



Minutes for the Travis County Commissioners Court Tuesday, May 16, 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 May 16, 2017, in the Travis County Administration Building, Commissioners Courtroom, 700 Lavaca Street, 1st Floor, Austin, TX, Dana DeBeauvoir, County Clerk, was represented by Deputies Robert Resnick and Gillian Porter.

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
Anthony Walker, Travis County resident
Dr. Koo-Hyun Kim, Travis County resident

County Announcements

Members of the Court heard from:
Ron Morgan, Chief Deputy, Travis County Clerk's Office

Public Hearings

1. Receive comments regarding a resolution of no objection and support for Manchaca Commons Apartments, to be located at 12040 Manchaca Road, Austin, Texas 78748, in Travis County. (Action Item 26) (Commissioner Daugherty)

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

Members of the Court heard from:

Cliff Blount, General Counsel, Naman, Howell, Smith & Lee, LLP

MOTION: Close the Public Hearing.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Gerald Daugherty, Commissioner

SECONDER: Margaret J. Gómez, Commissioner

AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

Resolutions and Proclamations

2. Approve proclamation recognizing the month of May 2017 as “National Drug Court Month” in Travis County. (Commissioner Gómez)

RESULT: **ADDED TO CONSENT**

3. Approve proclamation recognizing the week of May 21–27, 2017, as “Emergency Medical Services Week” in Travis County. (Commissioners Shea & Daugherty)

Members of the Court heard from:

Josh Davies, County Executive, Emergency Services

Tony Callaway, Travis County Fire Marshal

MOTION: Approve the Proclamation in Item 3.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Gerald Daugherty, Commissioner

SECONDER: Brigid Shea, Commissioner

AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

Consent Items

- C1. Receive bids from the County Purchasing Agent. (Commissioner Travillion)
- C2. Approve payment of claims by the County Treasurer. (Judge Eckhardt)
- C3. Authorize the County Treasurer to invest County funds. (Judge Eckhardt)
- C4. Approve proclamation honoring the 10th Anniversary of the Travis County Mental Health Public Defender Office. (Commissioner Gómez)

MOTION: Approve Consent Items C1–C4 and Agenda Items 2, 6, 8, 10, 11.a–b, 14, 17, 18, 19, 20, 21, and 22.

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Margaret J. Gómez, Commissioner

SECONDER: Gerald Daugherty, Commissioner

AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

Emergency Services

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

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

RESULT: NO ACTION NECESSARY

5. Consider and take appropriate action regarding the issuance of a mass gathering permit for Copa Univision 2017 Soccer Tournament to be held on June 3 & 4, 2017, at Northeast Metropolitan Park, 15500 Sun Light Near Way, Pflugerville, Texas 78660. (Commissioner Shea)

RESULT: NO ACTION NECESSARY

Justice Planning

6. Consider and take appropriate action on request from the Travis County Sheriff's Office for a memorandum of understanding requesting reimbursement for medication prescribed to patients returning to jail after a 46B commitment to the State Hospital for competency restoration. (Judge Eckhardt)

RESULT: ADDED TO CONSENT

Health and Human Services

7. Consider and take appropriate action on appointments to the Travis County Children's Protective Services Board. (Judge Eckhardt)

Members of the Court heard from:

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

MOTION: Reappoint Beth Gerlach, Maya Guerra Gamble, and Sam Wilson to terms to expire on June 30, 2020.

RESULT: APPROVED [UNANIMOUS]

MOVER: Brigid Shea, Commissioner

SECONDER: Margaret J. Gómez, Commissioner

AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

MOTION: Open a Call for Applications with an application deadline of Friday, June 16, 2017 at 5:00 pm to fill one unexpired term that ends on June 30, 2018; one unexpired term that ends on June 30, 2019; and two vacancies with a term expiration of June 30, 2020.

RESULT: APPROVED [UNANIMOUS]

MOVER: Brigid Shea, Commissioner

SECONDER: Margaret J. Gómez, Commissioner

AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

8. Consider and take appropriate action on an amendment to the Consulting Agreement between Austin Independent School District and Travis County through 4H Capital Project. (Commissioners Shea & Gómez)

RESULT: ADDED TO CONSENT

9. Receive update from City of Austin staff on the Animal Services Office. (Commissioners Shea & Gómez)

Members of the Court heard from:

Tawny Hammond, Chief Animal Services Officer, City of Austin
Mark Sloat, City of Austin Animal Control Supervisor

RESULT: DISCUSSED

Planning and Budget

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

RESULT: ADDED TO CONSENT

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

- a. Interlocal agreement with the City of Austin to receive FY16 Edward Byrne Memorial Justice Assistance Grant for law enforcement equipment in the Travis County Sheriff's Office
- b. Annual contract with the Corporation for National and Community Service to continue the Retired and Senior Volunteer Program in the Health and Human Services Department (Commissioner Gómez)

RESULT: ADDED TO CONSENT

12. Consider and take appropriate action on update regarding Travis County Venue Tax Capacity. (Commissioner Travillion)

Members of the Court heard from:

Diana Ramirez, Director, Economic Development & Strategic Investments, Planning and Budget Office (PBO)
Heather Ashline, Senior Planner, PBO
Mark Gilbert, Director, Economic and Strategic Planning, PBO
Tom Nuckols, Assistant County Attorney
Bill Bunch, Executive Director, Save Our Springs Alliance (SOS)
Bill Aleshire, Travis County resident

MOTION: Authorize the County Judge to write a letter, on behalf of the Commissioners Court, to the Mayor and City Manager of the City of Austin, suggesting the following Next Steps, as recommended by staff:

1. Identification of a project list that may be financed using Venue Tax revenue. Portions of a two percent Venue Tax may be applied to various projects; however, voters must approve each project and its associated portion of the Venue Tax separately.

2. Completion of a financial analysis and modeling by PFM of the County's revenue stream. This work is allowed under the existing contract between the County and PFM based on an hourly fee scope of work that would be developed.
3. Discussion of a partnership structure with our City counterparts at the elected level and staff level.
4. Discussion of partnership structures with interested private and public organizations.
5. Engagement of the public to request input and provide information about the Venue Tax process.

FRIENDLY

AMENDMENT: Edit the wording of Next Step 2, to read, "Completion of a financial and equity analysis and modeling . . ."

MOVER: Margaret J. Gómez, Commissioner

RESULT: **FRIENDLY AMENDMENT ACCEPTED**

SECOND

FRIENDLY

AMENDMENT: That the letter be in three parts: An invitation to a discussion of a Chapter 335 partnership, a list of suggested projects, Travis County's concerns, with regard to the City of Austin acting without partnership and consuming all of the combined Hotel Occupancy Tax (HOT) and venue tax, up to the 17% cap.

MOVER: Sarah Eckhardt, Judge

RESULT: **FRIENDLY AMENDMENT ACCEPTED**

Clerk's Note: A Vote on the Standing Motion was taken.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Jeffrey Travillion Sr, Commissioner

SECONDER: Margaret J. Gómez, Commissioner

AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

13. 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)

Judge Eckhardt announced that Item 13 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney, Gov't. Code Ann. 551.072, Real Property, and Gov't. Code Ann. 551.076, Security.

RESULT: **DISCUSSED**

Operations Management

14. Consider and take appropriate action on routine personnel actions. (Commissioner Gómez)

RESULT: **ADDED TO CONSENT**

15. Consider and take appropriate action on the release of proposed FY18 changes to employee and retiree healthcare benefits. (Commissioners Travillion & Gómez)

Members of the Court heard from:

Shannon Steele, Benefits Manager, Human Resources Management Department (HRMD)

Travis Gatlin, Budget Director, PBO

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

Transportation and Natural Resources

16. Receive update and take appropriate action regarding the Citizens Bond Advisory Committee process. (Judge Eckhardt)

Members of the Court heard from:

Steve Manilla, County Executive, Transportation and Natural Resources (TNR)
Ron Wattinger, Chair, Travis County Citizens Bond Advisory committee (CBAC)
Amanda Brown, CBAC Board member
John Langmore, Vice Chair, CBAC
Susan Spataro, Travis County resident
Cynthia McDonald, Chief Deputy, TNR

RESULT: DISCUSSED

17. Consider and take appropriate action on a request to use an alternative fiscal agreement for Bear Creek Crossing, Phase 1, in Precinct Three. (Commissioner Daugherty)

RESULT: ADDED TO CONSENT

18. Consider and take appropriate action on a request to use a cash security agreement for The Enclave at Estancia, Phase 4, a condominium project in Precinct Three. (Commissioner Daugherty)

RESULT: ADDED TO CONSENT

19. Consider and take appropriate action on the acceptance of dedication of the public streets and drainage facilities for Stoney Ridge Phase C, Section 2A. (Commissioner Gómez)

RESULT: ADDED TO CONSENT

Purchasing Office Items

20. Consider and take appropriate action on order to revise Travis County Code Chapter 32, Purchasing and Assets, and Chapter 33, Ethics Policy. (Commissioner Travillion)

RESULT: ADDED TO CONSENT

21. Approve Modification No. 1 to Contract No. 4400001502, Binkley & Barfield, for Hamilton Pool Road Improvements. (Commissioner Travillion)

RESULT: ADDED TO CONSENT

22. Approve termination of Group D. STAR Flight Facility for Contract No. 4400002290, International Building Services, for Janitorial Services. (Commissioner Travillion)

RESULT: ADDED TO CONSENT

Other

23. Consider and take appropriate action on legislative matters, including:
- a. Update on legislative activities
 - b. Modifications to the Priorities, Policy Positions, and Positions on Other Proposals sections of the Travis County Legislative Agenda (Commissioners Shea & Daugherty)

Members of the Court heard from:

Deece Eckstein, Intergovernmental Relations Officer, IGR
Jessica Rio, County Executive, PBO

RESULT: DISCUSSED

24. Consider and take appropriate action on the proposed Travis County Vision, Mission, Guiding Principles, and Goals. (Judge Eckhardt & Commissioner Daugherty)

RESULT: NO ACTION NECESSARY

25. Consider and take appropriate action regarding canvassing election returns and declaring results in Travis County for the May 6, 2017, Special Election for the creation of Emergency Services District 15 and ordering the creation of the District. (Judge Eckhardt)

Members of the Court heard from:

Ron Morgan, Chief Deputy, Travis County Clerk's Office

MOTION: Canvass and approve the election results, and approve the order establishing Emergency Services District #15.

RESULT: APPROVED [UNANIMOUS]

MOVER: Margaret J. Gómez, Commissioner

SECONDER: Jeffrey Travillion Sr, Commissioner

AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

26. Consider and take appropriate action on a resolution of no objection and support for Manchaca Commons Apartments, to be located at 12040 Manchaca Road, Austin, Texas 78748, in Travis County. (Public Hearing 1) (Commissioner Daugherty)

Members of the Court heard from:

Cliff Blount, General Counsel, Naman, Howell, Smith & Lee, LLP
Christy Moffett, Social Services Manager, Travis County Health and Human Services & Veterans Service (TCHHS&VS)

MOTION: Approve the Resolution in Item 26.

RESULT: APPROVED [UNANIMOUS]

MOVER: Gerald Daugherty, Commissioner

SECONDER: Margaret J. Gómez, Commissioner

AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

27. 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

The Commissioners Court will consider the following items in Executive Session. The Commissioners Court may also consider any other matter posted on the agenda if there are issues that require consideration in Executive Session and the Commissioners Court announces that the item will be considered during Executive Session.

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

Note 5: Gov't Code Ann 551.087, Economic Development Negotiations

28. Receive briefing and take appropriate action regarding Texas v. Travis County, et al, Cause No. 1:17-CV-425SS. ¹ (Judge Eckhardt)

Judge Eckhardt announced that Item 28 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

RESULT: DISCUSSED

29. Receive update regarding "Sanctuary City" policies at the state and federal levels, and take appropriate action. ¹ (Judge Eckhardt)

Judge Eckhardt announced that Item 29 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

RESULT: DISCUSSED

30. Receive briefing from County Attorney and take appropriate action regarding settlement of 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 30 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

MOTION: Settle the Travis County Code and property damage claims against Munson Park Ltd. and associated entities, for \$80,000.00.

RESULT: APPROVED [UNANIMOUS]

MOVER: Gerald Daugherty, Commissioner

SECONDER: Margaret J. Gómez, Commissioner

AYES: Sarah Eckhardt, Brigid Shea, Gerald Daugherty, Margaret J. Gómez

ABSENT: Jeffrey Travillion Sr

Clerk's Note: Commissioner Travillion requested that the record show him voting in favor of the Motion. The record reflects the Corrected Vote.

CORRECTED VOTE:

RESULT: APPROVED [UNANIMOUS]

AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

31. Consider and take appropriate action on renewed offer to sell approximately 7.5 acres of undeveloped land spanning Gilleland Creek near SH 130 and FM 973 in Precinct One, as part of the Eastern Creeks Open Space, 2011 Bond program. ^{1&2} (Commissioner Travillion)

Judge Eckhardt announced that Item 31 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: Accept the offer to sell.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jeffrey Travillion Sr, Commissioner

SECONDER: Margaret J. Gómez, Commissioner

AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

32. Consider and take appropriate action on use of eminent domain authority in acquiring real property located between Hialeah Drive and Onion Creek in Precinct Four, as part of the Eastern Creeks Open Space, 2011 Bond program. ^{1&2} (Commissioner Gómez)

Judge Eckhardt announced that Item 32 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.

RESULT: DISCUSSED

Adjourn

Minutes approved by the Commissioners Court

Date of Approval

Sarah Eckhardt, Travis County Judge