

## **MINUTES – FEBRUARY 5, 2002**

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

On Tuesday, the 5<sup>th</sup> day of February, 2002, 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 retired to Executive Session at 10:28 AM.

The Commissioners' Court reconvened the Voting Session at 11:37 AM.

The Commissioners' Court adjourned the Voting Session at 11:43 AM.

The Commissioners' Court, meeting as the Northwest Travis County Road District No. 3 (Golden Triangle) Board of Directors, called to order the Voting Session at 11:43 AM and adjourned at 11:44 AM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, called to order the Voting Session at 11:44 AM and adjourned at 11:45 AM.

The Commissioners' Court record notes that Precinct One Commissioner Ron Davis was not present during this Voting Session.

**PUBLIC HEARINGS**

1. DISCUSS AN ORDER TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A 2849 SQ. FT. DRAINAGE EASEMENT ALONG THE SIDE OF LOT 11, WESTCLIFF, SECTION 1A, A SUBDIVISION IN PRECINCT TWO.  
(COMMISSIONER SONLEITNER) (9:11 AM)

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

**Motion carried:**

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

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

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

**Motion carried:**

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

**Clerk's Note:** This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 5 for the Court's Motion and Vote.

**CITIZENS COMMUNICATION**

- 2. Members of the Court heard from:** Gus Peña, President of East Austin Concerned Hispanics, and Second Vice President, The Rainbow Coalition; Christian Smith, Executive Manager, Planning and Budget Office (PBO); Travis Gatlin, Planning and Budget Analyst, PBO; Judge Samuel T. Biscoe, Travis County Judge; Dr. Chiquita Wyatt, AISD; and Dr. Mary Thomas, AISD. (9:13 AM)

**Motion by** Commissioner Gómez **and seconded by** Commissioner Moore to approve the proclamation recognizing African American Heritage Month.

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

**Clerk's Note:** Judge Biscoe announced that the proclamation recognizing African American Heritage Month would be reposted on February 12, 2002 for the Court to ratify the action taken today.

**CONSENT ITEMS**

- 3. Motion by** Commissioner Gómez **and seconded by** Commissioner Moore to approve the following Consent Items: C1-C3, and Items 5, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23.A-I, 24, 25, 31, 32, 33, 34, and 35. (9:24 AM)

**Motion carried:**

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Margaret Moore	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 SETTING A PUBLIC HEARING DATE OF FEBRUARY 26, 2002 TO APPROVE CANCELLATION OF A PORTION OF A PLAT AND APPROVAL FOR RECORDING THE REVISED PLAT IN PRECINCT THREE: LA ISLA AT ANGEL BAY TWO - (LONG FORM PLAT - 13 LOTS - 63.98 ACRES - ANGEL LIGHT DRIVE - FISCAL POSTED WITH SECTION ONE - LCRA OSSF - NO ETJ). (COMMISSIONER MOORE)

**TRANSPORTATION & NATURAL RESOURCES DEPT ITEMS**

4. APPROVE INTERLOCAL AGREEMENT WITH THE CITY OF AUSTIN FOR THE CONSTRUCTION OF TUSCANY WAY. (COMMISSIONER DAVIS) (9:28 AM)

**Members of the Court heard from:** Joe Gieselman, Executive Manager, TNR; Tom Nuckols, Assistant County Attorney; and John Hutchinson, Walnut Place Neighborhood Association.

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

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

5. APPROVE AN ORDER TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE A 2849 SQ. FT. DRAINAGE EASEMENT ALONG THE SIDE OF LOT 11, WESTCLIFF, SECTION 1A, A SUBDIVISION IN PRECINCT TWO. (COMMISSIONER SONLEITNER) (9:24 AM)

**Clerk's Note:** Agenda Item 5 is the action item for the public hearing on Agenda Item 1.

**Clerk's Note:** Item 5 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.

6. DISCUSS TRAFFIC CONTROL IN VICINITY OF DESSAU MIDDLE SCHOOL AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE AND COMMISSIONER DAVIS) (9:10 AM)

Item 6 postponed until February 19, 2002.

**JUSTICE AND PUBLIC SAFETY ITEMS**

7. APPROVE A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE CITY OF AUSTIN FOR 9-1-1 RDMT PROJECT - RELATED FINANCIAL AND ACCOUNTING SERVICES. (9:38 AM)

**Members of the Court heard from:** Teresa Reel, Manager, Emergency and Wireless Communications, Justice and Public Safety (JPS); and Susan Spataro, Travis County Auditor.

**Motion by** Commissioner Moore **and seconded by** Commissioner Sonleitner to approve Item 7.

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

**ADMINISTRATIVE OPERATIONS ITEMS**

8. RECEIVE UPDATE ON PROCESS IMPROVEMENT PROJECT FOR PROMPT PAYMENT OF UTILITIES, IMPROVING DEPARTMENTAL ACCOUNTABILITY, DEVELOPMENT AND IMPLEMENTATION OF CONSERVATION OPPORTUNITIES, AND TAKE APPROPRIATE ACTION. (9:39 AM)

**Members of the Court heard from:** Shawn Malone, Research Analyst, Administrative Operations; Alicia Perez, Executive Manager, Administrative Operations; and Susan Spataro, Travis County Auditor.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez to accept the changes in process that have been recommended by the Committee.

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

**9. REVIEW AND APPROVE THE FOLLOWING PROPERTY AND LIABILITY CLAIM RECOMMENDATIONS: (9:55 AM) (9:58 AM)**

- A. T.C.S.O. - SETTLE**
- B. T.C.S.O. - SETTLE**
- C. APRIL PERRY - SETTLE**
- D. VIVIAN BELL - SETTLE**
- E. JAMES JACKSON – SETTLE**

**Clerk's Note:** Items 9.A-E 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).

**Motion by** Judge Biscoe **and seconded by** Commissioner Moore to approve Staff's recommendation to settle in Items 9.A-E.

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

**F. SOUTHWESTERN BELL – DENY (9:55 AM)**

**Members of the Court heard from:** Dan Mansour, Risk Manager, Human Resources Management Department (HRMD).

**Motion by** Judge Biscoe **and seconded by** Commissioner Moore to deny the claim in Item 9.F.

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

**ITEM 9 CONTINUED**

**G. RON NEVA – DENY (9:57 AM)**

**Members of the Court heard from:** Dan Mansour, Risk Manager, Human Resources Management Department (HRMD).

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve Staff's recommendation to deny the claim in Item 9.G.

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

- 10. REVIEW AND APPROVE THE IMMEDIATE RELEASE OF REIMBURSEMENT PAYMENT TO UNITED HEALTH CARE FOR CLAIMS PAID FOR TRAVIS COUNTY EMPLOYEES & DEPENDENTS COVERED BY THE HOSPITAL AND INSURANCE FUND FOR PAYMENT OF \$194,020.81 FOR JANUARY 18, 2002 TO JANUARY 24, 2002. (9:24 AM)**

**Clerk's Note:** Item 10 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.

- 11. APPROVE PERSONNEL AMENDMENTS. (9:24 AM)**

**Clerk's Note:** Item 11 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.



**PLANNING AND BUDGET DEPT ITEMS****12. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (10:00 AM)**

**Members of the Court heard from:** Leroy Nellis, Budget Manager, PBO; Bill Derryberry, Senior Planning and Budget Analyst, PBO; Jessica Rio, Planning and Budget Analyst, PBO; Valerie Spinelli, Planning and Budget Analyst, PBO; and Susan Spataro, Travis County Auditor.

**Motion by Judge Biscoe and seconded by Commissioner Sonleitner** to approve the Budget Amendments and Transfers, excluding Items A5 and DS1, and that the County take the amount needed in Item DS2 from the Allocated Reserve in the amount of \$20,603.

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

**Clerk's Note:** Items 12 and Item 40 are associated with one another and were called for concurrent discussion.

**Members of the Court agreed** to consider one Motion for Items 40 and 12. Please refer to Item 40 for a summary of the Court's additional Motion and Vote.

**PURCHASING OFFICE ITEMS**

13.   **A.** APPROVE ORDER EXEMPTING CONTRACT FOR PROGRAMMING SERVICES FROM THE COUNTY PURCHASING ACT (TEX. LOCAL GOVT. CODE ANN. SECTION 262.023). (10:15 AM)
- B.** APPROVE CONTRACT AWARD FOR THE PURCHASE OF PROGRAMMING SERVICES FOR GASB-34 REPORTING FROM RUTH DAVIS AND WAIVE INSURANCE REQUIREMENTS PER POLICY. (I.T.S.)

**Clerk's Note:** Items 13.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; Dan Mansour, Risk Manager, HRMD; and Joe Harlow, Director, Information and Telecommunications Systems (ITS).

**Motion by** Judge Biscoe **and seconded by** Commissioner Gómez to approve the order exempting, and also the contract.

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

14.   APPROVE CONTRACT NO. PS020015-JW WITH INCENTIVES TO PROVIDE RESIDENTIAL TREATMENT SERVICES TO JUVENILE OFFENDERS. (JUVENILE PROBATION) (COMMISSIONER GOMEZ) (9:24 AM)

**Clerk's Note:** Item 14 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.

15.   APPROVE CONTRACT NO. PS020041-JW WITH JIM L.H. COX, PH.D & ASSOCIATES TO PROVIDE PSYCHOLOGICAL TESTING/ ASSESSMENTS AND/OR THERAPEUTIC SERVICES FOR JUVENILE OFFENDERS. (JUVENILE COURT) (COMMISSIONER GOMEZ) (9:24 AM)

**Clerk's Note:** Item 15 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.

16. DECLARE FOUR (4) HEADACHE RACKS AS SURPLUS PROPERTY PURSUANT TO SECTION 263.151 AND 263.152(a)(1) OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (COMMISSIONER GOMEZ) (9:24 AM)

**Clerk's Note:** Item 16 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.

17. DECLARE CERTAIN VEHICLES AS SURPLUS PROPERTY PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (COMMISSIONER GOMEZ) (9:24 AM)

**Clerk's Note:** Item 17 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.

18. DECLARE CERTAIN EQUIPMENT AS SURPLUS PROPERTY PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (COMMISSIONER GOMEZ) (9:24 AM)

**Clerk's Note:** Item 18 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.

19. APPROVE STATE CATALOGUE PURCHASE OF DIGITAL VIDEO EQUIPMENT FROM COMMERCIAL VIDEO SYSTEMS IN THE AMOUNT OF \$69,115.00. (RECORDS MANAGEMENT) (COMMISSIONER GOMEZ) (9:24 AM)

**Clerk's Note:** Item 19 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.

20. APPROVE MODIFICATION NUMBER 1 TO CONTRACT NO. 01T0184-RV, QUICK LUBE FOR VEHICLE MAINTENANCE SERVICES TO APPROVE ASSIGNMENT OF CONTRACT BETWEEN HEARTLAND AUTOMOTIVE SERVICES, INC. D/B/A JIFFY LUBE (ASSIGNEE), AND QUICK LUBE (ASSIGNOR) AND, DELETE THE STATE INSPECTIONS SERVICE; CONTRACT APPROVED ON 7/31/01. (TNR) (COMMISSIONER GOMEZ) (9:24 AM)

**Clerk's Note:** Item 20 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.

21. APPROVE CONTRACT AWARD FOR CULVERT PIPE, IFB NO. B020029-DR, TO THE LOW BIDDER, CONTECH CONSTRUCTION PRODUCTS, INC. (TNR) (COMMISSIONER GOMEZ) (9:24 AM)

**Clerk's Note:** Item 21 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.

22. APPROVE A SEVEN (7) MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 01T0107-OJ, NATIONAL PACIFIC DENTAL, INC., FOR THE PROVISION OF DENTAL COVERAGE FOR TRAVIS COUNTY EMPLOYEES. CONTRACT APPROVED ON MARCH 27, 2001. (HRMD) (9:24 AM)

**Clerk's Note:** Item 22 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.

23. APPROVE ONE-MONTH EXTENSIONS (MODIFICATION NO. 3 & 4 AS INDICATED BELOW), FOR HEAVY DUTY ROAD MACHINERY OEM PARTS/ MAINTENANCE: (9:24 AM)

- A. NO. 99T0099-MP (MOD#3), ROMCO EQUIPMENT;
- B. NO. 99T0100-MP (MOD#3), VERMEER CHIPPER
- C. NO. 99T0101-MP (MOD#3), WARSON DISTRIBUTING CO., INC
- D. NO. 99T0102-MP (MOD#3), LONGHORN INTERNATIONAL
- E. NO. 99T0103-MP (MOD#4), LACAL EQUIPMENT COMPANY
- F. NO. 99T0104-MP (MOD#3), CLOSER EQUIPMENT CO., INC
- G. NO. 99T0105-MP (MOD#4), ANDERSON MACHINERY COMPANY; (TNR);  
THE ABOVE SEVEN CONTRACTS WERE APPROVED ON 3/9/99.
- H. NO. 99T0106-MP (MOD#3), COOPER EQUIPMENT; AND
- I. NO. 99T0107-MP (MOD#3), MAGNUM CUSTOM. (TNR); THESE TWO  
CONTRACTS WERE APPROVED ON 3/16/99.

**Clerk's Note:** Items 23.A-I added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.

24. APPROVE A 12-MONTH EXTENSION (MODIFICATION NO.1) TO CONTRACT NO. 01T0122-MP, AUSTIN CUSTOM SCREENS, FOR SOLAR AND ALUMINUM SCREENS. CONTRACT APPROVED ON APRIL 24, 2001. (HOUSING SERVICES) (9:24 AM)

**Clerk's Note:** Item 24 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.

- 25.** APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 00T0200-RG, MISTY FEHLER, FOR PARK CONCESSION SERVICES. CONTRACT APPROVED ON APRIL 11, 2000. (TNR) (9:24 AM)

**Clerk's Note:** Item 25 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.

- 26.** APPROVE CONTRACT AWARD FOR THE PROVISION OF PROPERTY AND BOILER/MACHINERY INSURANCE, RFP P010117-OJ, TO KEY & PISKURAN AND AUTHORIZE COUNTY AUDITOR TO PROCESS ANNUAL PREMIUM PAYMENT IMMEDIATELY. (HRMD) (10:19 AM)

**Members of the Court heard from:** Cyd Grimes, Travis County Purchasing Agent; Susan Spataro, Travis County Auditor; Jose Palacios, Travis County Auditor's Office; and Dan Mansour, Risk Manager, HRMD.

**Motion by Judge Biscoe and seconded by** Commissioner Gómez to approve Item 26, and authorize the Auditor to issue the payment and authorize the Treasurer to release the payment.

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

- 27.** APPROVE AWARD OF CONTRACT NO. PS020055-LB WITH INDOOR ENVIRONMENTAL CONSULTANTS FOR AIR QUALITY TESTING AND CONSULTING SERVICES FOR WATER DAMAGE REMEDIATION AND DECONTAMINATION AT THE TRAVIS COUNTY JAIL. (RISK MANAGEMENT AND SHERIFF) (10:22 AM)

Item 27 postponed until February 12, 2002.

**OTHER ITEMS**

- 28.** DISCUSS STATUS, NECESSARY CONTRACT MODIFICATIONS AND RELATED ISSUES ON THE CRIMINAL JUSTICE PROGRAM (CJP) PROJECTS, AND TAKE APPROPRIATE ACTION. (10:22 AM)

No action necessary on Item 28.

- 29.** DISCUSS ISSUES RELATED TO THE DISPLAY OF LITERATURE IN COUNTY BUILDINGS, INCLUDING THE COURTHOUSE INFORMATION GUIDE, AND TAKE APPROPRIATE ACTION. (10:28 AM) (11:37 AM)

Judge Biscoe announced that Item 29 would be considered in Executive Session.

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner that we authorize the County Attorney's Office to draft a proposed policy that has the Court prohibiting the display of literature in the Courts Buildings, but allowing the display in the Administrative Office Buildings; that we give notice of our intention to have a public hearing on the proposed draft policy February 19, 2002; and further, that we repost this Item for next week, February 12, 2002, to give the Court an opportunity to look at the draft policy and prepare it for public distribution.

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

Item 29 to be reposted on February 12, 2002.

30. APPROVE RENEWAL OF INTERLOCAL AGREEMENT WITH OFFICE OF THE ATTORNEY GENERAL TO ALLOW COUNTY ACCESS TO THE TEXAS CHILD SUPPORT ENFORCEMENT SYSTEM. (10:23 AM)

**Members of the Court heard from:** Jim Connolly, Assistant County Attorney.

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

**Motion carried:**

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

31. ACCEPT DONATION OF PROPERTY, NAMELY, A 1991 RINKER BOAT AND MAGNUM TRAILER, FOR THE SHERIFF'S OFFICE. (COMMISSIONER MOORE) (9:24 AM)

**Clerk's Note:** Item 31 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.

32. APPROVE PAYMENT OF PARKING FEES IN THE AMOUNT OF \$630.00 TO THE UNIVERSITY OF TEXAS AT AUSTIN FOR EARLY VOTING WORKERS FOR THE PERIOD OF FEBRUARY 23, 2002 THROUGH MARCH 8, 2002. (9:24 AM)

**Clerk's Note:** Judge Biscoe announced that Item 32 would be added to the Consent Motion with the assurance that there is no fiscal impact.

**Clerk's Note:** Item 32 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.

33. APPROVE ORDER DESIGNATING MAIN EARLY VOTING POLLING PLACE AND TEMPORARY BRANCH EARLY VOTING POLLING PLACES FOR THE MARCH 12, 2002 JOINT PRIMARY ELECTION. (9:24 AM)

**Clerk's Note:** Item 33 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.

- 34.** CONSIDER REQUEST TO MAIL OUT AND METER RETURNED REPLY CARDS TO 2325 REGISTERED VOTERS TO WORK EARLY VOTING BALLOT BOARD, CENTRAL COUNTING STATION, AND RECEIVING SUBSTATIONS FOR THE MARCH 12, 2002 JOINT PRIMARY ELECTION, AND TAKE APPROPRIATE ACTION. (9:24 AM)

**Clerk's Note:** Item 34 added to Consent Items. Please refer to Agenda Item 3 (CONSENT ITEMS) for the Court's Motion and Vote.

- 35.** APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:24 AM)

**Clerk's Note:** Item 35 added to Consent Items. Please refer to Agenda Item 3 (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

- 36. 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> (10:28 AM)
- 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>

No action necessary on Items 36.A and B.



37. DISCUSS, APPROVE, OR TAKE ANY APPROPRIATE ACTION REGARDING REAL ESTATE ISSUES RELATED TO WEST NINTH STREET. <sup>2</sup> (10:28 AM) (11:39 AM)

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

Item 37 to be reposted on February 12, 2002.

38. DISCUSS, APPROVE OR TAKE APPROPRIATE ACTION REGARDING REAL ESTATE ISSUES RELATED TO WEST RURAL COMMUNITY CENTER AND CLINIC. <sup>2</sup> (10:28 AM) (11:39 AM)

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

**Motion by** Commissioner Moore **and seconded by** Commissioner Gómez that we authorize, enter into a contract with a Broker for broker assistance to look for this land, and that we make this an exempt contract, and to include that language in the contract, authorizing Facilities Management negotiate it.

**Maker and Second accept the Friendly Amendment by** Judge Biscoe that we indicate our understanding that at this point there is no fiscal impact, but if that changes, the matter will be brought back to Commissioners Court so that we can identify a funding source, should we agree to pay whatever the monetary request is.

**Acceptance of the Friendly Amendment was made by** Commissioner Moore and Commissioner Gómez.

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

39. DISCUSS, APPROVE OR TAKE APPROPRIATE ACTION REGARDING ACCEPTANCE AND APPROVAL OF THE MANUFACTURER'S 20-YEAR NO DOLLAR LIMIT (NDL) ROOF WARRANTY FOR THE TRAVIS COUNTY GAULT BUILDING ROOF, AND THAT THE COURT DELEGATE TO THE DIRECTOR OF THE TRAVIS COUNTY FACILITIES MANAGEMENT DEPARTMENT THE AUTHORITY TO ACCEPT AND EXECUTE SUCH CERTIFICATES OF WARRANTY ON BEHALF OF TRAVIS COUNTY. <sup>1</sup> (9:10 AM) (10:24 AM)

**Members of the Court heard from:** Alicia Perez, Executive Manager, Administrative Operations; Roger El Khoury, Director, Facilities Management; and John Hille, Assistant County Attorney.

**Motion by** Commissioner Moore **and seconded by** Commissioner Gómez to approve Item 39.

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

40. DISCUSS, APPROVE, OR TAKE ANY APPROPRIATE ACTION REGARDING THE LEASE PROPOSAL FOR PARKING SPACES AT 9<sup>TH</sup> AND LAVACA STREETS. <sup>2</sup> (10:28 AM) (11:40 AM)

Judge Biscoe announced that Item 40 would be considered in Executive Session.

**Clerk's Note:** Item 40 and Item 12 are associated with one another and were called for concurrent discussion.

**Members of the Court agreed** to consider one Motion for Item 40 and Item 12.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Moore to approve the renewal of the leased parking spaces that we currently have at that location and for the additional spaces that have been negotiated by our Real Estate Manager, and to include budget items A5 and DS1, which would be necessary to make that lease work.

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

- 41.** RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY V. SMALL PLANES, INC. X96-01086 AND TAKE APPROPRIATE ACTION. <sup>1</sup>  
(10:28 AM) (11:40 AM)

Judge Biscoe announced that Item 41 would be considered in Executive Session.

No action necessary on Item 41.

Item 41 to be reposted on February 12, 2002.

- 42.** RECEIVE BRIEFING FROM COUNTY ATTORNEY ON CONCERNS REGARDING ORGANIZATION OF TRAVIS COUNTY EMERGENCY SERVICES, AVIATION OPERATIONS, AND TAKE APPROPRIATE ACTION. <sup>1</sup>  
(9:11 AM)

Item 42 postponed until February 12, 2002.

- 43.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION IN: FREDRICK PLUET, (DECEASED) V. MARGO FRASIER, ET AL. (CIVIL RIGHTS). <sup>1</sup> (10:28 AM) (11:41 AM)

Judge Biscoe announced that Item 43 would be considered in Executive Session.

No action necessary on Item 43.

Item 43 postponed until February 12, 2002.

44. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING TRAVIS COUNTY V. ARK MUSIC, INC. AND TAKE APPROPRIATE ACTION. <sup>1</sup>  
(10:28 AM) (11:41 AM)

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

**Motion by** Commissioner Gómez **and seconded by** Commissioner Sonleitner that we reject their offer, and that we ask that they bring their income information in for review.

**Motion carried:**

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Item 44 to be reposted on February 19, 2002.

45. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION CONCERNING THE EXTENSION OF ADMINISTRATIVE LEAVE FOR JUVENILE COURT EMPLOYEE. <sup>1</sup> AND <sup>3</sup>  
(10:28 AM) (11:41 AM)

Judge Biscoe announced that Item 45 would be considered in Executive Session.

**Motion by** Judge Biscoe **and seconded by** Commissioner Moore that we grant an additional five work days, which would be through the work day February 12, 2002.

**Motion carried:**

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

46. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING ATTORNEY GENERAL OPINION REQUEST #0492-JC, REGARDING CITY AND COUNTY PLATTING JURISDICTION IN THE ETJ UNDER HB 1445, AND TAKE APPROPRIATE ACTION. <sup>1</sup> (10:28 AM) (11:42 AM)

Judge Biscoe announced that Item 46 would be considered in Executive Session.

**Members of the Court heard from:** Tom Nuckols, Assistant County Attorney.

**Motion by** Commissioner Sonleitner **and seconded by** Commissioner Gómez that we direct the County Attorney's Office to begin preparing an appropriate brief to be sent in, and that it be presented to the Court on February 19, 2002 for further review, and approving it to be sent on to the Attorney General if it's ready to go.

**Maker and Second accept the Friendly Amendment by** Judge Biscoe to direct the County Attorney's Office to telephone, 3 or 4 days before February 19, 2002, a few of the urban counties, and maybe get updated on the approach they are taking, if any; and maybe, what they are submitting to the Attorney General's Office if they are submitting anything.

**Acceptance of the Friendly Amendment was made by** Commissioner Sonleitner and Commissioner Gómez.

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

## THE FOLLOWING IS AN ADDENDUM:

- A1. RECOGNIZE THE TRAVIS COUNTY SHERIFF LAW ENFORCEMENT ASSOCIATION AND GIVE DIRECTION TO THE COUNTY AUDITOR TO IMPLEMENT THEIR EMPLOYEE PAYROLL DEDUCTION. (COMMISSIONER GÓMEZ AND COMMISSIONER SONLEITNER) (9:11 AM)

Item A1 postponed until February 12, 2002.

**ADJOURNMENT**

**Motion by** Judge Biscoe **and seconded by** Commissioner Sonleitner to adjourn the Voting Session. (11:43 AM)

**Motion carried:**

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	absent
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Margaret Moore	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**