

MINUTES – JUNE 22,1999

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 22nd day of June, 1999, the Commissioners' Court convened the regular Voting Session at 9:10 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 Robert Resnick.

The Commissioners' Court recessed the Voting Session at 12:00 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 1:39 PM and adjourned at 1:39 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation (TCHFC), called to order the Voting Session at 1:39 PM and adjourned the Voting Session at 1:39 PM.

The Commissioners' Court reconvened the Voting Session at 1:39 PM.

The Commissioners' Court retired to Executive Session at 1:50 PM.

The Commissioners' Court reconvened the Voting Session at 3:45 PM.

The Commissioners' Court adjourned the Voting Session at 4:12 PM.

RESOLUTIONS & PROCLAMATIONS

- 1. APPROVE RESOLUTION CELEBRATING DR. MARVIN C. GRIFFIN’S 30TH YEAR AS PASTOR OF EBENEZER (THIRD) MISSIONARY BAPTIST CHURCH, AUSTIN, TEXAS, ON JULY 11, 1999. (9:11 AM)

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 1.

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

CITIZENS COMMUNICATION

Members of the Court heard from: Lynn Moshier, Manager, Regency Apartments; and Kenneth Snyder, Private Citizen. (9:11 AM)

CONSENT ITEMS

- 2. **Motion by** Commissioner Gómez **and seconded by** Commissioner Baxter to approve the following Consent Items: C1-C4, 4, 7, 10.A, B, & C, 12, 13, 15.A, B, C, & D, 16, 17, 23, 26.A & B, 28, and 33. (9:26 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 JUNE 8 AND 11, 1999; AND EXECUTIVE SESSION ANNOUNCEMENT OF JUNE 10, 1999.

CONSENT ITEMS CONTINUED

- C4.** APPOINT CHANDLER POMPLIN TO COMMISSIONER OF TRAVIS COUNTY RURAL FIRE PREVENTION DISTRICT #11 (VOLENTE); EFFECTIVE IMMEDIATELY THROUGH DECEMBER 31, 2000, FILLING UNEXPIRED TERM OF BOTHO SCHENCK.

- C5.** APPROVE PLAT FOR RECORDING IN PRECINCT TWO: CAMBRIDGE HEIGHTS PHASE B, SECTION 1- (FISCAL POSTED WITH TRAVIS COUNTY – 66 LOTS – 12.6 ACRES – MENTONE DRIVE – WASTEWATER SERVICE TO BE PROVIDED FOR THE WINDERMERE UTILITY COMPANY) (9:26 AM)

Item C.5 pulled from Consent.

- C6.** APPROVE PLAT FOR RECORDING IN PRECINCT TWO: CAMBRIDGE HEIGHTS PHASE A, SECTION 2- (FISCAL POSTED WITH TRAVIS COUNTY – 74 LOTS – 17.326 ACRES – PFLUGERVILLE LOOP – WASTEWATER SERVICE TO BE PROVIDED FOR THE WINDERMERE UTILITY COMPANY). (9:26 AM)

Item C6 pulled from Consent.

ADMINISTRATIVE OPERATIONS ITEMS

COUNTY POLICIES AND PROCEDURES

- 3.** APPROVE ORDER TO REVISE EMPLOYEE MOBILITY POLICY (10.030) (9:24 AM)

Item 3 postponed until June 29, 1999.

- 4.** APPROVE OR GIVE STAFF DIRECTION REGARDING THE REQUEST BY PFLUGER WIGINTON HOOKER/NBBJ FOR THE SUBSTITUTION OF TWO ENGINEERING SUBCONSULTANTS FOR THE DESIGN OF THE PHASE TWO IMPROVEMENTS OF THE CRIMINAL JUSTICE PROGRAM AT THE TRAVIS COUNTY CORRECTIONAL COMPLEX. (9:26 AM)

Item 4 added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court's Motion and Vote.

5. APPROVE AGREEMENT WITH THE CITY OF AUSTIN FOR CONSTRUCTION OF GAATN NETWORK EXPANSION. (9:31 AM)

Members of the Court heard from: Leigh Williams, ITS.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 5.

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

- 6. DISCUSS MODIFICATIONS TO HEALTH BENEFIT PLANS FOR HMO, PPO, AND PRESCRIPTION DRUG PROGRAM, AND TAKE APPROPRIATE ACTION.
(9:32 AM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Cindy Purinton, Contract Benefits Coordinator, Human Resources Management Department (HRMD); Dan Mansour, Risk Manager, HRMD; Linda Moore Smith, Director, HRMD; Susan Spataro, Travis County Auditor; Ivan Kopecki, Regional Sales Executive, Blue Cross/Blue Shield of Texas; Bill Norwood, Texas Assn. of Counties; Jim Sylvester, Travis County Sheriff’s Assn.; and Karen Shafer Castro, Senior Planning and Budget Analyst, Planning and Budget Office (PBO).

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis that the adoption of Option 1 be recommended to employees.

Clerk’s Note: No Vote was taken on the previous Motion. Judge Biscoe then offered a substitute Motion.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez that the Court clearly outline Option 1 and Option 1.B for employees and that the Court, as best it can, give employees the opportunity to notify HRMD between today, Tuesday, June 22, 1999, and Monday, June 28, 1999, at 5:00 PM, which option is their preference, and that the Court be guided by the employee preference.

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

Motion by Commissioner Sonleitner **and seconded by** Judge Biscoe that Options 5 and 5.A be presented to employees, that they voice their preferences by Monday, June 28, 1999 at 5:00 PM, and that the Court act on the will of the “PPO folk”.

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 6 CONTINUED

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to keep retirees contributions the same.

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

Clerk's Note: The Court further directed that whatever plan is adopted for employees apply to retirees as well.

7. APPROVE PERSONNEL AMENDMENTS. (9:26 AM)

Item 7 added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court's Motion and Vote.

8. REVIEW AND APPROVE THE FOLLOWING PROPERTY AND LIABILITY CLAIM RECOMMENDATIONS: (10:39 AM)

A. TRAVIS COUNTY SHERIFF’S OFFICE – SETTLE

Members of the Court heard from: Dan Mansour, Risk Manager, HRMD

B. TRAVIS CO. SHERIFF’S OFFICE – SETTLE

Members of the Court heard from: Dan Mansour, Risk Manager, HRMD

C. PEDRO HERNANDEZ, ET AL – SETTLE

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

Clerk’s Note: Commissioner Sonleitner requested a Division of the Vote regarding Item 8.C.

Motion by Judge Biscoe and seconded by Commissioner Davis to approve Items 8.A and 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

Motion by Judge Biscoe and seconded by Commissioner Davis to approve Item 8.C.

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

PLANNING AND BUDGET ITEMS

9. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (10:52 AM)

Motion by Judge Biscoe 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. APPROVE GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSION TO CONTINUE. (9:26 AM)

- A. APPROVE GRANT CONTRACT FOR VICTIMS OF CRIMES ACT (VOCA) FOR SHERIFF'S OFFICE.
- B. APPROVE GRANT CONTRACT FOR TRAVIS COUNTY SUPERCYCLIST GRANT CONTRACT AMENDMENT FOR HEALTH AND HUMAN SERVICE.
- C. APPROVE GRANT CONTRACT FOR THIRD REGION COMPUTER FUND FOR CIVIL COURTS.

Items 10.A, B, & C added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court's Motion and Vote.

PURCHASING DEPARTMENT ITEMS

11. APPROVE CONTRACT MODIFICATIONS TO FIREPROOF THE STRUCTURAL STEEL COLUMNS ON THE TRAVIS COUNTY CORRECTIONAL COMPLEX PHASE 1 PROJECT AS LISTED BELOW: (10:53 AM) (1:44 PM) (3:45 PM)
- A. APPROVE CONTRACT MODIFICATION NO. 1, TO CONTRACT NO. 99K07211, MASONRY PACKAGE
 - B. CONTRACT MODIFICATION NO. 3, TO CONTRACT NO. 99K0721N, DRYWALL/CEILING/FIREPROOFING PACKAGE.
 - C. CONTRACT MODIFICATION NO. 2 TO CONTRACT NO. 99K0721R, SPECIALTIES PACKAGE.
 - D. CONTRACT MODIFICATION NO. 1 TO CONTRACT NO. 99K0721M, ELECTRONICS PACKAGE.

Members of the Court heard from: Kevin Bailey, Director, Facilities Management; Mike Barrow, Construction Project Manager, Fluor Daniel; and John Hille, Assistant County Attorney.

Discussion Only.

Judge Biscoe announced that Item 11.A, B, C, & D would be considered in Executive Session.

Item 11 to be reposted on June 29, 1999.

12. APPROVE CONTRACT, CONTRACT MODIFICATION, AND MAKING OF CONTRACT FOR THE TRAVIS COUNTY CORRECTIONAL COMPLEX (TCCC), WATER QUALITY IMPROVEMENT PROJECT, IFB NO. B990711-MB, TO THE LOW QUALIFIED BIDDER, MARTIN K. EBY CONSTRUCTION CO., INC. (9:26 AM)

Item 12 added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court's Motion and Vote.

13. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. 98T0054-OJ, TEXAS DISPOSAL SYSTEMS, REFUSE COLLECTION; CONTRACT APPROVED ON DECEMBER 23, 1997; MODIFICATION ADDS TWO REFUSE PICKUP LOCATIONS TO THE CONTRACT (COUNTYWIDE). (9:26 AM)

Item 13 added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court's Motion and Vote.

14. APPROVE QUANTUM MERUIT CLAIM FROM H.E. BUTT GROCER COMPANY. (11:03 AM)

Members of the Court heard from: Frank Holder, Assistant Purchasing Agent; Stephen Williams, Executive Manager, Austin-Travis County Health and Human Services Department (HHSD) and Veterans' Services; Jose Velasquez, Travis County Auditor's Office; and Susan Spataro, Travis County Auditor.

Clerk's Note: The Court authorized County Judge Biscoe to sign an appropriate letter of response to HEB.

Item 14 to be reposted on July 6, 1999.

15. A. APPROVE A 12-MONTH CONTRACT EXTENSION (#98T0244-JP) (MODIFICATION NO. 2), CAMERON ASHLEY BUILDING PRODUCTS FOR HOME REPAIR MATERIALS; CONTRACT APPROVED ON 8/4/98. (9:26 AM)
- B. APPROVE A 12-MONTH CONTRACT EXTENSION (#98T0252-JP) (MODIFICATION NO. 1), DALE COOK BACKHOE SERVICE FOR SEPTIC SYSTEMS INSTALLATION, ZONE 1; CONTRACT APPROVED ON 8/11/98.
- C. APPROVE A 12-MONTH CONTRACT EXTENSION (#98T0243-JP) (MODIFICATION NO. 1), AUSTIN BUILDING PRODUCTS FOR HOME REPAIR MATERIALS; CONTRACT APPROVED ON 8/11/98.
- D. APPROVE A 12-MONTH CONTRACT EXTENSION (#98T0250-OJ) (MODIFICATION NO. 1), APRIA HEALTHCARE GROUP, DURABLE MEDICAL EQUIPMENT; CONTRACT APPROVED ON 8/11/98.

Items 15.A, B, C & D added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court's Motion and Vote.

- 16. APPROVE CONTRACT AWARD FOR SEPTIC AND HOLDING TANK SERVICES, IFB #B990087-JP, TO THE LOW QUALIFIED BIDDER, SOS LIQUID WASTE HAULERS, LTD., CO. (9:26 AM)

Item 16 added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court's Motion and Vote.

- 17. APPROVE CONTRACT AWARD FOR THE PROVISION OF NON-HAZARDOUS LEACHATE HAULING AND DISPOSAL, IFB #B990079-LD, TO THE LOW QUALIFIED BIDDER, MAGNA FLOW ENVIRONMENTAL, HOUSTON, TX. (9:26 AM)

Item 17 added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court's Motion and Vote.

- 18. APPROVE CONTRACT AWARD FOR TESTING AND REPAIR OF TRAVIS COUNTY COURTHOUSE COOLING TOWERS, IFB #B990065-DM, TO THE LOW QUALIFIED BIDDER, BLAZEK MECHANICAL. (11:21 AM)

Members of the Court heard from: Frank Holder, Assistant Purchasing Agent; James Thomas, Trane Company; A.J. Jalifi, Facilities Management; John Hille, Assistant County Attorney; Jim Collins, Executive Assistant County Attorney; and John Carr, Division Manager, Maintenance and Repair, Facilities Management.

Discussion Only.

Item 18 to be reposted on June 29, 1999.

- 19. APPROVE CONTRACT MODIFICATION NO. 1 TO CONTRACT NO. PS980117-JJ, CARTER & BURGESS, INC., PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE NORTHEAST METRO PARK PROJECT; MODIFICATION ADDS SERVICES TO THE CONTRACT. (11:42 AM)

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

Motion by Commissioner Sonleitner **and seconded by** Judge Biscoe to approve Item 19.

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 AMENDMENT NO. 3 TO CONTRACT NO. PS960075LH, AUSTIN-TRAVIS COUNTY MENTAL HEALTH/MENTAL RETARDATION CENTER, FOR PROVISION OF FAMILY PRESERVATION SERVICES; CONTRACT APPROVED ON 10/10/95. (11:44 AM)

Members of the Court heard from: James McInnis, Financial Manager, Travis County Juvenile Court; Gene Wayman, Purchasing Office; and John Hille, Assistant County Attorney.

Motion by Commissioner Sonleitner **and seconded by** Judge Biscoe to approve Item 20.

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

JUSTICE AND PUBLIC SAFETY ITEMS

21. APPROVE INTERLOCAL AGREEMENT FOR EMERGENCY MEDICAL SERVICES AND HELICOPTER SERVICES WITH CITY OF PFLUGERVILLE. (11:49 AM)

Members of the Court heard from: Barbara Wilson, Assistant County Attorney.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Item 21.

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

- 22. REVIEW AND APPROVE LAW ENFORCEMENT TELECOMMUNICATIONS AGREEMENT BETWEEN TRAVIS COUNTY AND THE CITY OF MANOR. (11:51 AM)

Members of the Court heard from: Tommy Blackwell, Travis County Sheriff’s Office (TCSO); and John Hille, Assistant County Attorney.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 22.

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

- 23. APPROVE INTERLOCAL AGREEMENT WITH THE SCHOOL OF SOCIAL WORK AT THE UNIVERSITY OF TEXAS AT AUSTIN FOR COMMUNITY JUSTICE PLANNING SERVICES. (9:26 AM)

Item 23 added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court’s Motion and Vote.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

- 24. APPROVE AND EXECUTE THE RIGHT-OF-WAY PURCHASE CONTRACT BETWEEN DELL USA, L.P. AND TRAVIS COUNTY, TEXAS TO ACQUIRE RIGHT-OF-WAY FOR THE HOWARD LANE PROJECT. (11:54 AM)

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

Motion by Commissioner Sonleitner **and seconded by** Judge Biscoe to approve Item 24.

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. APPROVE CONTRACT, CONTRACT MODIFICATION AND MAKING OF CONTRACT FOR THE PROVISION OF CONSTRUCTION SERVICES FOR THE SOUTHEAST METRO PARK PROJECT, PHASE II, IFB #B990725-JJ, TO THE LOW QUALIFIED BIDDER, C.C. CARLTON INDUSTRIES, LTD. (11:55 AM)

Members of the Court heard from: Jerry Raisch, Purchasing Office.

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve Item 25.

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

- 26. A. APPROVE INTERLOCAL AGREEMENT WITH DEL VALLE INDEPENDENT SCHOOL DISTRICT FOR COST PARTICIPATION OF MEDIAN BREAK AND TRAFFIC SIGNAL ON STATE HIGHWAY 71 AT ROSS ROAD. (9:26 AM)
- B. APPROVE ADVANCED FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR COST PARTICIPATION OF MEDIAN BREAK AND TRAFFIC SIGNAL ON STATE HIGHWAY 71 AT ROSS ROAD.

Items 26.A & B added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court’s Motion and Vote.

- 27. APPROVE LICENSE WITH CHARLES KUEMPEL TO MOW THE GRASS AND REMOVE THE CLIPPINGS GENERATED THEREBY AT NORTHEAST METRO PARK. (11:57 AM)

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

Motion by Commissioner Sonleitner **and seconded by** Judge Biscoe to approve Item 27.

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

- 28. APPROVAL TO ADJUST THE CHANGE FUND (A/K/A CASH BANKS) USED BY TNR PARKS FROM \$2,210.00 TO \$3,050.00. (9:26 AM)

Item 28 added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court's Motion and Vote.

- 29. A. APPROVE CASH SECURITY AGREEMENT FOR VILLAS OF THE HILLS, A SUBDIVISION IN PRECINCT TWO. (11:58 AM)
- B. APPROVE ALTERNATIVE FISCAL AGREEMENT FOR VILLAS OF THE HILLS, A SUBDIVISION IN PRECINCT TWO.

Clerk's Note: Items 29.A and B are associated with one another and were called for concurrent discussion.

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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Item 29.A & 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

- 30. APPROVE CASH SECURITY AGREEMENT WITH MARSHALL'S POINT LIMITED FOR THE MARSHALL'S POINT ACCESS AGREEMENT IN PRECINCT TWO. (1:39 PM)

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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Item 30.

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

- 31. APPROVE ALTERNATIVE FISCAL AGREEMENT FOR SENNA HILLS SECTION FIVE-B, A SUBDIVISION IN PRECINCT THREE. (1:40 PM)

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

Motion by Commissioner Baxter **and seconded by** Commissioner Gómez to approve Item 31.

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

OTHER ITEMS

- 32. AUTHORIZE TRAVIS COUNTY SHERIFF, MARGO FRASIER, TO EXECUTE VEHICLE DONATION AGREEMENT AND ASSIGNMENT WITH STATE FARM INSURANCE COMPANIES AND THE NATIONAL INSURANCE CRIME BUREAU, RESPECTIVELY. (1:42 PM)

Motion by Judge Biscoe **and seconded by** Commissioner Baxter to approve Item 32.

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

- 33. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:26 AM)

Item 33 added to Consent Items. Please refer to Agenda Item 2 (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

Note 4 - Gov't Code Ann 551.076, Security

- 34. RESPOND TO REQUEST FROM FULBRIGHT & JAWORSKI REGARDING POTENTIAL CONFLICT OF INTEREST IN GAATN V. TIME WARNER CABLE; OR TAKE OTHER APPROPRIATE ACTION. ¹ (1:44 PM) (3:45 PM)**

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

No action taken on Item 34.

Item 34 pulled from the Agenda.

- 35. RECEIVE STATUS REPORT ON CONTRACT NEGOTIATIONS WITH SETON AND TAKE APPROPRIATE ACTION. ¹ (1:44 PM) (3:45 PM)**

Judge Biscoe announced that Item 35 would be considered in Executive Session.

Item 35 postponed until June 29, 1999.

36. DISCUSS THE LEASE AGREEMENT BETWEEN TRAVIS PROPERTIES AND TRAVIS COUNTY FOR SPACE AT 207 W. 9TH STREET FOR CRIMINAL JUSTICE PLANNING, EMERGENCY SERVICES AND THE COUNTY ATTORNEY AND THE IMPACT OF FISCAL YEAR 2000 BUDGET PROPOSALS ON THE AGREEMENT. DIRECT THE COUNTY ATTORNEY AND FACILITIES MANAGEMENT TO NEGOTIATE AND EFFECT ANY APPROPRIATE MODIFICATIONS TO THE LEASE. ² (1:44 PM) (3:54 PM)

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

Members of the Court heard from: Ken Oden, Travis County Attorney; Jim Collins, Executive Assistant County Attorney; Christian Smith, Executive Manager, PBO; Dinah Dinwiddie, Executive Manager, Justice and Public Safety (JPS); and Belinda Poppa, Capital Planning Coordinator, PBO.

Motion by Judge Biscoe and seconded by Commissioner Davis to (1) ask Staff to communicate with the owner of the property, indicating the new developments, and see if the contract can be modified to the extent that the County is not compelled to lease the space it does not need at this time, but to lease the space and improve the space that is needed; (2) to authorize Belinda Poppa, Capital Planning Coordinator, PBO, and Christian Smith, Executive Manager, PBO, to report to the Court on June 29, 1999, on any other way in which the County may use this space if another department needs it, and that if the County cannot get out of this lease and is forced to use this space, that Staff try to identify departments that can use it; and (3) if the County cannot get out of the lease, and does not have any other departments that can use the space, then Staff try to figure out a way in which County can exercise its sublease and assignment rights under the existing contract.

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

37. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY IN TRAVIS COUNTY V. RYLANDER INVESTMENT COMPANY; CAUSE NO. 98-50464, AND TAKE APPROPRIATE ACTION. ¹ (1:44 PM) (3:45 PM)

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

Item 37 to be reposted on June 29, 1999.

- 38.** APPROVE RIGHT-OF-ENTRY FOR NORTHEAST TRAVIS COUNTY PARK TRACT FOR PARK ACCESS AT PFLUGERVILLE ROAD (OWNER; STEVEN MICHAEL ANDERSON, TRUSTEE, ET AL) AND/OR TAKE APPROPRIATE ACTION. ¹ (1:44 PM) (3:45 PM)

Item 38 to be reposted on June 29, 1999.

- 39.** ACCEPT, REJECT OR COUNTER OFFER OR AUTHORIZE COUNTY ATTORNEY TO INITIATE CONDEMNATION REGARDING, PROJECT NO. 97B02-18-2PA, PARCEL 5, N.E. PARK ACCESS ROAD (OWNER; STEVEN MICHAEL ANDERSON AS TRUSTEE OF THE ROBERT F. ANDERSON NON-REVOCABLE TRUST, OR TAKE OTHER APPROPRIATE ACTION. GIESELMAN; CONDEMNATION). ¹ (1:44 PM) (3:45 PM)

Item 37 to be reposted on June 29, 1999.

- 40.** RECEIVE BRIEFING FROM COUNTY ATTORNEY, AND/OR TAKE APPROPRIATE ACTION REGARDING DUDLEY V. TRAVIS COUNTY SHERIFF MARGO FRASIER; (DUDLEY FRASIER; TEXAS TORT CLAIMS ACT & 1983 CLAIM) ¹ (9:24 AM) (3:45 PM)

Item 40 pulled from the Agenda until further notice.

Item 40 to be reposted on June 29, 1999.

- 41.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR AUTHORIZE COUNTY ATTORNEY TO MAKE, ACCEPT, REJECT, OR COUNTER SETTLEMENT OFFER AND/OR TAKE APPROPRIATE ACTION IN THE MATTER OF PAMELA HUDSON V. TERRY KEEL AND TRAVIS COUNTY, CAUSE NO. 95-12583 (HUDSON; KEEL; TRAVIS COUNTY; 42 USC § 1983 CLAIM) ¹ & ³ (1:48 PM)

Item 41 postponed until June 29, 1999.

42. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY AND GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION AND/OR ACCEPT, OR APPEAL SPECIAL COMMISSIONERS' AWARD ON CIP PROJECT NO. 2-009, PARCEL 52A; R.M. 620; STATE OF TEXAS VS. JOHN JOSEPH, ET AL. (CONDEMNATION CASE). ¹ & ² (1:48 PM) (3:46 PM)

Judge Biscoe announced that Item 42 would be considered in Executive Session.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to authorize the County Attorney to negotiate with the other side and try to resolve this matter. The Court further authorizes TNR to take the appropriate steps necessary, in case the Court needs to post the amount of the special Commissioners' award of \$385,000.00.

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 42 to be reposted on June 29, 1999.

43. ACCEPT, REJECT OR COUNTER-OFFER OFFER TO SETTLE A CLAIM BY TRAVIS COUNTY AGAINST CECIL PETRI AND TAKE APPROPRIATE ACTION. ¹ (1:44 PM) (3:46 PM)

Item 43 to be reposted on June 29, 1999.

44. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION IN; VICTOR WALLS V. TRAVIS COUNTY AND TRAVIS COUNTY SHERIFF'S OFFICE (WALLS; FRASIER; TEXAS TORT CLAIMS ACT; PREMISES, AND PERSONAL INJURY). ¹ (1:48 PM) (3:47 PM)

Judge Biscoe announced that Item 44 would be considered in Executive Session.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to authorize the County Attorney's Office to contact Mr. Walls' attorney, indicating the County's seriousness in trying to resolve this matter, and to start negotiations in the amount of \$25,000.00.

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 44 to be reposted on June 29, 1999.

- 45. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT COUNTER OFFER OR SETTLEMENT OFFER AND/OR TAKE APPROPRIATE ACTION IN RICK T. VAN EVERY V. LLOYD RENDON AND TRAVIS COUNTY, (VAN EVERY; GIESELMAN; TEXAS TORT CLAIMS ACT, AND PERSONAL INJURY). ¹ (1:48 PM) (3:48 PM)

Judge Biscoe announced that Item 48 would be considered in Executive Session.

Motion by Judge Biscoe and seconded by Commissioner Davis to counter the offer to settle this matter, and that the counter offer be at \$15,000.00, plus an additional \$10,000.00, conditional upon whether or not surgery, specifically related to this injury, occurs within 24 months or 2 years.

Maker and Second accept the Friendly Amendment by Commissioner Sonleitner to officially reject the counter offer and counter the counter offer.

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

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

- 46. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR AUTHORIZE COUNTY ATTORNEY TO MAKE, ACCEPT, REJECT, OR COUNTER SETTLEMENT OFFER AND/OR TAKE APPROPRIATE ACTION IN THE MATTER RICHARD KIRKLAND (EMPLOYMENT CLAIM). ¹ & ³ (9:24 AM) (3:48 PM)

Item 46 postponed until June 29, 1999.

- 47. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR AUTHORIZE COUNTY ATTORNEY TO MAKE, ACCEPT, REJECT, OR COUNTER SETTLEMENT OFFER AND/OR TAKE APPROPRIATE ACTION IN THE MATTER OF RICHARD MCMAHAN (EMPLOYMENT CLAIM) ¹ & ³ (9:24 AM) (3:48 PM)

Item 47 pulled from the Agenda until further notice.

THE FOLLOWING ITEMS ARE ADDENDA:

A.1 APPROVE SOLE SOURCE EXEMPTION ORDER FOR THE PROCUREMENT OF LIFEPAK 12 MONITOR/DEFIBRILLATORS FROM MEDTRONIC PHYSIO-CONTROL CORPORATION IN THE AMOUNT OF \$198,389.10. (1:43 PM)

Members of the Court heard from: Frank Holder, Assistant Purchasing Agent.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to approve Item A.1.

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

- A.2 A. RECEIVE UPDATE FROM THE COUNTY ATTORNEY’S OFFICE ON STATUS OF CONSTRUCTION OF THE CRIMINAL JUSTICE CENTER BY M.W. BUILDERS, INC. AND TAKE APPROPRIATE ACTION. EXECUTIVE SESSION ALSO, PURSUANT TO TX. GOVT. CODE ANN. 551.071. (1:44 PM) (3:49 PM)

- B. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING CLAIMS RECEIVED FROM CONTRACTORS FOR THE CRIMINAL JUSTICE CENTER DUE TO DELAYS BY M.W. BUILDERS AND TAKE APPROPRIATE ACTION. EXECUTIVE SESSION ALSO, PURSUANT TO TX. GOVT. CODE ANN. 551.071.

Clerk’s Note: Items A.2.A & B are associated with one another and were called for concurrent discussion.

Judge Biscoe announced that Items A.2.A & B would be considered in Executive Session.

Motion by Judge Biscoe and seconded by Commissioner Gómez that, in addition to the Court’s previous offer to settle the Koneski Electric claim in the amount of \$11,395.00, the Court add to that its willingness to consider a claim for material costs increases in the amount of approximately \$43,000.00. The Court has been told by the company, that, had the material been ordered as provided by the contract, one amount would have been charged, but when that same material is ordered in the future, the difference will be \$43,000.00. Assuming appropriate documentation to prove that, this motion would indicate the position of Travis County to consider it a hard claim and to pay it at that time.

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 A.2 CONTINUED

Motion by Judge Biscoe and seconded by Commissioner Gómez to continue to offer to settle the hard claim by B & B Construction and Materials, as identified by the Court, in the amount of \$11,302.00, adding to that any documented hard claim resulting from a material cost increase. “Documented” means that the Court would want evidence that, had the same material been ordered in a timely manner (i.e., pursuant to the contract), one price would have applied, and that when the material is ordered in the near future, consistent with the Court’s new schedule, the amount is different. It is the Court’s intention to consider that differential as a hard cost and pay it, but it must be documented first. This would be consistent with the Court’s position on Koneski Electric.

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 A.2.A & B to be reposted as an Agenda Item on June 29, 1999.

A.3 RECEIVE UPDATE FROM EXECUTIVE MANAGER TEAM ON STATUS OF SEARCH FOR DIRECTOR OF INFORMATION AND TELECOMMUNICATIONS SYSTEMS (ITS) AND RELATED MATTERS, AND TAKE APPROPRIATE ACTION. EXECUTIVE SESSION ALSO, PURSUANT TO TX. GOVT. CODE ANN. 551.074. (1:48 PM) (3:52 PM)

Judge Biscoe announced that Item A.3 would be considered in Executive Session.

Clerk’s Note: The Court congratulated the Executive Manager team which has been working with the Court in its search for an ITS Director, and blessed the letter which Alicia Perez, Executive Manager, Administrative Operations, has already sent out, and to encourage Mr. Harlow to execute this agreement as soon as possible. The Court further stated that it looks forward to seeing him and sending him through the Travis County orientation.

A.4 RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION IN ALAN HARP V. DOYNE BAILEY, CAUSE NO. 90-1774-H2-11. EXECUTIVE SESSION ALSO, PURSUANT TO TX. GOVT. CODE ANN. 551.071. (1:48 PM) (3:52 PM)

Item A.4 to be reposted on June 29, 1999.

A.5 CONSIDER PROPOSED CHANGES AND TAKE APPROPRIATE ACTION ON LEASE FOR COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT (CSCD) AT SOUTHPARK BUSINESS PARK WITH TRANSWESTERN PROPERTIES. EXECUTIVE SESSION ALSO, PURSUANT TO TX. GOVT. CODE ANN. 551.071 AND 551.074. (1:48 PM) (3:53 PM)

Judge Biscoe announced that Item A.5 would be considered in Executive Session.

Motion by Commissioner Gómez **and seconded by** Judge Biscoe to authorize Staff to firm up negotiations to find savings in regard to that lease, and to bring back the documents next week for the Court’s approval.

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

ADJOURNMENT

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to adjourn the Voting Session. (4:12 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

Date of Approval

Samuel T. Biscoe, Travis County Judge