



Minutes for the Travis County Commissioners Court February 23, 2021 Voting Session

Minutes Prepared by the Travis County Clerk
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Call to Order

Meeting called to order on February 23, 2021, 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.

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

Absent: Commissioner Precinct 1 Jeffrey Travillion

Clerk's Note: The Court expressed their sympathy to Commissioner Travillion and his family on their recent losses. Commissioner Travillion requested that in lieu of flowers the family would appreciate donations to the Central Texas Food Bank.

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: County Judge Andy Brown

SECONDER: Commissioner Precinct 2 Brigid Shea

AYES: Andy Brown, Brigid Shea, Ann Howard, Margaret Gomez

ABSENT: Jeffrey Travillion

Consent

- C1. Receive bids from the County Purchasing Agent.
- 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 Commissioners Court Voting Sessions of January 19 and February 2, 2021, the Special Voting Session of January 28, 2021, and the Special Joint Session of February 2, 2021. (Judge Brown)

MOTION: Approve Items C1-C4.
RESULT: **APPROVED - UNANIMOUS**
MOVER: Commissioner Precinct 2 Brigid Shea
SECONDER: Commissioner Precinct 4 Margaret Gomez
AYES: Andy Brown, Brigid Shea, Ann Howard, Margaret Gomez
ABSENT: Jeffrey Travillion

Second Consent Motion

MOTION: Approve Items 2, 9, 10, 11, 12.a-b, 13, 14, 15, 16.a, 17, 19, and 20.a-l.
RESULT: **APPROVED - UNANIMOUS**
MOVER: Commissioner Precinct 2 Brigid Shea
SECONDER: Commissioner Precinct 4 Margaret Gomez
AYES: Andy Brown, Brigid Shea, Ann Howard, Margaret Gomez
ABSENT: Jeffrey Travillion

Public Hearings

1. Receive comments regarding a request to authorize the filing of an instrument to vacate a portion of a drainage easement located over and across Lot A, M&J Addition, Section 3, a subdivision in Precinct Two. (Commissioner Shea)

MOTION: Open the Public Hearing
RESULT: **APPROVED - UNANIMOUS**
MOVER: Commissioner Precinct 3 Ann Howard
SECONDER: Commissioner Precinct 2 Brigid Shea
AYES: Andy Brown, Brigid Shea, Ann Howard, Margaret Gomez
ABSENT: Jeffrey Travillion

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 2 Brigid Shea
SECONDER: Commissioner Precinct 3 Ann Howard
AYES: Andy Brown, Brigid Shea, Ann Howard, Margaret Gomez
ABSENT: Jeffrey Travillion

Resolutions & Proclamations

2. Approve proclamation recognizing February 2021 as “Black History Month” in Travis County and announce the Austin Independent School District African American Heritage Celebration. (Commissioner Travillion)

RESULT: ADDED TO CONSENT

Emergency Services

3. Consider and take appropriate action regarding:
 - A. Travis County's response to and recovery from COVID-19, including but not limited to an update from Dr. Escott or his designee at Austin/Travis County Public Health
 - B. Other necessary measures and actions related to COVID-19, including Travis County's operations, policies, emergency assistance, measures necessary to preserve public health and safety, and applicable orders, declarations or resolutions, including communications from the State

Members of the Court heard from:

Chuck Brotherton, County Executive, Emergency Services

Dr. Jason Pickett, Alternate Health Authority, Austin Public Health and Health Authority, Austin-Travis County

Stephanie Hayden-Howard, Director, Austin Public Health

RESULT: DISCUSSED

4. Consider and take appropriate action regarding Travis County response to severe winter weather, including but not limited to County response to severe weather impact on County facilities, programs, and resources and County response to actions taken by state or federal entities. *(This item will be taken into Executive Session under the Consultation with Attorney exception, Tex. Gov't Code §§551.071)* (Judge Brown)

Members of the Court heard from:

Chuck Brotherton, County Executive, Emergency Services

Eric Carter, Emergency Management Coordinator, Emergency Services

Craig Smith, Major, Law Enforcement, Travis County Sheriff's Office (TCSO)

Wes Priddy, Major, Administration, TCSO

Sherri Fleming, County Executive, Travis County Health and Human Services (HHS)

Paul Hopingardner, Executive Director, Technology and Operations

Cynthia McDonald, County Executive, Transportation and Natural Resources (TNR)

Hector Nieto, Public Information Officer, Public Information Office (PIO)

Dolores Ortega- Carter, Travis County Treasurer

RESULT: DISCUSSED

5. Consider and take appropriate action regarding outdoor burning in the unincorporated areas of Travis County. (Judge Brown)

RESULT: NO ACTION NECESSARY

Justice Planning

6. Receive state required Racial Profiling Report for calendar year 2020 from the Travis County Sheriff's Office. (Judge Brown)

RESULT: NO ACTION NECESSARY

7. Consider and take appropriate action on directing the County Executives of Justice and Public Safety, and Health and Human Services, and their staffs, to enter into a collaboration of local partners to develop and negotiate a proposal to fund units of permanent supportive housing. (Commissioner Howard)

Members of the Court heard from:

Roger Jefferies, County Executive, Justice and Public Safety (JPS)
Sherri Fleming, County Executive, HHS
Ann-Marie Sheely, Division Director, Travis County Attorney's Office
Travis Gatlin, Budget Director, Planning and Budget Office (PBO)

MOTION: Direct the County Executives of Justice and Public Safety, and Health and Human Services, and their staffs, to enter into a collaboration of local partners to develop options for the Commissioners Court to consider regarding permanent supportive housing.

RESULT: **APPROVED - UNANIMOUS**

MOVER: Commissioner Precinct 3 Ann Howard

SECONDER: Commissioner Precinct 2 Brigid Shea

AYES: Andy Brown, Brigid Shea, Ann Howard, Margaret Gomez

ABSENT: Jeffrey Travillion

Planning & Budget

8. Receive an update on the Colorado River Project, LLC (also referred to as Tesla), and consider and take appropriate action, regarding:
 - A. Tesla's request for foreign trade zone status; (Note 1)
 - B. Agreement with Tesla to extend Harold Green Road; (Notes 1 and 2)
 - C. Tesla's request to apply equivalent methods of protection to obtain building permits as related to standards set forth in the International Fire Code; (Note1)

- D. Revision of Amendment One to Economic Development Performance Agreement, Colorado River Project, LLC (Tesla); (Note 1) and
- E. Other related issues. (Notes 1 and 2) *The Commissioners Court will consider this item in executive session under Texas Government Code Section 551.071, Consultation with Attorney (Note 1), and Section 551.072, Real Property (Note 2).* (Commissioner Travillion)

Judge Brown announced that Items 8.a-e would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation and Gov't. Code Ann 551.087, Economic Development Negotiations.

Members of the Court heard from:

Diana Ramirez, Director, Economic Development & Strategic Investments,
Planning and Budget Office (PBO)

David Greear, Assistant Director, Public Works and Capital Improvement
Projects, TNR

Christy Moffett, Director, Economic and Strategic Planning, PBO

MOTION: Authorize the County Judge to send a letter of no objection related to the request for Foreign Trade Zone designation by Colorado River Project LLC and that Travis County approve amendment one to the Economic Development Performance Agreement as revised on February 22, 2021.

RESULT: **PASSED (3-0)**

MOVER: Commissioner Precinct 3 Ann Howard

SECONDER: Commissioner Precinct 2 Brigid Shea

AYES: Andy Brown, Brigid Shea, Ann Howard

ABSTAIN: Margaret Gomez

ABSENT: Jeffrey Travillion

Purchasing

- 9. Consider and take appropriate action to approve Amendment Number 4 to Interlocal Agreement #15-087-000-8761 with the General Land Office for the purchase of gas for county-owned or operated buildings and authorize the Facilities Management Director to sign Texas Gas Service forms and other forms related to the agreement. (Exec. Session Gov't Code Ann. 551.071) (Facilities Management Department) (Commissioner Travillion)

RESULT: ADDED TO CONSENT

- 10. Approve contract award for Elevator Maintenance Services, IFB No. B2010-011-WL, for estimated requirements, to the lowest responsive bidder, EMR Elevator, Inc. (Facilities Management Department) (Commissioner Travillion)

RESULT: ADDED TO CONSENT

11. Approve Modification No. 4 to Contract No. 4400003462, AgustaWestland Philadelphia Corporation, for Purchase of Helicopters, Fixed Fire Tanks, Spares, and Tools. (STAR Flight) (Commissioner Travillion)

RESULT: ADDED TO CONSENT

12. Consider and take appropriate action on the following:
 - A. Approve Modification No. 17 to Contract No. 4400000427 with CyrusOne, LLC, in the amount of \$64,922.00, for data center lease space.
 - B. Authorize Purchasing Agent to sign contingency Modifications/Work Orders for up to \$30,000.00. (Information Technology Services) (Commissioner Travillion)

RESULT: ADDED TO CONSENT

13. Approve 12-month extension (Modification No. 2) to Contract No. 4400004293 with Higginbotham Insurance Agency, Inc., in the amount of \$1,092,666.00, for property and boiler & machinery insurance coverage. (Human Resources Management Department) (Commissioner Travillion)

RESULT: ADDED TO CONSENT

14. Approve contract award for benefits consultant services, RFS No. 2008-002-BK, in the amount of \$47,000.00, to NFP Corporate Services (TX), LLC. (Human Resources Management Department) (Commissioner Travillion)

RESULT: ADDED TO CONSENT

15. Approve contract award for Water Treatment System Services, IFB No. 2009-011-GC, as needed, to the lowest bidder, Garratt Callahan Co. (Facilities Management Department, Juvenile Probation Department, and Sheriff's Office) (Commissioner Travillion)

RESULT: ADDED TO CONSENT

Technology & Operations

16. Consider and take appropriate action on the following items for Human Resources Management Department:
 - A. Proposed Routine Amendments

RESULT: ADDED TO CONSENT

17. Consider and take appropriate action on an automobile total loss claim recommendation for the date of loss of November 18, 2020. (Commissioner Gomez)

RESULT: ADDED TO CONSENT

Transportation & Natural Resources

18. Consider and take appropriate action regarding a request to authorize the filing of an instrument to vacate a portion of a drainage easement located over and across Lot A, M&J Addition, Section 3, a subdivision in Precinct Two. (Commissioner Shea)

RESULT: NO ACTION NECESSARY

Other

19. Consider and take appropriate action on the reappointment of Ellen Sweets to the City of Austin/Travis County Food Policy Board, effective immediately, with a term ending February 28, 2023. (Commissioner Shea)

RESULT: ADDED TO CONSENT

20. Consider and approve of tax resale deeds and take appropriate action on the following offers for Tax Resale Deeds:
- A. Travis County, et al v. Ronald C. Brown and Pan Sun Brown a/k/a Pamela S. Brown (Genemco, Inc. Tax Resale Deed)
 - B. Travis County, et al v. M.D. Shelton (Genemco, Inc. Tax Resale Deed)
 - C. Travis County, et al v. Joe John & Guadalupe C. Barron (Genemco, Inc. Tax Resale Deed)
 - D. Travis County, et al v. Scott A. Egan & Patricia Egan (Genemco, Inc. Tax Resale Deed)
 - E. Travis County, et al v. Donald M. Lauderdale (Genemco, Inc. Tax Resale Deed)
 - F. Travis County, et al v. Gay Nell Campise (Genemco, Inc. Tax Resale Deed)
 - G. Travis County, et al v. Richard Young Estate (Genemco, Inc. Tax Resale Deed)
 - H. Travis County, et al v. Frances A. Edgar (Rhonda Hendren Tax Resale Deed)
 - I. Travis County, et al v. Ntiini D. Yiapan & Marcia B. Yiapan (Rhonda Hendren Tax Resale Deed)
 - J. Travis County, et al v. Mary Dee Adkins Nelson (Rhonda Hendren Tax Resale Deed)

- K. Travis County, et al v. Antonio C. Alarcon & Angelica Alarcon (Oskar Matamoros Tax Resale Deed)
- L. Travis County, et al v. Monetizers, Inc. (Vasquez Improving Properties, LLC Tax Resale Deed) *(This item may be taken into Executive Session under the consultation with Attorney exception pursuant to Tex. Gov't Code Ann. Sec. 551.071(1)(A).)*(Judge Brown)

RESULT: ADDED TO CONSENT

21. Discussion and possible action regarding Travis County Mass Drive Thru Vaccine Operations. (Judge Brown)

Members of the Court heard from:

Chuck Brotherton, County Executive, Emergency Services

MOTION: Direct staff to proceed with planning and holding COVID-19 drive through mass vaccination events at the Circuit of the Americas.

MOVER: County Judge Andy Brown

SECONDER: Commissioner Precinct 4 Margaret Gomez

MOVER TO

WITHDRAW: County Judge Andy Brown

RESULT: NO VOTE TAKEN

MOTION: Direct staff to proceed with planning and holding COVID-19 drive- through mass-vaccination events at Circuit of the Americas in partnership with appropriate agencies, including:

- Authorizing expenditures from the County's emergency fund to cover expenses including but not limited to: Site rental, hiring of contracted support staff, purchase of necessary food and beverages, and regular and overtime pay for County staff to support the effort,
- Authorizing County Judge to sign the necessary agreements and to,
- Having staff track all related expenses for federal and state reimbursement purposes

RESULT: APPROVED - UNANIMOUS

MOVER: Commissioner Precinct 4 Margaret Gomez

SECONDER: Commissioner Precinct 2 Brigid Shea

AYES: Andy Brown, Brigid Shea, Ann Howard, Margaret Gomez

ABSENT: Jeffrey Travillion

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

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

RESULT: NO ACTION NECESSARY

23. Receive legal briefing in *Amy Smith, et al. v. City of Austin, et al.*, Case No. 1:18-CV-051.¹ (Judge Brown)

RESULT: NO ACTION NECESSARY

24. 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 related matters. (Judge Brown)

Judge Brown announced that Item 24 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation.

MOTION: Agree to the term sheet as discussed in Executive Session.

RESULT: **APPROVED - UNANIMOUS**

MOVER: Commissioner Precinct 2 Brigid Shea

SECONDER: Commissioner Precinct 4 Margaret Gomez

AYES: Andy Brown, Brigid Shea, Ann Howard, Margaret Gomez

ABSENT: Jeffrey Travillion

25. Receive briefing from County Attorney and/or take appropriate action concerning the extension of Administrative leave with pay for Juvenile Probation Employee, slot 30004257. (Executive Session under Gov't. Code Ann. §551.071, Consultation with Attorney and §551.074, Personnel Exception). (Judge Brown)

Judge Brown announced that Item 25 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: Accept the proposal for the extension of Administrative Leave with pay for the employee as discussed in Executive Session.
RESULT: **APPROVED - UNANIMOUS**
MOVER: Commissioner Precinct 2 Brigid Shea
SECONDER: Commissioner Precinct 4 Margaret Gomez
AYES: Andy Brown, Brigid Shea, Ann Howard, Margaret Gomez
ABSENT: Jeffrey Travillion

26. Receive legal briefing and take appropriate action, including consideration of settlement offer received in *Travis County, Texas vs. James Robert Valentine, IV*; Cause No. D-1-GN-20-003747. *(This item will be taken into Executive Session under the Consultation with Attorney exception, Tex. Gov't Code §§551.071)*

Judge Brown announced that Item 26 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation.

MOTION: Accept Robert Valentine's offer to settle this matter for \$8,500.00 and to authorize the County Executive for Transportation and Natural Resources to sign appropriate settlement documents on behalf of Travis County.
RESULT: **APPROVED – UNANIMOUS**
MOVER: Commissioner Precinct 3 Ann Howard
SECONDER: Commissioner Precinct 2 Brigid Shea
AYES: Andy Brown, Brigid Shea, Ann Howard, Margaret Gomez
ABSENT: Jeffrey Travillion

Adjourn

Minutes Approved by the Commissioners Court

Date of Approval

Andy Brown, County Judge