

MINUTES – OCTOBER 22, 2002

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 22nd day of October, 2002, the Commissioners' Court convened the regular Voting Session at 9:13 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger 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 11:43 AM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) called to order the Voting Session at 1:40 PM and adjourned the Voting Session at 1:40 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation called to order the Voting Session at 1:40 PM and adjourned at 1:47 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation, the Capital Health Facilities Development Corporation, and the Capital Industrial Development Corporation called to order the Voting Sessions at 1:47 PM and adjourned at 1:49 PM.

The Commissioners' Court reconvened the regular Voting Session at 1:49 PM.

The Commissioners' Court retired to Executive Session at 1:50 PM.

The Commissioners' Court reconvened the Voting Session at 2:08 PM.

The Commissioners' Court retired to Executive Session at 2:08 PM.

The Commissioners' Court reconvened the Voting Session at 2:25 PM.

The Commissioners' Court adjourned the Voting Session at 2:28 PM.

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C5, and Items 8, 9, 10, 12, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26.A and B, 27, 28.A, B, and C, 32, 33, and A2. (9:22 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.** APPOINT CATHY OLIVE TO THE ANIMAL ADVISORY COMMISSION TO REPLACE GUS GARCIA, JR., EFFECTIVE IMMEDIATELY. (COMMISSIONER GOMEZ)
- C4.** APPROVE A PLAT FOR RECORDING IN PRECINCT FOUR: MEADOWS AT BERDOLL PHASE ONE SECTION 1 - (LONG FORM PLAT – 90 LOTS – 35 ACRES – PEARCE LANE – FISCAL POSTED WITH THE CITY OF AUSTIN - SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN ETJ). (COMMISSIONER GOMEZ)
- C5.** APPROVE SETTING A PUBLIC HEARING DATE OF NOVEMBER 12, 2002 TO DISCUSS AND APPROVE ORDERS TO APPROVE THE VACATION OF TWO (2) DRAINAGE EASEMENTS, A DRAINAGE AND RIGHT-OF-WAY EASEMENT, AND TWO (2) PUBLIC UTILITY EASEMENTS IN PRECINCT ONE. (COMMISSIONER DAVIS)

JUSTICE AND PUBLIC SAFETY DEPT. ITEMS

3. RECEIVE BRIEFING ON STATUS OF THE TRAVIS COUNTY HAZARDOUS MATERIALS RESPONSE TEAM. (9:28 AM)

Members of the Court heard from: Pete Baldwin, Emergency Management Coordinator; Chief Ken Van Rens, Pedernales Emergency Services District (ESD); Lieutenant. Kenny Pailes, Hudson Bend Fire Department; Chief Ron Mullenburg, Pflugerville-Travis County ESD #2; and Chief Gary Warren, City of Austin Fire Department.

Discussion Only. No action taken.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

4. CONSIDER OPTIONS FOR TRAVIS COUNTY TO APPOINT BOARD MEMBERS TO A REGIONAL MOBILITY AUTHORITY, AND TAKE APPROPRIATE ACTION. (10:39 AM)

Members of the Court heard from: Tom Nuckols, Assistant County Attorney; and Carol Joseph, Assistant Director, TNR.

Discussion Only. No action taken.

Item 4 to be reposted on October 29, 2002.

5. CONSIDER APPOINTMENT OF MEMBER(S) TO THE INTERMUNICIPAL RAIL DISTRICT BOARD, AND TAKE APPROPRIATE ACTION. (COMMISSIONER MOORE) (10:58 AM)

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

Motion by Commissioner Gómez **and seconded by** Commissioner Moore to appoint Dave Marsh, Executive Director, Capital Area Rural Transportation System (CARTS), to serve on the Board.

Withdrawal of the previous Motion was made by Commissioner Gómez.

Discussion Only. No action taken.

Item 5 to be reposted on October 29, 2002.

- 6. RECEIVE BRIEFING REGARDING RECENT ACTIONS OF THE CAPITAL AREA REGIONAL TRANSPORTATION PLANNING ORGANIZATION (CARTPO), REQUEST FOR ACTION REGARDING CERTAIN PROJECTS, AND TAKE APPROPRIATE ACTION. (COMMISSIONER MOORE) (11:03 AM)

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

Motion by Judge Biscoe and seconded by Commissioner Moore that Travis County takes no position on the six projects currently being considered by CARTPO, because they are not part of our CAMPO priority list. However, we are aware that several representatives from our County have been actively involved in CARTPO meetings to date. Therefore, we are designating three of them as the voting members from Travis County, and trust them to exercise their judgment on matters to be discussed on the date of the CARTPO meeting.

An Addition to the previous Motion was made by Commissioner Moore that those members would be Bill Hamilton, Caroline Murphy, and George Blume.

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. DISCUSS PROPOSED AMENDMENTS TO CITY OF AUSTIN CODE RELATING TO HAZARDOUS PIPELINES, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (9:54 AM)

Members of the Court heard from: John Kuhl, Natural Resources Program Manager, TNR; Chief Gary Warren, City of Austin Fire Department; Tom Nuckols, Assistant County Attorney; and Holly Noelke, City of Austin Attorney’s Office.

Discussion Only. No action taken.

- 8. APPROVE AN ORDER TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE THE 7.5’ PUBLIC UTILITY EASEMENT ON EITHER SIDE OF THE COMMON LOT LINE BETWEEN LOTS 235 AND 236, BLOCK H, IMPERIAL VALLEY SECTION 2, A SUBDIVISION IN PRECINCT ONE. (COMMISSIONER DAVIS) (9:22 AM)

Clerk’s Note: Item 8 is the action item for the public hearing on Agenda Item 1.

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

9. APPROVE THE VACATION OF A PORTION OF THE RIGHT-OF-WAY OF GEBRON DRIVE IN CARDINAL HILLS UNIT 7, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER MOORE) (9:22 AM)

Clerk's Note: Item 9 is the action item for the public hearing on Agenda Item 2.

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

HEALTH AND HUMAN SERVICES DEPARTMENT

10. APPROVE DISTRIBUTION OF FLYER WITH COUNTY PAYROLL OF OCTOBER 31, 2002 ANNOUNCING THE R.S.V.P. SILVER BELLS HOLIDAY PROJECT BENEFITING INDIVIDUALS AND FAMILIES IN NEED. (9:22 AM)

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

PLANNING AND BUDGET DEPT. ITEMS

11. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (11:22 AM)

Members of the Court heard from: Christian Smith, Executive Manager, Planning and Budget Office (PBO); Roger El Khoury, Director, Facilities Management; and Alicia Perez, Executive Manager, Administrative Operations.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to approve T1-T25, and D1, everything on Budget Amendments and Transfers.

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

ADMINISTRATIVE OPERATIONS ITEMS

- 12. 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 \$489,754.55 FOR THE PERIOD OF OCTOBER 4, 2002 THROUGH OCTOBER 10, 2002. (9:22 AM)

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

- 13. APPROVE PERSONNEL AMENDMENTS. (11:30 AM)

Members of the Court heard from: Norman McRee, Budget/Process Improvement Analyst, Human Resources Management Department (HRMD); Dan Richards, Chief Deputy, Travis County Sheriff’s Office (TCSO); Patty Eacret, Director, Fiscal and Personnel, TCSO; and Stacy Suits, Deputy Constable, Precinct 3 Office.

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to approve the Sheriff’s non-routine personnel amendments.

Maker and Second accept the Friendly Amendment by Commissioner Davis to come back and modify the Peace Officers Pay Scale (POPS) continuation policy.

Acceptance of the Friendly Amendment was made by Judge Biscoe and Commissioner Sonleitner.

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 Judge Biscoe **and seconded by** Commissioner Gómez to approve the Constable Precinct 3 non-routine personnel amendment.

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

- 17.** APPROVE AWARD OF CONTRACT NO. PS020281-LB FOR PROFESSIONAL INMATE PSYCHIATRIC SERVICES TO JOHN S. FORD, M.D. (SHERIFF) (COMMISSIONER GOMEZ) (11:29 AM)

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

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve Item 17.

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

- 18.** APPROVE PURCHASE OF MAIL SERVICES OFF STATE CONTRACT FROM REGIONAL MAIL SERVICES. (RCMR) (COMMISSIONER GOMEZ) (9:22 AM)

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

- 19.** APPROVE TWO (2) 30-DAY EXTENSIONS (MODIFICATION NO. 7) TO CONTRACT NO. MA990231, CSU, FOR MAINTENANCE OF KODAK PHOTOCOPIERS. (RCMR) (COMMISSIONER GOMEZ) (9:22 AM)

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

- 20.** APPROVE PURCHASE OF NOVELL SOFTWARE LICENSING AND MAINTENANCE SUPPORT FROM TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) THROUGH SHI GOVERNMENT SOLUTIONS. (I.T.S.) (COMMISSIONER GOMEZ) (9:22 AM)

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

21. APPROVE CONTRACT AWARD FOR THE PROVISION OF CONSTRUCTION SERVICES FOR THE DOYLE-EILERS ROAD AND DRAINAGE IMPROVEMENTS PROJECT, IFB #B020135-JJ, TO THE LOW BIDDER, CAMP EXCAVATION AND CONTRACTING, INC. (TNR) (COMMISSIONER GOMEZ) (9:22 AM)

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

22. APPROVE CONTRACT AWARD FOR PEST CONTROL SERVICES, IFB #020155-RG, TO THE LOW BIDDER, BEETLES PEST CONTROL. (FACILITIES MGMT) (COMMISSIONER GOMEZ) (9:22 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 CONTRACT NO. 02T00067-LD, ARNOLD OIL, FOR AUTOMOTIVE STORAGE BATTERIES. (TNR) (COMMISSIONER GOMEZ) (9:22 AM)

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

24. APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 2) TO CONTRACT NO. 01T0026-TF, AVNET NETWORK SOLUTION DIVISION, FOR CISCO NETWORKING PRODUCTS/SERVICES. (I.T.S.) (COMMISSIONER GOMEZ) (9:22 AM)

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

25. APPROVE CONTRACT AWARD FOR THE PROVISION OF CONSTRUCTION SERVICES FOR THE HAMILTON POOL SERVICE ROAD IMPROVEMENTS PROJECT, IFB #B020159-JJ, TO THE LOW BIDDER, BOMANITE OF AUSTIN, LTD. (TNR) (COMMISSIONER GOMEZ) (9:22 AM)

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

26. APPROVE 12-MONTH EXTENSIONS (MODIFICATION NO. 1) TO THE FOLLOWING CONTRACTS FOR ASPHALTIC ROAD MATERIALS; CONTRACTS APPROVED ON JANUARY 15, 2002. (TNR) (COMMISSIONER GOMEZ) (9:22 AM)

- A. NO. 02T00094-EH, CAPITOL AGGREGATES, LTD.; AND
- B. NO. 02T00095-EH, INDUSTRIAL ASPHALT, INC.

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

27. APPROVE CONTRACT AWARD FOR THE PROVISION OF CONSTRUCTION SERVICES FOR THE SOUTHEAST METRO PARK CONSTRUCTION PROJECT, PHASE IIII, PROJECT 2, IFB #B020128-JJ, TO THE LOW BIDDER, SOUTHWEST CORP. (TNR) (COMMISSIONER GOMEZ) (9:22 AM)

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

28. APPROVE CONTRACT AWARDS FOR COMMERCIAL WASHERS/DRYERS, IFB NO. B020160-DR, TO THE FOLLOWING VENDORS: (SHERIFF'S OFFICE) (9:22 AM)

- A. SCOTT EQUIPMENT, INC.;
- B. SKYLINE EQUIPMENT, INC.; AND
- C. COMMERCIAL EQUIPMENT, INC.

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

32. APPROVE ORDER DESIGNATING NEW ELECTION DAY POLLING PLACES FOR THE NOVEMBER 5, 2002 GENERAL ELECTION. (9:22 AM)

Clerk's Note: Judge Biscoe announced that the new polling places will be: In Voting Precinct 230 – Fire Station #21, 4201 Spicewood Springs Rd.; Voting Precinct 320 – Lakeway Church, 2203 Lakeway Blvd.; Voting Precinct 374 – Rolling Hills Community Church, 20103 Dawn Dr.

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

33. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:22 AM)

Clerk's Note: Item 33 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

34. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION REGARDING THE MATTER OF HIRING LOCAL COUNSEL IN NEBRASKA TO PURSUE TRAVIS COUNTY'S INTERESTS IN LIQUIDATION OF AMWEST AND FARWEST INSURANCE COMPANIES. (REQUESTED BY COUNTY ATTORNEY) ¹ (1:50 PM)

Item 34 postponed until October 29, 2002.

35. A. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL. V. WENDY P. DE BORZANI (TONY CERNOSEK RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹ (1:50 PM) (2:26 PM)
- B. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY, ET ALREBECCA CHERYL GIBBONS (JEANETTE FINCH-WALTON RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹
- C. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL. V. R.C. WILLIAMS (HL AVEN HOMES, INC. RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹
- D. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL. V. MANUEL G. & MARIE I. MENDEZ (MIGUEL MORALES RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹
- E. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL. V. VINCENT & IRENE MACKENZIE (DARYL D. ALLISON RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹
- F. RECEIVE BRIEFING FROM COUNTY ATTORNEY IN TRAVIS COUNTY, ET AL. V. JESSE CEBALLOS (JEANETTE FINCH-WALTON RESALE DEED), AND TAKE APPROPRIATE ACTION. ¹

Clerk's Note: Items 35.A-F are associated with one another and were called for concurrent discussion.

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

- 38. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION REGARDING SETTLEMENT OFFER IN MICHELE WESTON V. MARGO FRASIER, ET AL. ¹ (1:51 PM)

Item 38 postponed until October 29, 2002.

THE FOLLOWING ITEMS ARE ADDENDA:

- A1. DISCUSS LITIGATION IN MARCIE CALDWELL V. CAROLE KEETON RYLANDER ET AL, CAUSE NO. 99-13088, IN THE 261ST JUDICIAL DISTRICT COURT OF TRAVIS COUNTY AND CONSIDER REQUEST FROM TEXAS ASSOCIATION OF COUNTIES TO JOIN THEM IN DEFENDING LITIGATION, SPLITTING LITIGATION DEFENSE COSTS, AND/OR TAKE APPROPRIATE ACTION. EXECUTIVE SESSION ALSO, PURSUANT TO TEX. GOVT. CODE ANN. 551.071. (JUDGE BISCOE) (2:08 PM) (2:28 PM)

Clerk’s Note: Judge Biscoe announced that Item A1 would be considered in Executive Session pursuant to Govt. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to indicate to the attorney representing the Texas Association of Counties, that we prefer for in-house counsel, i.e., the County Attorney’s Office, to represent Travis County in this matter, but we sincerely appreciate the invitation to join the others.

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

- A2. APPROVAL OF A PLAT FOR RECORDING IN PRECINCT ONE: EAGLE’S LANDING (SHORT FORM PLAT – 1 LOT – 49.123 ACRES – DECKER LANE (FM 3177) – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN ETJ). (COMMISSIONER DAVIS) (9:22 AM)

Clerk’s Note: Item A2 added to Consent Items. Please refer to CONSENT ITEMS for the Court’s Motion and Vote.

