

MINUTES – NOVEMBER 30, 1999

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 30th day of November, 1999, the Commissioners' Court convened the regular Voting Session at 9:13 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 Melissa Velasquez.

The Commissioners' Court retired to Executive Session at 11:17 AM.

The Commissioners' Court reconvened the Voting Session at 11:49 AM.

The Commissioners' Court recessed the Voting Session at 11:51 AM.

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 1:37 PM and adjourned at 1:37 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation (TCHFDC) called to order the Voting Session at 1:37 PM, and adjourned the Voting Session at 1:37 PM.

The Commissioners' Court reconvened the Voting Session at 1:38 PM.

The Commissioners' Court retired to Executive Session at 2:08 PM.

The Commissioners' Court reconvened the Voting Session at 3:07 PM.

The Commissioners' Court adjourned the Voting Session at 3:08 PM.

CITIZENS COMMUNICATION

Members of the Court heard from: Kenneth Snyder, Private Citizen; Nettie Brown, Private Citizen; and Charles Brown, Private Citizen. (9:14 AM)

CONSENT ITEMS

- 1. Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C11, and Items 6, 8, 12.A, B, & C, 13, 16, 17, 18, and 22. (9:35 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 NOVEMBER 16, 1999.
- C4.** APPOINT ELAINE WRAY AS THE PRECINCT TWO AND PRECINCT THREE APPOINTEE TO THE CAPCO GEOGRAPHIC INFORMATION SYSTEMS (GIS) PLANNING COUNCIL; TERM EFFECTIVE IMMEDIATELY.
- C5.** APPROVE PLAT FOR RECORDING IN PRECINCT THREE: THE SUMMIT AT WEST RIM ON MOUNT LARSON, BLOCK D SECTION 1 (22 LOTS - 31.12 ACRES - THE HIGH ROAD - CITY OF AUSTIN WASTEWATER).
- C6.** APPROVE PLAT FOR RECORDING IN PRECINCT THREE: THE SUMMIT AT WEST RIM ON MOUNT LARSON, BLOCK D SECTION 2 (4 LOTS - 5.36 ACRES - MOUNT LARSON ROAD - CITY OF AUSTIN WASTEWATER).
- C7.** APPROVE PLAT FOR RECORDING IN PRECINCT THREE: THE SUMMIT AT WEST RIM ON MOUNT LARSON, BLOCK D SECTION 3 (2 LOTS - 3.9 ACRES - MOUNT LARSON ROAD - CITY OF AUSTIN WASTEWATER).

CONSENT ITEMS CONTINUED

- C8. APPROVE PLAT FOR RECORDING IN PRECINCT THREE: THE SUMMIT AT WEST RIM ON MOUNT LARSON, BLOCK D SECTION 4 (1 LOT - 1.5 ACRES - MOUNT LARSON ROAD - CITY OF AUSTIN WASTEWATER).
- C9. APPROVE A CONSTRUCTION AGREEMENT AND APPROVAL OF A PLAT FOR RECORDING IN PRECINCT THREE: LAKE POINTE SECTION SEVEN (94 LOTS - 40.1531 ACRES - RESACA BOULEVARD - ONSITE SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY MUD #5).
- C10. APPROVE A PUBLIC HEARING DATE OF DECEMBER 21, 1999 IN ORDER TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A 5' PUBLIC UTILITY EASEMENT ON EITHER SIDE OF THE COMMON LOT LINE BETWEEN LOTS 5 AND 6, RESUBDIVISION OF A PORTION OF LOT 3 BLOCK C, LAKELAND HILLS SECTION NO. 1, IN PRECINCT THREE.
- C11. APPROVE A PUBLIC HEARING DATE OF DECEMBER 21, 1999 TO ABANDON A PORTION OF THE RIGHT-OF-WAY OF POST OAK BEND LOOP, IN PRECINCT TWO.
- 2. APPROVE ORDER PROHIBITING OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:37 AM)

Members of the Court heard from: Richard Gaston, Travis County Fire Marshall; and Pete Baldwin, Emergency Management Coordinator, Emergency Services, Justice and Public Safety (JPS).

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

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

3. **TAKE UP AT 9:30 A.M. RECEIVE VOORHIS/ROBERTSON JUSTICE SERVICES REPORT ON CRIMINAL JUSTICE CENTER NEIGHBORHOOD IMPACT STUDY AND TAKE APPROPRIATE ACTION. (9:39 AM)**

Members of the Court heard from: Kati Broderick, Manager, JPS; Dave Voorhis, Voorhis/Robertson Justice Services Inc.; and David Balagia, Major, Travis County Sheriff's Office (TCSO).

Motion by Judge Biscoe and seconded by Commissioner Davis to receive the report.

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

4. **APPROVE JUSTICE AND PUBLIC SAFETY FY 2000 WORKPLAN AND CHANGE OF DEPARTMENTAL NAME FROM CRIMINAL JUSTICE PLANNING TO JUSTICE AND PUBLIC SAFETY. (10:28 AM)**

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

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the work plan and the name change.

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

ADMINISTRATIVE OPERATIONS ITEMS

5. **A. AWARD CONTRACT FOR SHORT TERM DISABILITY TO GROUP LIFE AND HEALTH INSURANCE COMPANY (GLH). (10:35 AM)**
- B. APPROVE PAYROLL STUFFER ON SHORT TERM DISABILITY FOR NOVEMBER 30, 1999 PAYROLL.**

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

Members of the Court heard from: Linda Moore Smith, Director, Human Resources Management Department (HRMD); Cindy Purinton, Benefits Contract Administrator, HRMD; Barbara Wilson, Assistant County Attorney; and Dan Mansour, Risk Manager, HRMD.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to approve the contract award to the group life and health insurance company, and the approval of the stuffer for inclusion in the December 15th payroll.

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. **APPROVE LICENSE AGREEMENT FOR DISCOVERY TOYS TO USE TRAVIS COUNTY ADMINISTRATION BUILDING LOBBY (STOKES BUILDING) AND COURTHOUSE LOBBY ON DECEMBER 6, 9, 10, 13, 14 AND 15 WITH BENEFITS PROVIDED TO THE BROWN SANTA PROGRAM. (9:35 AM)**

Item 6 added to Consent Items. Please refer to Agenda Item 1 (CONSENT ITEMS) for the Court's Motion and Vote.

7. APPROVE PAYMENT OF INVOICE #1 FROM HERNDON, STAUCH AND ASSOCIATES IN THE AMOUNT OF \$89,890, FOR PAYMENT AGAINST CONTRACT. (2:08 PM) (3:07 PM)

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

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to approve Item 7.

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

8. APPROVE PERSONNEL AMENDMENTS. (9:35 AM)

Item 8 added to Consent Items. Please refer to Agenda Item 1 (CONSENT ITEMS) for the Court's Motion and Vote.

9. APPROVE PAYMENT OF BACK WAGES TO EMPLOYEES OF STERLING JANITORIAL, TO BE PAID FROM CONTRACT #99C0090-MB STERLING JANITORIAL, MISSOURI. (11:17 AM) (11:49 AM)

Judge Biscoe announced that Item 9 would be considered in Executive Session.

Motion by Judge Biscoe and seconded by Commissioner Gómez to authorize the payment of \$1,696.98 from the appropriate construction line item, and \$1,647.75 from the Risk Management Fund, for the employees of Sterling Janitorial who are owed back wages.

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

HEALTH AND HUMAN SERVICES DEPT.

- 10.** APPROVE REQUEST FROM HEALTH AND HUMAN SERVICES DEPARTMENT TO INSTALL AUTOMATIC DOORS ON FOUR (4) COUNTY-OWNED BUILDINGS TO HELP PHYSICALLY CHALLENGED CLIENTS ACCESS SERVICES.
(10:49 AM)

Members of the Court heard from: Stephen Williams, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); Debra Drummond, Program Manager, Deaf Services, HHS; Bill McLemore, Veterans' Services; and Mike Manor, Supervisor, Emergency Assistance, HHS.

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve Item 10.

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

PLANNING AND BUDGET DEPT. ITEMS

- 11.** APPROVE BUDGET AMENDMENTS AND TRANSFERS. (11:08 AM)

Members of the Court heard from: Leroy Nellis, Budget Manager, Planning and Budget Office (PBO).

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the budget amendments.

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

- 12.** APPROVE GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSION TO CONTINUE. (9:35 AM)
- A.** APPROVE GRANT APPLICATION TO AUSTIN COMMUNITY FOUNDATION FOR THE COOPERATIVE PARENTING PROGRAM FOR JUVENILE COURT.
 - B.** APPROVE GRANT APPLICATION TO THE US SOCCER FOUNDATION FOR LIGHTING AT NORTHEAST METRO PARK SOCCER FIELDS FOR TNR DEPARTMENT.
 - C.** APPROVE GRANT CONTRACT WITH TEXAS DEPARTMENT ON AGING FOR RETIRED SENIOR VOLUNTEER PROGRAM (RSVP) FOR HEALTH AND HUMAN SERVICES.

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

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

- 13.** APPROVE AMENDMENT TO UTILITY RELOCATION REIMBURSEMENT AGREEMENT WITH THE LOWER COLORADO RIVER AUTHORITY INCREASING REIMBURSEMENT AMOUNT BY \$4,013.73 FOR A TOTAL OF \$34,423.73 FOR THE RELOCATION OF ONE TRANSMISSION TOWER ASSOCIATED WITH 1997 COUNTY BOND PROJECT #97B01-12-2CA, HOWARD LANE. (9:35 AM)

Item 13 added to Consent Items. Please refer to Agenda Item 1 (CONSENT ITEMS) for the Court's Motion and Vote.

- 14.** APPROVE CANDIDATE BICYCLE AND PEDESTRIAN PROJECTS FOR FY 2002 SURFACE TRANSPORTATION PROGRAM (STP4C) TO BE SUBMITTED TO CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION POLICY ADVISORY COMMITTEE. (11:09 AM)

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

Motion by Commissioner Baxter **and seconded by** Commissioner Davis 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

PURCHASING DEPARTMENT ITEMS

- 15.** RATIFY PURCHASE OF A JEEP FROM MAXWELL CHRYSLER PLYMOUTH DODGE. (11:12 AM)

Members of the Court heard from: Susan Spataro, Travis County Auditor; and Cyd Grimes, Travis County Purchasing Agent.

Discussion Only.

Item 15 to be reposted on December 7, 1999.

- 16.** APPROVE MODIFICATION NO. 3 TO CONTRACT NO. PS980239LH WITH QIV SYSTEMS, INC. FOR PROVISION OF COMPUTER PROGRAMMING SERVICES FOR THE INTEGRATED JUSTICE SYSTEM PROJECT; MODIFICATION INCREASES THE NOT-TO-EXCEED CONTRACT AMOUNT FOR PURCHASE OF ADDITIONAL PROGRAMMING HOURS; CONTRACT APPROVED ON JULY 14, 1998. (9:35 AM)

Item 16 added to Consent Items. Please refer to Agenda Item 1 (CONSENT ITEMS) for the Court's Motion and Vote.

17. APPROVE CONTRACT AWARD FOR THE PROVISION OF ON-SITE SECURITY GUARD SERVICES, IFB B000001-DM, TO THE LOW, QUALIFIED BIDDER, EXECUTIVE SECURITY SYSTEMS, INC. (9:35 AM)

Item 17 added to Consent Items. Please refer to Agenda Item 1 (CONSENT ITEMS) for the Court's Motion and Vote.

18. APPROVE TWENTY-FOUR (24) MONTH EXTENSION TO CONTRACT NO. 95T0222-RH, KWIK WASH LAUNDRIES, INC.; CONTRACT APPROVED ON SEPTEMBER 26, 1995. (9:35 AM)

Item 18 added to Consent Items. Please refer to Agenda Item 1 (CONSENT ITEMS) for the Court's Motion and Vote.

19. APPROVE MODIFICATION NO. 2 TO PURCHASE ORDER NO. 168347, TAYLOR MADE, FOR PURCHASE OF SEVEN (7) AMBULANCES; PURCHASE AUTHORIZED THROUGH THE SECOND INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF AUSTIN, JULY 6, 1999 (EMS). (11:14 AM)

Members of the Court heard from: Chris Callsen, Director of Emergency Services, Emergency Services, JPS; and Dinah Dinwiddie, Executive Manager, JPS.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis 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

OTHER ITEMS

20. **SCHEDULED AT 1:30 P.M.** DISCUSS STATUS, NECESSARY CONTRACT MODIFICATIONS AND RELATED ISSUES ON THE CRIMINAL JUSTICE PROGRAM (CJP) PROJECTS, AND TAKE APPROPRIATE ACTION. (1:38 PM)

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

Discussion Only.

- 21.** RECEIVE BRIEFING FROM THE SHERIFF’S OFFICE RELATED TO INMATE POPULATION AND OTHER CRITICAL ISSUES RELATED TO THE JAILS AND TAKE APPROPRIATE ACTION. (11:17 AM) (1:39 PM)

Members of the Court heard from: David Balagia, Major, TCSO.

Discussion Only.

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

Item 22 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

Note 4 - Gov't Code Ann 551.076, Security

- 23. A. RECEIVE BRIEFING FROM THE COUNTY ATTORNEY'S OFFICE REGARDING CONTRACTS WITH FLUOR DANIEL, INC., M.W. BUILDERS, GRAEBER, SIMMONS & COWAN AND OTHER CONTRACTORS FOR THE CRIMINAL JUSTICE CENTER AND TAKE APPROPRIATE ACTION. ¹**
(11:17 AM) (2:08 PM) (3:07 PM)
- B. RECEIVE BRIEFING FROM COUNTY ATTORNEY'S OFFICE REGARDING CLAIMS RECEIVED FROM CONTRACTORS FOR THE CRIMINAL JUSTICE CENTER AND TAKE APPROPRIATE ACTION. ¹**

Clerk's Note: Items 23.A and B are associated with one another and were called for concurrent discussion.

Judge Biscoe announced that Items 23.A and B would be considered in Executive Session.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve the general approach that Herndon Stauch presented to the Court, an approach to be used to evaluate claims as they discuss specific claims with specific contractors, with an eye toward making a recommendation to the Commissioners' Court for further specific action as the need arises in the future.

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

- 24. RECEIVE BRIEFING FROM COUNTY ATTORNEY; AND/OR TAKE APPROPRIATE ACTION IN CENTRAL TEXAS NUDISTS, ET AL. V. COUNTY OF TRAVIS (CENTRAL TEXAS; SECTION 1983 AND INJUNCTIONS). ¹** (11:17 AM) (11:50 AM)

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

No action necessary on Item 24.

25. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR AUTHORIZE COUNTY ATTORNEY TO TAKE APPROPRIATE ACTION REGARDING NOTICE OF CLAIM FOR FALSE ARREST OF CLAIMANT SCOTT EDWARD MORRIS (MORRIS; ODEN; FALSE ARREST). ¹ (11:17 AM) (11:50 AM)

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

Motion by Judge Biscoe and seconded by Commissioner Davis to accept the counter to the counter in the amount of \$11,000.00.

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

26. ACCEPT, REJECT OR COUNTER OFFER AND TAKE APPROPRIATE ACTION REGARDING PROJECT #97B01-08-1BA, CAMERON ROAD BRIDGE #233, CHARLES AND KATHLEEN SPARKS. ² (11:17 AM)

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

Motion by Commissioner Davis and seconded by Commissioner Sonleitner to counter with the \$1,200.00 fee simple to Charles and Cathleen Sparks.

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. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION IN: WICKENHEISER, ET AL V. CITY OF AUSTIN, ET AL. (WICKENHEISER; GIESELMAN; TEXAS TORT CLAIMS ACT AND PERSONAL INJURY SUIT). ¹ (11:17 AM)

Item 27 pulled from the Agenda.

ADJOURNMENT

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to adjourn the Voting Session. (3:08 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