

MINUTES – JULY 16, 2002

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 16th day of July, 2002, the Commissioners' Court convened the regular Voting Session at 9:14 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 record notes that Precinct Three Commissioner Margaret Moore was not present during this Voting Session.

The Commissioners' Court recessed at the Voting Session at 12:01 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, called to order the Voting Session at 1:37 PM and adjourned at 1:39 PM.

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

The Commissioners' Court retired to Executive Session at 3:05 PM.

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

The Commissioners' Court adjourned the Voting Session at 3:56 PM.

PUBLIC HEARINGS

- 1. DISCUSS A PLAT FOR RECORDING IN PRECINCT THREE: REPLAT OF LOT 29 OF THE RESUBDIVISION OF LOTS 27, 28 AND 29, BARTON CREEK LAKESIDE, PHASE ONE (SHORT FORM PLAT – 1 LOT – 1.008 ACRES – WATERFALL HILL PARKWAY – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY LCRA - NO ETJ. (COMMISSIONER MOORE) (9:14 AM)

Clerk’s Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 13 for the Court’s Motion and Vote.

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 | yes |
| Precinct 2, Commissioner Karen Sonleitner | yes |
| Precinct 3, Commissioner Margaret Moore | absent |
| 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 | yes |
| Precinct 2, Commissioner Karen Sonleitner | yes |
| Precinct 3, Commissioner Margaret Moore | absent |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

RESOLUTIONS & PROCLAMATIONS

2. APPROVE AND PRESENT RESOLUTION DECLARING JULY 14 - 20, 2002 AS “ADULT PROBATION OFFICERS’ WEEK” IN TRAVIS COUNTY. (9:16 AM)

Members of the Court heard from: Jim Rust, Director, Pre-Trial Services; and Rosie Ramon-Duran, Community Services and Corrections Department (CSCD).

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the resolution in Item 2.

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 | absent |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

CITIZENS COMMUNICATION

Members of the Court heard from: Gus Peña, President, East Austin Concerned Hispanics; Lucio Peña, Travis County Resident; Kenneth Snyder, Resident, Northridge Acres; Thelma Wade, Travis County Resident; Rick Kieffer, Harris Branch Resident; Krista Gonzalez-Pelayo, Harris Branch Resident; Joyce Best, Travis County Resident; Trek English, President, Northeast Action Group; Joan Mayfield, Harris Branch Resident; Joyce Thoresen, Walnut Place Neighborhood Association; and Sheila Kannappan, Harris Branch Resident. (9:22 AM)

ADMINISTRATIVE OPERATIONS ITEMS

- 5. **A.** RECEIVE CLASSIFICATION AND COMPENSATION STRATEGIC PLAN, JOB ANALYSIS RESULTS AND RECOMMENDATIONS, AND TAKE APPROPRIATE ACTION. (9:30 AM)

- B.** RECEIVE INFORMATION ON THE FY'03 BUDGET IMPACT FOR FY'03 JOB ANALYSIS RESULTS AND RECOMMENDATIONS ON CURRENT COMPENSATION POLICIES AND PRACTICES, AND TAKE APPROPRIATE ACTION.

Items 5.A and B postponed until July 23, 2002.

- 6. DISCUSS AND TAKE APPROPRIATE ACTION ON THE FOLLOWING: (10:49 AM)

- A.** T-FLEX PLAN FOR FLEXIBLE SPENDING ACCOUNTS
 - 1. AMENDMENT AND RESTATEMENT OF PLAN DOCUMENT
 - 2. SUMMARY PLAN DESCRIPTION

- B.** T-FLEX PLAN - ADJUST BEFORE TAXES (ABT)
 - 1. AMENDMENT AND STATEMENT OF PLAN DOCUMENT
 - 2. SUMMARY PLAN DESCRIPTION

Clerk's Note: Items 6.A and B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; and Barbara Wilson, Assistant County Attorney.

Motion by Judge Biscoe and seconded by Commissioner Davis to approve the amendment and restatement of plan document and plan summary description for T-Flex Plan, and authorize publishing that and distributing it to Travis County Employees; and to approve the amendment and statement of the plan and the summary plan description for the T-Flex Plan-Adjust Before Taxes; and to approve Items 6.A and B in its entirety.

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 | absent |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

7. 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 \$409,328.91 FOR THE PERIOD OF JUNE 28, 2002 THROUGH JULY 3, 2002. (9:52 AM)

Clerk's Note: Item 7 added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

8. APPROVE PERSONNEL AMENDMENTS. (9:52 AM)

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

PLANNING AND BUDGET DEPT. ITEMS

9. REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE:
 - A. APPROVE GRANT CONTRACT AMENDMENT NO.1 WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE SYSTEMS BENEFIT FUND PROGRAM GRANT FOR FY 02 IN THE HEALTH AND HUMAN SERVICES DEPARTMENT. THE GRANT AMENDMENT INCREASES THE GRANT AWARD BY \$4,327. (9:52 AM)

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

10. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (9:52 AM)

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

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

- 11. CONSIDER INTERLOCAL AGREEMENT WITH DEL VALLE INDEPENDENT SCHOOL DISTRICT FOR A TRAFFIC SIGNAL ON ROSS ROAD AT THOME VALLEY ROAD, AND TAKE APPROPRIATE ACTION. (COMMISSIONER GOMEZ) (9:52 AM)

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

- 12. RECEIVE BRIEFING FROM TNR REGARDING DEVELOPMENT OF PROPERTY AT 4404 BRANDT ROAD (H&H BALLROOM), AND TAKE APPROPRIATE ACTION. (COMMISSIONER GOMEZ) (11:04 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Fred Dennick, Director, Planning and Engineering Services; Paul Webber, Bluff Springs Neighborhood Association; Robert McCullough, Bluff Springs Neighborhood Association; Carl York, Bluff Springs Neighborhood Association; and Stacey Scheffel, TNR.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to authorize the Transportation and Natural Resources Executive Director to re-issue the permit, and to authorize the signing of a letter acknowledging that they meet the requirements of the state law to have an exemption to platting, and to share this letter with interested persons.

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 | absent |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

Clerk’s Note: After testimony was heard from neighborhood residents, Commissioner Davis requested that the Commissioners’ Court record reflect a Corrected Vote on Item 12. Judge Biscoe instructed without objection that the record show Commissioner Davis voting against the Motion on Item 12. The Commissioners’ Court record does reflect the Corrected Vote.

CORRECTED VOTE:

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 | absent |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

13. APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: REPLAT OF LOT 29 OF THE RESUBDIVISION OF LOTS 27, 28 AND 29, BARTON CREEK LAKESIDE, PHASE ONE (SHORT FORM PLAT – 1 LOT – 1.008 ACRES – WATERFALL HILL PARKWAY – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY LCRA - NO ETJ. (COMMISSIONER MOORE) (9:52 AM)

Clerk's Note: Item 13 is the action item for the public hearing on Agenda Item 1.

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

PURCHASING OFFICE ITEMS

14. APPROVE REVISED SCOPE OF SERVICES (MODIFICATION NO.1) TO CONTRACT NO. PS020064-JW, SOUTHWEST KEY PROGRAM, FOR THE SERVICES OF A COMMUNITY COORDINATOR FOR THE JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM (JJAEP); CONTRACT APPROVED ON 12/26/01. (JUVENILE PROBATION) (COMMISSIONER GOMEZ) (9:52 AM)

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

15. APPROVE REVISED SCOPE OF SERVICES (MODIFDICATION NO. 3) TO CONTRACT PS010063-DR, CLEAN INVESTMENTS COUNSELING CENTER, FOR SUBSTANCE ABUSE COUNSELING AND TREATMENT SERVICES; CONTRACT APPROVED ON MAY 1, 2001. (DRUG COURT) (COMMISSIONER GOMEZ) (9:52 AM)

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

16. APPROVE PRICE INCREASE (MODIFICATION NO.4) TO CONTRACT NO. 00T0105-RG, METROCALL WIRELESS NETWORK, FOR RENTAL OF PAGERS; CONTRACT APPROVED ON 5/1/00. (COUNTYWIDE, RADIO USERS COMMITTEE) (COMMISSIONER GOMEZ) (9:52 AM)

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

17. APPROVE MODIFICATION NO.1 TO INTERLOCAL AGREEMENT (#IL020131-EF), CITY OF AUSTIN, FOR HOME WEATHERIZATION SERVICES FOR A REVISED CONTRACT EXPIRATION DATE. (HHSD) (COMMISSIONER GOMEZ) (9:52 AM)

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

18. APPROVE PURCHASE OF ARC SERVE MAINTENANCE AND SUPPORT FROM TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) THROUGH SHI GOVERNMENT SOLUTIONS. (I.T.S.) (COMMISSIONER GOMEZ) (9:52 AM)

Clerk's Note: Item 18 added to Consent Items. Please refer to Consent Items for the Court's Motion and Vote.

19. APPROVE MODIFICATION NO. 3 TO CONTRACT NO. PS010173-LC, FACTS COURT MANAGEMENT SYSTEM; CONTRACT APPROVED ON 6/26/01. (I.T.S.) (COMMISSIONER GOMEZ) (9:52 AM)

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

20. APPROVE MODIFICATION NO. 7 TO CONTRACT MA980095, TIBURON, SOFTWARE MAINTENANCE AGREEMENT; CONTRACT APPROVED ON 10/14/97. (I.T.S.) (COMMISSIONER GOMEZ) (9:52 AM)

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

- 23. RECEIVE UPDATE ON EFFORTS TO DETERMINE FEASIBILITY OF REGIONAL AND/OR TRAVIS COUNTY HOSPITAL DISTRICT, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (2:54 PM)

Clerk’s Note: The Court indicated that Judge Biscoe and Commissioner Sonleitner would join and participate in the committee to determine feasibility.

Discussion Only. No action was taken.

- 24. ACCEPT DONATION IN THE AMOUNT OF \$6,000.00 FROM SHADY HOLLOW MUNICIPAL UTILITY DISTRICT TO BE USED BY PRECINCT 3 CONSTABLE’S OFFICE FOR TRAINING TWO CANINES AND THEIR HANDLERS IN DRUG DETECTION AND TRACKING. (COMMISSIONER MOORE) (9:52 AM)

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

- 25. CONSIDER LEASE AGREEMENT FOR FOUR (4) HONDA PERSONAL WATERCRAFT FOR LAW ENFORCEMENT PATROL FUNCTIONS ON LAKE TRAVIS, AND TAKE APPROPRIATE ACTION. (COMMISSIONER MOORE) (2:52 PM)

Members of the Court heard from: Mike Hemby, Research Analyst, Travis County Sheriff’s Office (TCSO).

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve Item 25.

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 | absent |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

- 26. RECEIVE REVENUE AND EXPENDITURE REPORT FOR THE MONTH OF JUNE 2002. (AUDITOR’S OFFICE) (9:52 AM)

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

- 27.** APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:52 AM)

Clerk's Note: Item 27 added to 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

- 28.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION REGARDING FLUOR DANIEL, INC. V. TRAVIS COUNTY, TEXAS; NO. 02-50378; IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT (USDC CIVIL ACTION NO.A-00-CA-021-SS). ¹ (3:05 PM) (3:52 PM)

Clerk's Note: Judge Biscoe announced that Item 28 would be considered in Executive Session.

No action necessary on Item 28.

Item 28 to be reposted on July 23, 2002.

29. CONSIDER EXERCISE OF OPTION AGREEMENT TO ACQUIRE PROPERTY FOR AN EAST METROPOLITAN PARK LOCATED IN PRECINCT ONE, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAVIS) ^{1 AND 2} (3:05 PM) (3:52 PM)

Clerk’s Note: Judge Biscoe announced that Item 29 would be considered in Executive Session.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to instruct the Travis County Transportation and Natural Resources Staff to exercise the option agreement to acquire the Lawrence Tract property for the East Metro Park, for the amount of \$1,000,000.00.

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 | absent |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

30. APPROVE REVISION OF DEFINITION OF ELIGIBILITY OF DEPENDENTS BASED ON THE APPROVED SUMMARY PLAN DESCRIPTIONS FOR THE EPO AND PPO HEALTHCARE PLANS, AND TAKE APPROPRIATE ACTION. ^{1 AND 3} (3:05 PM) (3:53 PM)

Clerk’s Note: Judge Biscoe announced that Item 30 would be considered in Executive Session.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez that we approve the language that has been crafted by the County Attorney, Barbara Wilson, related to the added definitions of dependents.

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 | absent |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

31. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL. V. ED NEWBY FALKS (M & C BUILDERS, INC. RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (3:05 PM) (3:54 PM)

Clerk’s Note: Judge Biscoe announced that Item 31 would be considered in Executive Session.

Motion by Judge Biscoe and seconded by Commissioner Gómez that we approve the proposed tax resale deed to M & C Builders Incorporated, wherein we deed this property to him or the company for the sum of \$4,687.20 cash.

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 | absent |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

Motion by Judge Biscoe and seconded by Commissioner Gómez to authorize the County Judge to sign this deed on behalf of the Commissioners’ Court.

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 | absent |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

32. 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 (3:05 PM) (3:54 PM)

Clerk’s Note: Judge Biscoe announced that Item 32 would be considered in Executive Session.

No action necessary on Item 32.

Item 32 to be reposted on July 23, 2002.

33. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION IN FREDRICK PLUET (DECEASED) V. MARGO FRASIER, ET AL. (CIVIL RIGHTS) ¹ (3:05 PM) (3:54 PM)

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

Motion by Judge Biscoe and seconded by Commissioner Gómez that we authorize outside counsel, Tony Nelson, to represent, in addition to Mr. Larson, a Ms. Smith, who used to be a contract nurse with Travis County, and who has been made a defendant in this lawsuit, Fredrick Pluet (deceased) against Margo Frasier, et. al.; and that the rate of compensation will be the same as with Mr. Larson. Further, that we authorize him to take any and all action necessary to protect Ms. Smith and her rights, beginning today.

Maker and Second accept the Friendly Amendment by Commissioner Sonleitner to receive waivers of conflicts of interest by Mr. Larson and Ms. Smith, and a change about the bills being paid within 45 days.

Acceptance of the Friendly Amendment was made by Judge Biscoe 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 | absent |
| Precinct 4, Commissioner Margaret J. Gómez | yes |

