



Minutes for the Travis County Commissioners Court April 4, 2023 Voting Session

Minutes Prepared by the Travis County Clerk
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Call to Order

Meeting called to order on April 4, 2023, in the Travis County Administration Building, Commissioners Courtroom, 700 Lavaca Street, 1st Floor, Austin, TX, Dyana Limon-Mercado County Clerk, was represented by Deputy Gillian Porter.

Present: County Judge Andy Brown
Commissioner Precinct 1 Jeffrey Travillion
Commissioner Precinct 2 Brigid Shea
Commissioner Precinct 3 Ann Howard
Commissioner Precinct 4 Margaret J. Gómez

Signature Motion

Clerk's Note: The members of the Commissioners Court discussed the voting session being held by video conference and that several Commissioners are not physically present.

MOTION: Each Commissioner not physically present delegates the authority to the County Judge to sign.
RESULT: **APPROVED - UNANIMOUS**
MOVER: Commissioner Precinct 4 Margaret Gómez
SECONDER: County Judge Andy Brown
AYES: Andy Brown, Jeffrey Travillion, Brigid Shea, Ann Howard, Margaret Gómez

Public Communication

Clerk's Note: There were no speakers for Public Communication.

County Announcements

Clerk's Note: There were no County Announcements.

Consent

- C1. Receive bids from County Purchasing Agent. (Commissioner Travillion)
- C2. Approve payment of claims by the County Treasurer. (Judge Brown)
- C3. Authorize the County Treasurer to invest County funds. (Judge Brown)
- C4. Approve the minutes for the Voting Sessions of March 21 & 28, 2023. (Judge Brown)

MOTION: Approve Items C1-C4.
RESULT: **APPROVED - UNANIMOUS**
MOVER: Commissioner Precinct 1 Jeffrey Travillion
SECONDER: Commissioner Precinct 3 Ann Howard
AYES: Andy Brown, Jeffrey Travillion, Brigid Shea, Ann Howard, Margaret Gómez

Second Consent Motion

MOTION: Approve Items 7, 8 (N1, A1, A2, A3), 9.a-b, 12, 14, 15, 16, 17, 18, 19.a-b, 20, 21, 22, 23, 24.a-b, 26, 28.a, and 31.
RESULT: **APPROVED - UNANIMOUS**
MOVER: Commissioner Precinct 4 Margaret Gómez
SECONDER: Commissioner Precinct 1 Jeffrey Travillion
AYES: Andy Brown, Jeffrey Travillion, Brigid Shea, Ann Howard, Margaret Gómez

Resolutions & Proclamations

- 1. Approve a proclamation recognizing the Week of April 3-7 as "Week of the Young Child" in Travis County. (Judge Brown & Commissioner Gómez)

Members of the Court heard from:

Cathy McHorse, Vice-President, Success by Six, United Way of ATX
Dr. Anette Tielle, Superintendent, Del Valle Independent School District

MOTION: Approve Item 1.
RESULT: **APPROVED - UNANIMOUS**
MOVER: Commissioner Precinct 4 Margaret Gómez
SECONDER: Commissioner Precinct 1 Jeffrey Travillion
AYES: Andy Brown, Jeffrey Travillion, Brigid Shea, Ann Howard, Margaret Gómez

- 2. Approve a proclamation welcoming the San Antonio Spurs to the Moody Center in Austin, Texas on Thursday, April 6, 2023 and Saturday, April 8, 2023. (Judge Brown & Commissioner Travillion)

Members of the Court heard from:

Brandon James, Vice-President of Administration and Deputy Counsel, San Antonio Spurs

MOTION: Approve Item 2.

RESULT: **APPROVED - UNANIMOUS**

MOVER: Commissioner Precinct 1 Jeffrey Travillion

SECONDER: Commissioner Precinct 3 Ann Howard

AYES: Andy Brown, Jeffrey Travillion, Brigid Shea, Ann Howard, Margaret Gómez

Emergency Services

3. Consider and take appropriate action regarding the following:

A. Outdoor burning in the unincorporated areas of Travis County

Members of the Court heard from:

Tony Callaway, Travis County Fire Marshal

RESULT: DISCUSSED

B. County response to natural disaster or other emergency, including response, recovery and rehabilitation efforts resulting from Winter Storm Mara (Judge Brown)

RESULT: NO ACTION NECESSARY

4. Receive briefing and take appropriate action regarding items related to the County's response to and recovery from COVID-19 and other health crises, including but not limited to:

A. Periodic update from the Austin/Travis County Public Health Authority

B. Other necessary measures and actions, including any legal actions, steps, orders, policies, or communications related to COVID-19 and other health crises, and measures necessary to protect public health and safety of employees and residents (Judge Brown)

RESULT: NO ACTION NECESSARY

5. Set a public hearing on Tuesday, April 11, 2023, to receive comments regarding the issuance of a Mass Gathering Permit for NOFX- The Last Tour event to be held on April 21 – 23, 2023, at 701 Dalton Ln, Austin, TX 78742. (Judge Brown)

Members of the Court heard from:

Jennifer Hopgood, Assistant County Attorney

MOTION: Approve Item 5 with the public hearing date corrected to April 18, 2023.

RESULT: **APPROVED - UNANIMOUS**

MOVER: Commissioner Precinct 4 Margaret Gómez

SECONDER: Commissioner Precinct 1 Jeffrey Travillion

AYES: Andy Brown, Jeffrey Travillion, Brigid Shea, Ann Howard, Margaret Gómez

Health & Human Services

6. Consider and take appropriate action to approve the 2024 Work-based learning/Summer Youth Employment Program Interlocal agreement between the City of Austin and Travis County Health & Human Services. (Judge Brown & Commissioner Gómez)

Members of the Court heard from:

Ross Stephens, Director, Community Services Division, Travis County Health and Human Services (HHS)

Pilar Sanchez, County Executive, HHS

MOTION: Approve Item 6.

RESULT: **APPROVED - UNANIMOUS**

MOVER: Commissioner Precinct 1 Jeffrey Travillion

SECONDER: Commissioner Precinct 3 Ann Howard

AYES: Andy Brown, Jeffrey Travillion, Brigid Shea, Ann Howard, Margaret Gómez

Intergovernmental Relations

7. Consider and take appropriate action to approve issuance of a call for applications for an appointment to the Central Texas Regional Mobility Authority (CTRMA) Board of Directors. (Commissioner Shea)

RESULT: ADDED TO CONSENT

Planning & Budget

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

Clerk's Note: Budget Adjustments N1, A1, A2, and A3 in Item 8 were approved on the Second Consent Motion.

Clerk's Note: Budget Adjustment O1 was called up for separate discussion.

Members of the Court heard from:

Travis Gatlin, Budget Director, Planning and Budget Office (PBO)
Alex Braden, Assistant Budget Director., PBO
Paul Hopingardner, Executive Director, Technology and Operations
George Morales III, Constable, Precinct 4
Johnny Gallegos, Chief Deputy, Constable Precinct 4 Office

MOTION: Approve Option Three, three full-time employees.
MOVER: Commissioner Precinct 4 Margaret Gómez
SECONDER: Commissioner Precinct 1 Jeffrey Travillion

**FRIENDLY
AMENDMENT:** Approve Option Two.
MOVER: Commissioner Precinct 2 Brigid Shea
RESULT: **FRIENDLY AMENDMENT NOT ACCEPTED**

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

**FRIENDLY
AMENDMENT:** Direct PBO to continue with the analysis and to report back if there are issues obtaining the data from the five Constable's offices and the Justices of the Peace.
MOVER: County Judge Andy Brown
RESULT: **FRIENDLY AMENDMENT ACCEPTED**

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

RESULT: **APPROVED - UNANIMOUS**
AYES: Andy Brown, Jeffrey Travillion, Brigid Shea, Ann Howard, Margaret Gómez

9. Consider and take appropriate action on the following grant programs, applications, contracts and related special budgets, and permissions to continue:
 - A. Annual application to the Texas Office of the Attorney General for the Other Victim Assistance (OVAG) for \$79,129, including a \$29,629 County match, in the County Attorney's Office
 - B. Annual application to the Texas Office of the Attorney General for the Victim Coordinator and Liaison Grant for \$99,000 in the District Attorney's Office – Special Victims Unit (Commissioner Gómez)

RESULT: ADDED TO CONSENT

10. Consider and take appropriate action regarding Travis County Code Chapter 481, the County's public improvement district policy, including but not limited to:
- A. Select a version of the draft policy with which to move forward
 - B. Consider staffing needs to develop, implement, and enforce policy revisions
 - C. Set a date to lift the moratorium
(Commissioners Shea & Gómez)

Judge Brown announced that Items 10.a-c 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 Development & Strategic Investments,
PBO

Steve Metcalfe, Partner, Metcalfe Wolff Stuart & Williams LLP (MWSW)

Paul Hilgers, Hilgers Family Trust

Sharon Smith, Attorney, Armbrust & Brown PLLC

Vanessa Stowe, Senior Manager, DPFPG Inc

MOTION:

Approve Option A plus amendments:

- Reduce the community benefit fee to 17.5%
- Direct staff to rework the restrictive covenant regarding the strategy of owner occupancy versus rental
- Require the PID financing agreement to be complete before construction commences of PID funded items
- Direct staff to investigate the recapture clause
- Add an allowable use of the PID community benefit fee to include supportive services for PID or other affordable housing residences such as early childhood, after-school programs, parenting, family counseling, or community health workers
- Direct staff to continue to work on the existing PID work until the moratorium is lifted
- Direct staff to try to shorten the timeline for lifting the moratorium, if possible
- Direct staff to rework the payment timing of the PID Community benefit fee in proportion to the levy of a given assessment and/or some alternative structure
- Direct staff to bring back an updated version of the policy in 30 days and if accepted, return two weeks later with an order to repeal and replace.

RESULT:

APPROVED - UNANIMOUS

MOVER:

Commissioner Precinct 3 Ann Howard

SECONDER:

Commissioner Precinct 1 Jeffrey Travillion

AYES: Andy Brown, Jeffrey Travillion, Ann Howard, Margaret Gómez
ABSENT: Brigid Shea

11. Consider and take appropriate action on next steps for Travis County's Local Fiscal Recovery Fund (LFRF) remaining allocation. (Commissioner Gómez)

Members of the Court heard from:

Jessica Rio, County Executive, PBO
Travis Gatlin, Budget Director, PBO
Dashiell Daniels, Budget Analyst III, PBO
Pilar Sanchez, County Executive, HHS
Christy Moffett, Director, Economic Development & Strategic Investments,
PBO

Clerk's Note: The Court discussed relocating funds from TCTX Serve to the LFRF unallocated balance.

MOTION: Move \$3,003,175.00 from TCTX Serve back into the LFRF funds.
RESULT: **APPROVED - UNANIMOUS**
MOVER: Commissioner Precinct 3 Ann Howard
SECONDER: Commissioner Precinct 2 Brigid Shea
AYES: Andy Brown, Jeffrey Travillion, Brigid Shea, Ann Howard, Margaret Gómez

Clerk's Note: The Court discussed moving the \$5M that is currently in the TCTX Thrive program to the LFRF unallocated balance.

MOTION: Keep \$2.5M in the TCTX Thrive program and move \$2.5M to the LFRF funds.
MOVER: Commissioner Precinct 3 Ann Howard
SECONDER: Commissioner Precinct 1 Jeffrey Travillion

SUBSTITUTE

MOTION: Keep the \$5M in the TCTX Thrive Program.
MOVER: Commissioner Precinct4 Margaret Gómez

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

RESULT: **Passed (4-1)**
AYES: Andy Brown, Jeffrey Travillion, Brigid Shea, Ann Howard
NAYS: Margaret Gómez

Purchasing

12. Approve contract award for Electronic Health Records Management System, RFP # 2101-004-SK, in the amount of \$378,175.00, to the highest-ranked respondent, Fusion Capital Management, LLC dba Fusion Health. (Juvenile Probation Department)

(Commissioner Travillion)

RESULT: ADDED TO CONSENT

13. Consider and take appropriate action on the review, exemption, and approval of Contract No. 4400006973 with Mazars USA LLP, in the amount of \$845,200.00, for independent performance audit of Travis County Healthcare District d/b/a Central Health. (Commissioners Court) (Commissioner Travillion) (Commissioner Gomez)

Members of the Court heard from:

Bonnie Floyd, Travis County Purchasing Agent
David Jungerman, Chief Auditor, Internal Audit Division, County Auditor's Office
Fred Lewis, Travis County resident
Mike Geeslin, President and CEO, Central Health
Peck Young, Co-Founder, Coalition for Central Health Audit
Gonzalo Barrientos, Former Senator, 14th District

MOTION: Approve Item 13.

RESULT: **APPROVED - UNANIMOUS**

MOVER: Commissioner Precinct 4 Margaret Gómez

SECONDER: Commissioner Precinct 1 Jeffrey Travillion

AYES: Andy Brown, Jeffrey Travillion, Brigid Shea, Ann Howard, Margaret Gómez

14. Approve Modification No. 1 to Contract No. 4400006261 with Community Medical Services, in the amount of 15,000.00, for methadone treatment services. (Health & Human Services) (Commissioner Travillion)

RESULT: ADDED TO CONSENT

15. Approve Modification No. 1 to Contract No. 4400006260 with Addiction and Psychotherapy Services, in the amount of \$15,000.00, for methadone treatment services. (Health & Human Services) (Commissioner Travillion)

RESULT: ADDED TO CONSENT

16. Approve contract award for County Clerk Expansion Project, IFB No. 2210-003-TL, in the amount of \$3,883,977.27, to the low bidder, Geofill Material Technologies, LLC. (Facilities Management Department) (Commissioner Travillion)

RESULT: ADDED TO CONSENT

17. Approve Purchase Orders for plumbing services related to 2021 Winter Storm Uri and general maintenance, in the amount of \$94,935.10, with Fox Commercial Services. (Facilities Management Department) (Commissioner Travillion)

RESULT: ADDED TO CONSENT

18. Approve Modification No. 9 to Contract 4400000453 with VertiQ Software LLC, in the amount of \$12,195.00, for CME Software System. (Medical Examiners Office) (Commissioner Travillion)

RESULT: ADDED TO CONSENT

Technology & Operations

19. Consider and take appropriate action on the following Personnel Amendments:

- A. Routine Personnel Actions
- B. Non-Routine Personnel Actions
(Commissioners Travillion & Gómez)

RESULT: ADDED TO CONSENT

20. Consider and take appropriate action on the use of general funds for the purchase of food and beverages for the Annual Employee Recognition reception to be held on Tuesday, May 9, 2023. (Commissioners Travillion & Gómez)

RESULT: ADDED TO CONSENT

Transportation & Natural Resources

21. Consider and take appropriate action on a Final Plat for recording: 21801 Hog Eye Road Subdivision (Short Form Final Plat – four residential lots – 10.033 acres - No ETJ in Precinct Four). (Commissioner Gómez)

RESULT: ADDED TO CONSENT

22. Consider and take appropriate action on a Phasing Agreement between HS USCP HOWARD LAND JV, LLC and Travis County for the proposed 2500 Howard Lane development in Precinct Two. (Commissioner Shea)

RESULT: ADDED TO CONSENT

23. Consider and take appropriate action on a proposed License Agreement with the Wells Branch Municipal Utility District for speed feedback signs within the right-of-way Merriltown Drive and Wells Port Drive in Precinct One. (Commissioner Travillion)

RESULT: ADDED TO CONSENT

24. Consider and take appropriate action on the following items regarding Whisper Valley Multifamily, Parcel 3 & 4:

- A. Variance from Title 30-2-151 –a new subdivision must align (extend) all existing streets from adjoining properties
- B. Whisper Valley Multifamily- Parcel 3 & 4 Preliminary Plan – (Preliminary Plan – Two Total Lots on 22.47-Acres – located in City of Austin's Limited Purpose) in Precinct One
(Commissioner Travillion)

RESULT: ADDED TO CONSENT

- 25. Set a public hearing on April 4, 2023, to receive comments regarding the following easement vacation requests associated with Entrada Phase 5 subdivision, in Precinct Two:
 - A. Authorize the filing of an instrument to vacate a lateral support easement dedicated per document #2018190762 of the Official Public Records of Travis County
 - B. Authorize the filing of an instrument to vacate a lateral support easement dedicated per document #2018190761 of the Official Public Records of Travis County
 - C. Authorize the filing of an instrument to vacate a drainage easement dedicated per document #2018190760 of the Official Public Records of Travis County
 - D. Authorize the filing of an instrument to vacate a portion of a lateral support easement dedicated per document #2018190763 of the Official Public Records of Travis County
(Commissioner Shea)

RESULT: NO ACTION NECESSARY

Other

- 26. Appoint the Travis County Risk Manager James Alvarez as mediation representative in Cause No. D-1-GN-22-002942, Michael Cody Minor vs. Travis County, Texas; in the 345th Judicial District Court, Travis County, Texas. *(This item may be taken into executive session under Texas Government Code § 551.07, Consultation with Attorney)* (Judge Brown)

RESULT: ADDED TO CONSENT

- 27. Consider and take appropriate action on the following:
(This item may be taken into executive session under Texas Government Code § 551.071, Consultation with Attorney, Texas Government Code § 551.072, Real Property, Texas Government Code § 551.074, Personnel Matters and Texas Government Code § 551.0745, Deliberations by Commissioners Court about County Advisory Body)

- A. Approve Central Health purchase of property as discussed in closed session, at an amount to not exceed fair market value
- B. Approve adoption of an order authorizing publication and posting of notice of intention to issue certificates of obligation for purchase and renovation of Precinct One property and renovation of Rosewood-Zaragosa property (Judge Brown & Commissioner Travillion)

Judge Brown announced that Items 27.a-b would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.072, Real Property.

Members of the Court heard from:

Stephanie McDonald, Vice President, Enterprise Alignment and Coordination,
Central Health
Dr. Alan Schalscha, Chief Medical Officer, Central Health
Jeff Knodel, Chief Financial Officer, Central Health
Mike Geeslin, President and CEO, Central Health

MOTION: Approve Items 27.a-b.
RESULT: **Passed (3-1)**
MOVER: Commissioner Precinct 3 Ann Howard
SECONDER: Commissioner Precinct 1 Jeffrey Travillion
AYES: Andy Brown, Jeffrey Travillion, Ann Howard
NAYS: Margaret Gómez
ABSENT: Brigid Shea

28. Consider and take appropriate action to approve the following bond:

- A. Robert C. Vestal, Reserve Deputy Constable, Constable Precinct 3 (Judge Brown)

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

Note 7: Gov't Code Ann 551.0745, Deliberation by Commissioners Court about County Advisory Body

29. Receive briefing and take appropriate action regarding Travis County information security issues.¹ & ⁶ (Commissioners Travillion & Howard)

Judge Brown 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 551.089, IT Security.

RESULT: DISCUSSED

30. Receive a briefing and take appropriate action on compliance matters related to the Economic Development Agreement for Property Tax Rebates between Travis County and Charles Schwab & Co. Inc. ¹ & ⁵ (Commissioners Shea & Gómez)

RESULT: NO ACTION NECESSARY

31. Consider and approve request to join as a signatory in proposed Public Right Project's comment letter in support of the Federal Trade Commission's Non-Compete Clause Proposed Rule and delegate signature authority to Travis County Attorney Delia Garza.¹ (Judge Brown)

RESULT: ADDED TO CONSENT

32. Receive briefing and take appropriate action in Cause No. D-1-GN-23-001610, Dallas County, Texas et al. v. Cecile Erwin et al., in the 353rd Judicial District Court, Travis County, Texas. ¹ (Judge Brown)

Judge Brown announced that Item 32 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

MOTION: Authorize joining the lawsuit Dallas County, Texas et al. v. Cecile Erwin et al., in the 353rd Judicial District Court.

RESULT: **APPROVED - UNANIMOUS**

MOVER: Commissioner Precinct 4 Margaret Gómez

SECONDER: Commissioner Precinct 1 Jeffrey Travillion

AYES: Andy Brown, Jeffrey Travillion, Ann Howard, Margaret Gómez

ABSENT: Brigid Shea

Adjourn

Minutes Approved by the Commissioners Court

Date of Approval

Andy Brown, County Judge