

MINUTES – JANUARY 7, 2003

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 7th day of January, 2003, the Commissioners' Court convened the regular Voting Session at 9:09 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 retired to Executive Session at 10:01 AM.

The Commissioners' Court reconvened the Voting Session at 12:18 PM.

The Commissioners' Court adjourned the Voting Session at 12:23 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) called to order the Voting Session at 12:23 PM and adjourned the Voting Session at 12:24 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation called to order the Voting Session at 12:24 PM and adjourned the Voting Session at 12:25 PM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation, called to order the Voting Session at 12:25 PM and adjourned the Voting Session at 12:25 PM.

The Commissioners' Court, meeting as 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 12:25 PM and adjourned the Voting Sessions at 12:26 PM.

CITIZENS COMMUNICATION

Members of the Court heard from: Phillip A. Dick, Travis County Resident.
(9:10 AM)

Clerk's Note: Judge Biscoe discussed and distributed to the Court an agreement letter with Kenneth Snyder, Northridge Acres Resident.

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Sonleitner to approve the following Consent Items: C1–C9, and Items 3, 4, 6, 7, 8.A, 10, 11, 14, 15, 16.A and B, 17, 18, 19, and 20. (9:18 AM)

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Gerald Daugherty	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 VOTING SESSIONS:
 - A.** DECEMBER 10, 2002;
 - B.** DECEMBER 17, 2002;
 - C.** DECEMBER 19, 2002; AND
 - D.** DECEMBER 23, 2002.
- C4.** APPOINT CAROLYN CROSS AS PRECINCT 2 REPRESENTATIVE TO THE FEDERALLY QUALIFIED HEALTH CENTER (FQHC) BOARD.
(COMMISSIONER SONLEITNER)

CONSENT ITEMS CONTINUED

- C5.** APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: FOX CREEK ESTATES - (SHORTFORM PLAT – 4 LOTS – 11.7 ACRES – FLINT ROCK ROAD - NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY ONSITE SEWAGE FACILITY – CITY OF LAKEWAY ETJ). (COMMISSIONER DAUGHERTY)
- C6.** APPROVE A PRELIMINARY PLAN IN PRECINCT THREE: GREENSHORES ON LAKE AUSTIN (PRELIMINARY PLAN – 151 LOTS – 165.3 ACRES – PEARCE ROAD - SEWAGE SERVICE TO BE PROVIDED BY OAK SHORES UTILITY – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY)
- C7.** APPROVE SETTING A PUBLIC HEARING ON JANUARY 28, 2003 TO DISCUSS AND APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: APACHE SHORES SECTION 7 AMENDED PLAT F LOTS 15-17, BLOCK 'F' – (SHORT FORM PLAT – 2 LOTS – 1.638 ACRES - FT. SMITH TRAIL - NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY TRAVIS COUNTY WCID NO. 17 - CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY)
- C8.** APPROVE SETTING A PUBLIC HEARING ON JANUARY 28, 2003 TO DISCUSS AND APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: HIGHLAND CREEK LAKES, SECTION 1, REVISED PLAT OF LOTS 53 AND 54, BLOCK 'H' – (SHORT FORM PLAT – 1 LOT – .353 ACRES – PANORAMA DRIVE - NO FISCAL REQUIRED - SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEPTIC - NO MUNICIPAL ETJ). (COMMISSIONER DAUGHERTY)
- C9.** APPROVE SETTING A PUBLIC HEARING ON JANUARY 14, 2003 TO DISCUSS AND APPROVE TEMPORARILY CLOSING IMMANUEL ROAD BETWEEN HYMILL DRIVE AND CRYSTAL BEND DRIVE, AND CLOSING CRYSTAL BEND DRIVE BETWEEN IMMANUEL ROAD AND HYMILL DRIVE IN PRECINCT ONE FROM JANUARY 15, 2003 UNTIL COMPLETION OF CONSTRUCTION OF THE REALIGNMENT OF THE INTERSECTION OF IMMANUEL ROAD AND CRYSTAL BEND DRIVE. (COMMISSIONER DAVIS)

JUSTICE AND PUBLIC SAFETY DEPARTMENT ITEMS

1. REVIEW AND TAKE APPROPRIATE ACTION ON RESOLUTION TO WORK WITH LEGISLATIVE REPRESENTATIVES IN SUPPORT OF PROTECTING ALL FUNDS GENERATED FOR 9-1-1 SERVICE. (9:20 AM)

Members of the Court heard from: Danny Hobby, Manager, Emergency and Wireless Communications, Justice and Public Safety (JPS).

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the resolution 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 Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

2. APPROVE ANTENNA LEASE AGREEMENT WITH SCOTT A. DAVIS FOR THE USE OF A PARCEL OF LAND AS A RADIO ANTENNA TOWER SITE FOR THE 9-1-1 RDMT REGIONAL TRUNKED RADIO PROJECT. (9:38 AM)

Members of the Court heard from: Danny Hobby, Manager, Emergency and Wireless Communications, JPS.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Gómez to approve 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 Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

3. CONSIDER REQUESTING THE CITY OF PFLUGERVILLE TO ANNEX FOR FULL-PURPOSE A PORTION OF PFLUGER LANE OF APPROXIMATELY 11,500 FEET OF RIGHT-OF-WAY FROM THE PFLUGERVILLE CITY LIMITS TO WEISS LANE, PRECINCT TWO, AND TAKE APPROPRIATE ACTION. (COMMISSIONER SONLEITNER) (9:18 AM)

Clerk's Note: Item 3 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

4. CONSIDER APPROVAL AND EXECUTION OF A UTILITY EASEMENT NEEDED FOR THE LOOP 1/SH 45 NORTH CAPITAL IMPROVEMENT PROJECT LOCATED IN PRECINCT TWO, AND TAKE APPROPRIATE ACTION. (COMMISSIONER SONLEITNER) (9:18 AM)

Clerk's Note: Item 4 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

5. CONSIDER REQUESTING THE CITY OF ELGIN TO ANNEX FOR FULL-PURPOSE A PORTION OF COUNTY LINE ROAD AND A PORTION OF CARLSON LANE OF APPROXIMATELY 5,950 FEET OF RIGHT-OF-WAY, PRECINCT ONE, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAVIS) (9:45 AM)

Members of the Court heard from: Carol Joseph, Assistant Director, Transportation and Natural Resources (TNR); and Jim Dunaway, City Manager, City of Elgin.

Motion by Commissioner Davis **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 Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

6. APPROVE A VARIANCE TO CHAPTER 82, STANDARDS FOR CONSTRUCTION OF STREETS AND DRAINAGE IN SUBDIVISIONS TO ALLOW THE ACCEPTANCE OF DEDICATION OF A PORTION OF STREET AND DRAINAGE FACILITIES IN CARDINAL HILLS ESTATES UNIT 15, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:18 AM)

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

7. APPROVE FIRST AMENDMENT TO LICENSE AGREEMENT WITH THE WESTVIEW ON LAKE AUSTIN PHASE 'A' HOMEOWNERS ASSOCIATION, INC. FOR ADDITIONAL IMPROVEMENTS IN THE RIGHT-OF-WAYS OF THE STREETS OF WESTVIEW ON LAKE AUSTIN, A SUBDIVISION IN PRECINCT 3. (COMMISSIONER DAUGHERTY) (9:18 AM)

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

PLANNING AND BUDGET DEPT. ITEMS

8. REVIEW AND TAKE APPROPRIATE ACTION ON GRANT PROPOSALS, APPLICATIONS, CONTRACTS, AND PERMISSIONS TO CONTINUE:
 - A. APPROVE GRANT CONTRACT AMENDMENT WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR THE MANSFIELD DAM PARK PROJECT IN TRANSPORTATION & NATURAL RESOURCES DEPARTMENT. THE AMENDMENT EXTENDS THE GRANT END DATE TO MAY 31, 2003. (9:18 AM)

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

- B. APPROVE GRANT CONTRACT WITH CITY OF AUSTIN TO USE GRANT FUNDS PROVIDED BY THE US DEPARTMENT OF JUSTICE FOR PROFESSIONAL SERVICES PROVIDED TO SAFEPLACE. THE GRANT IS TO CONTINUE THE CURRENT PROGRAM THROUGH MARCH 2005. (9:10 AM)

Item 8.B postponed until January 14, 2003.

9. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (9:19 AM)

No action necessary on Item 9.

ADMINISTRATIVE OPERATIONS ITEMS

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 \$18,394.76 FOR THE PERIOD OF DECEMBER 20, 2002 THROUGH DECEMBER 26, 2002. (9:18 AM)

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

11. APPROVE PERSONNEL AMENDMENTS. (9:18 AM)

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

12. CONSIDER REQUEST FROM JUNIOR LIVESTOCK SHOW FOR DISCOUNT FROM THE STANDARD TRAVIS COUNTY EXPOSITION CENTER RATE SCHEDULE ON JANUARY 22 THROUGH 25, 2003, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAVIS AND JUDGE BISCOE) (9:50 AM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; and Stephen Williams, Executive Manager, Travis County Health, Human Services and Veterans' Services (TCHHSVS).

Motion by Judge Biscoe **and seconded by** Commissioner Gómez for the Court to recommend a discount that would leave the Junior Livestock Show paying \$3,925.00 to cover the County's costs.

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

PURCHASING OFFICE ITEMS

13. APPROVE LICENSE AGREEMENT WITH TEXAS LOGIC, INC. FOR COURT FEES, FINES, COSTS AND CHARGES CREDIT CARD SOFTWARE. (TAX OFFICE) (COMMISSIONER GOMEZ) (9:10 AM)

Item 13 postponed until January 14, 2003.

14. APPROVE CONTRACT AWARD FOR AIR FILTER REPLACEMENT SERVICES - DEL VALLE, IFB# B030027-RV, TO THE LOW BIDDER, AIR SANITATION, INC. (SHERIFF'S OFFICE) (COMMISSIONER GOMEZ) (9:18 AM)

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

15. APPROVE PURCHASE OF DIGITAL VIDEO EQUIPMENT OFF STATE CATALOG (QISV) FROM VISUAL INTERACTIVE DYNAMICS (RMCR). (COMMISSIONER GOMEZ) (9:18 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 AWARDS FOR EROSION CONTROL MATERIALS, IFB# B030023-RV, TO THE LOW BIDDERS AS FOLLOWS: (COUNTYWIDE) (COMMISSIONER GOMEZ) (9:18 AM)

A. AFS ENVIRONMENTAL, INC., GROUP 'A', FOR LINE ITEMS 1A THRU 3B; GROUP 'B' FOR LINE ITEMS 3A THRU 4A AND 8.

B. FUQUAY, INC., GROUP 'B' FOR LINE ITEMS 5A THRU 7 AND 9.

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

17. DECLARE CERTAIN VEHICLES AS SURPLUS PROPERTY, PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (COMMISSIONER GOMEZ) (9:18 AM)

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

18. DECLARE CERTAIN EQUIPMENT AS SURPLUS PROPERTY, PURSUANT TO SECTION 263.151 OF THE TEXAS LOCAL GOVERNMENT CODE. (FIXED ASSETS) (COMMISSIONER GOMEZ) (9:18 AM)

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

19. REJECT ALL BIDS RECEIVED FOR IFB #B030031-EH, WORK AND SAFETY SHOES AND BOOTS, AND RE-SOLICIT. (TNR) (COMMISSIONER GOMEZ) (9:18 AM)

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

OTHER ITEMS

20. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:18 AM)

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

21. CONSIDER AND TAKE APPROPRIATE ACTION ON MATTERS RELATED TO THE CREATION OF A HOSPITAL DISTRICT INCLUDING: (JUDGE BISCOE) (9:56 AM)

- A. CHANGES TO DRAFT LEGISLATION; AND
- B. REQUEST FOR FUNDING.

Discussion Only. No action was taken on Items 21.A and B.

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

- 22.** 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}
(10:01 AM) (12:18 PM)

Clerk's Note: Judge Biscoe announced that Item 22 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney, and Gov't. Code Ann. 551.072, Real Property.

Members of the Court heard from: John Hille, Assistant County Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez that we authorize County Staff to proceed with efforts to relocate from this location on Riverside to Southpark, where we have located other lease space; that we authorize Staff to negotiate appropriate lease terms to be presented to the Commissioners' Court as soon as possible; that we ask Facilities Staff to meet with Planning and Budget to locate the \$39,300.00 that we need, in order to make this transfer work; that we accept the \$9,200.00 from Information and Telecommunications Systems (ITS), and part of the \$39,000.00 needed is the difference of \$6,300.00 that we are short with the ITS need; to clarify that, and be ready to act next Tuesday; that we ask the County Attorney's Office to put together an appropriate written response to send to the landlord of the Riverside lease property, to be presented to the Commissioners' Court next Tuesday, January 14, 2003.

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

Item 22 to be reposted on January 14, 2003.

- 23.** RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION REGARDING POSSIBLE SETTLEMENT OFFER IN MICHELE RENE WESTON V. MARGO FRASIER, ET AL. ¹ (10:01 AM) (12:20 PM)

Clerk's Note: Judge Biscoe announced that Item 23 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe and seconded by Commissioner Sonleitner that we request the presence of the Sheriff or one of her top aides in our discussion next Tuesday; that we ask the County Attorney to check with the attorney for the claimant in this case, to get whatever evidence of injury there is for the Court to consider, as the Court considers the counter-offer to settle 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 Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 24.** CONSIDER ACCEPTING, COUNTERING OR REJECTING AN OFFER TO SELL RIGHT-OF-WAY REQUIRED FOR THE GRAND AVENUE PARKWAY 2001 BOND PROJECT LOCATED IN PRECINCT TWO, AND TAKE APPROPRIATE ACTION. (COMMISSIONER SONLEITNER) ² (10:01 AM) (12:21 PM)

Clerk's Note: Judge Biscoe announced that Item 24 would be considered in Executive Session pursuant to, Gov't. Code Ann. 551.072, Real Property.

Motion by Commissioner Sonleitner and seconded by Commissioner Davis that we reject the offer that we have received related to parcel number 10, and that we instruct Transportation and Natural Resources (TNR) to have this piece of property appraised, and then move on from there.

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

25. DISCUSS CERTAIN PERSONNEL ISSUES REGARDING STARFLIGHT STAFF, RECEIVE LEGAL ADVICE, AND TAKE APPROPRIATE ACTION. ¹ AND ³ (10:01 AM) (12:21 PM)

Clerk's Note: Judge Biscoe announced that Item 25 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney, and Gov't. Code Ann. 551.073, Personnel Matters.

Motion by Judge Biscoe **and seconded by** Commissioner Davis that we appoint Commissioner Sonleitner to represent the Commissioners' Court to work with Caryl Colburn, Acting Executive Manager, JPS, and the appropriate representatives from the County Attorney's Office, to work with City of Austin personnel to iron out, and reduce to writing, organizational issues involved in our Interlocal with the City of Austin; and that they negotiate further with the City of Austin on some of the matters that we discussed involving Starflight, that do not involve Mr. Handley.

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

Clerk's Note: The Court directed that the General Starflight issues be reposted on January 14, 2003; and that the Mr. Handley/Starflight personnel issue be reposted on January 21, 2003.

ADJOURNMENT

Motion by Commissioner Sonleitner and seconded by Commissioner Davis to adjourn the Voting Session. (12:23 PM)

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

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge