



Minutes for the Travis County Commissioners Court May 23, 2023 Voting Session

Minutes Prepared by the Travis County Clerk
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Call to Order

Meeting called to order on May 23, 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 any documents, including orders related to items before the court today on their behalf.

RESULT: **APPROVED - UNANIMOUS**

MOVER: Commissioner Precinct 2 Brigid Shea

SECONDER: Commissioner Precinct 1 Jeffrey Travillion

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

Public Communication

Members of the Court heard from:

Todd Osburn, Assistant Director, Human Resources Management Department
(HRMD)

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 May 2, 9, & 16 and the Special Voting Session of May 4, 2023. (Judge Brown)

MOTION: Approve Items C1-C4.

RESULT: **APPROVED - UNANIMOUS**

MOVER: Commissioner Precinct 1 Jeffrey Travillion

SECONDER: Commissioner Precinct 2 Brigid Shea

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

Second Consent Motion

MOTION: Approve Items 6, 9.a-b, 10, 11, 12, 15, 16.a-b, 18, 19, 20, 21, 22, 23.a-b, 24, 25, 26.a-b, 27, 28, 29, 31, 32, 34, 35, and 36.a-b.

RESULT: **APPROVED - UNANIMOUS**

MOVER: Commissioner Precinct 1 Jeffrey Travillion

SECONDER: Commissioner Precinct 2 Brigid Shea

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

Public Hearings

- 1. 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 1159 and SW ½ of Lot 1158, Apache Shores Section 2, a subdivision in Precinct Three. (Commissioner Howard)

MOTION: Open the Public Hearing.

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

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: Commissioner Precinct 1 Jeffrey Travillion
SECONDER: Commissioner Precinct 3 Ann Howard
AYES: Andy Brown, Jeffrey Travillion, Brigid Shea, Ann Howard, Margaret Gómez

Resolutions & Proclamations

2. Approve proclamation recognizing the week of May 21-27, 2023, as "Emergency Medical Services Week" in Travis County. (Commissioners Shea & Howard)

Members of the Court heard from:

Robert Luckritz, Chief, Austin Travis County Emergency Medical Services (ATCEMS)
Chuck Brotherton, County Executive, Emergency Services

MOTION: Approve Item 2.
RESULT: **APPROVED - UNANIMOUS**
MOVER: Commissioner Precinct 2 Brigid Shea
SECONDER: Commissioner Precinct 1 Jeffrey Travillion
AYES: Andy Brown, Jeffrey Travillion, Brigid Shea, Margaret Gómez
ABSENT: Ann Howard

3. Approve a proclamation recognizing Roger Anis El Khoury, P.E., for his years of service to Travis County and its residents. (Commissioner Gómez)

Members of the Court heard from:

Roger El Khoury, Director, Facilities Management Department (FMD)
Paul Hopingardner, Executive Director, Technology and Operations
Bruce Elfant, Travis County Tax Assessor-Collector
Gabe Stock, Manager, Architectural and Engineering Division, FMD
Jim Barr, Travis County retiree
Ken Gaede, Travis County retiree
Gerald Daugherty, Former Travis County Commissioner

MOTION: Approve Item 3.
RESULT: **APPROVED - UNANIMOUS**
MOVER: Commissioner Precinct 4 Margaret Gómez
SECONDER: Commissioner Precinct 2 Brigid Shea
AYES: Andy Brown, Jeffrey Travillion, Brigid Shea, Margaret Gómez
ABSENT: Ann Howard

4. Approve a proclamation recognizing Constable Carlos Lopez for his 45 years of service to Travis County. (Judge Brown)

Members of the Court heard from:

Carlos Lopez, Constable, Precinct 5
Bruce Elfant, Travis County Tax Assessor-Collector
Nicholas Chu, Travis County Justice of the Peace, Precinct #5
Dimple Malhotra, Judge, County Court at Law #4

MOTION: Approve Item 4.
RESULT: **APPROVED - UNANIMOUS**
MOVER: Commissioner Precinct 1 Jeffrey Travillion
SECONDER: Commissioner Precinct 2 Brigid Shea
AYES: Jeffrey Travillion, Brigid Shea, Margaret Gómez
ABSENT: Andy Brown, Ann Howard

5. Approve a proclamation recognizing the month of May as "Asian Pacific American Heritage Month" in Travis County. (Judge Brown)

Members of the Court heard from:

Nicholas Chu, Travis County Justice of the Peace, Precinct #5
Mary Ann Espiritu, Judge, County Court at Law #5
Dimple Malhotra, Judge, County Court at Law #4

MOTION: Approve Items 5.
RESULT: **APPROVED - UNANIMOUS**
MOVER: Commissioner Precinct 4 Margaret Gómez
SECONDER: Commissioner Precinct 1 Jeffrey Travillion
AYES: Jeffrey Travillion, Brigid Shea, Margaret Gómez
ABSENT: Andy Brown, Ann Howard

Auditor

6. Receive revenue and expenditure reports, and other statutorily required reports, for the month of March 2023 from the County Auditor's Office. The reports are submitted electronically as allowed by Texas Local Government Code §114.023 (a) and prescribed by the County Auditor. (Judge Brown)

RESULT: ADDED TO CONSENT

Emergency Services

7. Consider and take appropriate action regarding the following:
 - A. Outdoor burning in the unincorporated areas of Travis County

- 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

- 8. 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

- 9. Consider and take appropriate action on two Memoranda of Agreement regarding STAR Flight and the Emergency Medical Task Force
 - A. Between Capital Area of Texas Regional Advisory Council and Travis County STAR Flight, and for the purpose of providing aircraft and designated staff to participate as members of the Emergency Medical Task Force
 - B. Between Texas Emergency Medical Task Force and Travis County to establish a mechanism for the utilization and coordination of emergency medical resources and assets in the event of an emergency or disaster, for training purposes, or any other purpose as determined by the TX EMTF SCO or DSHS (Commissioners Shea & Howard)

RESULT: ADDED TO CONSENT

- 10. Consider and take appropriate action to approve a memorandum of understanding between Capital Area of Texas Regional Advisory Council and Travis County Emergency Services for the purpose of providing designated staff to participate as members of the Emergency Medical Task Force. (Commissioners Shea & Howard)

RESULT: ADDED TO CONSENT

- 11. Consider and take appropriate action granting a 30-day extension for Travis County Emergency Services District 8 and 16 to file its FY 2021-2022 annual audit report in accordance with § 775.082 of the Texas Health & Safety Code. (Judge Brown)

RESULT: ADDED TO CONSENT

Health & Human Services

12. Consider and take appropriate action on the use of general funds for the purchase of food and beverages for the Diversion Summit to be held on Monday June 5th, 2023. (Judge Brown)

RESULT: ADDED TO CONSENT

Intergovernmental Relations

13. Consider and take appropriate action on an appointment to the Central Texas Regional Mobility Authority (CTRMA) Board of Directors. (Judge Brown)

MOTION: Accept the late application.

RESULT: APPROVED - UNANIMOUS

MOVER: Commissioner Precinct 2 Brigid Shea

SECONDER: Commissioner Precinct 1 Jeffrey Travillion

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

ABSTAIN: Ann Howard

Justice & Public Safety

14. Consider and take appropriate action to name a county representative to serve on the Homelessness Response System's Leadership Council. (Judge Brown & Commissioner Gómez)

Members of the Court heard from:

Vicki Ashley, Interim County Executive, Justice and Public Safety (JPS)

Cathy McClaugherty, Planning Manager, Justice Planning

RESULT: DISCUSSED

Planning & Budget

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

RESULT: ADDED TO CONSENT

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

- A. New application to the Bureau of Justice Assistance for the Upholding the Rule of Law and Preventing Wrongful Convictions Program grant in the District Attorney's Office

- B. Annual application to the U.S. Department of Justice, Bureau of Justice Assistance for the Travis County Sheriff's Office to be reimbursed for expenses incurred under the Immigration and Naturalization Act of 1994 (Commissioner Gómez)

RESULT: ADDED TO CONSENT

17. Receive update from the Travis Central Appraisal District (TCAD) and discuss legislative outlook related to property appraisal reform. (Commissioner Gómez)

Members of the Court heard from:

Marya Crigler, Chief Appraiser, Travis Central Appraisal District (TCAD)
Jessica Rio, County Executive, Planning and Budget Office (PBO)

RESULT: DISCUSSED

18. Consider and take appropriate action regarding a resolution of Travis County, Texas waiving Travis County Code requirements for a market feasibility study and an appraisal with respect to a Bond Issuance Request for the issuance of Improvement Area #1 Bonds for the payment of the costs of the Improvement Area #1 Improvements for Improvement Area #1 of the WildHorse Ranch Public Improvement District (Commissioner Travillion)

RESULT: ADDED TO CONSENT

Purchasing

19. Approve contract award for Family Medical Leave Act (FMLA) and Paid Parental Leave (PPL) Administration Services, RFS No. 2112-012-BB, estimated requirements, to the highest-ranked respondent, Sedgwick Claims Management Services, Inc. (Human Resources Management Department) (Commissioner Travillion)

RESULT: ADDED TO CONSENT

20. Approve Modification No. 7 to Contract No. 4400001672 with Stantec Consulting Services, Inc., in the amount of \$59,665.04, for the Arkansas Bend Park Improvement Project. (Transportation & Natural Resources) (Commissioner Travillion)

RESULT: ADDED TO CONSENT

21. Approve Change Order No. 3 to Contract No. 4400006531 with Emerson Construction, in the amount of \$153,239.80, for completion of the Arkansas Bend Park Phase II Project. (Transportation & Natural Resources) (Commissioner Travillion)

RESULT: ADDED TO CONSENT

22. Approve Modification No. 4 to Contract No. 4400005303 with SE3, LLC, in the amount of \$500,000.00, for 3rd Party Review of the Development and/or Transportation Permit Applications for Travis County Transportation and Natural Resources. (Transportation & Natural Resources) (Commissioner Travillion)

RESULT: ADDED TO CONSENT

23. Approve the following orders exempting contract competition as required in the County Purchasing Act (Local Government Code § 262.023) (Travis County Sheriff's Office)
- A. Exemption order to contract 4400006980 with Truth be told with AJ, Inc., as needed, for Pre-Employment Polygraph Services
 - B. Exemption order to contract 4400006975 with Bilingual Polygraph Services, as needed, for Pre-Employment Polygraph Services (Travis County Sheriff's Office) (Commissioner Travillion)

RESULT: ADDED TO CONSENT

24. Approve order exempting the purchase of an inflatable boat and flat bottom boat for search and rescue operations from Marine Outlet, in the amount of \$110,463.68, from the competitive procurement process, pursuant to County Purchasing Act §262.024 (a)(2). (Travis County Sheriff's Office) (Commissioner Travillion).

RESULT: ADDED TO CONSENT

25. Approve Modification No. 8 to Contract No.4400002492 with Center for Child Protection, in the amount of \$2,616.36, for office lease space. (Travis County Sheriff's Office) (Commissioner Travillion)

RESULT: ADDED TO CONSENT

Technology & Operations

26. 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

27. Consider and take appropriate action on the use of general funds for the purchase of food and beverages for the Annual Employee Public Hearing on Compensation and Benefits to be held on Thursday, June 1, 2023.(Commissioners Gómez & Travillion)

RESULT: ADDED TO CONSENT

28. Consider and take appropriate action regarding the second amendment to the lease agreement between Travis County and the City of Jonestown to use office spaces for the Northwest Travis County Community Center. (Commissioner Howard)

RESULT: ADDED TO CONSENT

29. Consider and take appropriate action regarding the first amendment to the License Agreement between Travis County and Verde Way, LLC, to extend the License agreement of the Monitoring Well in the parking lot of the Kevin L. Aigner Building located at 10409 Burnet Road, Austin, Texas. (Commissioner Shea)

RESULT: ADDED TO CONSENT

Transportation & Natural Resources

30. Consider and take appropriate action regarding a request to authorize the filing of an instrument to vacate a public utility easement located along the common lot line of Lots 1159 and SW ½ of Lot 1158, Apache Shores Section 2, a subdivision in Precinct Three. (Commissioner Howard)

MOTION: Approve Item 30.

RESULT: APPROVED - UNANIMOUS

MOVER: Commissioner Precinct 3 Ann Howard

SECONDER: Commissioner Precinct 1 Jeffrey Travillion

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

31. Consider and take appropriate action regarding approval of the Roundmountain Oaks Revised Plat of a Portion of Lot 37 Final Plat (Final Plat – one single family lot – 3.012 acres – Faubion Trail - water provided by an on-site well and wastewater provided by an on-site septic system - City of Leander's ETJ) in Precinct Three. (Commissioner Howard)

RESULT: ADDED TO CONSENT

32. Set a public hearing on June 27, 2023, 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 85, 86, and 93, Lodge Acres Annex No. 2, a subdivision in Precinct Two. (Commissioner Shea)

RESULT: ADDED TO CONSENT

33. Consider and take appropriate action to adopt a resolution authorizing the use of Eminent Domain to acquire fee simple title to ±0.1886 of an acre (8,214 SF), referred to as Parcel 7, owned by David Austin Smith and Lauren Kirsten Smith, located at 11090 Fitzhugh Road, Austin, in Travis County, Texas, as described by metes and bounds in Exhibit "A" attached to the Resolution, for the public use and purpose of providing essential services to the general public and promoting public safety in

connection with the Fitzhugh Road Shoulder Widening Project. *This item may be taken into Executive Session pursuant to Texas Government Code § 551.071, Consultation with Attorney and Texas Government Code § 551.072, Real Property exceptions.* (Commissioner Howard)

MOTION: Approve Items 33.
RESULT: **APPROVED - UNANIMOUS**
MOVER: Commissioner Precinct 3 Ann Howard
SECONDER: Commissioner Precinct 1 Jeffrey Travillion
AYES: Andy Brown, Jeffrey Travillion, Brigid Shea, Ann Howard, Margaret Gómez

34. Approve a resolution in support of the Great Springs Project's application to the Texas Department of Transportation's 2023 Transportation Alternatives Set-Aside Call for Projects. (Commissioner Shea)

RESULT: ADDED TO CONSENT

Other

35. Consider and take appropriate action concerning the settlement offer regarding payment for STAR Flight services rendered to patient L.A. (Judge Brown)

RESULT: ADDED TO CONSENT

36. Consider and take appropriate action regarding the following tax collection agreement:

- A. Sunfield MUD No. 1
- B. Sunfield MUD No. 3
(Judge Andy 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

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

Judge Brown 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 551.089, IT Security.

RESULT: DISCUSSED

38. Consider and take appropriate action on an offer received by Travis County for the sale of real property – identified as Parcel # 56 and totaling approximately 0.637 acres of land with numerous improvements – located east of Northeast Metro Park near Cameron Road in Precinct Two, as part of the 2017 Bond program for Eastern Open Space / Parkland acquisition. ^{1 & 2} (Commissioner Shea)

Judge Brown 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 the offer as discussed in Executive Session.

RESULT: **APPROVED - UNANIMOUS**

MOVER: Commissioner Precinct 2 Brigid Shea

SECONDER: Commissioner Precinct 1 Jeffrey Travillion

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

ABSENT: Ann Howard

39. Receive briefing and take appropriate action regarding *County of Travis v. Purdue Pharma, L.P. et al.* Cause No. D-1-GN-18-000625 in the 261st Judicial District Court of Travis County, and *In re: National Prescription Opiate Litigation*, MDL 2804 Case No. 1:17-md-2804 in the United States District Court, Northern District of Ohio, Eastern Division, and *In re: Purdue Pharma L.P., et al.*, Case No. 19-23649, United States Bankruptcy Court, Southern District of New York, and *In re: Mallinckrodt PLC, et al.*, Case No. 20-12522, United States Bankruptcy Court, District of Delaware, and related matters.¹ (Judge Brown)

Judge Brown announced that Item 39 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

MOTION: Accept the Allergan settlement agreement and authorize the County Judge, County Attorney's Office, and outside counsel to take actions necessary to accept and finalize the settlement.

RESULT: **APPROVED - UNANIMOUS**

MOVER: Commissioner Precinct 4 Margaret Gómez
SECONDER: Commissioner Precinct 1 Jeffrey Travillion
AYES: Andy Brown, Jeffrey Travillion, Brigid Shea, Ann Howard
ABSENT: Ann Howard

40. Receive legal briefing and take appropriate action concerning the settlement offer regarding payment for STAR Flight services rendered to patient E.R. ¹ (Judge Brown)

Judge Brown announced that Item 40 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

MOTION: Authorize Chuck Brotherton, County Executive, Emergency Services to accept \$7,188.47 as full satisfaction for Ethan Rodgers' STAR Flight bill for services provided on August 5, 2020.

RESULT: **APPROVED - UNANIMOUS**

MOVER: Commissioner Precinct 4 Margaret Gómez
SECONDER: Commissioner Precinct 2 Brigid Shea
AYES: Andy Brown, Jeffrey Travillion
ABSENT: Ann Howard

41. Consider and take appropriate action regarding letter requesting approval to change the use of approximately 147 acres of land in Precinct One to an auto salvage yard. ¹ & ² (Commissioner Travillion)

Judge Brown announced that Item 41 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

Andy Brown, County Judge