



Minutes for the Travis County Commissioners Court Tuesday, September 10, 2019 Voting Session

Minutes Prepared by the Travis County Clerk
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Call to Order

Meeting called to order on September 10, 2019, in the Travis County Administration Building, Commissioners Courtroom, 700 Lavaca Street, 1st Floor, Austin, TX, Dana DeBeauvoir, County Clerk, was represented by Deputy 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	Absent

Public Communication

Members of the Court heard from:
Dr. Koo-Hyun Kim, Travis County resident
Pat Vals-Trelles, Travis County resident
Dan Horrigan, Travis County resident

County Announcements

Clerk's Note: There were no speakers for County Announcements.

Clerk's Note: The Court held a moment of silence to remember the victims of the September 11, 2001 attacks.

Consent Items

- C1. Receive bids from the County Purchasing Agent. (Commissioner Daugherty)
- C2. Approve payment of claims by the County Treasurer. (Judge Eckhardt)
- C3. Authorize the County Treasurer to invest County funds. (Judge Eckhardt)
- C4. Approve the minutes for the Commissioners Court Voting Sessions of August 27 & September 3, 2019. (Judge Eckhardt)

MOTION: Approve Consent Items C1-C4 and Agenda Items 5, 6, 8, 12.a-b, 16, 17, 18, 19, 21, 22.a-b, 23, 25, and 26.a-j.
RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Gerald Daugherty, Commissioner
SECONDER: Jeffrey W. Travillion Sr, Commissioner

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

Public Hearings

1. Receive comments regarding a plat for recording: Resubdivision of Steiner Ranch Lake Club (one residential lot and one commercial lot – 5.228 acres – 12300 River Bend – City of Austin two-mile ETJ and limited purpose) in Precinct Two. (Action Item 20) (Commissioner Shea)

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

Members of the Court heard from:

Anna Bowlin, Division Director, Development Services and Long Range Planning,
Transportation and Natural Resources (TNR)
Brandon Martin, Travis County Resident
Connor Overby, Senior Project Coordinator, Atwell LLC

MOTION: Close the Public Hearing.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Brigid Shea, Commissioner
SECONDER: Jeffrey W. Travillion Sr, Commissioner
AYES: Sarah Eckhardt, Jeffrey W. Travillion Sr, Brigid Shea, Gerald Daugherty
ABSENT: Margaret J. Gómez

Resolutions and Proclamations

2. Approve proclamation recognizing the staff of Travis County STAR Flight. (Commissioners Shea & Daugherty)

Members of the Court heard from:

Chuck Brotherton, County Executive, Emergency Services
Chuck Spangler, Operations Director, STAR Flight

MOTION: Approve Item 2.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Brigid Shea, Commissioner
SECONDER: Jeffrey W. Travillion Sr, Commissioner
AYES: Sarah Eckhardt, Jeffrey W. Travillion Sr, Brigid Shea, Gerald Daugherty
ABSENT: Margaret J. Gómez

3. Approve resolution recognizing the Honorable Mike Denton for his service to Travis County. (Commissioner Gómez)

Members of the Court heard from:

Mike Denton, Judge, County Court at Law #4

MOTION: Approve Item 3.
RESULT: **APPROVED [UNANIMOUS]**

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

4. Approve resolution recognizing Ray Wilkerson for his service to Travis County. (Commissioners Shea & Daugherty)

Members of the Court heard from:

Ray Wilkerson, Outgoing Chairman, Board of Directors, Central Texas Regional Mobility Authority (CTRMA)
David Armbrust, Member, Board of Directors, CTRMA

MOTION: Approve Item 4.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Gerald Daugherty, Commissioner
SECONDER: Brigid Shea, Commissioner
AYES: Sarah Eckhardt, Jeffrey W. Travillion Sr, Brigid Shea, Gerald Daugherty
ABSENT: Margaret J. Gómez

Auditor

5. Consider and take appropriate action on a request from the District Judges for flexibility to set the County Auditor's annual salary. (Judge Eckhardt)

RESULT: **ADDED TO CONSENT**

6. Receive revenue and expenditure reports, and other statutorily required reports, for the month of July 2019 from the County Auditor's Office. (Judge Eckhardt)

RESULT: **ADDED TO CONSENT**

Emergency Services

7. Consider and take appropriate action regarding:
 - a. Outdoor burning in the unincorporated areas of Travis County
 - b. County response to natural disaster or other emergency (Judge Eckhardt)

Members of the Court heard from:

Tony Callaway, Travis County Fire Marshal
Chuck Brotherton, County Executive, Emergency Services

MOTION: Approve an order prohibiting outdoor burning.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Brigid Shea, Commissioner
SECONDER: Gerald Daugherty, Commissioner
AYES: Sarah Eckhardt, Jeffrey W. Travillion Sr, Brigid Shea, Gerald Daugherty
ABSENT: Margaret J. Gómez

Clerk's Note: The prohibition on outdoor burning will expire on October 9, 2019, if conditions improve the order can be lifted by the County Judge and the Fire Marshal without action by the Commissioners Court.

Operations Management

8. Consider and take appropriate action on routine personnel actions. (Commissioners Travillion & Gómez)

RESULT: ADDED TO CONSENT

9. Recognize County employees who have completed LEAD Program II and those graduates who have completed LEAD Program III. (Commissioners Travillion & Gómez)

Members of the Court heard from:

Tracey Calloway, Director, Human Resources Management Department (HRMD)
Rian Nilsen, Human Resources Specialist Sr, HRMD

RESULT: DISCUSSED

10. Consider and take appropriate action on:
 - a. Pay grade designation for the County Executive of Technology and Operations job description
 - b. Internal equity considerations with regard to the pay grades and duties of County Executives and direct reports to the Commissioners Court, specifically Charles Brotherton, Deece Eckstein, Sherri Fleming, Paul Hopingardner, Roger Jefferies, Cynthia McDonald, Hector Nieto, and Jessica Rio (This item may be taken into Executive Session under the Consultation with Attorney and Personnel Matters exceptions.) (Commissioners Travillion & Gómez)

Judge Eckhardt announced that Items 10.a-b 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: Set the County Executive of Technology and Operations at pay grade 37 with the remaining County Executives to be set at pay grade 36.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Jeffrey W. Travillion Sr, Commissioner

SECONDER: Brigid Shea, Commissioner

AYES: Sarah Eckhardt, Jeffrey W. Travillion Sr, Brigid Shea, Gerald Daugherty

ABSENT: Margaret J. Gómez

Planning and Budget

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

MOTION: Approve Item 11.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Jeffrey W. Travillion Sr, Commissioner

SECONDER: Gerald Daugherty, Commissioner

AYES: Sarah Eckhardt, Jeffrey W. Travillion Sr, Brigid Shea, Gerald Daugherty

ABSENT: Margaret J. Gómez

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

- a. Annual contract with the Texas Department of Housing and Community Affairs (TDHCA) for the U.S. Department of Energy (DOE) Weatherization Assistance Program (WAP) grant in the Health and Human Services Department (HHS)
- b. Contract amendment with the TDHCA for the Comprehensive Energy Assistance Program (CEAP) in HHS (Commissioner Gómez)

RESULT: ADDED TO CONSENT

- 13. Consider and take appropriate action on proposed Fiscal Year 2020 Budget Rules. (Commissioner Gómez)

Members of the Court heard from:

- Alan Miller, Assistant Budget Director, Planning and Budget Office (PBO)
- Sherri Fleming, County Executive, Travis County Health and Human Services (HHS)
- Travis Gatlin, Budget Director, PBO
- Jessica Rio, County Executive, PBO

RESULT: DISCUSSED

- 14. Consider and take appropriate action to:

- a. Approve an order setting Calendar Year 2020 Sheriff's and Constables' civil fees
- b. Approve an updated fee for the Medical Examiner
- c. Approve updated park user fees for the Transportation and Natural Resources Department
- d. Approve the continued receipt of bingo prize fees after January 1, 2020, and direct staff to send a notice of such action to the Texas Lottery Commission and authorized bingo operators within the County

Members of the Court heard from:

- Alex Braden, Budget Analyst Sr., PBO
- Jennifer Kraber, Assistant County Attorney
- Travis Gatlin, Budget Director, PBO

MOTION: Approve Items 14.a-d.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Brigid Shea, Commissioner

SECONDER: Jeffrey W. Travillion Sr, Commissioner

AYES: Sarah Eckhardt, Jeffrey W. Travillion Sr, Brigid Shea, Gerald Daugherty

ABSENT: Margaret J. Gómez

- e. Receive an annual update on fees to be charged by towing companies called by the Sheriff's Office for non-consent towing
- f. Receive an update on the County's efforts to receive full cost recovery for fees not set by statute and revenue generating contracts (Judge Eckhardt)

Members of the Court heard from:

- Alex Braden, Budget Analyst Sr., PBO

RESULT: DISCUSSED

15. Consider and take appropriate action on FY 2020 budget issues. (Commissioner Gómez)

Members of the Court heard from:

Travis Gatlin, Budget Director, PBO
Aerin-Renee Pfaffenberger, Senior Planning and Budget Analyst, PBO
Alan Miller, Assistant Budget Director, PBO
Kathryn Madden, Chief Assistant County Auditor

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

Purchasing Office Items

16. Approve Contract No. 4400004503 with Illumant, LLC for HIPAA risk analysis consulting services. (Commissioner Daugherty)

RESULT: **ADDED TO CONSENT**

17. Approve contract award for consulting for external assessment, planning, and implementation services, RFS No. 1901-012-JL, to JANUS Software Inc. DBA JANUS Associates, Inc. (Commissioner Daugherty)

RESULT: **ADDED TO CONSENT**

18. Approve Modification No. 2 to Interlocal Agreement No. 4400003413 with The University of Texas at Austin for Ray Marshall workforce development evaluation services. (Commissioner Daugherty)

RESULT: **ADDED TO CONSENT**

Transportation and Natural Resources

19. Set a public hearing on October 8, 2019, to receive comments regarding a request to authorize the filing of an instrument to vacate a portion of a public utility easement located on Lot 8, Block D, River Ridge, a subdivision in Precinct Two. (Commissioner Shea)

RESULT: **ADDED TO CONSENT**

20. Consider and take appropriate action on a plat for recording: Resubdivision of Steiner Ranch Lake Club (one residential lot and one commercial lot – 5.228 acres – 12300 River Bend – City of Austin two-mile ETJ and limited purpose) in Precinct Two. (Public Hearing 1) (Commissioner Shea)

MOTION: Approve Item 20.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Brigid Shea, Commissioner
SECONDER: Jeffrey W. Travillion Sr, Commissioner
AYES: Sarah Eckhardt, Jeffrey W. Travillion Sr, Brigid Shea, Gerald Daugherty
ABSENT: Margaret J. Gómez

21. Set a public hearing on October 8, 2019, to receive comments regarding a request to authorize the filing of an instrument to vacate a public utility easement located along the common lot line of Lots 3 and 4, Block F, Apache Shores, Section 7, a subdivision in Precinct Three. (Commissioner Daugherty)

RESULT: ADDED TO CONSENT

22. Consider and take appropriate action on:

- a. Bear Creek Crossing, Phase 2 Final Plat [89 total lots – 85 single-family lots and four open space, emergency access, private park drainage and utility lots on 30.905 acres – Buffalo Ridge Drive (West of Old San Antonio Road) – City of Austin two-mile ETJ] in Precinct Three
- b. Subdivision construction agreement with M/I Homes of Austin LLC (Commissioner Daugherty)

RESULT: ADDED TO CONSENT

23. Consider and take appropriate action on a request to use a cash security agreement for site improvements for the Boggy Ford Campground (Permit #18-20709), a project within Precinct Three. (Commissioner Daugherty)

RESULT: ADDED TO CONSENT

24. Consider and take appropriate action on an interlocal agreement with the Village of Briarcliff regarding road repair and maintenance. (Commissioner Daugherty)

Members of the Court heard from:

David Hunter, PW Assistant Director, Road Maintenance, TNR
Aerin-Renee Pfaffenberger, Budget Analyst Sr., PBO
Scott Lambert, Engineer, Road Maintenance, TNR

MOTION: Approve Item 24.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Gerald Daugherty, Commissioner

SECONDER: Brigid Shea, Commissioner

AYES: Sarah Eckhardt, Jeffrey W. Travillion Sr, Brigid Shea, Gerald Daugherty

ABSENT: Margaret J. Gómez

Other

25. Consider and take appropriate action on a request from the District Attorney's Office to authorize the purchase of food for grand jurors using budgeted General Fund monies during the orientation at the start of their term. (Judge Eckhardt)

RESULT: ADDED TO CONSENT

26. Consider and take appropriate action on the following offers for tax resale deeds:

- a. Travis County, et al. v. Hardcopy Corporation (Eve M. Cameron Tax Resale Deed)
- b. Travis County, et al. v. Texas 12405, LLC (Nahid Rouhani Tax Resale Deed)
- c. Travis County, et al. v. Laurence A. Hutson (Audacious Living, LLC Tax Resale Deed)

- d. Travis County, et al. v. Robert L. Smith (Sahs Holdings, LLC Tax Resale Deed)
- e. Travis County, et al. v. Guy L. Nesom (LTX Holdings, Inc. Tax Resale Deed)
- f. Travis County, et al. v. Unknown (Recreate Austin, LLC Tax Resale Deed)
- g. Travis County, et al. v. Agapito Vasquez (Herminia Avila Bernal Tax Resale Deed)
- h. Travis County, et al. v. Walter Clifford Wiese, IV (Taerim Lee Tax Resale Deed)
- i. Travis County, et al. v. Donald & Dorothy N. Coleman (Taerim Lee Tax Resale Deed)
- j. Travis County, et al. v. Jim Folmar (Taerim Lee Tax Resale Deed) (This item may be taken into Executive Session under the Consultation with Attorney exception.) (Judge Eckhardt)

RESULT: ADDED TO CONSENT

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

Note 6 Gov't Code Ann 551.089, IT Security

- 27. Receive briefing and take appropriate action regarding an election to be held on November 5, 2019, to designate the Travis County Exposition Center and related infrastructure as a venue project, in accordance with Local Government Code Chapter 334, and designate that the method of financing for the venue project is the imposition of a new hotel occupancy tax, and related issues.^{1&2} (Judge Eckhardt)

Judge Eckhardt announced that Item 27 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

- 28. Receive briefing on County real estate portfolio and take appropriate action.^{1&2} (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 and Gov't. Code Ann. 551.072, Real Property.

RESULT: DISCUSSED

- 29. Receive legal briefing in Amy Smith, et al. v. City of Austin, et al., Case No. 1:18-CV-5051, and other claims and actions that relate to this litigation.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. Consider and take appropriate action regarding a counteroffer received for the County's planned purchase of Parcel 11, 11TEa, and 11TEb, required as right-of-way for the FM 969 Capital Improvement Roadway Project in Precinct One.^{1&2} (Commissioner Travillion)

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: Counter the counter-offer at the ceiling discussed in Executive Session.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Jeffrey W. Travillion Sr, Commissioner
SECONDER: Brigid Shea, Commissioner
AYES: Sarah Eckhardt, Jeffrey W. Travillion Sr, Brigid Shea, Gerald Daugherty
ABSENT: Margaret J. Gómez

31. Consider and take appropriate action on Parcel 23, Travis County, Texas vs. RKM Enterprises, Inc., Cause No. C-1-CV-19-001638, involving right-of-way for the Blake Manor Road Project in Precinct One.^{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 an offer of settlement from the landowner for \$59,000.00, as compensation for Parcel 23.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Jeffrey W. Travillion Sr, Commissioner
SECONDER: Brigid Shea, Commissioner
AYES: Sarah Eckhardt, Jeffrey W. Travillion Sr, Brigid Shea, Gerald Daugherty
ABSENT: Margaret J. Gómez

32. Consider and take appropriate action to approve and authorize the County Judge to execute a possession and use agreement with 706 Investment Partnership, Ltd., the owner of Parcel 1, granting Travis County irrevocable possession and use of the property for the purpose of constructing the Blake Manor Road Project.^{1&2} (Commissioner Travillion)

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.

Members of the Court heard from:
Ann-Marie Sheely Assistant County Attorney

MOTION: Approve and authorize the County Judge to execute a possession and use agreement with 706 Investment Partnership Ltd., the owner of Parcel 1, for the amount discussed in Executive Session
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Jeffrey W. Travillion Sr, Commissioner
SECONDER: Brigid Shea, Commissioner
AYES: Sarah Eckhardt, Jeffrey W. Travillion Sr, Brigid Shea, Gerald Daugherty
ABSENT: Margaret J. Gómez

33. Consider and take appropriate action to approve and authorize the County Judge to execute a possession and use agreement with Cyclone Development, Inc., the owner of Parcel 3, granting Travis County irrevocable possession and use of the property for the purpose of constructing the Blake Manor Road Project.^{1&2} (Commissioner Travillion)

Judge Eckhardt announced that Item 33 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:
Ann-Marie Sheely Assistant County Attorney

MOTION: Approve and authorize the County Judge to execute a possession and use agreement with Cyclone Development Inc., the owner of Parcel 3, for the amount discussed in Executive Session

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Jeffrey W. Travillion Sr, Commissioner

SECONDER: Brigid Shea, Commissioner

AYES: Sarah Eckhardt, Jeffrey W. Travillion Sr, Brigid Shea, Gerald Daugherty

ABSENT: Margaret J. Gómez

34. Consider and take appropriate action to approve and authorize the County Judge to execute a possession and use agreement with Mr. Robert M. Schoolfield, the owner of Parcel 5/5TE, granting Travis County irrevocable possession and use of the property and a construction easement for the purpose of constructing the Blake Manor Road Project.^{1&2} (Commissioner Travillion)

Judge Eckhardt announced that Item 34 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:
Ann-Marie Sheely Assistant County Attorney

MOTION: Approve and authorize the County Judge to execute a possession and use agreement with Mr. Robert M. Schoolfield, the owner of Parcel 5/5TE, for the amount discussed in Executive Session

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Jeffrey W. Travillion Sr, Commissioner

SECONDER: Brigid Shea, Commissioner

AYES: Sarah Eckhardt, Jeffrey W. Travillion Sr, Brigid Shea, Gerald Daugherty

ABSENT: Margaret J. Gómez

35. Consider and take appropriate action to approve and authorize the County Judge to execute a possession and use agreement with Sutherlyn Two Partners, L.P., the owner of Parcel 42 and 42TE, granting Travis County irrevocable possession and use of the property and a construction easement for the purpose of constructing the Blake Manor Road Project.^{1&2} (Commissioner Travillion)

Judge Eckhardt announced that Item 35 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:
Ann-Marie Sheely Assistant County Attorney

MOTION: Approve and authorize the County Judge to execute a possession and use

agreement with Sutherlyn Two Partners, L.P., the owner of Parcel 42/42TE,
for the amount discussed in Executive Session

RESULT:

APPROVED [UNANIMOUS]

MOVER:

Jeffrey W. Travillion Sr, Commissioner

SECONDER:

Brigid Shea, Commissioner

AYES:

Sarah Eckhardt, Jeffrey W. Travillion Sr, Brigid Shea, Gerald Daugherty

ABSENT:

Margaret J. Gómez

Adjourn

Minutes approved by the Commissioners Court

Date of Approval

Sarah Eckhardt, Travis County Judge