

MINUTES – NOVEMBER 19, 2002

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 19th day of November, 2002, the Commissioners' Court convened the regular Voting Session at 9:12 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 record notes that Precinct Three Commissioner Margaret Moore was not present during this Voting Session.

The Commissioners' Court recessed the Voting Session at 12:03 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) called to order the Voting Session at 1:41 PM and adjourned the Voting Session at 1:41 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, called to order the Voting Session at 1:41 PM and adjourned at 1:43 PM.

The Commissioners' Court reconvened the regular Voting Session at 1:43 PM.

The Commissioners' Court retired to Executive Session at 2:15 PM.

The Commissioners' Court reconvened the Voting Session at 3:50 PM.

The Commissioners' Court adjourned the Voting Session at 4:14 PM.

RESOLUTIONS & PROCLAMATIONS

1. APPROVE PROCLAMATION COMMENDING PAUL FRANKS FOR HIS MANY YEARS OF SERVICE TO TRAVIS COUNTY AND ITS RESIDENTS. (9:14 AM)

Members of the Court heard from: Paul Franks, Program Manager, Road Maintenance, Transportation and Natural Resources (TNR); Don Wheeler, Division Director, Road Maintenance and Fleet Services, TNR; Joe Gieselman, Executive Manager, TNR; Dave Benson, City Manager, City of Lakeway; and Mrs. Sandy Franks, Travis County Resident.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve the proclamation in Item 1.

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: Kenneth Snyder, Northridge Acres Resident. (9:30 AM)

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1-C4 (excluding C3), and Items 7, 8.A and B, 9.A, B, and C, 11, 12, 15, 16, 21, 22, 23, 24, and 25. (9:36 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	absent
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 VOTING SESSION OF (9:13 AM)

Item C3 pulled from the Agenda.

- C4.** APPROVE SETTING A PUBLIC HEARING DATE OF DECEMBER 10, 2002 TO DISCUSS AND APPROVE THE PROPOSED STREET NAME CHANGES FOR A PORTION OF ROYSTON LANE TO PICADILY DRIVE AND ANOTHER PORTION OF ROYSTON LANE TO CENTRAL COMMERCE DRIVE IN PRECINCT TWO. (COMMISSIONER SONLEITNER)

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

2. CONSIDER POSTING OF NOTICE OF INTENT TO ADOPT AN ORDINANCE REGULATING THE SITING OF SOLID WASTE FACILITIES, EXCLUDING CERTAIN TYPES OF LANDFILLS, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAVIS) (9:44 AM)

Members of the Court heard from: John Kuhl, Natural Resources Program Manager, TNR.

Motion by Commissioner Davis to post a notice of intent to adopt an ordinance regulating the siting of solid waste facilities excluding certain types of landfills, for 30 days; and that a public hearing be set for January 21, 2003, at 9:00am, at 314 West 11th Street, the Granger Building.

Clerk's Note: The Motion died due to lack of a second.

Discussion Only. No action was taken.

3. DISCUSS PROPOSED AMENDMENTS TO CITY OF AUSTIN CODE RELATING TO HAZARDOUS PIPELINES, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (10:02 AM)

Members of the Court heard from: John Kuhl, Natural Resources Program Manager, TNR; Holly Noelke, City of Austin Attorney's Office; Joe Gieselman, Executive Manager, TNR; and Chuck Lesniak, Environmental Program Coordinator, Watershed Protection and Development Review Dept., City of Austin.

Discussion Only. No action taken.

4. DISCUSS AND RECOMMEND AESTHETIC AND LANDSCAPE FEATURES FOR SH 130, AND TAKE APPROPRIATE ACTION. (10:36 AM)

Members of the Court heard from: Elaine Wray, Planning Program Manager, TNR.

Clerk's Note: The Court gave directions to Staff to draft a memo from Transportation and Natural Resources indicating that the memo is submitted on behalf of the Commissioners' Court, and that they need to know this is an official communication from Travis County.

Discussion Only. No action was taken.

5. DISCUSS THE TEXAS TRANSPORTATION COMMISSION MINUTE ORDER CREATING A REGIONAL MOBILITY AUTHORITY, AND TAKE APPROPRIATE ACTION. (10:51 AM)

Members of the Court heard from: Tom Nuckols, Assistant County Attorney; and Elaine Wray, Planning Program Manager, TNR.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve the two letters as drafted, with the corrections by Judge Biscoe attached on Commissioners' Court stationery, to go out today under the Court's signature, to the Texas Department of Transportation and the Williamson County 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

6. CONSIDER REQUEST FOR TRAVIS COUNTY TO APPROVE EARLY ACTION COMPACT (EAC) FOR CENTRAL TEXAS REGION, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (1:43 PM)

Members of the Court heard from: Scheleen Walker, TNR; and Kathy Stephens, Air Quality Specialist, Capitol Area Metropolitan Planning Organization (CAMPO).

Discussion Only. No action was taken.

Item 6 to be reposted on November 26, 2002.

7. APPROVE THE USE OF ALTERNATIVE FISCAL FOR SHADOWGLEN PHASE ONE, A SUBDIVISION IN PRECINCT ONE. (COMMISSIONER DAVIS) (9:36 AM)

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

8.
 - A. APPROVE ACCEPTANCE OF DEDICATION OF STREET AND DRAINAGE FACILITIES IN BELLA VISTA SECTION ONE AND SECTION TWO, A SUBDIVISION IN PRECINCT 3. (COMMISSIONER MOORE) (9:36 AM)
 - B. APPROVE LICENSE AGREEMENT WITH BELLA VISTA HOMEOWNER'S ASSOCIATION, INC. FOR LANDSCAPING, IRRIGATION AND PLANTER IN THE RIGHT-OF-WAY OF CAMPANELLO WAY, ADRIATICO WAY, BENEVENTO WAY AND SALERNO PLACE IN BELLA VISTA SECTION 1 & 2, TWO SUBDIVISIONS IN PRECINCT 3. (COMMISSIONER MOORE)

Clerk's Note: Items 8.A and B 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: (9:36 AM)
 - A. APPROVE GRANT CONTRACT WITH THE TEXAS AUTOMOBILE THEFT PREVENTION AUTHORITY. THE CONTRACT PROVIDES SUPPLEMENTAL FY03 FUNDING FOR THE PURCHASE OF THREE COMPUTERS.
 - B. APPROVE GRANT APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE FY 03 COMPREHENSIVE ENERGY ASSISTANCE PROGRAM IN HEALTH AND HUMAN SERVICES. THE APPLICATION IS TO CONTINUE THE PROGRAM FOR FY 03.
 - C. APPROVE GRANT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE FY 03 FEMA PHASE XXI EMERGENCY FOOD AND SHELTER GRANT IN HEALTH AND HUMAN SERVICES. THE APPLICATION IS TO CONTINUE THE PROGRAM FOR FY 03.

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

10. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (9:12 AM)

No action necessary on Item 10.

ADMINISTRATIVE OPERATIONS ITEMS

11. 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 \$427,379.10 FOR THE PERIOD OF NOVEMBER 1, 2002 THROUGH NOVEMBER 7, 2002. (9:36 AM)

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

12. APPROVE PERSONNEL AMENDMENTS. (9:36 AM)

Clerk's Note: The Court directed that the Human Resources personnel amendment, Slot 28, be pulled from the Agenda.

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

PURCHASING OFFICE ITEMS

- 13.** APPROVE CONTRACT WITH COMMUNITY ADVOCATES FOR TEENS AND PARENTS FOR PREVENTION OF CHILD NEGLECT AND ABUSE SERVICES (HHSD – HEALTHY FAMILIES PROGRAM). (COMMISSIONER GOMEZ) (9:40 AM)

Members of the Court heard from: Nancy Mays Tolbert, Clifton Center, Austin Independent School District (AISD).

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the contract.

Motion carried:

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

- 14.** APPROVE CONTRACT AWARD FOR SHERIFF UNIFORMS, IFB NO. B-020178-LD, TO MILLER UNIFORMS AND EMBLEMS. (SHERIFF'S OFFICE) (COMMISSIONER GOMEZ) (10:57 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 14.

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

- 15.** DECLARE CERTAIN EQUIPMENT (PUMPS AND MOTORS) AS SURPLUS PROPERTY, PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (COMMISSIONER GOMEZ) (9:36 AM)

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

16. APPROVE CONTRACT AWARD FOR EMPLOYEE ASSISTANCE PROGRAM, RFS S02154-OJ, TO THE QUALIFIED RESPONDENT, WORKERS ASSISTANCE PROGRAM, INC. (HRMD) (COMMISSIONER GOMEZ) (9:36 AM)

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

17. APPROVE CONTRACT AWARD FOR HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT COMPLIANCE, BOON CHAPMAN. (HRMD) (11:00 AM)

Item 17 postponed until November 26, 2002.

OTHER ITEMS

18. RECEIVE BRIEFING FROM HOSPITAL DISTRICT TASK FORCE, WITH EMPHASIS ON LEGISLATION AND GOVERNANCE, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (9:13 AM) (11:00 AM)

Members of the Court heard from: Clark Heidrick, Attorney, Chairman; David Hilgers, Health Care Attorney; Rafael Quintanilla, Attorney; Guy Herman, Travis County Probate Judge; David Escamilla, First Assistant County Attorney; and Lowell Lebermann, Businessman, Vice Chair.

Discussion Only. No action was taken.

19. CONSIDER COUNTY STRATEGY FOR UPCOMING LEGISLATIVE SESSION, INCLUDING APPOINTMENT OF COMMISSIONERS COURT LIAISON, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE) (2:14 PM)

Discussion Only. No action was taken.

Item 19 to be reposted on November 26, 2002.

20. APPROVE REQUEST TO INCREASE RESERVE DEPUTY CONSTABLE POSITIONS TO TWENTY (20) FROM THE CURRENTLY APPROVED TEN (10) POSITIONS FOR CONSTABLE PRECINCT TWO. (9:43 AM)

Motion by Judge Biscoe **and seconded by** Commissioner Sonleitner to approve Item 20, to increase the reserves from 10 to 20 Reserve Deputy Constables.

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

21. APPROVE REGULAR AND RESERVE DEPUTY OFFICERS FOR CONSTABLE PRECINCT TWO. (9:36 AM)

Clerk's Note: The Court directed that the 10 regular deputies listed in the backup document be approved on the Consent Motion.

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

22. DISCUSS AND APPROVE APPOINTMENT OF JOE ESCRIBANO AS THE SHERIFF'S OFFICE REPRESENTATIVE ON THE CAPITAL AREA PLANNING COUNCIL (CAPCO) EMERGENCY 9-1-1 TASK FORCE TO REPLACE DAN T. RICHARDS. (9:36 AM)

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

23. DISCUSS AND APPROVE APPOINTMENT OF PHYLLIS CLAIR AS THE SHERIFF'S OFFICE REPRESENTATIVE ON THE CAPITAL AREA PLANNING COUNCIL (CAPCO) CRIMINAL JUSTICE ADVISORY COMMITTEE TO REPLACE DAN T. RICHARDS. (9:36 AM)

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

24. APPROVE ELECTED OFFICIAL BOND FOR GERALD DAUGHERTY, COMMISSIONER, PRECINCT THREE. (9:36 AM)

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

25. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:36 AM)

Clerk's Note: Item 25 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

26. CONSIDER REQUEST FROM TRAVIS COUNTY JUDGES REGARDING WORKPLACE SAFETY ISSUES AT 1622 E. RIVERSIDE DRIVE, AUSTIN, TEXAS, AND TAKE APPROPRIATE ACTION. (JUDGE BISCOE)^{1 and 2}
(2:15 PM) (3:50 PM)

Clerk's Note: Judge Biscoe announced that Item 26 would be considered in Executive Session.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez that we authorize the County Attorney and the Real Estate Manager to meet with the property owner to see if there is some mutually acceptable way to terminate this lease, and for negotiations to pursue related to a new lease related to the needs of Community Supervision and Corrections Department (CSCD).

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

Item 26 to be reposted on November 26, 2002.

27. DISCUSS, APPROVE OR TAKE ANY APPROPRIATE ACTION REGARDING THE LEASE SPACE FOR JUSTICE OF THE PEACE PRECINCT 3 AND CONSTABLE PRECINCT 3. ² (9:13 AM)

Item 27 postponed until November 26, 2002.

28. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION REGARDING POSSIBLE SETTLEMENT OFFER IN SANDRA SMITH, ET AL. V. TRAVIS COUNTY, ET AL.). ¹ (2:15 PM)

Item 28 postponed until November 26, 2002.

29. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION IN TERESA SHIELDS V. TRAVIS COUNTY, TEXAS. ¹ (2:15 PM) (3:51 PM)

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

Clerk's Note: Judge Biscoe gave directions to the County Attorney's Office to proceed as they have been proceeding in negotiations.

Discussion Only. No action was taken.

Item 29 to be reposted on November 26, 2002.

30. RECEIVE BRIEFING ON AN EMPLOYEE'S APPEAL OF GRIEVANCE PANEL DECISION OF SEPTEMBER 20, 2002, AND TAKE APPROPRIATE ACTION. ^{1 AND 3} (2:15 PM) (3:51 PM)

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

Clerk's Note: Judge Biscoe gave directions to Staff to give the Court an outline of all of the issues, a listing or statement of the County's position, and a listing or statement of the grievant's position.

Members of the Court heard from: Linda Moore Smith, Director, Human Resources Management Department (HRMD); and Alicia Perez, Executive Manager, Administrative Operations.

Discussion Only. No action was taken.

Item 30 to be reposted on November 26, 2002.

31. DISCUSS, APPROVE OR TAKE ANY APPROPRIATE ACTION REGARDING COUNTY CLERK LEASE SPACE. ² (2:15 PM) (3:56 PM)

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

Members of the Court heard from: Dana DeBeauvoir, Travis County Clerk; Alicia Perez, Executive Manager, Administrative Operations; Roger El Khoury, Director, Facilities Management; and Pat Ford, Real Estate Manager, Facilities Management.

Clerk's Note: The Court, without objection, directed Staff to bring back to the Court, for final consideration, the full range of options, to see what progress can be made, related to going with Option 1; and that there be a dual track here, related to a more permanent solution, not only for the Elections Division, but for Recording, and cooperation and collaboration with any other County Departments that may piggy-back on those same kinds of concerns for permanent solutions. The Court wishes to see the full range of options related to early termination of a lease, build-out space, and other kinds of give-and-take on the lease, so that the Court retains maximum flexibility, but still stays within the budget parameters that have been established; and gets the County Clerk a place, knowing that the current lease is up March 31, 2003. The Court further encouraged anyone who wishes to go out and take a look at any particular preferred space, to do so over the next week. The Court also wishes to know what offsets there might be, in terms of other funding partners, and to what magnitude, so we can get to a bottom line of where we need to be for at least the next 1-1/2 to 2 years.

Discussion Only. No action was taken.

Item 31 to be reposted on November 26, 2002.

ADJOURNMENT

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to adjourn the Voting Session. (4:14 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	absent
Precinct 4, Commissioner Margaret J. Gómez	yes

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge