

MINUTES – JULY 2, 2002

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 2nd day of July, 2002, the Commissioners' Court convened the regular Voting Session at 9:16 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 at the Voting Session at 12:04 PM.

The Commissioners' Court reconvened the Voting Session at 1:36 PM.

The Commissioners' Court retired to Executive Session at 2:54 PM.

The Commissioners' Court reconvened the Voting Session at 4:33 PM.

The Commissioners' Court adjourned the Voting Session at 5:23 PM.

RESOLUTIONS AND PROCLAMATIONS

1. APPROVE PROCLAMATION RECOGNIZING THE TRAVIS COUNTY MEDICAL EXAMINER'S OFFICE TWENTY-FIFTH ANNIVERSARY. (9:16 AM)

Members of the Court heard from: Dr. Roberto Bayardo, Travis County Medical Examiner.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the proclamation.

Motion carried:

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| 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 |

CONSENT ITEMS CONTINUED

- C6.** APPROVE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES FOR A NEW PART OF IMPERIAL DRIVE NORTH IN PRECINCT ONE. (COMMISSIONER DAVIS)

- C7.** APPROVE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES FOR COMMONS FORD CANYON, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER MOORE)

- C8.** APPROVE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES IN CAMBRIDGE HEIGHTS PHASE A SECTION 4 AND PHASE B SECTIONS 2, 3 AND 4, FOUR SUBDIVISION IN PRECINCT TWO. (COMMISSIONER SONLEITNER)

- C9.** APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: WESTMINSTER GLEN PHASE III (LONG FORM PLAT – 52 LOTS – 99.273 ACRES – CITY PARK ROAD – FISCAL POSTED WITH CITY OF AUSTIN – SEWAGE SERVICE TO BE PROVIDED BY WEST TRAVIS COUNTY REGIONAL WATER SYSTEM (LCRA) – CITY OF AUSTIN ETJ). (COMMISSIONER MOORE)

- C10.** APPROVE SETTING A PUBLIC HEARING DATE OF JULY 9, 2002 TO DISCUSS AND APPROVE CLOSURE OF BLUE BLUFF ROAD BETWEEN OLD HIGHWAY 20 AND LINDELL LANE FOR THE DURATION OF THE RECONSTRUCTION OF BRIDGE #169 IN PRECINCT ONE. (COMMISSIONER DAVIS)

- C11.** APPROVE SETTING A PUBLIC HEARING DATE OF AUGUST 6, 2002 TO:
 - A.** APPROVE THE PARTIAL CANCELLATION OF STEINER RANCH PHASE 1 IRRIGATION TRACT;

 - B.** APPROVE THE TOTAL VACATION OF REPLAT OF LOT 2 OF STEINER RANCH PHASE 1 IRRIGATION PLAT; AND

 - C.** APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: SECOND REPLAT OF LOT 2 STEINER RANCH PHASE 1 IRRIGATION PLAT (LONG FORM PLAT - 1 LOT – 723.39 ACRES – QUINLAN PARK ROAD – TRUST DEED WITH TRAVIS COUNTY - SEWAGE SERVICE TO BE PROVIDED BY WCID 17 - CITY OF AUSTIN ETJ.) (COMMISSIONER MOORE)

2. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING THE PROHIBITION OF OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:38 AM)

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

Motion by Judge Biscoe and seconded by Commissioner Davis to follow Staff's recommendation and execute the proposed order to lift the prohibition of outdoor burning in the unincorporated areas, and also the prohibition against the use and sale of the restricted fireworks in the unincorporated areas of Travis County.

Motion carried:

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| 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 |

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

3. RECONSIDER ALL OPTIONS ON HOW TO PROCEED WITH WORK ON TRAVIS COUNTY SOLID WASTE SITING ORDINANCE, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE AND COMMISSIONER DAVIS) (9:48 AM) (2:54 PM) (4:34 PM)

Members of the Court heard from: Tom Nuckols, Assistant County Attorney; Bob Gregory, CEO, Principal Owner, Texas Disposal Systems; JD Porter, member, CAPCO; Joyce Best, North East Austin Resident; Melanie McAfee, Owner, Barr Mansion; Mark McAfee, Owner, Barr Mansion; Paul Gosselink, Attorney, BFI; Kristina Kubeck, Secretary, Walnut Place Neighborhood Association; Mark Rose, Consultant, BFI; John Joseph, Attorney, Waste Management; David Samuelson, President, Blackland Prairie Concerned Citizens Association; and Wilford Williams, member, Harris Branch.

Clerk's Note: Judge Biscoe announced that Item 3 would be considered in Executive Session pursuant to Gov't Code Ann 551.071, Consultation with Attorney.

Discussion Only. No action was taken.

Item 3 to be reposted on July 9, 2002.

- 4. APPROVE A PLAT VACATION AND REPLAT FOR RECORDING IN PRECINCT TWO: ASHTON WOODS - (SHORT FORM PLAT - 1 LOT – 16.057 ACRES – MCNEIL DRIVE – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – COA ETJ). (COMMISSIONER SONLEITNER) (9:39 AM)

Members of the Court heard from: Jim Wagner, McNeil Drive Neighborhood Association; and Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR).

Motion by Commissioner Sonleitner **and seconded by** Commissioner Moore to approve the plat vacation and the replat, with the understanding that Travis County and the City of Austin will continue to work with the neighborhood to resolve the issues that are really site development issues, and not related to the plat.

Motion carried:

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| 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 THE RELEASE OF ESCROW ASSOCIATED WITH A CASH SECURITY AGREEMENT PROVIDED TO TRAVIS COUNTY FOR A TRAFFIC SIGNAL AT FM 1825 AND SARAH’S CREEK DRIVE, IN PRECINCT TWO. (COMMISSIONER SONLEITNER) (9:37 AM)

Item 5 pulled from the Agenda.

- 6. APPROVE GRANTING OF AN EASEMENT TO BLUEBONNET ELECTRIC COOPERATIVE, INC. FOR PROVIDING AN ELECTRIC UTILITY LINE TO THE SOUTHEAST METRO PARK MAINTENANCE BUILDING. (COMMISSIONER GOMEZ) (9:34 AM)

Clerk’s Note: Item 6 added to Consent Items. Please refer to Consent Items for the Court’s Motion and Vote.

ADMINISTRATIVE OPERATIONS ITEMS

7. **A.** REVIEW AND APPROVE TUITION REFUNDS FOR EMPLOYEES WHO HAVE COMPLETED CLASSES IN ACCORDANCE WITH TUITION REIMBURSEMENT POLICY §10.021. (9:34 AM)
- B.** APPROVE REQUISITION AND AUTHORIZE THE COUNTY AUDITOR AND TREASURER’S OFFICE TO REIMBURSE EMPLOYEES AS LISTED.

Clerk’s Note: Items 7.A and B added to Consent Items. Please refer to Consent Items for the Court’s Motion and Vote.

8. CONSIDER REVISION TO TRAVIS COUNTY CODE, SECTION 10.060, SALARY CONTINUATION POLICY ADDENDUM, APPLICABLE FOR LAW ENFORCEMENT OFFICERS INJURED DURING PERFORMANCE OF OFFICIAL DUTIES, TO COMPLY WITH ARTICLE 3, SECTION 52e OF THE CONSTITUTION OF THE STATE OF TEXAS, AND TAKE APPROPRIATE ACTION. (9:34 AM)

Clerk’s Note: Item 8 added to Consent Items. Please refer to Consent Items for the Court’s Motion and Vote.

ITEM 9 CONTINUED

9. B. DISCUSS AND TAKE APPROPRIATE ACTION TO AUTHORIZE RENEWAL OF UNITED HEALTHCARE AGREEMENTS EFFECTIVE OCTOBER 1, 2002 FOR: (2:01 PM)
1. ADMINISTRATIVE SERVICES AGREEMENT;
 2. CUSTOMER SERVICE REPORTING AND INTERNET ACCESS AGREEMENT;
 3. AGREEMENT COLLATERAL TO POLICY FOR EXCESS RISK COVERAGE; AND
 4. COBRA ADMINISTRATION/RETIREE BILLING ADMINISTRATION AGREEMENT.

Members of the Court heard from: Dan Mansour, Risk Manager, HRMD.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to renew the four contracts under Item 9.B.

Motion carried:

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| 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. C. 1. DISCUSS AND TAKE APPROPRIATE ACTION TO HOLD A PUBLIC HEARING FOR ACTIVE COUNTY EMPLOYEES AND RETIREES ON HEALTHCARE BENEFITS ON WEDNESDAY, JULY 10, 2002 AT 4:00 P.M. IN THE COMMISSIONERS COURTROOM. (1:37 PM)

Members of the Court agreed to consider one Motion for Items 9.A and 9.C.1. Please refer to Item 9.A for a summary of the Court Motion and Vote.

- 10.** 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 \$463,758.12 FOR THE PERIOD OF JUNE 14, 2002 THROUGH JUNE 20, 2002. (9:34 AM)

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

- 11.** REVIEW AND APPROVE THE FOLLOWING LIABILITY CLAIM RECOMMENDATION: (9:34 AM)

A. AUSTIN ICE BATS - SETTLE

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

- 12.** APPROVE PERSONNEL AMENDMENTS. (9:34 AM)

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

PLANNING AND BUDGET DEPT. ITEMS

13. REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE:

A. APPROVE GRANT APPLICATION TO THE TEXAS DEPARTMENT ON AGING FOR THE RETIRED SENIOR VOLUNTEERS PROGRAM (RSVP) IN HEALTH AND HUMAN SERVICES DEPARTMENT. THE APPLICATION IS TO CONTINUE THE PROGRAM FOR FY 03. (9:34 AM)

Clerk’s Note: Item 13.A added to Consent Items. Please refer to Consent Items for the Court’s Motion and Vote.

B. APPROVE GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE FOR THE 2002 LOCAL LAW ENFORCEMENT BLOCK GRANT IN THE SHERIFF’S OFFICE. THE GRANT APPLICATION IS TO CONTINUE THE PROGRAM. (2:38 PM)

Members of the Court heard from: Margo Frasier, Travis County Sheriff.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the application in Item 13.B.

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| 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 |

C. APPROVE REVISED GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR CRIMINAL JUSTICE DIVISION FOR A DRUG COURT PROGRAM IN THE CRIMINAL COURTS. THE GRANT REVISION INCREASES THE AMOUNT OF GRANT FUNDS REQUESTED. (9:34 AM)

Clerk’s Note: Item 13.C added to Consent Items. Please refer to Consent Items for the Court’s Motion and Vote.

14. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (9:34 AM)

Clerk's Note: Item 14 added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

JUSTICE AND PUBLIC SAFETY ITEMS

15. CONSIDER ANTENNA LICENSE AGREEMENT WITH RONALD G. SCHWIER, SR., MELODY M. SCHWIER AND RONALD G. SCHWIER, JR. FOR THE USE OF A PARCEL OF LAND AS A RADIO ANTENNA TOWER SITE FOR THE 9-1-1 RDMT REGIONAL TRUNKED RADIO PROJECT, AND TAKE APPROPRIATE ACTION. (9:34 AM)

Clerk's Note: Item 15 added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

HEALTH AND HUMAN SERVICES DEPT. ITEMS

16. CONSIDER PURCHASE OF OFFICE FURNITURE FOR THE NEWLY RENOVATED HOUSING SERVICES OFFICES AT 5201 CESAR CHAVEZ AND TAKE APPROPRIATE ACTION. (2:26 PM)

Members of the Court heard from: Arlene Tillman, Director, Administrative Services, Travis County Health and Human Services (TCHHS); Valerie Spinelli, Budget Analyst, Planning and Budget Office (PBO); and Bob Petersen, Housing Services Manager, TCHHS.

Discussion Only. No action was taken.

17. CONSIDER ACCEPTANCE OF GRANT FROM THE CHILDREN'S PARTNERSHIP, AND TAKE APPROPRIATE ACTION. (9:48 AM)

Item 17 postponed until July 9, 2002.

PURCHASING OFFICE ITEMS

- 18. DISCUSS AND TAKE APPROPRIATE ACTION ON RFP #P020068-OJ, TELECOMMUNICATIONS SERVICES FOR TRAVIS COUNTY, FOR PAY PHONE SERVICES FOR INMATES AND THE PUBLIC. (COMMISSIONER GOMEZ) (2:32 PM) (2:54 PM) (4:56 PM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; John Hille, Assistant County Attorney; Bill Campbell, Travis County Auditor’s Office; Susan Spataro, Travis County Auditor; Oralia Jones, Purchasing; and Walter Lagrone, Information and Telecommunications Systems (ITS).

Clerk’s Note: Judge Biscoe announced that Item 18 would be considered in Executive Session pursuant to Gov’t Code Ann 551.071, Consultation with Attorney and Gov’t Code Ann 551.076, Security.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis that Travis County pursue a final and best negotiated contract with Evercom.

Motion carried:

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

- 19. APPROVE ORDER EXEMPTING CONTRACT FOR PROFESSIONAL ARCHITECTURAL/ ENGINEERING DESIGN SERVICES WITH LOOMIS AUSTIN, INC. FOR THE KENNEDY RIDGE DRAINAGE PROJECT, PURSUANT TO COUNTY PURCHASING ACT, TEX. LOC. GOVT. CODE ANN. SECTION 262.024 (a)(4), AND AUTHORIZE THE PURCHASING AGENT AND THE TNR EXECUTIVE MANAGER TO COMMENCE CONTRACT NEGOTIATIONS. (COMMISSIONER DAVIS) (9:34 AM)

Clerk’s Note: Item 19 added to Consent Items. Please refer to Consent Items for the Court’s Motion and Vote.

- 20.** APPROVE CONTRACT AWARD FOR MARK II SURVIVAIR UPGRADE, IFB B020108-MP, TO THE LOW BIDDER, KIMCO SERVICES, INC. (SHERIFF'S OFFICE) (COMMISSIONER GOMEZ) (9:34 AM)

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

- 21.** APPROVE PURCHASE OF LEXMARK PRINTERS, RFO-O020127-SP, OFF STATE CATALOG (QISV) FROM DELL MARKETING COMPUTER L.P. (I.T.S.) (COMMISSIONER GOMEZ) (9:34 AM)

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

- 22.** APPROVE A ONE (1)-MONTH EXTENSION (MODIFICATION NO. 5) TO CONTRACT NO. MA990141, IBM, FOR MAINTENANCE SUPPORT OF AS/400 HARDWARE; CONTRACT APPROVED ON 5/4/99. (I.T.S.) (COMMISSIONER GOMEZ) (9:34 AM)

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

- 23.** APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 1) TO INTERLOCAL AGREEMENT IL010138-LB BETWEEN THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER IN HOUSTON AND TRAVIS COUNTY FOR YOUTH VIOLENCE STUDY. (HHSD) (COMMISSIONER GOMEZ) (9:34 AM)

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

- 24.** DECLARE CERTAIN AIRCRAFT AND PRINTING EQUIPMENT AS SURPLUS PROPERTY, PURSUANT TO SECTION 263.151 ET.SEQ. OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (COMMISSIONER GOMEZ) (9:34 AM)

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

27. DISCUSS PROPOSAL TO ESTABLISH ONE DEBT SERVICE FUND AND TO SET ONE DEBT SERVICE TAX RATE AT THE TIME OF BUDGET APPROVAL, AND TAKE APPROPRIATE ACTION. (2:46 PM)

Members of the Court heard from: Susan Spataro, Travis County Auditor; Leroy Nellis, Budget Manager, PBO; and Nelda Wells Spears, Tax Assessor Collector.

Motion by Commissioner Moore **and seconded by** Commissioner Sonleitner to approve setting one rate.

Motion carried:

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| 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 |

28. ACCEPT DONATION IN THE AMOUNT OF \$100.00 FROM THE CONGREGATION BETH ISRAEL TO BE USED BY LAW ENFORCEMENT FOR CANINE SUPPLIES OR TRAINING. (SHERIFF'S OFFICE) (9:34 AM)

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

29. APPROVE REQUEST TO INCREASE EXISTING PETTY CASH FUND THAT ADVANCES EXPENDITURES NEEDED FOR EXTRADITION FROM \$1,500.00 TO \$3,500.00. (SHERIFF'S OFFICE) (2:50 PM)

Members of the Court heard from: Margo Frasier, Travis County Sheriff.

Discussion Only. No action was taken.

Item 29 to be reposted on July 9, 2002.

- 33.** RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING DEVELOPMENT OF PROPERTY AT 4404 BRANDT ROAD (H & H BALLROOM), AND TAKE APPROPRIATE ACTION. ¹ (2:54 PM) (4:34 PM)

Clerk's Note: Judge Biscoe announced that Item 33 would be considered in Executive Session.

Members of the Court heard from: Jody Mask, Attorney representing the Applicant; and Tom Nuckols, Assistant County Attorney.

Discussion Only. No action was taken.

- 34.** RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING ATTORNEY GENERAL'S OPINION JC-0518 REGARDING CITY AND COUNTY PLATTING JURISDICTION IN THE ETJ UNDER HB 1445, AND TAKE APPROPRIATE ACTION. ¹ (2:54 PM) (4:34 PM)

Clerk's Note: Judge Biscoe announced that Item 34 would be considered in Executive Session.

No action taken on Item 34.

- 35.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT OR COUNTER SETTLEMENT OFFER AND/OR TAKE APPROPRIATE ACTION IN OTIS DANIELS (FRASIER; PERSONAL INJURY). ¹ (2:54 PM) (4:34 PM)

Clerk's Note: Judge Biscoe announced that Item 35 would be considered in Executive Session.

Item 35 postponed until July 9, 2002.

- 36.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION IN FREDRICK PLUET (DECEASED) V. MARGO FRASIER, ET AL. (CIVIL RIGHTS). ¹ (2:54 PM)

Item 36 postponed until July 9, 2002.

