 1 (CONSENT ITEMS) for the Court's Motion and Vote.

11. APPROVE CONTRACT AWARD FOR THE PROVISION OF CONSTRUCTION SERVICES FOR THE PARMER LANE WATER TRANSMISSION LINE IMPROVEMENT PROJECT, IFB #B980729-JJ, TO THE LOW, QUALIFIED BIDDER, KEY ENTERPRISES, INC., IN THE ESTIMATED AMOUNT OF \$294,980. (9:34 AM)

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

Item 11 postponed until December 15, 1998.

12. APPROVE CONTRACT AWARD FOR THE FLAT TIRE & TUBE REPLACEMENT SERVICES, IFB #B990005-JP, TO THE SOLE QUALIFIED BIDDER, TIRE DISTRIBUTION SYSTEMS, INC., IN THE ESTIMATED AMOUNT OF \$14,700.00. (9:35 AM)

Item 12 added to Consent Items. Please refer to Item 1 (CONSENT ITEMS) for the Court's Motion and Vote.

13. APPROVE CONTRACT AWARD FOR THE PROVISION OF CONSTRUCTION SERVICES FOR THE CAMERON ROAD RECONSTRUCTION PROJECT, IFB #B980720-JJ, TO THE LOW, QUALIFIED BIDDER, AUSTIN BRIDGE AND ROAD INC., IN THE ESTIMATED AMOUNT OF \$1,424,665.00. (9:35 AM)

Item 13 pulled from the Agenda.

14. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (12:00 PM)

**Members of the Court heard from:** Leroy Nellis, Budget Manager, PBO; Mark McCray, Budget Analyst, PBO; Karen Shafer-Castro, Senior Planning and Budget Analyst, PBO; and Alan Miller, Budget Analyst, PBO.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Baxter to approve Item 14.

**Motion carried:**

County Judge Samuel T. Biscoe	-	yes
Precinct 1, Commissioner Ron Davis	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Todd Baxter	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

- 15. A. RECEIVE BRIEFING, DISCUSS AND/OR TAKE APPROPRIATE ACTIONS REGARDING THE POTENTIAL PURCHASE OF PROPERTIES LOCATED AT 812 SAN ANTONIO AND 1601 RIO GRANDE. (2:22 PM) (2:43 PM) (4:08 PM)
- B. EXEMPT FROM REQUIREMENTS OF COMPETITIVE BIDS/PROPOSALS THE PURCHASE OF A/E SERVICES FOR THE PERFORMANCE OF DUE DILIGENCE SERVICES AND A PHASE I ENVIRONMENTAL SITE ASSESSMENT STUDY. (2:22 PM) (2:43 PM) (4:08 PM)
- C. AUTHORIZE PURCHASING AGENT OR DESIGNEE TO PROCURE OR AMEND CURRENT CONTRACT FOR A/E SERVICES FOR THE PERFORMANCE OF DUE DILIGENCE SERVICES AND A PHASE I ENVIRONMENT SITE ASSESSMENT STUDY FOR THE PROPERTIES AT 812 SAN ANTONIO AND 1601 RIO GRANDE. (2:22 PM) (2:43 PM) (4:08 PM) (4:14 PM)

Judge Biscoe announced that Items 15.A, B, & C would be considered in Executive Session.

No Action necessary on Items 15.A & B.

**Members of the Court heard from:** John Hille, Assistant County Attorney; and James Gonzales, Travis County Purchasing Office.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve the contract in the amount of \$16,860.00, and authorize the County Judge to sign on behalf of the Travis County Commissioners' Court.

**Motion carried:**

County Judge Samuel T. Biscoe	-	yes
Precinct 1, Commissioner Ron Davis	-	abstain
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Todd Baxter	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	no

Items 15.A, B, & C to be reposted on December 15, 1998.

- 16. A. ADOPT ORDER APPROVING PUBLICATION OF NOTICE OF INTENT TO ISSUE CERTIFICATES OF OBLIGATION. (2:22 PM) (4:13 PM)
- B. GIVE ALL OTHER AUTHORIZATIONS NECESSARY FOR ISSUING CERTIFICATES OF OBLIGATION AND VOTER APPROVED BONDS.

Item 16 to be reposted on December 15, 1998.

- 17. APPROVE GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSION TO CONTINUE: (9:35 AM)
  - A. TRAVIS COUNTY ATTORNEY'S OFFICE, VICTIM/WITNESS DIVISION, VOLUNTEER PROGRAM.
  - B. DEL VALLE TITLE V: JUVENILE DELINQUENCY PREVENTION.
  - C. JUVENILE COURT ACCESS AND VISITATION GRANT CONTRACT.

Items 17.A, B, & C added to Consent Items. Please refer to Item 1 (CONSENT ITEMS) for the Court's Motion and Vote.

- 18. APPROVE PERSONNEL AMENDMENTS. (2:22 PM)

**Members of the Court heard from:** Carlotta Valdez, Compensation and Benefits Manager, HRMD; and Alicia Perez, Executive Manager, Administrative Operations.

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the routine Personnel Amendments, and to repost the two non-routine Items on December 15, 1998.

**Motion carried:**

County Judge Samuel T. Biscoe	-	yes
Precinct 1, Commissioner Ron Davis	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Todd Baxter	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

**19. REVIEW AND APPROVE THE FOLLOWING LIABILITY CLAIM RECOMMENDATIONS: (2:31 PM)**

- A. TCSO – SETTLE (2:31 PM)
- B. CONSTABLE, PCT. 3 – SETTLE (2:35 PM)
- C. CONSTABLE, PCT. 5 – SETTLE (2:36 PM)
- D. TCSO – SETTLE (2:38 PM)
- E. TCSO – SETTLE (2:39 PM)
- F. GARY HENDERSON – SETTLE (2:41 PM)
- G. DOUGLAS STRUBAR – DENY (2:42 PM)
- H. RICHARD TOLBERT – DENY (2:31 PM)

**Members of the Court heard from:** Dan Mansour, Risk Manager, HRMD; and Sherine Thomas, Assistant County Attorney.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve Item 19, according to Staff recommendations.

**Motion carried:**

County Judge Samuel T. Biscoe	-	yes
Precinct 1, Commissioner Ron Davis	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Todd Baxter	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

**20. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:35 AM)**

Item 20 added to Consent Items. Please refer to Item 1 (CONSENT ITEMS) for the Court’s Motion and Vote.

21. TAKE APPROPRIATE ACTION TO APPROVE THE ISSUANCE OF \$9,128,000 TRAVIS COUNTY HOUSING FINANCE CORPORATION MULTIFAMILY HOUSING REVENUE BONDS (MOUNTAIN RANCH APARTMENTS PROJECT), SERIES 1998 TO FINANCE THE CONSTRUCTION OF A MULTIFAMILY HOUSING PROJECT ON RIVERSIDE DRIVE, AUSTIN, TEXAS, INCLUDING ADOPTION OF BOND RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS AND APPROVING THE FORM AND SUBSTANCE OF A TRUST INDENTURE, LOAN AGREEMENT, REGULATORY AND LAND USE RESTRICTION AGREEMENT. (9:43 AM)

Item 21 postponed until December 15, 1998.

22. PROCUREMENT STRATEGIES FOR NEW AMBULANCE VEHICLES TO ENHANCE GROUND EMERGENCY MEDICAL SERVICES IN TRAVIS COUNTY. (9:40 AM)

**Members of the Court heard from:** Dinah Dinwiddie, Executive Manager, JPS.

Item 22 pulled from the Agenda.

23. DISCUSS AND/OR TAKE APPROPRIATE ACTION REGARDING CLOSING WITH W.L. GORE AND ASSOCIATES FOR THE PURCHASE OF LAND AND IMPROVEMENTS LOCATED AT 7811 BULESON-MANOR ROAD. (9:37 AM)

**Members of the Court heard from:** Dinah Dinwiddie, Executive Manager, JPS.

Item 23 pulled from the Agenda.

**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

- 24. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND REQUEST EXPERT(S) AND/OR TAKE APPROPRIATE ACTION IN: WICKENHEISER ET AL. V. CITY OF AUSTIN ET AL., (WICKENHEISER; GIESELMAN; TEXAS TORT CLAIMS ACT AND PERSONAL INJURY) <sup>1</sup> (2:43 PM) (4:08 PM)

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

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that the County hires an accident reconstruction expert to assist the County Attorneys in this matter.

**Motion carried:**

County Judge Samuel T. Biscoe	-	yes
Precinct 1, Commissioner Ron Davis	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Todd Baxter	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

- 25. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION AND/OR ACCEPT, REJECT, OR COUNTER SETTLEMENT DEMAND ON CIP PROJECT 2-019, PARCEL NO. 6, 6E, JOHN PAUL OTTO WUTHRICH, JR. ET AL, AND TRAVIS COUNTY, TEXAS; (WUTHRICH; GIESELMAN; CONDEMNATION) <sup>1</sup> (2:43 PM) (4:09 PM)

Judge Biscoe announced that Item 25 would be considered in Executive Session.

**Motion by Commissioner Sonleitner and seconded by Commissioner Gómez** that the county reject the settlement offer received from the Wuthriches in that case and counter with an offer of \$140,000.00.

**Motion carried:**

County Judge Samuel T. Biscoe	-	yes
Precinct 1, Commissioner Ron Davis	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Todd Baxter	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

Item 25 to be reposted on December 15, 1998.

26. RECEIVE BRIEFING FROM COUNTY ATTORNEY, AND/OR ACCEPT, REJECT, OR COUNTER SETTLEMENT OFFER IN THE MATTER OF RAYMOND LEE ARRINGTON V. TRAVIS COUNTY FILE NO. 186.1 (ARRINGTON; MERCER; GRIEVANCE)<sup>1</sup> (2:43 PM) (4:10 PM)

Judge Biscoe announced that Item 26 would be considered in Executive Session.

**Motion by Judge Biscoe and seconded by Commissioner Sonleitner** to accept the settlement offer of \$5,635.50.

**Motion carried:**

County Judge Samuel T. Biscoe	-	yes
Precinct 1, Commissioner Ron Davis	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Todd Baxter	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

27. DISCUSSION ON PROGRESS OF LEASES ON 205 W. 9TH ST.<sup>1</sup> & <sup>2</sup> (2:43 PM) (4:10 PM)

Judge Biscoe announced that Item 27 would be considered in Executive Session.

No Action necessary.

**Clerk's Note:** The Court directed Staff to continue negotiations with the owner and impress upon him or her the importance of the County being able to occupy that space as soon as possible.

28. DISCUSS LEGAL ISSUES ASSOCIATED WITH NEGOTIATIONS RELATED TO DEVELOPMENT OF AGREEMENT WITH TEXAS AGRICULTURAL EXTENSION SERVICE AND PROVIDE DIRECTION IN NEGOTIATION OF AGREEMENT.<sup>1</sup> (2:43 PM) (4:10 PM)

Item 28 postponed until December 22, 1998.

29. APPROVE QUANTUM MERUIT CLAIM FOR \$24,247.28 FOR ADVERTISING CHARGES TO THE AUSTIN AMERICAN-STATESMAN.<sup>1</sup> (2:43 PM) (4:11 PM)

Judge Biscoe announced that Item 29 would be considered in Executive Session.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve Item 29.

**Motion carried:**

County Judge Samuel T. Biscoe	-	yes
Precinct 1, Commissioner Ron Davis	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Todd Baxter	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

30. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING POSSIBLE LITIGATION INVOLVING DANIEL AND AMELIA GRIZAS AND VARIOUS CONTRACTORS, INSTALLERS, ENGINEERS AND SANITARIANS REGARDING THE APPLICATION OF THE COUNTY'S ON-SITE SEWAGE FACILITY RULES, AND TAKE APPROPRIATE ACTION.<sup>1</sup> (2:43 PM) (4:11 PM)

Judge Biscoe announced that Item 30 would be considered in Executive Session.

Item 30 to be reposted on December 15, 1998.

31. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION AND ACCEPT, REJECT, OR COUNTER SETTLEMENT PROPOSAL IN STATE OF TEXAS V. THE LUNDELL 1991 TRUST, CIP PROJECT 1-003C, PARMER LANE EAST; (LUNDELL; GIESELMAN; CONDEMNATION)<sup>1</sup> (2:43 PM) (4:11 PM)

Judge Biscoe announced that Item 31 would be considered in Executive Session.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to agree to the terms of the settlement agreement, and that the Court authorize Judge Biscoe to sign in behalf of the Court, which authorizes the County to settle this case for a total of, and not to exceed, \$30,000.00, and that the Court comply with the other terms and conditions set out in the agreement.

**Motion carried:**

County Judge Samuel T. Biscoe	-	yes
Precinct 1, Commissioner Ron Davis	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Todd Baxter	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

- 32. APPROVE PAYMENT OR TAKE OTHER APPROPRIATE ACTION ON CLAIM RECEIVED FROM CITY OF AUSTIN REGARDING DAMAGE TO W. 10TH STREET. <sup>1</sup> (2:43 PM) (4:12 PM)

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

**Motion by Judge Biscoe and seconded by Commissioner Baxter** to notify the City of Austin that the County is at this time rejecting their claim, but that the Court is authorizing appropriate County Staff to negotiate in person with them, so that they can understand why the County does not believe that Travis County owes the amount demanded, and that the County did not do what they claim the County did, and that the Court is more than happy to put this matter on the Court’s agenda for December 29, 1998 for any follow-up discussion or action that may be appropriate.

**Motion carried:**

County Judge Samuel T. Biscoe	-	yes
Precinct 1, Commissioner Ron Davis	-	yes
Precinct 2, Commissioner Karen Sonleitner	-	yes
Precinct 3, Commissioner Todd Baxter	-	yes
Precinct 4, Commissioner Margaret J. Gómez	-	yes

Item 32 to be reposted on December 29, 1998.

**ADDENDUM:**

- A.1 DISCUSS CLAIM FROM THE INTERNAL REVENUE SERVICE FOR PAYMENT OF DELINQUENT PROPERTY TAXES, AND TAKE APPROPRIATE ACTION. (9:35 AM)

Item A.1 added to Consent Items. Please refer to Item 1 (CONSENT ITEMS) for the Court’s Motion and Vote.

**ADJOURNMENT**

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Davis to adjourn the Voting Session. (4:18 PM)

**Motion carried:** County Judge Samuel T. Biscoe - yes  
Precinct 1, Commissioner Ron Davis - yes  
Precinct 2, Commissioner Karen Sonleitner - yes  
Precinct 3, Commissioner Todd Baxter - yes  
Precinct 4, Commissioner Margaret J. Gómez - yes

**MINUTES APPROVED BY THE COMMISSIONERS' COURT**

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**Date of Approval**

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**Samuel T. Biscoe, Travis County Judge**