



Minutes for the Travis County Commissioners Court Tuesday, April 11, 2017 Voting Session

Minutes Prepared by the Travis County Clerk
512-854-4722 • www.traviscountytexas.gov • PO Box 149325, Austin, TX 78714-9325

Call to Order

Meeting called to order on April 11, 2017, in the Travis County Administration Building, Commissioners Courtroom, 700 Lavaca Street, 1st Floor, Austin, TX, Dana DeBeauvoir, County Clerk, was represented by Deputy Robert Resnick.

Sarah Eckhardt	County Judge	Present
Jeffrey W. Travillion, Sr.	Precinct 1, Commissioner	Present
Brigid Shea	Precinct 2, Commissioner	Present
Gerald Daugherty	Precinct 3, Commissioner	Present
Margaret J. Gómez	Precinct 4, Commissioner	Present

Public Communication

Members of the Court heard from:
Carlos León, Travis County resident

County Announcements

Members of the Court heard from:
Laura Seaton, Executive Assistant, Transportation and Natural Resources (TNR)
Maya Reisman, Executive Assistant, County Judge's Office

Resolutions and Proclamations

1. Approve proclamation recognizing the month of April 2017 as "Sexual Assault Awareness Month" in Travis County. (Commissioner Travillion)

RESULT: ADDED TO CONSENT

Clerk's Note: The Consent Motion was reopened, in order to revisit Item 1.

MOTION: Reopen the Consent Motion.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Brigid Shea, Commissioner
SECONDER: Gerald Daugherty, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

Members of the Court heard from:

Kristen Lenau, Coordinator, Sexual Assault Response and Resource Team (SARRT),
SAFE

Kirsha Haverlah, Social Services Director, Justice and Public Safety (JPS), Chair,
Austin/Travis County Family Violence Task Force

MOTION: Approve the Proclamation in Item 1.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Gerald Daugherty, Commissioner
SECONDER: Margaret J. Gómez, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

Consent Items

- C1. Receive bids from the County Purchasing Agent. (Judge Eckhardt)
- C2. Approve payment of claims by the County Treasurer. (Judge Eckhardt)
- C3. Authorize the County Treasurer to invest County funds. (Judge Eckhardt)

MOTION: Approve Consent Items C1–C3 and Agenda Items 1, 7, 8.a–b, 12.a–b, 16,
17.a–b, 19.a–b, 20, and 23.
RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Margaret J. Gómez, Commissioner
SECONDER: Gerald Daugherty, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

Emergency Services

2. Consider and take appropriate action on an order concerning outdoor burning in the unincorporated areas of Travis County. (Judge Eckhardt)

RESULT: **NO ACTION NECESSARY**

Clerk's Note: The County Judge announced that by taking no action, the prohibition against outdoor burning remains lifted.

3. Consider and take appropriate action regarding the issuance of a mass gathering permit for Lonestar Nationals BMX Race to be held on April 21–23, 2017, at Northeast Metropolitan Park, 4708 Killingsworth Lane, Pflugerville, Texas 78660. (Commissioner Shea)

RESULT: **NO ACTION NECESSARY**

Justice Planning

4. Consider and take appropriate action on offer of employment for the County Executive of Justice Planning. **(This item may be taken into Executive Session under the Consultation with Attorney and Personnel Matters exceptions.)** (Judge Eckhardt)

Judge Eckhardt announced that Item 4 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.074, Personnel Matters.

MOTION: Make the offer to the candidate for County Executive of Justice Planning.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Jeffrey Travillion Sr, Commissioner
SECONDER: Margaret J. Gómez, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

5. Consider and take appropriate action regarding the appointment for Justice of the Peace, Precinct 5. (Judge Eckhardt)

Members of the Court heard from:

Julie Wheeler, Administrative Associate, Intergovernmental Relations Office (IGR)

MOTION: Approve the following two candidates for interview, as recommended:
○ Jade Meeker
○ Nicholas Chu
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Margaret J. Gómez, Commissioner
SECONDER: Brigid Shea, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

Health and Human Services

6. Receive update on the Community Impact Report. (Commissioners Shea & Gómez)

Members of the Court heard from:

Sherri Fleming, County Executive, Travis County Health and Human Services & Veterans Service (TCHHS&VS)

Lawrence Lyman, Director, Research and Planning Division, TCHHS&VS

Courtney Lucas, Senior Planner, TCHHS&VS

Brittain Ayres, Planner, TCHHS&VS

RESULT: **DISCUSSED**

Planning and Budget

7. Consider and take appropriate action on budget amendments, transfers, and discussion items. (Commissioner Gómez)

RESULT: **ADDED TO CONSENT**

8. Consider and take appropriate action on the following grant programs, applications, contracts & related special budgets, and permissions to continue:

- a. Annual application to the Office of the Attorney General to continue the Victim Coordinator and Liaison Grant Program in the District Attorney's Office

- b. Annual application to the Office of the Attorney General to continue the Other Victim Assistance Grant Program in the County Attorney's Office (Commissioner Gómez)

RESULT: **ADDED TO CONSENT**

9. Consider and take appropriate action on the following:
 - a. Accept and open applications and good faith checks from local banks interested in being Travis County's depository bank
 - b. Authorize the Bank Depository Review Committee to consider the applications and recommend a depository bank to the Court (Commissioner Gómez)

Members of the Court heard from:

Debbie Lauder milk, Investment Manager, Cash/Investment Management
 Michael G'Benoba, Financial Analyst, Planning and Budget Office (PBO)
 Reagan Grimes, Investment Manager, Cash/Investment Management

MOTION: Approve Item 9.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Margaret J. Gómez, Commissioner
SECONDER: Gerald Daugherty, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

10. Consider and take appropriate action on the formation of the Capital Economic Progress Corporation, a Texas nonprofit corporation. (Commissioner Daugherty)

Members of the Court heard from:

Andrea Shields, Corporations Administrator, PBO
 Cliff Blount, General Counsel, Naman, Howell, Smith & Lee, LLP
 Karen Thigpen, Assistant Corporations Administrator, PBO
 Nicki Riley, Travis County Auditor

MOTION: Take appropriate action on the formation of the Corporation.

Clerk's Note: No Vote was taken on the Standing Motion.

Judge Eckhardt announced that Item 10 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Clerk's Note: The Court returned from Executive Session and voted on the Standing Motion.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Gerald Daugherty, Commissioner
SECONDER: Margaret J. Gómez, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

11. Consider and take appropriate action on the Civil & Family Courts Capacity Project. **(This item may be taken into Executive Session under the Consultation with Attorney, Real Property, and Security exceptions.)** (Judge Eckhardt)

RESULT: NO ACTION NECESSARY

Operations Management

12. Consider and take appropriate action on:
 - a. Routine personnel actions
 - b. Non-routine personnel actions (Commissioner Gómez)

RESULT: ADDED TO CONSENT

13. Receive update on the County's Leadership Education & Development (LEAD) Program. (Commissioners Travillion & Gómez)

Members of the Court heard from:

Tracey Calloway, Director, Human Resources Management Department (HRMD)
Josh Davies, County Executive, Emergency Services
Tina Salazar, Human Resources Manager, TNR
Kim Austin-Smith, Manager, Organizational Development, HRMD
Kris Nilsen, Human Resources Specialist, HRMD

RESULT: DISCUSSED

Transportation and Natural Resources

14. Consider and take appropriate action on the 2017 Guidelines for Public/Private Partnerships. (Commissioners Travillion & Shea)

Members of the Court heard from:

Steve Manilla, County Executive, TNR

MOTION: Approve Item 14.
MOVER: Gerald Daugherty, Commissioner
WITHDRAWAL OF MOTION
MADE BY: Gerald Daugherty, Commissioner
RESULT: NO VOTE TAKEN

RESULT: DISCUSSED

Reset for: 4/18/2017

15. Consider and take appropriate action regarding a request for a license agreement with Race Revolutions, LLC, a race/event promotion company, for an off-road triathlon and trail run at Pace Bend Park in Precinct Three. (Commissioner Daugherty)

Members of the Court heard from:

Steve Manilla, County Executive, TNR

MOTION: Approve Item 15.
RESULT: APPROVED [UNANIMOUS]
MOVER: Gerald Daugherty, Commissioner
SECONDER: Margaret J. Gómez, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

16. Consider and take appropriate action on a request to use an alternative fiscal agreement for Sweetwater Crossing, Phase One, Precinct Three. (Commissioner Daugherty)

RESULT: ADDED TO CONSENT

17. Consider and take appropriate action on the following requests in Precinct Three:
- a. Sweetwater Crossing One Preliminary Plan [State Highway 71 – nine total lots on 60.38 acres (nine commercial, public utility, wastewater and drainage lots) – water and wastewater provided by the Lazy Nine MUD 1A – Bee Cave city limits and ETJ]
 - b. Phasing agreement between Travis County and WS-COS Investments LLC (Commissioner Daugherty)

RESULT: ADDED TO CONSENT

18. Consider and take appropriate action on a plat for recording: Sweetwater Crossing Lot 9 Block A, Final Plat [State Highway 71 – one lot on 32.21 acres (one commercial lot) – water and wastewater provided by the Lazy Nine MUD 1A – Bee Cave city limits and ETJ] in Precinct Three. (Commissioner Daugherty)

Members of the Court heard from:

Anna Bowlin, Division Director, Development Services and Long Range Planning, TNR
Jon White, Director, Natural Resources Environmental Quality Division, TNR

MOTION: Approve Item 18.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Gerald Daugherty, Commissioner
SECONDER: Margaret J. Gómez, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

19. Approve setting a public hearing on Tuesday, April 25, 2017, to receive comments regarding the closure of the following roads located in Precinct Four:
- a. Timber Creek Flood Buy-out Project: Benson Way, Foxhead Drive, and Timber Creek Drive east of the intersection with Benson Way
 - b. Thoroughbred Farms Flood Buy-out Project: Citation Avenue east of the intersection with Ponder Lane (Commissioner Gómez)

RESULT: ADDED TO CONSENT

Purchasing Office Items

20. Approve Modification No. 6 to Contract No. 4400002620, Smith Contracting, Inc., for the Flint Rock Road Safety Improvements Project. (Judge Eckhardt)

RESULT: ADDED TO CONSENT

Other

21. Consider and take appropriate action on legislative matters, including:
- a. Update on legislative activities
 - b. HB 4304, relating to restrictions on habitat conservation plans in Travis County

- c. Modifications to the Priorities, Policy Positions, and Positions on Other Proposals sections of the Travis County Legislative Agenda (Commissioners Shea & Daugherty)

RESULT: NO ACTION NECESSARY **Reset for: 4/18/2017**

22. Receive presentation from consultants and County staff on the Commissioners Court Strategic Planning Initiative. (Judge Eckhardt)

RESULT: NO ACTION NECESSARY

23. Receive revenue and expenditure reports, and other statutorily required reports, for the month of February 2017 from the County Auditor's Office. (Judge Eckhardt)

RESULT: ADDED TO CONSENT

24. Consider and take appropriate action on request to allow two Voter Registration/Tax Office GIS employees to attend the Safe Software's FME International User Conference in Vancouver, Canada, to be held May 24–26, 2017. (Commissioner Gómez)

Members of the Court heard from:

Gretchen Nagy, Director, Voter Registration, Tax Assessor-Collector's Office
Bonnie Floyd, Interim, Travis County Purchasing Agent
Nicki Riley, Travis County Auditor
John Hille, Assistant County Attorney

MOTION: Approve Item 24.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Margaret J. Gómez, Commissioner
SECONDER: Gerald Daugherty, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

25. Consider and take appropriate action on issues related to the North Campus Development Project at 5325–5335 Airport Boulevard. **(This item may be taken into Executive Session under the Consultation with Attorney and Real Property exceptions.)** (Judge Eckhardt)

RESULT: NO ACTION NECESSARY

Executive Session

26. Consider and take appropriate action on the reimbursement of legal expenses incurred by the County Commissioner of Precinct Three.¹ (Judge Eckhardt)

Judge Eckhardt announced that Item 26 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

MOTION: Make the following two findings:
○ That this suit involves public interest, requiring a vigorous defense; and, that the legal fees served a public, not merely the officer or employee's private interests.
○ That the employee committed the alleged act or omission that was the basis of the lawsuit, while acting in good faith and within the scope of his official duties.
RESULT: APPROVED [UNANIMOUS]

MOVER: Jeffrey Travillion Sr, Commissioner
SECONDER: Margaret J. Gómez, Commissioner
AYES: Sarah Eckhardt, Jeffrey Travillion Sr, Brigid Shea, Margaret J. Gómez
ABSENT: Gerald Daugherty

MOTION: Reimburse Commissioner Daugherty 75% of those legal fees, in the amount of \$8,774.25.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Sarah Eckhardt, Judge
SECONDER: Margaret J. Gómez, Commissioner
AYES: Sarah Eckhardt, Jeffrey Travillion Sr, Brigid Shea, Margaret J. Gómez
ABSENT: Gerald Daugherty

27. Receive briefing from County Attorney and take appropriate action regarding possible legal action against Munson Park Ltd.; Munson Park Management, LLC; Riverside Resources; Interfin Companies, LP; Urban Design Group; Ludlow & Associates Construction, LLC; Wastewater Operations, LLC d/b/a Waste Water Solutions; B Wise Environmental Consulting; and Rogers-O'Brien Construction for violations of the Texas Water Code and Texas Administrative Code. The alleged violations occurred at or near 320 S. Capitol of Texas Highway. ¹ (Commissioner Daugherty)

Judge Eckhardt announced that Item 27 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

RESULT: **DISCUSSED**

28. Consider and take appropriate action regarding the proposed acquisition of approximately 1.5 acres of real property from the City of Austin, necessary for use as right-of-way in the County's Old San Antonio Road Bridge Replacement Project in Precinct Three, as part of the County's 2011 Bond Program. ^{1&2} (Commissioner Daugherty)

Judge Eckhardt announced that Item 28 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.

MOTION: Direct staff to go forward on the purchase of this real property under threat of condemnation, and authorize the County Judge to sign the right of entry.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Sarah Eckhardt, County Judge
SECONDER: Brigid Shea, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

29. Consider and take appropriate action on the conveyance by deed of Parcel #13, and the grant of easement rights for Parcel #13E, from Travis County to the State of Texas, required as right-of-way for planned Texas Department of Transportation (TxDOT) roadway improvements to FM 1626 in Precinct Three as part of the TxDOT pass-thru finance project. ^{1&2} (Commissioner Daugherty)

Judge Eckhardt announced that Item 29 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:
David Greear, Senior Engineer, TNR

MOTION: Approve the conveyance upon the following two findings:
○ That there is no feasible and prudent alternative to the use or taking of this parkland.
○ That the program or project includes all reasonable planning to minimize harm to the land as a park.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Margaret J. Gómez, Commissioner
SECONDER: Jeffrey Travillion Sr, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

30. Consider and take appropriate action on a counter-offer received for Travis County's proposed purchase of Parcel #20 and #21, required as right-of-way for planned TxDOT roadway improvements to FM 1626 in Precinct Three as part of the TxDOT pass-thru finance project. ^{1&2}
(Commissioner Daugherty)

Judge Eckhardt announced that Item 30 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.

MOTION: Offer a counter to the counter offer, extended as a final offer, for settlement purposes only.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Gerald Daugherty, Commissioner
SECONDER: Margaret J. Gómez, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

Added Items

- A1. Consider and take appropriate action on a flood control interlocal agreement between Hays County and Travis County. (Judge Eckhardt)

Members of the Court heard from:

Steve Manilla, County Executive, TNR
Stacey Scheffel, Permit Program Manager and Floodplain Administrator, TNR
Tom Nuckols, Assistant County Attorney
Anna Bowlin, Division Director, Development Services and Long Range Planning, TNR

RESULT: **DISCUSSED**

- A2. Ratify a license agreement with Austin Ridge Riders Mountain Bike Club for the use of Pace Bend Park in Precinct Three to host a mountain bike race on April 7–9, 2017. (Commissioner Daugherty)

Members of the Court heard from:

Steve Manilla, County Executive, TNR

MOTION: Approve Item A2.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Gerald Daugherty, Commissioner
SECONDER: Margaret J. Gómez, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

Adjourn

Minutes approved by the Commissioners Court

Date of Approval

Sarah Eckhardt, Travis County Judge