

MINUTES – MARCH 5, 2002

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 5th day of March, 2002, the Commissioners' Court convened the regular Voting Session at 9:12 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 recessed the Voting Session at 12:09 PM.

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 1:37 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 1:41 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation, the Capital Health Facilities Development Corporation, the Capital Industrial Development Corporation, the Travis County Development Authority, and the Travis County Cultural Education Facilities Finance Corporation, called to order the Voting Sessions at 1:41 PM and adjourned at 1:42 PM.

The Commissioners' Court reconvened the regular Voting Session at 1:42 PM.

The Commissioners' Court retired to Executive Session at 2:49 PM.

The Commissioners' Court reconvened the Voting Session at 5:21 PM.

The Commissioners' Court adjourned the Voting Session at 6:03 PM.

PUBLIC HEARINGS

1. RECEIVE PUBLIC COMMENT ON PROPOSED POLICY COVERING THE DISPLAY OF LITERATURE IN COUNTY COURTS AND ADMINISTRATIVE BUILDINGS. (9:13 AM)

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

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
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: Tenley Aldredge, Assistant County Attorney; Bill Hines, Attorney; and Dr. Dianne Mendoza Galaviz, Director of Business and Community Development, Capital Metro.

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	yes
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 34 for the Court's Motion and Vote.

2. DISCUSS PROPOSED STREET NAME CHANGE FROM POINT VIEW DRIVE TO "POINTE VIEW DRIVE" IN LAKE POINTE SECTION 6, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER MOORE) (ACTION ITEM #11)
(9:35 AM)

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

Motion carried:	County Judge Samuel T. Biscoe	yes
	Precinct 1, Commissioner Ron Davis	yes
	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 Moore **and seconded by** Commissioner Gómez to close the public hearing.

Motion carried:	County Judge Samuel T. Biscoe	yes
	Precinct 1, Commissioner Ron Davis	yes
	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 11 for the Court's Motion and Vote.

3. DISCUSS AUTHORIZING THE FILING OF AN INSTRUMENT TO VACATE A 5' PUBLIC UTILITY AND 10' DRAINAGE EASEMENT ALONG BOTH SIDES OF THE COMMON LOT LINE OF LOTS 312 AND 313, APACHE SHORES FIRST INSTALLMENT, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER MOORE) (ACTION ITEM #12) (9:36 AM)

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

Motion carried:	County Judge Samuel T. Biscoe	yes
	Precinct 1, Commissioner Ron Davis	yes
	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, TNR.

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

Motion carried:	County Judge Samuel T. Biscoe	yes
	Precinct 1, Commissioner Ron Davis	yes
	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 12 for the Court's Motion and Vote.

RESOLUTIONS & PROCLAMATIONS

4. APPROVE RESOLUTION DECLARING MARCH 3-9, 2002 AS “SEVERE WEATHER AWARENESS WEEK “ IN TRAVIS COUNTY. (9:37 AM)

Members of the Court heard from: Pete Baldwin, Emergency Management Coordinator, Emergency Services.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez 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 Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

5. APPROVE RESOLUTION DECLARING MARCH 2002 AS “PROFESSIONAL SOCIAL WORK MONTH” IN TRAVIS COUNTY. (9:45 AM)

Members of the Court heard from: Stephen Williams, Executive Manager, Travis County Health, Human Services, and Veterans Services (TCHHS&VS); and Rose Rubio, Family Support Services, Travis County Health and Human Services.

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

Motion carried:

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

CITIZENS COMMUNICATION

Members of the Court heard from: Kenneth Snyder, Northridge Acres; Henry Trell, President, Park Springs Neighborhood Association; and Pat Senought, Private Citizen. (9:49 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Moore to approve the following Consent Items: C1-C6, and Items 9, 10, 11, 12, 16, 17, 19.A, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29.A and B, 30.A and B, 35, 38, and 39.
(10:03 AM)

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
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 COMMISSIONERS COURT MINUTES FOR THE FOLLOWING MEETINGS:
 - A.** VOTING SESSION OF FEBRUARY 12, 2002; AND
 - B.** VOTING SESSION OF FEBRUARY 19, 2002.
- C4.** APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: THE FOLEY SUBDIVISION – (SHORT FORM PLAT – NO FISCAL REQUIRED – 1 LOT – 7.232 ACRES - MANCHACA ROAD – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – COA ETJ). (COMMISSIONER MOORE)
- C5.** APPROVE A PLAT FOR RECORDING IN PRECINCT ONE: BOUNTIFUL HARVEST - (SHORT FORM PLAT – NO FISCAL REQUIRED – 2 LOTS – 7.32 ACRES - FM 969 - SEWAGE SERVICE TO BE PROVIDED BY ON-SITE FACILITY – COA ETJ). (COMMISSIONER DAVIS)
- C6.** **ADDED ITEM:** APPROVE SETTING A PUBLIC HEARING DATE OF MARCH 26, 2002 TO APPROVE CANCELLATION OF A PORTION OF A PLAT AND APPROVAL FOR RECORDING THE REVISED PLAT IN PRECINCT THREE: AMENDED PLAT OF FLINTROCK AT HURST CREEK – (AMENDED - 8 LOTS – 182.991 ACRES – FLINTROCK ROAD – NO FISCAL REQUIRED – HURST CREEK MUD – LAKEWAY ETJ). (COMMISSIONER MOORE)

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS**TAKE UP AT 9:30 A.M.**

6. DISCUSS TRAFFIC CONTROL IN VICINITY OF DESSAU MIDDLE SCHOOL AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE AND COMMISSIONER DAVIS) (9:12 AM) (10:06 AM) (2:49 PM) (5:51 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Dr. Libby Gardner, Superintendent, Pflugerville Independent School District (PISD); Kenneth Thompson, PISD Board of Trustees; Joe Hall, TNR; Cheryl Koury, Principal, Dessau Middle School.

Judge Biscoe announced that Item 6 would be considered in Executive Session pursuant to Gov't Code Ann 551.071, Consultation with Attorney.

Motion by Commissioner Davis **and seconded by** Judge Biscoe that we authorize Transportation and Natural Resources to install 4 traffic signals, with the flashing lights, that are enforceable, with a speed limit of 35 mph for the Dessau Middle and Elementary School, on Dessau Road. Along with that, two signs alerting drivers that they will be approaching a school zone. In addition to that, to include the warrant study that had been done by Joe Hall, Engineer, TNR, to also, to let this go back to the community, in its normal process of a public hearing, to see if this Motion will fall within the things that they are really asking for; and, to make sure that this Motion is taken back to the community for a response; and, all the other legal processes that we must adhere to, as far as notification, along with the memo, also dated today, March 5, 2002, to also be a part of this Motion.

A Restatement of the previous Motion was made by Judge Biscoe to direct Staff to prepare an appropriate document that summarizes the steps that will be taken, share those with the school administrators, and then go through the other legal processes that are necessary for us to make this change; but, the important thing is, we are trying to base this on the traffic study that was performed by Staff; but, that the Motion is the decision for us to have an enforceable 35 mph with the blinking lights, appropriately placed, out there near Dessau Middle School; but, the letter will be a lot more precise than this Motion, and we will have another opportunity to review this matter finally before construction.

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

7. APPROVE LETTER OF SUPPORT TO THE TEXAS TRANSPORTATION COMMISSION SUPPORTING THREE PRIORITY PROJECTS APPROVED BY THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION TO BE PRESENTED AT THE MARCH 28, 2002 DELEGATION. (COMMISSIONER MOORE) (10:54 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; and Tommy Eden, Private Citizen.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to add the appropriately placed sidewalks and bicycle lanes to each of the projects, and to approve the resolution as amended.

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

8. **A.** APPROVE RESOLUTION COMMITTING COUNTY GOVERNMENT TO IMPLEMENT CERTAIN AIR POLLUTION CONTROL MEASURES AS PART OF THE CENTRAL TEXAS O₃ FLEX AGREEMENT. (2:06 PM)

- B.** DISCUSS PROPOSED MEMORANDUM OF AGREEMENT WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO IMPLEMENT A REGIONAL AIR QUALITY PLAN (O₃ FLEX AGREEMENT), AND TAKE APPROPRIATE ACTION.

Clerk's Note: Items 8.A and B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; and Scheleen Walker, TNR.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve Item 8.A, the resolution committing the County to implement certain air pollution control measures.

Motion carried:

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

Motion by Commissioner Moore **and seconded by** Commissioner Davis to approve Item 8.B, the memorandum of agreement.

Motion carried:

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

9. APPROVE USE OF PREVIOUSLY AUTHORIZED \$30,000 OF ALLOCATED RESERVE TO FUND CLEAN AIR FORCE PUBLIC EDUCATION PROGRAM. (10:03 AM)

Clerk's Note: Item 9 added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

10. APPROVE ALTERNATE FISCAL AGREEMENT FOR LOT 39, HIDDEN VALLEY, PHASE C, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER MOORE) (10:03 AM)

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

11. APPROVE A PROPOSED STREET NAME CHANGE FROM POINT VIEW DRIVE TO "POINTE VIEW DRIVE" IN LAKE POINTE SECTION 6, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER MOORE) (10:03 AM)

Clerk's Note: Agenda Item 11 is the action item for the public hearing on Item 2.

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

12. APPROVE ORDER AUTHORIZING THE FILING OF AN INSTRUMENT TO VACATE A 5' PUBLIC UTILITY AND 10' DRAINAGE EASEMENT ALONG BOTH SIDES OF THE COMMON LOT LINE OF LOTS 312 AND 313, APACHE SHORES FIRST INSTALLMENT, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER MOORE) (10:03 AM)

Clerk's Note: Agenda Item 12 is the action item for the public hearing on Item 3.

Clerk's Note: Item 12 added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

13. DISCUSS ISSUES RELATING TO HOUSE BILL 1445 AND INTERLOCAL AGREEMENTS WITH CITIES FOR THE REVIEW OF SUBDIVISIONS WITHIN THE EXTRATERRITORIAL JURISDICTION, AND TAKE APPROPRIATE ACTION. (2:22 PM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Tom Nuckols, Assistant County Attorney; and David Lloyd, Assistant City Attorney, City of Austin.

Discussion Only.

Item 13 to be reposted on March 12, 2002.

HEALTH AND HUMAN SERVICES DEPT. ITEMS**TAKE UP AT 11:00 A.M.**

- 14.** CONSIDER NEED TO COMMIT ADDITIONAL RESOURCES TO MEET INCREASED BASIC NEEDS, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (9:12 AM) (11:09 AM)

Members of the Court heard from: Stephen Williams, Executive Manager, TCHHS&VS; Sherri Moore, Director, Family Support Services, HHS; Valerie Spinelli, Planning and Budget Analyst, Planning and Budget Office (PBO); Christian Smith, Executive Manager, PBO; Fred Butler, Executive Director, Community Action Network; and Eileen Oldag, Chair, Community Action Network Basic Needs Workgroup, and Executive Director, Caritas.

Motion by Judge Biscoe **and seconded by** Commissioner Davis that we repost this Item for March 19, 2002; that we, today, indicate our intention to take \$300,000.00 from the Housing Finance Corporation, and try to find the other \$200,000.00 somewhere in the County Budget; that Commissioner Sonleitner and Judge Biscoe serve as a subcommittee of the Commissioners' Court, to work with Stephen Williams, Executive Manager, TCHHS&VS, Christian Smith, Executive Manager, PBO, and appropriate others, to try to identify funding; and, that we communicate with CAN representatives and try to make as much progress towards identifying agencies that will help us meet these critical needs.

A Clarification of the previous Motion was made by Judge Biscoe that the Motion only addresses the request for Travis County to partner with others to generate money for contract services, not internal Travis County. As to internal Travis County services, we ought to monitor the situation, and at the appropriate time, between now and when action is appropriate, move on it.

Clerk's Note: The Court did not take a Vote on the previous Motion and Second.

ITEM 14 CONTINUED

A Substitute Motion was made by Commissioner Sonleitner **and seconded by** Commissioner Moore that Judge Biscoe and Commissioner Sonleitner work as a subcommittee of the Court to work with Health and Human Services, Planning and Budget, CAN representatives, and anyone else that cares to weigh in on this, and work cooperatively between now and March 26, 2002, to come back with recommendations as to how we can bridge the gap on our internal and external requests for assistance that have been prompted by September 11, 2001 and everything else, and that we look internally within our budget; we look at the Corporations, but not put a specific amount out there; we basically bring back the best recommendations that we can on the March 26, 2002 to meet the internal and external gaps.

Maker accept the Friendly Amendment by Commissioner Moore that our offer of support will not be contingent upon any other offer in this community.

Acceptance of the Friendly Amendment was made by Commissioner Sonleitner.

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

Item 14 to be reposted on March 26, 2002.

ADMINISTRATIVE OPERATIONS ITEMS

15. DISCUSS AND TAKE APPROPRIATE ACTION ON REPORT AND RECOMMENDATIONS FROM E-GOVERNMENT SUBCOMMITTEE: (COMMISSIONER MOORE AND COMMISSIONER GOMEZ) (9:12 AM) (11:55 AM) (1:46 PM)

A. I-JURY INTERNET JUROR REGISTRATION PROJECT;

B. TAX/VOTER REGISTRATION APPLICATION UPDATE;

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

Members of the Court heard from: Amalia Rodriguez-Mendoza, Travis County District Clerk; Dusty Knight, Chief Deputy, Travis County Tax Office; and Alicia Perez, Executive Manager, Administrative Operations.

Discussion Only.

ITEM 15 CONTINUED

- 15. C. APPOINTMENT OF AN INTER-DEPARTMENTAL COMMITTEE TO STUDY AND CREATE A STRATEGIC PLAN FOR ELECTRONIC FILING AND ELECTRONIC DOCUMENT MANAGEMENT, AUTHORIZE \$15,000 TRANSFER FROM E-GOVERNMENT EARMARK FOR RESEARCH AND TRAVEL. (11:55 AM)**

Members of the Court heard from: Honorable John Dietz, Judge, 250th District Court; Alicia Perez, Executive Manager, Administrative Operations; Joe Harlow, Director, Information and Technology Systems (ITS); Steven Broberg, Director, Records Management and Communication Resources (RMCR); and Christian Smith, Executive Manager, PBO.

Motion by Commissioner Moore **and seconded by** Commissioner Gómez that we approve the formation of a committee, and that we approve the transfer to a travel budget of \$15,000.00 out of the \$125,000.00 earmarked for e-government.

A Restatement of the previous Motion was made by Commissioner Moore that we approve the appointment of the committee, and the allocation of a \$15,000.00 travel budget to be funded as PBO recommends. The constitution of the committee would be the members listed in this report, plus the two analysts from PBO, and Commissioner Moore and Commissioner Gómez.

Maker accept the Friendly Amendment by Judge Biscoe to take the travel money from internal funds, as recommended by PBO.

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

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

- 16. REVIEW AND APPROVE THE IMMEDIATE RELEASE OF REIMBURSEMENT PAYMENT TO UNITED HEALTH CARE FOR CLAIMS PAID FOR TRAVIS COUNTY EMPLOYEES AND DEPENDENTS COVERED BY THE HOSPITAL AND INSURANCE FUND FOR PAYMENT OF \$210,047.52 FOR PERIOD OF FEBRUARY 15, 2002 THROUGH FEBRUARY 21, 2002. (10:03 AM)**

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

17. APPROVE PERSONNEL AMENDMENTS. (10:03 AM)

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

JUSTICE AND PUBLIC SAFETY DEPT. ITEMS**18. RECEIVE BRIEFING AND DISCUSS REMEDIAL ORDER ISSUED BY THE TEXAS COMMISSION ON JAIL STANDARDS AND TAKE APPROPRIATE ACTION. (9:13 AM) (10:53 AM) (11:54 AM) (5:24 PM)**

Members of the Court heard from: Margo Frasier, Travis County Sheriff; Dan Richards, Chief Deputy, Travis County Sheriff's Office (TCSO); David Balagia, Major, TCSO; Roger El Khoury, Director, Facilities Management; and Bill Derryberry, Senior Planning and Budget Analyst, PBO.

Motion by Judge Biscoe and seconded by Commissioner Moore to approve the letter, and that we authorize Facilities to start accessing \$73,284.56, which would immediately be made available from the Homeland Defense Reserve; that we ask PBO to work with the Sheriff's Office to identify a more appropriate source of funding between now and next Tuesday, March 19, 2002; and if one is identified, we will substitute that source of funding for this one; that the County Judge be authorized to sign, on behalf of the Commissioners Court, a revised backup to the short letter, which the Sheriff shall also sign, and which we, working together, will deliver to the Jail Commission tomorrow.

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

PLANNING AND BUDGET DEPT. ITEMS

19. REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE: (10:03 AM)

A. APPROVE GRANT CONTRACT WITH THE TEXAS WORKFORCE COMMISSION FOR FEDERAL REIMBURSEMENT OF CHILD CARE EXPENSES THROUGH THE CHILD CARE LOCAL INITIATIVE AGREEMENT. THE GRANT PROVIDES REIMBURSEMENT FOR FY 02.

Clerk's Note: Item 19.A added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

20. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (10:03 AM)

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

PURCHASING OFFICE ITEMS

21. CONSIDER CONTRACT AWARD FOR THE PURCHASE OF AIR QUALITY TESTING, WATER DAMAGE REMEDIATION AND DECONTAMINATION CONSULTING SERVICES AT THE TRAVIS COUNTY JAIL WITH RIMKUS CONSULTING GROUP, INC., AND TAKE APPROPRIATE ACTION. (RISK MANAGEMENT AND SHERIFF) (COMMISSIONER GOMEZ) (10:03 AM)

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

22. APPROVE CONTRACT AWARD(S) FOR MINOR CONSTRUCTION AND RENOVATION SERVICES, IFB B020052-DM, AND TAKE APPROPRIATE ACTION. (FM) (COMMISSIONER GOMEZ) (10:03 AM)

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

23. APPROVE AWARD OF A QISV (QUALIFIED INFORMATION SYSTEM VENDOR) STATE CATALOG PURCHASE TO ABC TECHNOLOGIES, INC. FOR PURCHASE OF THE OROS SOFTWARE LICENSE SUPPORT AND SERVICES AGREEMENT. (TNR) (COMMISSIONER GOMEZ) (10:03 AM)

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

24. APPROVE CONTRACT AWARD FOR LIQUID CHROMATOGRAPH/MASS SPECTROMETER (LCMS) SYSTEM, RFP NO. P020044-RV, TO THE QUALIFIED RESPONDENT, THE PERKINS ELMER CORPORATION D/B/A APPLIED BIOSYSTEMS. (MEDICAL EXAMINER'S OFFICE) (COMMISSIONER GOMEZ) (10:03 AM)

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

25. APPROVE LEASE OF A XEROX DOCUMENT CENTRE 490SL DIGITAL COPIER OFF STATE CATALOG (QISV) FROM XEROX. (RECORDS MANAGEMENT) (COMMISSIONER GOMEZ) (10:03 AM)

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

26. APPROVE CONTRACT AWARD FOR DURABLE MEDICAL EQUIPMENT TO ENROLLEES OF THE TRAVIS COUNTY RURAL MEDICAL ASSISTANCE PROGRAM (MAP), IFB VD02100021, TO THE SOLE BIDDER, D&L MEDICAL PRODUCTS. (ATCHHS) (COMMISSIONER GOMEZ) (10:03 AM)

Clerk's Note: Item 26 added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

27. APPROVE CONTRACT AWARDS FOR COURTROOM FURNITURE RESTORATION TO THE LOW RESPONSIVE BIDDERS, FURNITURE MEDIC (GROUPS A AND B) AND DESIGNER'S REFINISHING (GROUP C). (FACILITIES MANAGEMENT, DISTRICT COURTS) (COMMISSIONER GOMEZ) (10:03 AM)

Clerk's Note: Item 27 added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

28. APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 00T0265-RV, RAY MOJICA PLUMBING, HEATING & AIR CONDITIONING, FOR PLUMBING-TIME AND MATERIALS; CONTRACT APPROVED ON 5/23/00. (COUNTYWIDE) (COMMISSIONER GOMEZ) (10:03 AM)

Clerk's Note: Item 28 added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

29. APPROVE 12-MONTH EXTENSIONS (MODIFICATION NO. 2 AS INDICATED BELOW) FOR FLOOR COVERING-TIME AND MATERIALS AND ADD LINE ITEMS 16 AND 17 TO CONTRACT NO. 00T0195-JP, CONTRACTS APPROVED ON 4/24/00. (FACILITIES MANAGEMENT) (COMMISSIONER GOMEZ) (10:03 AM)

A. CONTRACT NO. 00T0195-JP, CDC CARPETS; AND

B. CONTRACT NO. 00T0196-JP, K AND K CARPET INSTALLATION.

Clerk's Note: Items 29.A and B added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

30. APPROVE 12-MONTH EXTENSIONS (MODIFICATION NO. 1) TO THE FOLLOWING CONTRACTS FOR SURFACE AGGREGATES, GRADES 4 AND 5; CONTRACTS APPROVED ON 5/29/00. (TNR) (COMMISSIONER GOMEZ) (10:03 AM)

A. CONTRACT NO. 01T0141-RV, SHALLOW FORD CONSTRUCTION CO., INC.; AND

B. CONTRACT NO. 01T0142-RV, VULCAN CONSTRUCTION MATERIALS.

Clerk's Note: Items 30.A and B added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

OTHER ITEMS

31. DISCUSS STATUS, NECESSARY CONTRACT MODIFICATIONS AND RELATED ISSUES ON THE CRIMINAL JUSTICE PROGRAM (CJP) PROJECTS, AND TAKE APPROPRIATE ACTION. (2:48 PM)

No action necessary on Item 31.

32. DISCUSS AND TAKE APPROPRIATE ACTION ON ITEMS RELATED TO THE CONDUCT OF THE MARCH 12, 2002 JOINT PRIMARY ELECTIONS. (5:21 PM)

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

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to approve the license agreement for the use of the early voting location Texpresso and the third party liability agreement for the owner of the shopping center where Texpresso is located.

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

33. APPROVE ORDER DESIGNATING POLLING PLACES FOR THE MARCH 12, 2002 PRIMARY ELECTIONS AND OTHER RELATED ISSUES AND TAKE APPROPRIATE ACTION. (5:22 PM)

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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to approve the order designating polling places, combining precinct 113 at precinct 112, precinct 166 at precinct 164, precinct 267 at precinct 208, and to change the location of the precinct 320 polling place to the Lakeway Church at 2203 Lakeway Blvd.

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

Item 33 to be reposted on March 12, 2002.

34. CONSIDER COUNTY POLICY COVERING THE DISPLAY OF LITERATURE IN COUNTY COURTS AND ADMINISTRATIVE BUILDINGS, AND TAKE APPROPRIATE ACTION. (2:49 PM) (5:55 PM)

Clerk's Note: Agenda Item 34 is the action item for the public hearing on Item 1.

Judge Biscoe announced that Item 34 would be considered in Executive Session pursuant to Gov't Code Ann 551.071, Consultation with Attorney.

Item 34 to be reposted on March 12, 2002.

35. APPROVE MANAGEMENT REPRESENTATION LETTER TO BE PROVIDED TO DELOITTE & TOUCHE, LLP REGARDING FY '01 COUNTYWIDE ANNUAL FINANCIAL AUDIT. (10:03 AM)

Clerk's Note: Item 35 added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

36. CONSIDER REQUEST FROM COUNTY AUDITOR FOR FLEXIBILITY TO INCREASE SALARIES IN HER OFFICE BEYOND THE 5% PER ASSISTANT AS LONG AS THE TOTAL ANNUAL BUDGET APPROVED BY THE DISTRICT JUDGES PLUS ADDITIONS APPROVED BY THE COMMISSIONERS COURT IS NOT EXCEEDED, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (1:59 PM)

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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Item 36.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	no
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

37. APPROVE ORDER GIVING CONSENT TO A PROJECT FOR PHOENIX HOUSES OF TEXAS, INC. TO BE FINANCED BY THE MILAM COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION, AND TAKE APPROPRIATE ACTION. (9:13 AM) (1:42 PM)

Members of the Court heard from: Cliff Blount, Attorney for the Corporations.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Item 37.

Motion carried:

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

38. APPROVE UTILITY DATABASE CONFIDENTIALITY AGREEMENT AND RELATED DOCUMENTS, AND TAKE APPROPRIATE ACTION. (I.T.S.) (10:03 AM)

Clerk's Note: Item 38 added to the Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

39. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (10:03 AM)

Clerk's Note: Item 39 added to the Consent Items. Please refer to 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

40. A. RECEIVE BRIEFING FROM COUNTY ATTORNEY'S OFFICE REGARDING CLAIMS RECEIVED FROM CONTRACTORS FOR THE CRIMINAL JUSTICE PROGRAM, AND TAKE APPROPRIATE ACTION. ¹ (2:49 PM)
(5:56 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. ¹

Clerk's Note: Items 40.A and B are associated with one another and were called for concurrent discussion.

Judge Biscoe announced that Items 40.A and B would be considered in Executive Session.

Members of the Court heard from: Eric Shepperd, Assistant County Attorney.

Motion by Commissioner Sonleitner **and seconded by** Judge Biscoe to approve preliminary approval of the settlement in the amount of \$383,000.00 with Victoria Air Conditioning, contingent upon acceptable language being brought back to the Commissioners Court for final approval; and to authorize the County Attorney's Office to try to seek a document that will be re-presented to the Commissioners Court for a second look.

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

Items 40.A and B to be reposted on March 12, 2002.

41. DISCUSS, APPROVE OR TAKE ANY APPROPRIATE ACTION REGARDING REAL ESTATE ISSUES RELATED TO WEST NINTH STREET. ² (2:49 PM) (5:57 PM)

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

Motion by Commissioner Sonleitner **and seconded by** Judge Biscoe that the Real Estate Manager be authorized to pursue a sublease of approximately 720 square feet of space in West 9th Street, so long as it is turned over as is, in terms of its condition.

Motion carried:

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

42. DISCUSS, APPROVE OR TAKE APPROPRIATE ACTION REGARDING REAL ESTATE ISSUES RELATED TO NORTH RURAL COMMUNITY CENTER AND CLINIC. ² (2:49 PM) (5:58 PM)

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

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis that we direct the appropriate Facilities Management Staff to work with the County Attorney to develop a purchase contract, to submit a purchase contract in the amount of \$636,000.00, to authorize Commissioner Sonleitner to sign that contract for the County, and to authorize Judge Biscoe to execute a brokers agreement on behalf of Travis County; it is a professional services agreement with NAICIP, related to our brokerage services.

Motion carried:

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

43. DISCUSS, APPROVE OR TAKE APPROPRIATE ACTION REGARDING REAL ESTATE ISSUES RELATED TO WEST RURAL COMMUNITY CENTER AND CLINIC. ² (2:49 PM) (5:59 PM)

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

Item 43 to be reposted on March 12, 2002.

44. RECEIVE BRIEFING FROM COUNTY ATTORNEY ON COURT OF APPEALS RULING ON COUNTY'S STATUTORY AUTHORITY TO REVISE SUBDIVISION PLATS, AND TAKE APPROPRIATE ACTION. (COMMISSIONER MOORE) ¹ (2:49 PM) (5:59 PM)

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

Motion by Commissioner Moore **and seconded by** Commissioner Sonleitner that we instruct Staff to bring these individual cases to us with an evaluation of our exposure in each case so we can make decisions that will allow these different owners with these problems to find some resolution; and, at the same time, whatever legal and legislative remedies we think are appropriate, to resolve this issue for the County.

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

45. A. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, COUNTER-OFFER OR SETTLEMENT OFFER AND/OR TAKE APPROPRIATE ACTION IN JAIME BEAMAN, AIA, INC., D/B/A CASABELLA ARCHITECTS VS. TRAVIS COUNTY, TEXAS. (CONSTRUCTION/CONTRACT SUIT) ¹ (2:49 PM) (6:00 PM)
- B. AUTHORIZE COUNTY ATTORNEY TO HIRE EXPERT(S) REGARDING JAIME BEAMAN, AIA, INC., D/B/A CASABELLA ARCHITECTS VS. TRAVIS COUNTY, TEXAS. (CONSTRUCTION/CONTRACT SUIT) ¹
- C. DESIGNATE TRAVIS COUNTY REPRESENTATIVE FOR DEPOSITION IN JAIME BEAMAN, AIA, INC., D/B/A CASABELLA ARCHITECTS VS. TRAVIS COUNTY, TEXAS. (CONSTRUCTION/CONTRACT SUIT) ¹

Clerk's Note: Items 45.A, B, and C are associated with one another and were called for concurrent discussion.

Judge Biscoe announced that Items 45.A, B, and C would be considered in Executive Session.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez that we authorize the County Attorney's Office to communicate to the architects, a counteroffer, to settle this matter for the amount of \$23,250.00, for the reasons we discussed; also, that we authorize the County Attorney, in Item 45.B, to hire appropriate experts if that amount is rejected, or, to set in motion the hiring of the experts; as well as to designate Roger El Khoury, Facilities Management, as the County representative for the deposition in this case.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
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 AND/OR TAKE APPROPRIATE ACTION IN REYNALDO MACIAS, SR. ET AL. V. TRAVIS COUNTY, ET AL. ¹ (2:49 PM) (6:01 PM)

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

Motion by Judge Biscoe **and seconded by** Commissioner Gómez that we authorize the County Attorney's Office to communicate our willingness to settle this matter for the aggregate amount of \$5,000.00, which would cover all plaintiffs in this case; and, that they initiate the process necessary to hire a guardian ad litem to represent those younger than 18 years old; and, to indicate Travis County's willingness to absorb that cost for the simple reason that it's impossible for us to resolve this matter without the young ones being represented.

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

47. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION IN FREDRICK PLUET, (DECEASED) V. MARGO FRASIER, ET AL. (CIVIL RIGHTS). ¹ (2:49 PM) (6:02 PM)

Judge Biscoe announced that Item 47 would be considered in Executive Session.

Motion by Judge Biscoe and seconded by Commissioner Moore to communicate to Sheriff Frasier, our belief that the contract employee should plan to hire her own attorney; that, in our view, Travis County ought to secure outside counsel for Larson and Barnes, the contract employee was Smith; and, that we are having a difficult time seeing a conflict of interest between Moore and the Sheriff, and so, we need a little more information on that one.

Maker accept the Friendly Amendment by Commissioner Moore that, by next week, the County Attorney might make a recommendation as to outside counsel.

Acceptance of the Friendly Amendment was made by Judge Biscoe.

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

Item 47 to be reposted on March 12, 2002.

48. RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING TRAVIS COUNTY V. ARK MUSIC, INC. AND TAKE APPROPRIATE ACTION. ¹ (2:49 PM) (6:03 PM)

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

No action necessary on Item 48.

ADJOURNMENT

Motion by Commissioner Davis **and seconded by** Commissioner Moore to adjourn the Voting Session. (6:03 PM)

Motion carried:	County Judge Samuel T. Biscoe	yes
	Precinct 1, Commissioner Ron Davis	yes
	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

Date of Approval

Samuel T. Biscoe, Travis County Judge