



Minutes for the Travis County Commissioners Court Tuesday, January 28, 2020 Voting Session

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

Call to Order

Meeting called to order on January 28, 2020, 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	Present

Public Communication

Members of the Court heard from:
Dr. Koo-Hyun Kim, Travis County resident

County Announcements

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

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 January 7 & 14, 2020. (Judge Eckhardt)

MOTION: Approve Consent Items C1-C4 and Agenda Items 6, 8.a-f, 9, 10.a-d, 13, 14, 15, 16, 17, 18, 19.a-b, 22, 24, 25, 27, 28, and 29.
RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Margaret J. Gómez, Commissioner
SECONDER: Brigid Shea, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

Public Hearings

1. Receive comments regarding a resolution of no objection for Yager Flats apartments, to be located at 4818 East Yager Lane, Manor, Texas 78653. (Action Item 7) (Commissioner Travillion)

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

Members of the Court heard from:

Lawrence Lyman, Director, Research and Planning Division, Travis County Health and Human Services (HHS)
Elena Rivera, Senior Planner, HHS

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

2. Receive comments regarding a request to authorize the filing of an instrument to vacate a public utility easement located on Lot 8, Smoky Ridge and over and across Lot A, Atkinson-North, subdivisions in Precinct Two. (Action Item 26) (Commissioner Shea)

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

Members of the Court heard from:

Anna Bowlin, Division Director, Development Services and Long Range Planning, Transportation and Natural Resources (TNR)

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

Resolutions and Proclamations

3. Approve resolution recognizing Olie Pope for his service to Travis County. (Commissioners Travillion & Daugherty)

Members of the Court heard from:

Olie Pope, Director, Veterans Services
Katherine Robledo, Assistant Veterans Officer, Veterans Services
Susan Lewis, Interim Director, Veterans Services

MOTION: Approve Item 3.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Jeffrey W. Travillion Sr, Commissioner
SECONDER: Gerald Daugherty, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

Emergency Services

4. 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)

RESULT: NO ACTION NECESSARY

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

5. Receive an update from County Emergency Services District (ESD) Commissioners regarding ESD statuses, activities, improvements, and other topics of interest to the Commissioners Court and ESD stakeholders. (Commissioners Shea & Daugherty)

Members of the Court heard from:

Chuck Brotherton, County Executive, Emergency Services
Robert Abbott, Chief, Emergency Services District #6 (ESD#6)
Edd New, President, ESD #3 Board of Commissioners
Ryan Smith, Chief, ESD #12

RESULT: DISCUSSED

6. Consider and take appropriate action on a memorandum of agreement with the Federal Emergency Management Agency Integrated Public Alert and Warning System (IPAWS) Program Management Office regarding the use of County of Travis, Texas, Interoperable System and IPAWS OPEN Platform for Emergency Networks (IPAWS-OPEN). (Judge Eckhardt)

RESULT: ADDED TO CONSENT

Health and Human Services

7. Consider and take appropriate action on a resolution of no objection for Yager Flats apartments, to be located at 4818 East Yager Lane, Manor, Texas 78653. (Public Hearing 1) (Commissioner Travillion)

Members of the Court heard from:

Mark McCord, Vice President, Elmington Capital Group

MOTION: Approve Item 7.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Jeffrey W. Travillion Sr, Commissioner
SECONDER: Brigid Shea, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

8. Consider and take appropriate action on public hearing dates, public comment periods, and advertisements for the Community Development Block Grant (CDBG) PY20 Action Plan and PY19 Consolidated Annual Performance and Evaluation Report (CAPER):
 - a. Public hearing on March 24, 2020, at 9 am in the Travis County Commissioners Courtroom (TCCC), to inform the public and receive public input regarding community needs to help in the development of the PY20 Action Plan
 - b. Advertisements announcing the community-needs public hearing for the PY20 Action Plan
 - c. Public comment period (30-day) and public hearing date for the draft PY20 Action Plan:
 1. Public comment period: June 24, 2020, at 8 am, to July 24, 2020, at 5 pm
 2. Public hearing: July 14, 2020, at 9 am in the TCCC
 - d. Advertisements announcing the PY20 Action Plan public comment period and public hearing
 - e. Public comment period and public hearing date for the PY19 CAPER:
 1. Public comment period: November 12, 2020, at 8 am, to November 27, 2020, at 5 pm
 2. Public hearing: November 17, 2020, at 9 am in the TCCC
 - f. Advertisements announcing the PY19 CAPER public comment period and public hearing (Commissioners Shea & Gómez)

RESULT: ADDED TO CONSENT

Planning and Budget

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

RESULT: ADDED TO CONSENT

10. Consider and take appropriate action on the following grant programs, applications, contracts & related special budgets, and permissions to continue:
 - a. Annual application with the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) for the Parenting in Recovery Family Drug Treatment Court (PIR/FDTC) program in the Health and Human Services Department
 - b. Annual application to the Texas Division of Emergency Management for the Emergency Management Performance Grant program in the Emergency Services Department
 - c. Annual contract with the Texas Indigent Defense Commission for the MHPD Felony Expansion grant in Justice Planning
 - d. Status report for the Travis County Sheriff's Office (TCSO) NIBRS Conversion Grant from the U.S. Department of Justice, Bureau of Justice Statistics in TCSO (Commissioner Gómez)

RESULT: ADDED TO CONSENT

11. Receive update on the County's performance management program within SAP's Budgeting and Planning (SBP) module. (Commissioner Gómez)

Members of the Court heard from:

Travis Gatlin, Budget Director, Planning and Budget Office (PBO)
Chris Broussard, Business Analyst III, PBO

RESULT: DISCUSSED

12. Consider and take appropriate action on the scope of services for real estate and financial advisory services for the sale or ground lease of Palm School. (Commissioner Gomez)

Judge Eckhardt announced that Item 12 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from:

Christy Moffett, Director, Economic and Strategic Planning, Planning and Budget Office (PBO)
Tom Nuckols, Assistant County Attorney
Diana Ramirez, Director, Economic Development & Strategic Investments, PBO
Ann-Marie Sheely, Division Director, Travis County Attorney's Office

MOTION: Approve Item 12.

MOVER: Gerald Daugherty, Commissioner

Clerk's Note: The Motion died for lack of a Second.

Clerk's Note: The County Judge noted that Item 12 will be reposted on February 4, 2020.

Purchasing Office Items

13. Approve utilization procedures for a pre-qualified list of architectural and engineering firms. (Commissioner Daugherty)

RESULT: ADDED TO CONSENT

14. Approve exemption order and contract for the purchase of professional services from Neil McClure DBA 6 Head Corp, LLC from the competitive procurement process pursuant to County Purchasing Act § 262.024(a)(4). (Commissioner Daugherty)

RESULT: ADDED TO CONSENT

15. Approve contract award for the construction of the Thomas Springs at Circle Drive left-turn lane, IFB No. 1911-005-RJ, to the qualified low bidder, Cox Commercial Construction, LLC. (Commissioner Daugherty)

RESULT: ADDED TO CONSENT

16. Approve Modification No. 1 to Contract No. 4400004293 with Higginbotham Insurance Agency, Inc. for property and boiler & machinery insurance coverage. (Commissioner Daugherty)

RESULT: ADDED TO CONSENT

17. Declare iPhones as surplus property and donate to the SAFE Alliance nonprofit organization. (Commissioner Daugherty)

RESULT: ADDED TO CONSENT

18. Approve Modification No. 5 to Contract No. 4400003420 with Tyler Technologies, Inc. for software license and implementation, maintenance, and support services agreement. (Commissioner Daugherty)

RESULT: ADDED TO CONSENT

Technology and Operations

19. Consider and take appropriate action on:

- a. Routine personnel actions
- b. Non-routine personnel actions (Commissioners Travillion & Gómez)

RESULT: ADDED TO CONSENT

20. Consider and take appropriate action related to the resignation of Travis County Veterans Services Officer, including:

- a. Appointing Susan Lewis, Senior Veterans Services Officer Assistant, as interim Veteran Services Officer, and setting a specific effective date
- b. Setting the interim pay for Susan Lewis (Commissioners Travillion & Daugherty)

Members of the Court heard from:

Susan Lewis, Interim Director, Veterans Services

MOTION: Approve Items 20.a-b.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Gerald Daugherty, Commissioner

SECONDER: Jeffrey W. Travillion Sr, Commissioner

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

Transportation and Natural Resources

21. Consider and take appropriate action on appointments to the Capital Area Regional Transportation Planning Organization (CARTPO). (Judge Eckhardt)

Members of the Court heard from:

Scheleen Walker, Long Range Planning Manager, TNR

MOTION: Approve Item 21.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Brigid Shea, Commissioner

SECONDER: Gerald Daugherty, Commissioner

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

22. Consider and take appropriate action on cancelling the 2017 Bond Project, Great Divide Drive at Little Barton Creek. (Commissioners Travillion & Shea)

RESULT: ADDED TO CONSENT

23. Consider and take appropriate action regarding a monetary donation from Del Valle 969 Apartments, LTD. to the County for the Hornsby Bend Feeder Pilot Program. (Commissioners Travillion & Shea)

Members of the Court heard from:

Scheleen Walker, Long Range Planning Manager, TNR
Michelle Housman, Principal, Land Use Solutions, LLC, representing Del Valle 969 Apartments, Ltd

MOTION: Approve Item 23.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Jeffrey W. Travillion Sr, Commissioner
SECONDER: Brigid Shea, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

24. Set a public hearing on February 25, 2020, to receive comments regarding a request to authorize the filing of an instrument to vacate a public utility and drainage easement located at the common lot lines of Lots 66 & 67, Block A, Kingsbery Park Section One, a subdivision in Precinct One. (Commissioner Travillion)

RESULT: ADDED TO CONSENT

25. Set a public hearing on February 25, 2020, to receive comments regarding a request to authorize the filing of an instrument to vacate drainage easements associated with Shadowglen Phase 2, Sections 21A & 21B, a subdivision in Precinct One. (Commissioner Travillion)

RESULT: ADDED TO CONSENT

26. Consider and take appropriate action on a request to authorize the filing of an instrument to vacate a public utility easement located on Lot 8, Smoky Ridge and over and across Lot A, Atkinson-North, subdivisions in Precinct Two. (Public Hearing 2) (Commissioner Shea)

MOTION: Approve Item 26.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Brigid Shea, Commissioner
SECONDER: Jeffrey W. Travillion Sr, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

27. Consider and take appropriate action on a request to utilize surplus investment income from 2001 Precinct Two Road Bonds for the construction of a new traffic signal at the intersection of Howard Lane and McNeil-Merriltown Road in Precinct Two. (Commissioner Shea)

RESULT: ADDED TO CONSENT

28. Consider and take appropriate action on a request to use an alternative fiscal agreement for West Cypress Hills Phase 2, Section 4, in Precinct Three. (Commissioner Daugherty)

RESULT: ADDED TO CONSENT

Other

29. Consider and take appropriate action on an order modifying the designation of polling places for the March 3, 2020, joint primary election. (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*

- 30. Consider and take appropriate action on the following related to the appointment of the Travis County Chief Public Defender:^{1&3}
 - a. Conducting candidate interviews
 - b. Appointing the Chief Public Defender
 - c. Other related matters (Judge Eckhardt)

Judge Eckhardt announced that Items 30.a-c 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.

Members of the Court heard from:
Roger Jefferies, County Executive, Justice and Public Safety (JPS)

RESULT: DISCUSSED

- 31. Consider and take appropriate action on the sale, lease, or exchange of Palm School or other property in Travis County's real estate portfolio and acquisition of property interests in the land underlying the Travis County Exposition Center or other real property.^{1&2} (Judge Eckhardt)

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.

RESULT: DISCUSSED

- 32. Receive legal briefing in Amy Smith, et al. v. City of Austin, et al., Case No. 1:18-CV-5051.¹ (Judge Eckhardt)

RESULT: NO ACTION NECESSARY

- 33. Receive legal briefing in Emily Borchardt v. Travis County, Texas, et al., Cause No. 1:19-CV-00891-LY.¹ (Judge Eckhardt)

RESULT: NO ACTION NECESSARY

34. Receive briefing and take appropriate action concerning the claims asserted in Travis County, Texas v. Mustang Kimbro Estates, LLC, et al., Cause No. D-1-GN-18-004770, and other claims, actions, and parties that relate to this litigation.¹ (Commissioner Travillion)

RESULT: NO ACTION NECESSARY

35. Receive briefing from County Attorney and take appropriate action regarding violations of the Texas Health & Safety Code and the Travis County Fire Code by Craig Forbes at 4308 James Lane, Travis County, Texas 78734.¹ (Commissioner Daugherty)

Judge Eckhardt announced that Item 35 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

RESULT: DISCUSSED

36. Consider and take appropriate action regarding an offer to sell 177 square feet of land (Parcel 1), and 4,955 square feet of land (Parcel 2), received by the County and required as right-of-way for the planned Littig Road Bridge #161 replacement project in Precinct One.^{1&2} (Commissioner Travillion)

Judge Eckhardt announced that Item 36 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 at the price laid out in Executive Session for parcels 1 & 2.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Jeffrey W. Travillion Sr, Commissioner
SECONDER: Brigid Shea, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

37. Consider and take appropriate action to approve and authorize the County Judge, and/or the County Executive of Transportation and Natural Resources, to execute a possession and use agreement with Frontier Bank of Texas, the owner of FM 969 Capital Improvement Roadway Project's Parcel 13 (Property), granting the County irrevocable possession and use of the Property for the purpose of constructing the FM 969 Capital Improvement Roadway Project.^{1&2} (Commissioner Travillion)

Judge Eckhardt announced that Item 37 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, Division Director, Travis County Attorney's Office

MOTION: Approve and authorize the County Judge, or in her absence the County Executive of TNR, to sign the possession and use agreement where Travis County will pay Frontier Bank of Texas the amount mentioned in Executive Session for the possession and use of its property for constructing the FM 969 Capital Improvements Roadway Project.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Jeffrey W. Travillion Sr, Commissioner
SECONDER: Brigid Shea, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

Clerk's Note: The County Judge noted that Item 37 would be reconsidered.

MOTION: Reconsider Item 37.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Jeffrey W. Travillion Sr, Commissioner
SECONDER: Brigid Shea, Commissioner
AYES: Eckhardt, Travillion Sr, Shea, Daugherty, Gómez

MOTION: Approve and authorize the County Judge, or in her absence the County Executive of TNR, to sign the possession and use agreement where Travis County will pay Frontier Bank of Texas \$295,000.00 for the possession and use of its property for constructing the FM 969 Capital Improvements Roadway Project.

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

38. Consider and take appropriate action to approve and authorize the County Judge, and/or the County Executive of Transportation and Natural Resources, to execute a possession and use agreement with the Most Reverend Joe S. Vasquez, Bishop of the Catholic Diocese of Austin, and his successors in office, of the benefit of Santa Barbara Catholic Church - Austin, Texas, the owner of FM 969 Capital Improvement Roadway Project's Parcels 16 & 17 (Property), granting the County irrevocable possession and use of the Property for the purpose of constructing the FM 969 Capital Improvement Roadway's Project.^{1&2} (Commissioner Travillion)

Judge Eckhardt announced that Item 38 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: Approve and authorize the County Judge, or in her absence the County Executive of TNR, to sign the possession and use agreement where Travis County will pay the Santa Barbara Catholic Church, Austin, Texas the agreed upon amount mentioned in Executive Session for the possession and use of its property for constructing the FM 969 Capital Improvements Roadway Project.

FRIENDLY AMENDMENT: Include \$403,692.00 in the motion.
MOVER: Sarah Eckhardt, County Judge
RESULT: **FRIENDLY AMENDMENT ACCEPTED**

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

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

39. Consider and take appropriate action regarding an offer to sell approximately 1,000 square feet of land (Parcel 1) received by the County and required as right-of-way for planned replacement of a bridge along Linden Road at a crossing of Maha Creek in Precinct Four.^{1&2} (Commissioner Gómez)

Judge Eckhardt announced that Item 39 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: Approve Item 39, as discussed in Executive Session.

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

40. Receive briefing and take appropriate action to accept, reject, or counter an offer made by MCJV Investments, Ltd., to sell Parcel 10 (Property) to the County for the purpose of constructing Elroy Road Improvement Project and to authorize the County Executive of Transportation and Natural Resources to execute the agreement on behalf of the County to purchase the Property.^{1&2} (Commissioner Gómez)

RESULT: **NO ACTION NECESSARY**

Adjourn

Minutes approved by the Commissioners Court

Date of Approval

Sarah Eckhardt, Travis County Judge