

## **MINUTES – OCTOBER 23, 2001**

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

On Tuesday, the 23<sup>rd</sup> day of October, 2001, the Commissioners' Court convened the regular Voting Session at 9:11 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 12:05 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation, the Capital Health Facilities Development Corporation, and the Capital Industrial Development Corporation, called to order the Voting Sessions at 1:38 PM and adjourned at 1:38 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, called to order the Voting Session at 1:38 PM and adjourned at 1:39 PM.

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

The Commissioners' Court retired to Executive Session at 2:43 PM.

The Commissioners' Court reconvened the Voting Session at 4:41 PM.

The Commissioners' Court adjourned the Voting Session at 4:50 PM.

**PUBLIC HEARINGS**

1. DISCUSS AN AMENDED PLAT FOR RECORDING IN PRECINCT THREE – AMENDED PLAT OF LOTS 10 AND 11, BLOCK B, SEVEN OAKS SECTION 2, PHASE 2 - (AMENDED PLAT – 2 LOTS – 6.211 ACRES – ATWATER COVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE FACILITY – CITY OF AUSTIN ETJ). (COMMISSIONER BAXTER) (9:12 AM)

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner to open the public hearing.

<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	absent

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

**Motion by** Commissioner Baxter **and seconded by** Commissioner Gómez to close the public hearing.

<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

**Clerk's Note:** The action Item for Item 1 is Agenda Item 14. Please refer to Agenda Item 14 for the Court's Motion and Vote.

2. DISCUSS AN AMENDED PLAT FOR RECORDING IN PRECINCT THREE – AMENDED PLAT OF LOTS 2 AND 3, BLOCK B, SEVEN OAKS SECTION 2, PHASE 2 - (AMENDED PLAT – 2 LOTS – 5.93 ACRES – ATWATER COVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE FACILITY – CITY OF AUSTIN ETJ). (COMMISSIONER BAXTER) (9:13 AM)

**Motion by** Commissioner Baxter **and seconded by** Commissioner Gómez to open the public hearing.

<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

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

**Motion by** Commissioner Baxter **and seconded by** Commissioner Gómez to close the public hearing.

<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

**Clerk's Note:** The action Item for Item 2 is Agenda Item 15. Please refer to Agenda Item 15 for the Court's Motion and Vote.

3. A. DISCUSS THE PARTIAL CANCELLATION OF LOTS 1 AND 25 BLOCK ‘H’, LOTS 1 AND 19-22, BLOCK ‘I’, LOTS 1-11 AND 26, BLOCK ‘K’ AND A PORTION OF BRIONA WOOD LANE R-O-W FROM ANDERSON MILL WEST SECTION 19. (COMMISSIONER SONLEITNER) (9:14 AM)

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Baxter to open the public hearing.

<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

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

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Baxter to close the public hearing.

<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

**Clerk’s Note:** The action Item for Item 3.A is Agenda Item 16.A. Please refer to Agenda Item 16.A for the Court’s Motion and Vote.

**ITEM 3 CONTINUED**

**B. DISCUSS A PLAT FOR RECORDING IN PRECINCT TWO – ANDERSON MILL WEST SECTION 19, RESUBDIVISION OF LOTS 1 AND 25 BLOCK ‘H’, LOTS 1 AND 19-22, BLOCK ‘I’, LOTS 1-11 AND 26, BLOCK ‘K’ - (LONG FORM PLAT – 22 LOTS – 8.131 ACRES – BRIONA WOOD LANE DRIVE – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY WILLIAMSON/TRAVIS COUNTY MUD NO.1). (COMMISSIONER SONLEITNER) (9:17 AM)**

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to open the public hearing.

<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

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

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Baxter to close the public hearing.

<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

**Clerk’s Note:** The action Item for Item 3.B is Agenda Item 16.B. Please refer to Agenda Item 16.B for the Court’s Motion and Vote.

**CITIZENS COMMUNICATION**

**4. Members of the Court heard from:** Jimmy Castro, Private Citizen; Crae Pease, Private Citizen; and Jennifer Gale, Candidate for Mayor of the City of Austin. (9:19 AM)

**5. UPDATE ON STATUS OF 2001 COMBINED CHARITIES CAMPAIGN. (9:30 AM)**

**Members of the Court heard from:** Cecelia Burke, Chair, Travis County Combined Charities Campaign; Dick Miller, Co-Chair, The Overall Campaign for Travis County; and Jim Rust, Co-Chair, Travis County Combined Charities Campaign.

Discussion Only.

**CONSENT ITEMS****6. Motion by Commissioner Gómez and seconded by Commissioner Sonleitner to approve the following Consent Items: C1-C6, and Items 8, 14, 15, 16.A & B, 18, 19, 20, 21, 22, 23, and 32. (9:38 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 THE FOLLOWING MEETINGS:**

**A. CORRECTED MINUTES OF VOTING SESSION OF AUGUST 3, 1999;**

**B. VOTING SESSION OF OCTOBER 2, 2001;**

**C. VOTING SESSION OF OCTOBER 5, 2001; AND**

**D. BUDGET MARK-UP SESSION OF SEPTEMBER 5, 2001.**

**C4. APPROVE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES IN DESSAU BUSINESS PARK SECTION ONE, A SUBDIVISION IN PRECINCT TWO. (COMMISSIONER SONLEITNER)**

**CONSENT ITEMS CONTINUED**

- C5.** APPROVE SETTING A PUBLIC HEARING DATE OF NOVEMBER 27, 2001 TO DISCUSS AND APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: AMENDED PLAT OF LOTS 39 & 40, COSTA BELLA SUBDIVISION (SHORT FORM PLAT – 2 LOTS – 7.187 ACRES – BELLA RIVA DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY – CITY OF LAKEWAY ETJ). (COMMISSIONER BAXTER)
- C6.** APPROVE SETTING A PUBLIC HEARING DATE OF NOVEMBER 27, 2001 TO DISCUSS AND APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: AMENDED PLAT OF LOTS 24A & 25A, COSTA BELLA SECTION TWO - (SHORT FORM PLAT – 2 LOTS – 2.00 ACRES – BELLA CIMA DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY – CITY OF LAKEWAY ETJ).

**ADMINISTRATIVE OPERATIONS ITEMS****7. CONSIDER COMPENSATION ISSUES REGARDING RED LINED EMPLOYEES, AND TAKE APPROPRIATE ACTION. (9:39 AM)**

**Members of the Court heard from:** Linda Moore Smith, Director, Human Resources Management Department (HRMD); Alicia Perez, Executive Manager, Administrative Operations; Norman McRee, Budget/Process Improvement Analyst, HRMD; Dinah Dinwiddie, Executive Manager, Justice and Public Safety (JPS); Joe Gieselman, Executive Manager, TNR; Stephen Williams, Executive Manager, Travis County Health, Human Services, and Veterans' Services (TCHHS&VS); Eric Shepperd, Assistant County Attorney; Christian Smith, Executive Manager, Planning and Budget Office (PBO); and Gerald Henderson, Community Supervision and Corrections Department (CSCD).

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Davis that for fiscal year 2002, we give Managers the flexibility, on red lined employees, to either add to base or do a lump sum based on what they see as the needs for that family of employees impacted by that situation.

**A Substitute Motion was made by** Judge Biscoe to leave the lump sum policy in place, but to allow Managers who question the appropriateness of the current pay scale to request a family survey by HRMD.

**A Clarification of the previous Motion was made by** Commissioner Gómez that they need to come through the Court to ask if the Court will instruct HR staff to drop other projects that they are working on so they can do this one.

**Clerk's Note:** Judge Biscoe, without objection, clarified that, if the market salary survey shows that a certain family's pay scale is out of whack and should be increased, then we would roll that in the base.

<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

**8. APPROVE PERSONNEL AMENDMENTS. (9:38 AM)**

**Clerk's Note:** Item 8 added to Consent Items. Please refer to Agenda Item 6 (CONSENT ITEMS) for the Court's Motion and Vote.



**PLANNING AND BUDGET DEPT ITEMS**

**9. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (2:43 PM)**

No action necessary on Item 9.

**TRANSPORTATION & NATURAL RESOURCES DEPT ITEMS**

**10. APPROVE ALTERNATE FISCAL AGREEMENTS FOR PARK AT BLACKHAWK SECTION 1, 2, AND 3, THREE SUBDIVISIONS IN PRECINCT TWO. (11:30 AM)**

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

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez 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.    **A.** RESCIND APPROVAL OF THE BALFOUR SUBDIVISION PHASE ONE PRELIMINARY PLAN. (11:31 AM)
- B.** RESCIND THE FINAL PLAT RIBERA CANYONS SUBDIVISION SECTION TWO.
- C.** APPROVE THE TERMINATION OF THE AMENDMENT OF THE PHASING AGREEMENT WITH BRE/BALDWIN MANAGEMENT LP, ESTABLISHING RESPONSIBILITIES RELATED TO THE CONSTRUCTION AND MAINTENANCE OF STREETS IN RIBERA CANYON SUBDIVISION.
- D.** APPROVE THE TERMINATION OF THE RIBERA CANYON SUBDIVISION SECTION TWO CONSTRUCTION AGREEMENT. (COMMISSIONER BAXTER)

**Clerk's Note:** Items 11.A, B, C, and D 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 Baxter **and seconded by** Commissioner Gómez that we rescind the approval of the preliminary plan in Item 11.A, rescind the final plat in Item 11.B, approve the termination of the amendment of the phasing agreement in Item 11.C, and approve the termination of the construction agreement in Item 11.D.

<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

12.    APPROVE CONTRACT AMENDMENT TO THE AGREEMENT WITH THE CLEAN AIR FORCE OF CENTRAL TEXAS (CAF) TO FUND ADMINISTRATIVE POSITIONS AND PROGRAMS. (COMMISSIONER DAVIS) (9:11 AM)

Item 12 postponed until October 30, 2001.

13. DISCUSS MANAGEMENT OF 2001 BOND PROGRAM AND TAKE APPROPRIATE ACTION. (11:33 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; and Jim Collins, Executive Assistant County Attorney.

Discussion Only.

Item 13 to be reposted on October 30, 2001.

14. APPROVE AN AMENDED PLAT FOR RECORDING IN PRECINCT THREE – AMENDED PLAT OF LOTS 10 AND 11, BLOCK B, SEVEN OAKS SECTION 2, PHASE 2 - (AMENDED PLAT – 2 LOTS – 6.211 ACRES – ATWATER COVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE FACILITY – CITY OF AUSTIN ETJ). (COMMISSIONER BAXTER) (9:38 AM)

**Clerk's Note:** Item 14 is the action Item for Agenda Item 1.

**Clerk's Note:** Item 14 added to Consent Items. Please refer to Agenda Item 6 (CONSENT ITEMS) for the Court's Motion and Vote.

15. APPROVE AN AMENDED PLAT FOR RECORDING IN PRECINCT THREE – AMENDED PLAT OF LOTS 2 AND 3, BLOCK B, SEVEN OAKS SECTION 2, PHASE 2 - (AMENDED PLAT – 2 LOTS – 5.93 ACRES – ATWATER COVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE FACILITY – CITY OF AUSTIN ETJ). (COMMISSIONER BAXTER) (9:38 AM)

**Clerk's Note:** Item 15 is the action Item for Agenda Item 2.

**Clerk's Note:** Item 15 added to Consent Items. Please refer to Agenda Item 6 (CONSENT ITEMS) for the Court's Motion and Vote.

16.    **A.** APPROVE THE PARTIAL CANCELLATION OF LOTS 1 AND 25 BLOCK ‘H’, LOTS 1 AND 19-22, BLOCK ‘I’, LOTS 1-11 AND 26, BLOCK ‘K’ AND A PORTION OF BRIONA WOOD LANE R-O-W FROM ANDERSON MILL WEST SECTION 19. (COMMISSIONER SONLEITNER) (9:38 AM)
- B.** APPROVE A PLAT FOR RECORDING IN PRECINCT TWO – ANDERSON MILL WEST SECTION 19, RESUBDIVISION OF LOTS 1 AND 25 BLOCK ‘H’, LOTS 1 AND 19-22, BLOCK ‘I’, LOTS 1-11 AND 26, BLOCK ‘K’ - (LONG FORM PLAT – 22 LOTS – 8.131 ACRES – BRIONA WOOD LANE DRIVE – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY WILLIAMSON/TRAVIS COUNTY MUD NO.1). (COMMISSIONER SONLEITNER)

**Clerk’s Note:** Items 16.A and B are the action Items for Agenda Items 3.A and B.

**Clerk’s Note:** Items 16.A and B added to Consent Items. Please refer to Agenda Item 6 (CONSENT ITEMS) for the Court’s Motion and Vote.

## JUSTICE AND PUBLIC SAFETY ITEMS

17. APPROVE RECOMMENDATIONS FOR FUNDING OF THE FOLLOWING AGENCIES FOR PROVISION OF SERVICES TO VICTIMS OF CRIME IN TRAVIS COUNTY FOR FY 2002: (COMMISSIONER SONLEITNER) (11:15 AM)
- A. AUSTIN/TRAVIS COUNTY MHMR CHILDRENS' MENTAL HEALTH SERVICES
  - B. CASA OF TRAVIS COUNTY, INC.
  - C. FOR THE LOVE OF CHRISTI, INC.
  - D. LEGAL AID SOCIETY OF CENTRAL TEXAS
  - E. LIFEWORKS
  - F. SAFEPLACE
  - G. TRAVIS COUNTY CHILDRENS' ADVOCACY CENTER, INC.
  - H. TRAVIS COUNTY DOMESTIC RELATIONS OFFICE
  - I. TRAVIS COUNTY JUVENILE COURT (VICTIM/ OFFENDER MEDIATION PROGRAM)
  - J. TRAVIS COUNTY SHERIFF'S OFFICE (VICTIM SERVICES CRIME SCENE/CRITICAL INCIDENT TEAM)

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

**Members of the Court heard from:** Caryl Colburn, Director, Travis County Counseling and Education Services (TCCES); Efrain Davila, Service Center Manager, TCCES; Susan Cox, For the Love of Christi, Inc.; Don Cox, For the Love of Christi, Inc.; Katy Kappel, Domestic Relations; and Barry Rosenbluth, Director of School Based Services, SafePlace.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the contract awards under Item 17, in terms of the recommendations for funding.

<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

## PURCHASING OFFICE ITEMS

18. APPROVE CONTRACT AWARD FOR DURABLE MEDICAL EQUIPMENT FOR MEDICAL ASSISTANCE PROGRAM PATIENTS, IFB VD01100063-A, TO THE SOLE BIDDER, CHARTWELL CARE GIVERS. (HHS) (COMMISSIONER GOMEZ) (9:38 AM)

**Clerk's Note:** Item 18 added to Consent Items. Please refer to Agenda Item 6 (CONSENT ITEMS) for the Court's Motion and Vote.

19. APPROVE CONTRACT MODIFICATION (MODIFICATION NO. 2) TO CONTRACT NO. IL000065-TS, FOR THE RENEWAL OF THE CAPITAL AREA RURAL TRANSPORTATION SYSTEM CONTRACT. (COMMISSIONER GOMEZ) (9:38 AM)

**Clerk's Note:** Item 19 added to Consent Items. Please refer to Agenda Item 6 (CONSENT ITEMS) for the Court's Motion and Vote.

20. APPROVE CONTRACT AWARD FOR TRAILER, MACHINERY, IFB NO. B010112-MP, TO THE LOW BIDDER, HOLT COMPANY OF TEXAS. (TNR) (COMMISSIONER GOMEZ) (9:38 AM)

**Clerk's Note:** Item 20 added to Consent Items. Please refer to Agenda Item 6 (CONSENT ITEMS) for the Court's Motion and Vote.

21. APPROVE CONTRACT AWARD FOR A CLIMBING WALL, IFB NO. B010077-RG, TO THE SOLE BIDDER, THOMAS D. SHAFFER. (TNR-PARKS DEPT.) (COMMISSIONER GOMEZ) (9:38 AM)

**Clerk's Note:** Item 21 added to Consent Items. Please refer to Agenda Item 6 (CONSENT ITEMS) for the Court's Motion and Vote.

22. APPROVE A 12-MONTH EXTENSION (MODIFICATION NO.1) TO CONTRACT NO. MA-010043, CERTIFIED SYSTEMS, INC. ('CSI'), FOR MAINTENANCE SUPPORT OF THE AUTOMATED DROCES AND VIPS SYSTEMS FOR THE DOMESTIC RELATIONS OFFICE; CONTRACT APPROVED ON 11/28/00. (I.T.S.) (COMMISSIONER GOMEZ) (9:38 AM)

**Clerk's Note:** Item 22 added to Consent Items. Please refer to Agenda Item 6 (CONSENT ITEMS) for the Court's Motion and Vote.

23. APPROVE A 12-MONTH EXTENSION CONTRACT MODIFICATION NO. 1 TO CONTRACT NO. IL010029-MQ, FOR SERVICES PROVIDED BY THE TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES. (HHS) (9:38 AM)

**Clerk's Note:** Item 23 added to Consent Items. Please refer to Agenda Item 6 (CONSENT ITEMS) for the Court's Motion and Vote.

24. A. APPROVE INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) TO ACCESS AND USE THE TEXAS ELECTRONIC FRAMEWORK (TEXASONLINE) ESTABLISHED PURSUANT TO SECTION 2054-062, GOVERNMENT CODE. (1:40 PM)

- B. APPROVE SERVICE LEVEL AGREEMENT WITH KPMG, PURSUANT TO DIR INTERLOCAL, TO DEVELOP AND IMPLEMENT INTERNET WEBSITE FOR PROPERTY TAX PAYMENT AND INFORMATION FOR THE TRAVIS COUNTY TAX ASSESSOR COLLECTOR. (COMMISSIONER BAXTER)

**Clerk's Note:** Items 24.A and B are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Cyd Grimes, Travis County Purchasing Agent; Barbara Wilson, Assistant County Attorney; Joe Harlow, Director, Information and Telecommunications Systems (ITS); Richard McClendon, Tax Office; and Bill Rogers, KPMG.

**Motion by** Commissioner Baxter **and seconded by** Commissioner Gómez to approve the interlocal agreement as laid out in Item 24.A, and to approve the service level agreement in Item 24.B, with KPMG.

<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

25. CONSIDER TERMINATION OF CONTRACT NO. 01AE604-JJ, WITH KLOTZ ASSOCIATES, INC. FOR THE PROVISION OF PROFESSIONAL ENGINEERING SERVICES FOR THE FRATE BARKER ROAD EXTENSION PROJECT, AND TAKE APPROPRIATE ACTION. (TNR) (2:16 PM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; and Cyd Grimes, Travis County Purchasing Agent.

**Motion by Judge Biscoe and seconded by Commissioner Davis** to terminate the contract in question, and authorize the CAMPO representatives from Travis County to take any and all appropriate action at the CAMPO meeting to ensure the use of this money on other Travis County projects.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	abstain
Precinct 3, Commissioner Todd Baxter	abstain
Precinct 4, Commissioner Margaret J. Gómez	yes

26. APPROVE ORDER EXEMPTING CONTRACT(S) FROM COUNTY PURCHASING ACT (TEX. LOCAL GOVT CODE ANN. §262.023) FOR REMEDIATION SERVICES FOR WORK TO BE DONE ON THE FOLLOWING: (2:22 PM)

A. THE SECOND FLOOR AT THE USB BUILDING LOCATED AT 1010 LAVACA STREET.

B. THE MAIN BUILDING AT THE GARDNER BETTS JUVENILE DETENTION CENTER LOCATED AT 2515 SOUTH CONGRESS.

**Clerks Note:** Items 26.A and B are associated with one another and were called for concurrent discussion.

**Members of the Court heard from:** Cyd Grimes, Travis County Purchasing Agent; Tenley Aldredge, Assistant County Attorney; and Chuck Watt, Travis County Safety Engineer.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** to approve Items 26.A and B.

<b>Motion carried:</b> County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	abstain
Precinct 3, Commissioner Todd Baxter	yes
Precinct 4, Commissioner Margaret J. Gómez	yes



27. APPROVE ORDER EXEMPTING THE PURCHASE OF AIR QUALITY TESTING AND MOLD CONSULTING SERVICES FROM THE COMPETITIVE PROCUREMENT PROCESS AS REQUIRED IN THE COUNTY PURCHASING ACT (V.T.C.A. LOCAL GOVT. CODE ANN. § 262.023). (RISK MANAGEMENT) (2:27 PM)

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

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

<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

## OTHER ITEMS

28. DISCUSS STATUS, NECESSARY CONTRACT MODIFICATIONS AND RELATED ISSUES ON THE CRIMINAL JUSTICE PROGRAM (CJP) PROJECTS, AND TAKE APPROPRIATE ACTION. (1:39 PM)

No action necessary on Item 28.

29. DISCUSS ISSUES RELATED TO THE CONDUCT OF THE NOVEMBER 6, 2001 ELECTIONS, AND TAKE APPROPRIATE ACTION. (2:29 PM)

Item 29 to be reposted on October 30, 2001.

30. APPROVE ADDITIONAL PRESIDING JUDGES AND ALTERNATE PRESIDING JUDGES FOR THE ELECTION TERM OF AUGUST 1, 2001 THROUGH JULY 31, 2003. (2:29 PM)

Item 30 to be reposted on October 30, 2001.

- 31.** CONSIDER REQUEST FROM MICHAEL VON OHLEN TO WAIVE PENALTY AND INTEREST ON 1997 TAX INVOICE, AND TAKE APPROPRIATE ACTION.  
(2:30 PM) (2:43 PM) (4:49 PM)

**Members of the Court heard from:** Michael Von Ohlen, Property Owner.

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

Item 31 to be reposted on October 30, 2001.

- 32.** APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:38 AM)

**Clerk's Note:** Item 32 added to Consent Items. Please refer to Agenda Item 6 (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

- 33. A. RECEIVE BRIEFING FROM COUNTY ATTORNEY’S OFFICE REGARDING CLAIMS RECEIVED FROM CONTRACTORS FOR THE CRIMINAL JUSTICE PROGRAM, AND TAKE APPROPRIATE ACTION.** <sup>1</sup> (2:43 PM) (4:48 PM)
- B. 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>

**Clerks Note:** Items 33.A and B are associated with one another and were called for concurrent discussion.

Judge Biscoe announced that Items 33.A and B would be considered in Executive Session.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that we subtract from the proposed settlement amount, the sum resulting from the sprinkler problem; and that amount is \$222,970.00. The proposed settlement amount was \$995,813.00; and so, the Motion, is to approve the settlement, in the amount of \$772,843.00, and indicate to Kanetzky Contracting our intention to pursue the claim for the \$222,970.00 against the insurance company; that we further authorize appropriate County Staff not only to go ahead and pursue this claim against the insurance company, but any and all other claims of the Contractors and Travis County.

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

34. APPROVE PROPERTY DAMAGE RELEASE FOR STEWART BUILDERS, INC. AND INVESTORS INSURANCE OF AMERICA FOR WORK COMPLETED AT THE DEL VALLE CORRECTIONAL COMPLEX. <sup>1</sup> (2:43 PM) (4:48 PM)

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

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that we approve the proposed property damage release.

<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

35. DISCUSS, APPROVE OR GIVE DIRECTION REGARDING THE REAL ESTATE ISSUES RELATING TO THE RELOCATION OF THE TRAVIS COUNTY SHERIFF'S WEST COMMAND CENTER FROM THE UNIVERSITY SAVINGS BUILDING TO WESTERN TRAVIS COUNTY, AND TAKE APPROPRIATE ACTION. <sup>2</sup> (2:43 PM) (4:45 PM)

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

**Members of the Court heard from:** Pat Ford, Facilities Management.

**Motion by Commissioner Baxter and seconded by Commissioner Gómez** that we authorize acceptance of \$5,600.00 in credit to Travis County in the form of B, in the information that we've been handed out; and, that that be included in the settlement statement. B includes, "the seller would pay \$4,100.00 as compensation for remaining repairs"; the reception desk would be included; and, under 2) that we purchase the title boundary insurance, and also that we authorize Facilities Management to modify the space, purchase plans, and signage; and 3) utilize the savings from the telephone system, and to recommend that we take that, (the title boundary insurance) from the \$4,100.00, use it as a credit from the settlement statement.

<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

36. DISCUSS LAND ACQUISITION FOR THE PROPOSED SOUTHWEST METRO PARK, AND TAKE APPROPRIATE ACTION. (COMMISSIONER BAXTER) <sup>2</sup>  
(2:43 PM) (4:45 PM)

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

No action necessary on Item 36.

37. DISCUSS, APPROVE, OR TAKE ANY APPROPRIATE ACTION REGARDING THE LEASES LOCATED AT 205, 207 AND 209 WEST 9<sup>TH</sup> STREET BETWEEN TRAVIS COUNTY, TEXAS AND HARRY WHITTINGTON, D/B/A TRAVIS PROPERTIES. <sup>2</sup>  
(2:43 PM) (4:43 PM)

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

**Members of the Court heard from:** Roger El Khoury, Director, Facilities Management.

**Motion by Judge Biscoe and seconded by Commissioner Gómez** that we authorize the County Staff, specifically Pat Ford, the County Attorney's Office, and two representatives of the Commissioners' Court, namely Commissioner Baxter and Commissioner Sonleitner, to negotiate with our landlord, here, Harry Whittington, on improving the master lease, and also the County vacating certain space, probably leasing or expanding the lease of additional space, and other related issues; and to approve the Court's intention to move Facilities Management from 9<sup>th</sup> Street to the USB.

<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

Item 37 to be reposted on October 30, 2001.

38. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING TRAVIS COUNTY V. ARK MUSIC, INC. AND TAKE APPROPRIATE ACTION. <sup>1</sup>  
(2:43 PM) (4:42 PM)

Judge Biscoe announced that Item 38 would be considered in Executive Session.

**Motion by** Commissioner Gómez **and seconded by** Commissioner Davis that we send a status report to Judge Paul Davis about the agreed order, and, if not complied in two weeks, then, we instruct the County Attorney to file for a Motion for Contempt. In the mean time, if Mr. Balch wants to come and speak to the Court, then he would be welcomed to.

**An Addition to the previous Motion was made by** Commissioner Sonleitner to encourage anyone that might have outstanding bills that are relevant to that agreed injunction, that those need to be gotten in as soon as possible, so that Mr. Balch knows how much to bring in his checkbook.

<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

39. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING PARTICIPATION IN CLAIM RECOVERY PROGRAM IN MARK PHIPPS, PHIPON, INC. D/B/A JONES PORTABLE WELDING ET AL. V. PRAXAIR, INC. PRAXAIR DISTRIBUTION, INC., ET AL. (PHIPPS; BISCOE; CLASS ACTION) <sup>1</sup>  
(2:43 PM) (4:41 PM)

Judge Biscoe announced that Item 39 would be considered in Executive Session.

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner that we authorize the County Attorney to take no action on behalf of the Commissioners' Court.

<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. (4:50 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**