

MINUTES OF MEETING – JUNE 17, 2003

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 17th day of June, 2003, the Commissioners' Court convened the regular Voting Session at 9:16 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 12:02 PM.

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

The Commissioners' Court reconvened the regular Voting Session at 1:41 PM.

The Commissioners' Court retired to Executive Session at 1:54 PM.

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

The Commissioners' Court adjourned the Voting Session at 3:54 PM.

TRANSPORTATION & NATURAL RESOURCES DEPT. ITEMS

4. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AUTHORIZE THE FILING OF AN ORDER TO VACATE PORTIONS OF THE RIGHT-OF-WAY OF BARTON CREEK BOULEVARD (FORMERLY TRAVIS COOK ROAD) IN BARTON CREEK SECTION H, A SUBDIVISION IN PRECINCT 3. (COMMISSIONER DAUGHERTY) (9:38 AM)

Clerk's Note: Item 4 is the action item for the public hearing on Agenda Item 1.

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

5. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE PARTIAL VACATION OF LOT F9 AND A PLAT FOR RECORDING IN PRECINCT THREE: RESUBDIVISION OF THE SOUTH PORTION OF LOT F9, NORTHWEST HILLS RANCH, SECTION ONE (SHORT FORM PLAT – 4 LOTS – 2.835 ACRES – D-K RANCH ROAD AND T-BAR TRAIL – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY CITY OF AUSTIN – CITY OF AUSTIN ETJ). (COMMISSIONER DAUGHERTY) (9:38 AM)

Clerk's Note: Item 5 is the action item for the public hearing on Agenda Item 2.

Clerk's Note: Item 5 approved with the understanding that it be a conditional approval, conditioned upon the City of Austin approving it; and if the City of Austin does not approve it, it will be back on the Court's Agenda for reconsideration.

Clerk's Note: Item 5 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 6. CONSIDER PORTIONS OF THE CITY OF AUSTIN PIPELINE ORDINANCE (PART 4 AND PART 5) FOR ADOPTION BY THE TRAVIS COUNTY COMMISSIONERS COURT, AND TAKE APPROPRIATE ACTION. (10:16 AM)

Members of the Court heard from: Fred Dennick, Director, Planning and Engineering, TNR; Holly Noelke, City of Austin Attorney’s Office; Janice Cartwright, Executive Director, Real Estate Council of Austin; and Harry Savio, Executive Vice President, Home Builders Association of Greater Austin.

Clerk’s Note: Judge Biscoe requested Staff to provide the following information: 1) to assess the need – exactly how critical it is; 2) the impact on affordable housing; 3) the impact on property values in the areas covered; 4) the federal study – if we think the issues covered there are relevant to our discussion, and this ordinance, what value would there be in waiting to see that, and whether or not, if recommendations are made, and they are acted on, those would take priority over any kind of local effort anyway; but if we think that the ordinance in question is exactly different, then, that should be stated; 5) what authority does Travis County have to do this; 6) the risk assessment and financial impact, how it would apply in other cities, and whether other counties have done something similar; 7) have this information in 120 days.

Discussion only. No action taken.

- 7. APPROVE HAZARD MITIGATION PLAN AND RESOLUTION OF ADOPTION. (COMMISSIONER GÓMEZ) (11:14 AM)

Motion by Commissioner Gómez **and seconded by** Commissioner Daugherty to approve submitting this plan, as we said we would during the budget process, so that we can receive the FEMA grant funds.

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

- 8. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FOR APPROVAL OF A PRELIMINARY PLAN IN PRECINCT THREE: GARZA BRODIE SUBDIVISION (PRELIMINARY PLAN – 2 LOTS – 31.40 ACRES – BRODIE LANE). (COMMISSIONER DAUGHERTY) (9:16 AM)

Item 8 postponed until June 24, 2003.

- 9. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST FOR APPROVAL OF A PLAT FOR RECORDING IN PRECINCT THREE: SPANISH OAKS, SECTION 5 (LONG FORM PLAT – 5 LOTS – 10.475 ACRES – HWY 71 W. – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY LCRA – VILLAGE OF BEE CAVES ETJ). (COMMISSIONER DAUGHERTY) (9:38 AM)

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

- 10. PROPOSE SUBDIVISION REGULATION AMENDMENTS TO CHAPTER 82, TRAVIS COUNTY CODE, TO RESOLVE INCONSISTENCIES WITH CITY OF AUSTIN CODE AS REQUIRED BY HB 1445, AND TAKE APPROPRIATE ACTION. (11:15 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Tom Nuckols, Assistant County Attorney; and Harry Savio, Executive Vice President, Home Builders Association of Greater Austin.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the proposed amendments, and post a newspaper notice for a 30-day comment period.

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

TAKE UP AT 9:15 A.M.

11. CONSIDER PROPOSED SOLID WASTE FACILITIES SITING ORDINANCE AND COMMENTS RECEIVED, INCLUDING COMMENTS REGARDING INCORPORATING THE TRAVIS COUNTY FLOOD PLAIN ORDINANCE, AND TAKE APPROPRIATE ACTION. (9:41 AM)

Members of the Court heard from: Tom Nuckols, Assistant County Attorney; Trek English, Travis County Resident; Gary Johnson, Northeast Travis County Property Owner; John Kuhl, Natural Resources Program Manager, TNR; Mark McAfee, owner, Barr Mansion; and Paul Gosselink, Attorney representing BFI.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to post the solid waste siting ordinance for 30 days; and that we also post the Travis County Flood Plain Ordinance with a re-modification for re-adoption, for 30 days, under the Health and Safety Code.

A Restatement of the previous Motion was made by Judge Biscoe that the Motion should be for the Court to advertise, to post, and receive comments on the draft that we have before us, unless we change it during this meeting.

A Addition to the previous Motion was made by Commissioner Davis to re-adopt Subchapter C, Chapter 64, Travis County Code, as adopted on October 2, 2001, under the Health and Safety Code.

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

14. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (9:38 AM)

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

ADMINISTRATIVE OPERATIONS ITEMS

15. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM HUMAN RESOURCES DEPARTMENT TO ADOPT 158 JOB DESCRIPTIONS FOR APPROXIMATELY 1000 POSITIONS THAT ARE AFFECTED BY THE CLASSIFICATION AND COMPENSATION STRATEGIC PLAN, SECOND YEAR JOB ANALYSIS RESULTS, AS APPROVED BY THE COURT ON APRIL 1, 2003. (11:25 AM)

Members of the Court heard from: Linda Moore Smith, Director, Human Resources Management Department (HRMD); and Carol Joseph, Assistant Director, TNR.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the implementation of these job descriptions, for Year Two classification changes, effective July 1, 2003, as recommended by Staff.

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

16. 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 \$369,342.83 FOR THE PERIOD OF MAY 30, 2003 THROUGH JUNE 5, 2003. (9:38 AM)

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

17. CONSIDER WHETHER TO ISSUE CALL FOR RECOMMENDATIONS TO NAME THE BUILDING AT 5501 AIRPORT BOULEVARD, AND TAKE APPROPRIATE ACTION. (11:35 AM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations.

Clerk's Note: Judge Biscoe recommended deferring this Item for one year.

Discussion only. No action taken.

18. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM CITY OF AUSTIN FOR AN ELECTRICAL EASEMENT FOR PRECINCT FOUR OFFICE BUILDING LOCATED AT 4401 MCKINNEY FALLS PARKWAY. (COMMISSIONER GÓMEZ) (9:38 AM)

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

19. APPROVE PERSONNEL AMENDMENTS. (9:38 AM)

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

PURCHASING OFFICE ITEMS

20. APPROVE CONTRACT AWARD FOR ARMORED CAR SERVICE, IFB NO. B030135-RV, TO THE LOW BIDDER, LOOMIS FARGO AND COMPANY. (TREASURER'S OFFICE) (COMMISSIONER GÓMEZ) (9:38 AM)

Clerk's Note: Item 20 is approved with a budget adjustment of \$7,000.00.

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 CASE FILE FOLDERS, IFB B030109-DR, TO THE LOW BIDDER, DER GRAPHICS, INC. (COUNTY CLERK) (COMMISSIONER GÓMEZ) (9:38 AM)

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

22. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. 03T00184RG, PARK BROCHURES WITH JANICE MCLEMORE GRAPHIC DESIGN, INC. (TNR-PARKS) (COMMISSIONER GÓMEZ) (9:38 AM)

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

23. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. 00T0323-LD, GRAINGER, INC., FOR TOOLS AND ACCESSORIES. (TNR) (COMMISSIONER GÓMEZ) (9:38 AM)

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

24. APPROVE MODIFICATION NO. 4 TO CONTRACT NO. 02K00051JJ, SMITH CONTRACTING COMPANY, INC., FOR THE PERKINS MOZELLE DRAINAGE PROJECT. (TNR) (COMMISSIONER GÓMEZ) (9:38 AM)

Clerk's Note: Item 24 approved with the understanding that the Village of San Leanna will pay the amount in question.

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

25. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 02T00258RV, DALE COOK BACKHOE SERVICES, INC., FOR SEPTIC SYSTEMS SERVICE. (HOUSING SERVICES) (COMMISSIONER GÓMEZ) (9:38 AM)

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

26. APPROVE MODIFICATION NO. 1 TO CONTRACT MA020208LC, BINDVIEW CORPORATION, FOR SECURITY PRODUCTS, SERVICE AND SUPPORT. (ITS) (COMMISSIONER GÓMEZ) (9:38 AM)

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

27. APPROVE PURCHASE OF ONE (1) MOWER FROM THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD), IL030067OJ. (TNR) (COMMISSIONER GÓMEZ) (9:38 AM)

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

28. APPROVE PROFESSIONAL SERVICES AGREEMENT WITH ENCOTECH ENGINEERING CONSULTANTS, INC. FOR MECHANICAL, ELECTRICAL AND PLUMBING (MEP) ENGINEERING SERVICES FOR THE 5501 AIRPORT BOULEVARD PROJECT. (FM) (COMMISSIONER GÓMEZ) (9:38 AM)

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

29. APPROVE CONTRACT AWARD FOR AUTOMOTIVE OEM PARTS AND MAINTENANCE LABOR, IFB #B030105-LD, TO THE BEST RESPONSIVE BIDDERS: (9:38 AM)

A. LEIF JOHNSON FORD, SECTION A, LINE ITEM 3, SECTION B, LINE ITEM 7; AND

B. CAPITOL CHEVROLET, SECTION A, LINE ITEM 1, SECTION B LINE ITEMS 1 AND 6. (TNR) (COMMISSIONER GÓMEZ)

Clerk's Note: Items 29.A and B added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

30. APPROVE MODIFICATION 14 TO CONTRACT MA980095, AGREEMENT FOR EXTENDED SERVICES, WITH TIBURON. (ITS) (COMMISSIONER GÓMEZ) (9:38 AM)

Clerk's Note: Item 30 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

31. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT MA02197LC, POWERWARE CORP., FOR MAINTENANCE OF UPS SYSTEMS. (ITS) (COMMISSIONER GÓMEZ) (9:38 AM)

Clerk's Note: Item 31 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

32. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 6) TO INTERLOCAL NO. IL990083-TS, AUSTIN/TRAVIS COUNTY MENTAL HEALTH AND MENTAL RETARDATION FOR SUBSTANCE ABUSE SERVICES. (HHSD) (COMMISSIONER GÓMEZ) (9:38 AM)

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

33. APPROVE CONTRACT AWARD FOR URINALYSIS DRUG SCREENS, IFB B030102-OJ, TO THE QUALIFIED BIDDERS: (9:38 AM)

A. PHARMATECH – ITEMS 1, 2 AND 3 (JUVENILE COURT); AND

B. DRUG TESTING SERVICES – ITEM 4. (SHERIFF) (GOMEZ)

Clerk's Note: Items 33.A and B added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

34. APPROVE CONTRACT AWARD FOR THE NORTHEAST METRO PARK CONSTRUCTION PROJECT, PHASE II, PROJECT 2, IFB #B030090-JJ, TO THE LOW BIDDER, CHASCO CONTRACTING. (TNR) (COMMISSIONER SONLEITNER) (9:38 AM)

Clerk's Note: Item 34 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

35. APPROVE CONTRACT AWARD FOR PROTECTIVE FOOTWEAR, IFB #B030065-LD, TO THE LOW BIDDER, IRON AGE CORPORATION. (TNR) (COMMISSIONER GÓMEZ) (9:38 AM)

Clerk's Note: Item 35 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

36. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. 00T0326-LD, ARAMARK UNIFORM SERVICES, FOR UNIFORM RENTAL AND RELATED SERVICES. (TNR, FM, GARDNER BETTS) (COMMISSIONER GÓMEZ) (9:38 AM)

Clerk's Note: Item 36 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

37. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 3) TO THE FOLLOWING CONTRACTS FOR UNLEADED AND DIESEL FUEL: (9:38 AM)

A. CONTRACT NO. 01T0205-LD, PETROLEUM TRADERS; AND

B. CONTRACT NO. 01T0206-LD, TRIPLE S PETROLEUM. (TNR) (GOMEZ)

Clerk's Note: Items 37.A and B added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

OTHER ITEMS

38. CONSIDER RECOMMENDATION FROM TAX ASSESSOR COLLECTOR AND PLANNING AND BUDGET OFFICE TO ESTABLISH PARCEL RATE FOR TAX YEAR 2003 (FY 04) AT \$1.00, AND TAKE APPROPRIATE ACTION. (11:37 AM)

Members of the Court heard from: Dusty Knight, Chief Deputy, Tax Office.

Clerk's Note: Commissioner Sonleitner requested that, in light of what was talked about last week, in terms of the County contribution, related to health insurance, if the Tax Office and the Planning and Budget Office (PBO) could reassess their recommendation and get it back to the Court next week, so the Court can act in a timely manner, related to notice.

Discussion only. No action taken.

Item 38 to be reposted on June 24, 2003.

- 42. DISCUSS AND TAKE APPROPRIATE ACTION ON AMENDMENT ONE TO INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF AUSTIN AND TRAVIS COUNTY FOR EMERGENCY MEDICAL SERVICES AND HELICOPTER SERVICES. (11:44 AM) (1:41 PM)

Members of the Court heard from: Barbara Wilson, Assistant County Attorney; Richard Herrington, Executive Director, Austin-Travis County EMS; and Alan Miller, Budget Analyst, Planning and Budget Office (PBO).

Motion by Commissioner Sonleitner **and seconded by** Commissioner Daugherty to approve Amendment One, related to the EMS interlocal.

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

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

- 43. RECEIVE BRIEFING FROM COUNTY ATTORNEY ON LAWS RELATED TO UNMARKED GRAVES WITHIN COUNTY ROAD RIGHTS OF WAY, ISSUES RELATED TO LOCKWOOD ROAD AND LOCKWOOD ROAD CEMETERY, AND TAKE APPROPRIATE ACTION. ¹ (1:54 PM) (3:50 PM)

Clerk's Note: Judge Biscoe announced that Item 43 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action taken on Item 43.

Item 43 to be reposted on June 24, 2003.

49. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO TAKE APPROPRIATE ACTION IN THE MATTER OF MERLIN “SPANKY” HANDLEY V. TRAVIS COUNTY, ET AL., IN THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION REGARDING: ¹ (1:54 PM) (3:52 PM)

- A.** ACCEPTING, REJECTING OR COUNTERING OFFER FOR SETTLEMENT;
- B.** APPOINT REPRESENTATIVE FOR TRIAL AND TAKE ANY OTHER APPROPRIATE ACTION.

Clerk’s Note: Judge Biscoe announced that Items 49.A and B 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 Gómez to authorize settlement of Mr. Handley’s counter to our counter-offer, to settle this matter for a total payment of \$125,000.00, consistent with the June 17, 2003 memo from his attorney, Betsy Hall Bender. Basically, this is for us to rehire Mr. Handley, and put him on administrative leave through March 31, 2004, and to pay him during that period. It will be \$77,915.65, plus retirement. In addition, that he receive the sum of \$38,395.95. We would expect an appropriate settlement release, and other legal documents, to get this matter done once and for all, as soon as possible.

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 49 to be reposted on July 1, 2003.

