

## **MINUTES – JANUARY 12, 1999**

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

On Tuesday, the 12<sup>th</sup> day of January, 1999, the Commissioners' Court convened the regular Voting Session at 9:09 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 retired to Executive Session at 10:42 AM.

The Commissioners' Court reconvened the Voting Session at 11:55 AM.

The Commissioners' Court recessed the Voting Session at 12:02 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 12:02 PM and adjourned at 12:03 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation (TCHFC), called to order the Voting Session at 12:03 PM and adjourned the Voting Session at 12:04 PM.

The Commissioners' Court reconvened the Voting Session at 2:04 PM.

The Commissioners' Court adjourned the Voting Session at 2:07 PM.

The Commissioners' Court record notes that Precinct Three Commissioner Todd Baxter was not present during this Voting Session.

## CITIZENS COMMUNICATION

**Members of the Court heard from:** Cyd Grimes, Travis County Purchasing Agent; Greg Erickson, Free Press International; and Leslie Cochran, Private Citizen. (9:23 AM)

## CONSENT ITEMS

- 1. Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C4, and Items 4, 5, 12, and 14. (9:34 AM)

<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	-	absent
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.** REAPPOINT GILES GARMON AND RACHEL B. CLYDE AS FIRE COMMISSIONERS TO THE BOARD OF DIRECTORS OF ESD #12 FOR A TERM TO EXPIRE ON DECEMBER 31, 2000.
- C4.** APPROVE PLAT FOR RECORDING IN PRECINCT ONE DESSAU CORNER SUBDIVISION - (SHORTFORM - NO FISCAL REQUIRED - LOT - 1.5046 ACRES - DESSAU ROAD - SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN.
- C5.** APPROVE PLAT FOR RECORDING IN PRECINCT THREE: LAKE POINTE PHASE 1-C - (SHORTFORM - FISCAL POSTED WITH TRAVIS COUNTY - 1 LOT - .272 ACRES - TULARE DRIVE - SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY MUD #3). (9:34 AM)

Item C5 pulled from the Agenda.

**CONSENT ITEMS CONTINUED**

- C6.** APPROVE PLAT FOR RECORDING IN PRECINCT THREE: REPLAT OF LOT 6 BLOCK "O" LAKE POINTE PHASE 1-A (SHORTFORM - FISCAL POSTED WITH TRAVIS COUNTY - 1 LOT - 307 ACRES - FORTUNA COVE - SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY MUD #3). (9:34 AM)

Item C6 pulled from the Agenda.

- C7.** APPROVE PLAT FOR RECORDING IN PRECINCT THREE: REPLAT OF LOT 5 BLOCK "O" LAKE POINTE PHASE 1-B, (SHORTFORM - FISCAL POSTED WITH TRAVIS COUNTY - 1 LOT - .333 ACRES - TULARE DRIVE - SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY MUD #3) (9:34 AM)

Item C7 pulled from the Agenda.

## ADMINISTRATIVE ITEMS

2. REVIEW COUNTY POLICY REGARDING THE NAMING OF COUNTY FACILITIES AFTER INDIVIDUALS AND TAKE APPROPRIATE ACTION.  
(9:37 AM)

**Members of the Court heard from:** Alicia Perez, Executive Manager, Administrative Operations.

**Motion by** Commissioner Davis **and seconded by** Commissioner Gómez to give Staff direction to begin the process of naming the “Gore” facility, whereby it will be placed on the Agenda, so the Court may move forward with this particular Item, receiving public input in the future.

**A Clarification was made of the Previous Motion by** Commissioner Sonleitner that there may be one or more other facilities that may need be named. The Criminal Justice Complex is rapidly getting to the point where signs need to be ordered. The name needs to be decided so the appropriate signage can be placed in that building.

**A Clarification was made of the Previous Motion by** Judge Biscoe that Staff should produce a specific outline of steps that should be taken, because what the Court does with this property will have to be done with others.

<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	-	absent
Precinct 4, Commissioner Margaret J. Gómez	-	yes

3. DISCUSS AND TAKE ACTION CONCERNING CAPCO 9-1-1 AND ADDRESSING MAINTENANCE EQUIPMENT OWNERSHIP, INSURANCE COVERAGE AND MAINTENANCE, AND OTHER RELATED ITEMS. (9:46 AM)

**Members of the Court heard from:** Dinah Dinwiddie, Executive Manager, Justice and Public Safety (JPS); and Teresa Reel, Manager of Emergency and Wireless Communications, JPS.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to notify CAPCO that Travis County prefers that ownership be transferred to Travis County, effective September 30, 1999, unless, before that time, CAPCO is financially unable to maintain a maintenance agreement.

<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	-	absent
Precinct 4, Commissioner Margaret J. Gómez	-	yes

4. APPROVE CONTRACT AWARD FOR THE PROVISION OF OFFICE SUPPLIES, COUNTY WIDE, IFB #B990026-LD TO THE LOWEST RESPONSIVE BIDDER, OFFICE DEPOT BUSINESS SERVICES, AUSTIN, TEXAS. (9:34 AM)

Item 4 added to Consent Items. Please refer to Agenda Item 1 (CONSENT ITEMS) for the Court's Motion and Vote.

5. APPROVE CONTRACT AWARD FOR THE PROVISION OF TWO RECONDITIONED T-1 CHANNEL EXTENDERS, IFB #B990017-MG, TO THE LOW QUALIFIED BIDDER, BEALL TECHNOLOGIES IN THE AMOUNT OF \$22,000.00. (9:34 AM)

Item 5 added to Consent Items. Please refer to Agenda Item 1 (CONSENT ITEMS) for the Court's Motion and Vote.

6. APPROVE ACCEPTANCE OF HELICOPTER EC 135T1, SERIAL #0051, N891T. (10:02 AM)

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

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve Item 6.

**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	-	absent
Precinct 4, Commissioner Margaret J. Gómez	-	yes

7. APPOINT COMMISSIONERS COURT MEMBERS TO BOARDS, COMMITTEES AND SUBCOMMITTEES. (10:04 AM)

**Members of the Court heard from:** Teresa Reel, Manager of Emergency and Wireless Communications, JPS.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve the appointment of Judge Biscoe to the Bail Bond Board and Commissioner Sonleitner to be the third person on the Capital Metro Fare Committee.

**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	-	absent
Precinct 4, Commissioner Margaret J. Gómez	-	yes

8. MAKE CITIZENS APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES. (10:08 AM)

Item 8 to be reposted on January 19, 1999.

9. A. 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. (EXECUTIVE SESSION ALSO, PURSUANT TO GOVT CODE ANN 551.071) (9:37 AM) (10:38 AM) (11:57 AM)
- B. RECEIVE STAFF UPDATE ON ON-SITE SEWAGE FACILITIES RULES (OSSF) RULES ADOPTION PROCESS AND GIVE STAFF DIRECTION REGARDING VARIANCE APPROVAL PROCESS.

**Clerk's Note:** Items 9.A and B are associated with one another and were called for concurrent discussion.

Judge Biscoe announced that Items 9.A and B would be considered in Executive Session.

**Members of the Court heard from:** Steve Manilla, Director of Engineering and Planning, Transportation and Natural Resources (TNR); and Jim Fulton, Private Sewage Facilities Associate Engineer, Austin-Travis County Health and Human Services Department.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to give Staff direction to grant variances down to the 1997 regulations, as they come to Staff; to expedite preparation of a final draft for negotiations with the parties to the lawsuit, for negotiations with TNRCC, and to use at public hearings which should be set fairly soon.

<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	-	absent
	Precinct 4, Commissioner Margaret J. Gómez	-	yes

10. DISCUSS TRAVIS COUNTY LEGISLATIVE AGENDA INCLUDING:
- A. LEGISLATIVE AGENDA FOR THE 1999 LEGISLATIVE SESSION, A MEETING WITH TRAVIS COUNTY LEGISLATIVE DELEGATION AND TAKE APPROPRIATE ACTION. (10:09 AM)
  - B. 1. DISCUSS THE NEED FOR A PERSONAL OR PROFESSIONAL SERVICES CONTRACT FOR OUTSIDE LEGISLATIVE REPRESENTATION AND TAKE APPROPRIATE ACTION.
  - 2. DISCUSS THE PROCUREMENT PROCESS FOR PERSONAL OR PROFESSIONAL SERVICES CONTRACT FOR OUTSIDE LEGISLATIVE REPRESENTATION AND TAKE APPROPRIATE ACTION.

**Clerk's Note:** Items 10.A and 10.B.1 and 2 are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Cyd Grimes, Travis County Purchasing Agent; Ben Bynum, Former Judge, Potter County; Linda Moore Smith, Director, Human Resources Management Department (HRMD); and John Hille, Assistant County Attorney.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the RFS (Item 10.B.2).

**The Motion was restated by** Commissioner Gómez **and seconded by** Commissioner Davis that the necessary changes be made and sent to the Purchasing Agent, and that the RFS be sent out.

<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	-	absent
Precinct 4, Commissioner Margaret J. Gómez	-	yes



**11. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (10:26 AM)**

**Members of the Court heard from:** Leroy Nellis, Budget Manager, Planning and Budget Office (PBO); Karen Shafer Castro, Senior Planning and Budget Analyst, PBO; and Jessica Rio, Planning and Budget Analyst, PBO.

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

<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	-	absent
Precinct 4, Commissioner Margaret J. Gómez	-	yes

**12. APPROVE GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSION TO CONTINUE.**

**A. APPROVE GRANT APPLICATION TO TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES FOR TITLE IV-E LEGAL ADMINISTRATION GRANT FOR REIMBURSEMENT FOR THE DISTRICT ATTORNEY'S OFFICE. (9:34 AM)**

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

**13. APPROVE PERSONNEL AMENDMENTS. (10:36 AM)**

**Members of the Court heard from:** Norman McRee, Lead Personnel Analyst, HRMD.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the HR amendments as presented by Staff.

<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	-	absent
Precinct 4, Commissioner Margaret J. Gómez	-	yes

**14. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:34 AM)**

Item 14 added to Consent Items. Please refer to Agenda Item 1 (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

**15. RECEIVE BRIEFING REGARDING MONTGOMERY ELEVATOR SUBROGATION CASE AND REQUEST FOR DESIGNEE TO ATTEND MEDIATION SCHEDULED JANUARY 13, 1999. <sup>1</sup> (10:41 AM) (11:57 AM)**

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

**Members of the Court agreed** to consider one Motion for Items 15, 17, and A.2.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve the following Items as summarized below:

**15.** Approve Item 15 and ask Dan Mansour to be the Court's designee at the mediation scheduled for January 13, 1999.

**17.** Accept the counter offer in the amount of \$190,000.00.

**A.2** Direct the draft letter to the County Attorney's Office for appropriate changes, and that the Court authorize Judge Biscoe to sign the letter and send it to the owner at 205 W. 9<sup>th</sup> St.

**Maker and Second accept the Friendly Amendment by Commissioner Sonleitner** that, in regards to Item A.2, the Court include instructions to Facilities to appropriately work on back-up plans and gather information for the Court.

**Acceptance of the Friendly Amendment was made by Judge Biscoe and seconded by Commissioner Gómez.**

<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	-	absent
	Precinct 4, Commissioner Margaret J. Gómez	-	yes

16. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, COUNTER OFFER OR SETTLEMENT OFFER AND/OR TAKE APPROPRIATE ACTION IN: WENDY DAWN RAMIREZ V. TRAVIS COUNTY, TEXAS, AND DIANE MOORE HAGAN; (RAMIREZ; ELFANT; TEXAS TORT CLAIMS ACT, PERSONAL INJURY) <sup>1</sup> (9:36 AM)

Item 16 postponed until January 19, 1999.

17. MAKE, ACCEPT, REJECT OR COUNTER SETTLEMENT OFFER, AND/OR TAKE APPROPRIATE ACTION IN MARY ELIZABETH HUMPHREY ET AL V. TRAVIS COUNTY ET AL, CAUSE NO. A95-CA-053-AA (FRASIER; WRONGFUL DEATH/CIVIL RIGHTS) <sup>1</sup> (10:41 AM) (11:57 AM)

Judge Biscoe announced that Item 17 would be considered in Executive Session.

**Members of the Court agreed** to consider one Motion for Items 15, 17, and A.2. Please refer to Item 15 for a summary of the Court's action on this Motion.

18. APPROVE PLAT FOR RECORDING IN PRECINCT TWO: REPLAT OF LOTS 18, 19, AND 20 WESTMINSTER GLEN PHASE 1-C (TRUST DEEDS POSTED WITH TRAVIS COUNTY - 3 LOTS - 4.008 ACRES - EDGERTON STREET - WASTEWATER SERVICE TO BE PROVIDED FOR BY ONSITE SEWAGE SERVICE). <sup>1</sup> (10:41 AM) (11:57 AM)

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

**Members of the Court agreed** to consider one Motion for Items 18, 19, and 20.

**Motion by Commissioner Sonleitner and seconded by Judge Biscoe** to approve the following Items as summarized below:

18. Approve Item 18.

19. Approve Item 19.

20. Approve Item 20.

<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	-	absent
	Precinct 4, Commissioner Margaret J. Gómez	-	yes

19. APPROVE PLAT FOR RECORDING IN PRECINCT TWO: REPLAT OF LOTS 56, 57, AND 58 WESTMINSTER GLEN PHASE 1-D (TRUST DEEDS POSTED WITH TRAVIS COUNTY - 3 LOTS - 5.663 ACRES - HIGH GATE DRIVE - WASTEWATER SERVICE TO BE PROVIDED FOR BY ONSITE SEWAGE SERVICE). <sup>1</sup> (10:41 AM) (11:57 AM)

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

**Members of the Court agreed** to consider one Motion for Items 18, 19, and 20. Please refer to Item 18 for a summary of the Court's action on this Motion.

20. APPROVE PLAT FOR RECORDING IN PRECINCT TWO: REPLAT OF LOTS 95, 96, AND 97 WESTMINSTER GLEN PHASE 1-E (TRUST DEEDS POSTED WITH TRAVIS COUNTY - 3 LOTS - 5.091 ACRES - WESTMINSTER GLEN AVENUE - WASTEWATER SERVICE TO BE PROVIDED FOR BY ONSITE SEWAGE SERVICE). <sup>1</sup> (10:42 AM)

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

**Members of the Court agreed** to consider one Motion for Items 18, 19, and 20. Please refer to Item 18 for a summary of the Court's action on this Motion.

**THE FOLLOWING ITEMS ARE ADDENDA:**

- A.1** APPROVE CONTRACT MODIFICATION NO. 1 TO CONTRACT NO. 99T0044-MG, UNISYS CORPORATION, REMITTANCE PAYMENT PROCESSING SYSTEM; CONTRACT APPROVED ON DECEMBER 1, 1998; MODIFICATION ALLOWS FOR A CHANGE IN DELIVERY DATE AND FOR DELIVERY OF AN UPDATED SYSTEM. (9:37 AM) (10:39 AM) (11:55 AM) (2:04 PM)

Judge Biscoe announced that Item A.1 would be considered in Executive session.

**Members of the Court heard from:** Tamara Armstrong, Assistant County Attorney.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the new contract amendment, noting that the changes discussed are in a faxed version, and that Judge Biscoe be authorized to sign the originals when they arrive.

<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	-	absent
	Precinct 4, Commissioner Margaret J. Gómez	-	yes

- A.2** DISCUSS PROGRESS ON LEASES FOR 205 W. 9<sup>TH</sup> STREET, AND TAKE APPROPRIATE ACTION. (EXECUTIVE SESSION ALSO, PURSUANT TO TX. GOV'T. CODE SECTION 551.072). (10:40 AM) (11:55 AM)

Judge Biscoe announced that Item A.2 would be considered in Executive session.

**Members of the Court agreed** to consider one Motion for Items 15, 17, and A.2. Please refer to Item 15 for a summary of the Court's action on this Motion.

**A.3 APPROVE PROCLAMATION HONORING MARTIN LUTHER KING, JR. DAY. (9:09 AM)**

**Members of the Court heard from:** Creola Shaw Burns; Rev. Don Brewington, Chaplain, Huston-Tillotson College; Akwasi Evans, Traditional Martin Luther King Celebration Committee; Rev. Frank Garrett, Jr.; Karen Boggs, Executive Director, Capital City Chamber of Commerce; and Eric Mitchell, Former Austin City Council Member.

**Motion by Judge Biscoe and seconded by Commissioner Gómez to approve Item A.3.**

<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	-	absent
Precinct 4, Commissioner Margaret J. Gómez	-	yes

## ADJOURNMENT

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis to adjourn the Voting Session. (2:07 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	-	absent
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**