

## **MINUTES – NOVEMBER 7, 2000**

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

On Tuesday, the 7<sup>th</sup> day of November, 2000, the Commissioners' Court convened the regular Voting Session at 9:10 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 Melissa Velasquez.

The Commissioners' Court recessed the Voting Session at 11:59 AM.

The Commissioners' Court, meeting as the Northwest Travis County Road District No. 3 (Golden Triangle) Board of Directors, (NWTCRD #3), 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 at 1:56 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation (TCHFDC), called to order the Voting Session at 1:56 PM and adjourned the Voting Sessions at 1:59 PM.

The Commissioners' Court reconvened the Voting Session at 1:59 PM.

The Commissioners' Court retired to Executive Session 2:10 PM.

The Commissioners' Court reconvened the Voting Session at 3:52 PM.

The Commissioners' Court adjourned the Voting Session at 3:55 PM.

## RESOLUTIONS & PROCLAMATIONS

1. APPROVE RESOLUTION RECOGNIZING NOVEMBER 11, 2000 AS VETERANS' DAY IN TRAVIS COUNTY. (9:11 AM)

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

<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

## CITIZENS COMMUNICATION

**Members of the Court heard from:** Kenneth Snyder, Private Citizen; and Sylvia Lopez, HUB Coordinator, Purchasing. (9:12 AM)

## CONSENT ITEMS

2. **Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C6, and Items 8, 9, 12.A & B, 13, 14, 16, 19, 20, and 22. (9:21 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	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 SERVICES.
- C3. APPROVE COMMISSIONERS' COURT MINUTES FOR VOTING SESSION OF OCTOBER 24, 2000.
- C4. APPOINT GUS GARCIA, JR. TO THE ANIMAL ADVISORY BOARD.
- C5. APPROVE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES IN NORTH POINTE PHASE 1, SECTION 1 AND 2, TWO SUBDIVISIONS IN PRECINCT 1.
- C6. APPROVE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES IN WELLS BRANCH PHASE R, SECTION 3 IN PRECINCT TWO.

3. RECEIVE STATUS REPORT OF THE COMBINED CHARITIES CAMPAIGN AND TAKE APPROPRIATE ACTION. (9:23 AM)

**Members of the Court heard from:** Cecelia Burke, Director, Domestic Relations, Co-Chair, Combined Charities Campaign.

Discussion Only.

4. RATIFY ELECTION JUDGES AND ALTERNATE JUDGES FOR USE IN THE NOVEMBER 7, 2000 TRAVIS COUNTY JOINT PRESIDENTIAL ELECTION; THESE APPOINTMENTS OF ELECTION AND ALTERNATE JUDGES IN EXHIBIT “A” ARE TO FILL VACANT PRECINCTS; IN ADDITION TO THE JUDGES THAT WERE APPOINTED ON AUGUST 29, 2000. (9:26 AM)

**Members of the Court heard from:** Dana DeBeauvoir, Travis County Clerk.

**Motion by Judge Biscoe and seconded by Commissioner Baxter** to approve Item 4.

**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

5. APPROVE EARLY PICK-UP PROGRAM FOR ELECTION DAY NOVEMBER 7, 2000 FOR 22 PRECINCTS IN ACCORDANCE WITH SECTION 127.124 OF THE TEXAS ELECTION CODE. (9:26 AM)

**Members of the Court heard from:** Dana DeBeauvoir, Travis County Clerk; Scott Loras, Private Citizen; and Tamara Armstrong, Assistant County Attorney.

**Clerk’s Note:** The County Clerk, Dana DeBeauvoir, announced that it is 21 precincts and not 22.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to approve the resolution for early processing of Election Day ballots specifically at the 21 Election Precincts set forth in the resolution in Attachment A.

**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	no
Precinct 4, Commissioner Margaret J. Gómez	yes

## JUSTICE AND PUBLIC SAFETY ITEMS

6. A. INTRODUCTION OF THE NEW JUSTICE AND PUBLIC SAFETY COORDINATOR, KIMBERLEY PIERCE. (10:21 AM)

**Members of the Court heard from:** Kati Broderick, Research and Planning Manager, Justice and Public Safety (JPS); and Kimberly Pierce, Senior Planner, JPS.

Discussion Only.

- B. RECEIVE A STATUS REPORT REGARDING SERVICES PROVIDED TO RELEASEES OF THE TRAVIS COUNTY COMMUNITY JUSTICE CENTER BY THE CRIME PREVENTION INSTITUTE AND TAKE APPROPRIATE ACTION. (10:24 AM)

**Members of the Court heard from:** Kati Broderick, Research and Planning Manager, JPS; Kimberly Pierce, Senior Planner, JPS; Rob Sutherland, Executive Director, Crime Prevention Institute; Auda Dial, Administrative Director, Crime Prevention Institute; and Cyd Grimes, Travis County Purchasing Agent.

Discussion Only.

7. CONSIDER NEW CENTRAL BOOKING INTERLOCAL AGREEMENT AND TAKE APPROPRIATE ACTION. (11:18 AM) (3:55 PM)

**Members of the Court heard from:** Dinah Dinwiddie, Executive Manager, JPS; and John Connolly, Assistant County Attorney.

Discussion Only.

Item 7 postponed November 14, 2000.

## PURCHASING OFFICE ITEMS

8. APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 00T0074-RG, GRAINGER, INC., FOR ELECTRICAL AND LIGHTING PRODUCTS; CONTRACT APPROVED ON 1/11/2000. (9:21 AM)

Item 8 added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court's Motion and Vote.

9. APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 00T0051-OJ, BERGEN BRUNSWIG DRUG FOR PHARMACEUTICALS AND PHARMACEUTICAL SUPPLIES; CONTRACT APPROVED ON 12/28/99. (9:21 AM)

Item 9 added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court's Motion and Vote.

10. APPROVE CONTRACT AWARD FOR THE PROVISION OF SELF-CONTAINED BREATHING APPARATUS, IFB# B010009-OJ, TO THE SECOND LOW BIDDER, AAA FIRE & SAFETY. (11:19 AM)

**Members of the Court heard from:** Cyd Grimes, Travis County Purchasing Agent; and David Escamilla, First Assistant County Attorney.

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

<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

11. REJECT ALL PROPOSALS FOR RFP NO. P000107LB, FINANCIAL REPORTING DATABASE SYSTEM AND RESOLICIT. (11:26 AM)

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

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Baxter to approve rejecting.

<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

## **PLANNING AND BUDGET DEPT. ITEMS**

- 12.** APPROVE GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE. (9:21 AM)
- A.** APPROVE GRANT CONTRACT FROM THE TEXAS DEPARTMENT ON AGING (THROUGH THE CORPORATION FOR NATIONAL SERVICE) FOR THE RSVP PROGRAM IN HEALTH AND HUMAN SERVICES.
- B.** APPROVE CONTINUATION OF GRANT CONTRACT FROM THE TEXAS COMMISSION ON ALCOHOL AND DRUG ABUSE FOR THE SUBSTANCE ABUSE SERVICES PROGRAM IN THE JUVENILE PROBATION DEPARTMENT.

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

- 13.** APPROVE BUDGET AMENDMENTS AND TRANSFERS. (9:21 AM)

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

## **ADMINISTRATIVE OPERATIONS ITEMS**

- 14.** DISCUSS, APPROVE, OR TAKE ANY APPROPRIATE ACTION REGARDING THE AMENDMENT OF THE LEASE AGREEMENT BETWEEN TRAVIS COUNTY AND G.O.P. INVESTMENTS FOR 1,387 SQUARE FEET LOCATED AT 1300 GUADALUPE AND EXTENDING THE EXISTING OCCUPANCY FROM NOVEMBER 1, 2000 TO JANUARY 31, 2001. (9:21 AM)

Item 14 added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court's Motion and Vote.

**15. REVIEW AND APPROVE THE FOLLOWING PROPERTY AND LIABILITY CLAIM RECOMMENDATIONS: (11:31 AM)**

- A. TNR - SETTLE
- B. DAVID SUISSA - SETTLE
- C. BEN WHITE FLORIST - SETTLE
- D. LINDA MASSIRER – DENY
- E. JACKIE TOUCHSTONE – DENY (11:32 AM)

Item 15.E pulled from the Agenda.

- F. JESUS VARA - DENY

**Clerk's Note:** Items 15.A, B, C, D, and F are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Dan Mansour, Risk Manager, Human Resources Management Department (HRMD); and Cyd Grimes, Travis County Purchasing Agent.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Baxter to approve Items 15.A, B, C, D, and F as recommended by the Risk Manager.

<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

**16. APPROVE PERSONNEL AMENDMENTS. (9:21 AM)**

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



## TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

17. DIRECT STAFF TO PUBLISH NOTICE THAT TRAVIS COUNTY WILL:  
(11:46 AM)
- A. HOLD A PUBLIC HEARING ON NOVEMBER 28, 2000 TO CONSIDER WHETHER PARTS OF LAURA REED PARK ARE NO LONGER DESIRABLE FOR PARK PURPOSES AND SHOULD BE ABANDONED, CONCURRENTLY WITH;
  - B. CONSIDER OFFERS FOR EXCHANGE OF LAND ADJOINING LAURA REED PARK FOR ANY PART OF LAURA REED PARK THAT IS ABANDONED, AND AUTHORIZE STAFF TO TAKE ANY OTHER APPROPRIATE ACTION IN CONNECTION WITH THE PUBLIC HEARING.

**Clerk's Note:** Items 17.A and B are associated with one another and were called for concurrent discussion.

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

Discussion Only.

Items 17.A and B to be reposted on November 14, 2000.

## OTHER ITEMS

18. **TAKE UP AT 1:30 P.M.** DISCUSS STATUS, NECESSARY CONTRACT MODIFICATIONS AND RELATED ISSUES ON THE CRIMINAL JUSTICE PROGRAM (CJP) PROJECTS, AND TAKE APPROPRIATE ACTION. (1:59 AM)

**Members of the Court heard from:** Cyd Grimes, Travis County Purchasing Agent; and Dave Stauch, Herndon Stauch and Associates.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve modification #11, Salas and Morales, on the Sitework Package.

<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

- 19. APPROVE PRINTING OF 500+ COPIES OF FLYER FOR 2000 BROWN SANTA PROGRAM AND APPROVE DISTRIBUTION WITH PAYROLL CHECK ON NOVEMBER 15, 2000. (9:21 AM)**

Item 19 added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court's Motion and Vote.

- 20. DESIGNATE REPRESENTATIVES TO SIGN SPECIAL NUTRITION PROGRAM CERTIFICATE OF AUTHORITY (FORM 4508); AUTHORIZE REPRESENTATIVES TO MAKE WRITTEN AGREEMENTS WITH THE TEXAS DEPARTMENT OF HUMAN SERVICES TO OPERATE A FOOD PROGRAM, TO SIGN DOCUMENTS OR REPORTS ABOUT THE AGREEMENT, AND TO PRESENT CLAIMS FOR REIMBURSEMENT, WHEN APPROPRIATE, TO THE DEPARTMENT. (9:21 AM)**

Item 20 added to Consent Items. Please refer to Agenda Item 2 (CONSENT ITEMS) for the Court's Motion and Vote.

- 21. APPROVE RESOLUTION SUPPORTING THE TRAVIS COUNTY SHERIFF OFFICERS' ASSOCIATION'S INTENT TO SUBMIT THE MEET AND CONFER BILL FOR CONSIDERATION BY THE TEXAS LEGISLATURE. (9:10 AM)**

Item 21 postponed until November 14, 2000.

- 22. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:21 AM)**

Item 22 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

23. A. RECEIVE BRIEFING FROM 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. <sup>1</sup> (2:10 PM)  
(3:53 PM)
- B. RECEIVE BRIEFING FROM COUNTY ATTORNEY’S OFFICE REGARDING CLAIMS RECEIVED FROM CONTRACTORS FOR THE CRIMINAL JUSTICE CENTER AND TAKE APPROPRIATE ACTION. <sup>1</sup>
- C. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION REGARDING FLUOR DANIEL, INC. V. TRAVIS COUNTY, TEXAS; CIVIL ACTION NO. A 00CA021SS; IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION. <sup>1</sup>

**Clerk’s Note:** Items 23.A - C are associated with one another and were called for concurrent discussion.

Judge Biscoe announced that Items 23.A - C would be considered in Executive Session.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to indicate our willingness to settle this matter, along the lines that we’ve been discussing with the County Attorney’s Office and Graeber, Simmons, and Cowan and their representatives during mediation and afterwards; that we authorize the County Attorney to get with them and try to come up with a specific settlement agreement that sets forth the amount of insurance money remaining, a mutual waiver of claims; and that specifically addresses performance issues set forth in our contract, and renewed in the settlement agreement that will govern how they assist us in the completion of the work on the CJC and the Gault Building.

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

24. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, OR COUNTER SETTLEMENT OFFER AND/OR TAKE APPROPRIATE ACTION IN JUAN CAMPOS-LOPEZ CLAIM. (FRASIER; CLAIM FOR DAMAGES) <sup>1</sup> (2:10 PM) (3:52 PM)

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

Item 24 postponed until November 14, 2000.

25. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND GIVE DIRECTION AND DISCUSS PROPOSED SETTLEMENT AMOUNT REGARDING SUBROGATION CLAIM OF TRAVIS COUNTY IN BOBBY HUCKABY VS. JAMES COSTILLA AND TAKE APPROPRIATE ACTION. <sup>1</sup> (2:10 PM)

Item 25 postponed until November 14, 2000.

26. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, OR COUNTER SETTLEMENT OFFER AND/OR TAKE APPROPRIATE ACTION IN THE MATTER OF THE AUDITS FOR 1990-1994 AND 1994-1998 (TAXPAYER NO. 1-74-6000192-2; HEARINGS 35,281 AND 38,765; ORTEGA-CARTER). <sup>1</sup> (2:10 PM) (3:52 PM)

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

Item 26 postponed until November 14, 2000.

27. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY ET AL. V. TAIYO CORPORATION IN CAUSE NO. 91-16436 AND TAKE APPROPRIATE ACTION. <sup>1</sup> (2:10 PM) (3:53 PM)

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

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Davis that the County Judge be authorized to sign the resale deed.

<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

28. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION AND/OR ACCEPT, REJECT OR COUNTER AWARD OF THE SPECIAL COMMISSIONERS' HEARING REGARDING PROJECT NO. 97B01-14-2CA, BRATTON LANE, LATERAL SUPPORT EASEMENT; PARCEL NO. 11; JAMES STEPHENS, AND TRAVIS COUNTY, TEXAS. CONDEMNATION). <sup>1</sup> (2:10 PM)

Item 28 postponed until November 14, 2000.

29. RECEIVE BRIEFING FROM COUNTY ATTORNEY, GIVE DIRECTION AND/OR TAKE APPROPRIATE ACTION REGARDING LITIGATION AND MEDIATION AND DESIGNATE A REPRESENTATIVE TO ATTEND MEDIATION IN LAKE AUSTIN SPA INVESTORS, LTD. V. LAKE AUSTIN RESORT, INC., ET AL.; MARY QUINLAN PARK. EXECUTIVE SESSION ALSO, PURSUANT TO TX. GOVT. CODE ANN. 551.071. (2:10 PM)

Item 29 postponed until November 14, 2000.

**THE FOLLOWING IS AN ADDENDUM:**

- A1. APPROVE INTERLOCAL COOPERATION AGREEMENT NO. IL010019-LB BETWEEN TRAVIS COUNTY AND THE AUSTIN-TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER/CHILDREN'S MENTAL HEALTH PARTNERSHIP MANAGED SERVICES ORGANIZATION. (11:29 AM)

**Members of the Court heard from:** Cyd Grimes, Travis County Purchasing Agent; and Barbara Swift, Deputy Chief Juvenile Probation Officer.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve Item A1.

<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

**ADJOURNMENT**

**Motion by** Commissioner Gómez **and seconded by** Commissioner Baxter to adjourn the Voting Session. (3:55 PM)

<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

**MINUTES APPROVED BY THE COMMISSIONERS' COURT**

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**Date of Approval**

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