



# Travis County Commissioners Court Agenda Request

**Meeting Date:** March 19, 2013

**Prepared By/Phone Number:** Nyralin Kline, 854-7807 / Tanya Acevedo, 854-8685

**Elected/Appointed Official/Dept. Head:**

**Commissioners Court Sponsor:** Judge Biscoe

**AGENDA LANGUAGE:**

CONSIDER AND TAKE APPROPRIATE ACTION ON PROCLAMATION RECOGNIZING SUSAN VERHOEF UPON HER RETIREMENT AFTER 23 YEARS OF DEDICATED SERVICE.

**BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS: N/A**

**STAFF RECOMMENDATIONS: N/A**

**ISSUES AND OPPORTUNITIES: N/A**

**FISCAL IMPACT AND SOURCE OF FUNDING: N/A**

**REQUIRED AUTHORIZATIONS: N/A**

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials should be submitted as a pdf to the County Judge's office, [agenda@co.travis.tx.us](mailto:agenda@co.travis.tx.us) by Tuesdays at 5:00 p.m. for the next week's meeting.

*WHEREAS, service, dedication, commitment, and compassion should always be recognized; and*

*WHEREAS, Susan Verhoef has spent the last twenty-three years in service to the residents and employees of Travis County through her performance in the Records Management TCTV and Information Technology Services department and,*

*WHEREAS, she has demonstrated her commitment to service and her dedication to her duties in a fashion that has made her known and respected by all Travis County departments,*

*WHEREAS, her efforts have resulted in several accomplishments such as (but not limited to):*

- *TCTV – Worked with icons like Barbara Jordan and Ann Richards to produce get-out-the-vote PSAs.*
- *TCTV – Created ground-breaking new television series, Austin Deaf World. Conducted in American Sign Language, this series enabled the deaf community to create their own programming in their own language rather than consuming captioned programming produced for them.*
- *TCTV – Awarded 1997 Barbara Jordan Media Award for Public Service Announcement on hearing loss prevention.*
- *Travis County Website – Awarded 2002 Best Practices Exceptional Delivery of Service Award – Commissioners Court Video on Demand*
- *Helped grow county website from a couple hundred pages in the late 1990s to over 4,000 pages today.*

*WHEREAS, Susan is retiring from county service and is beginning a new era of life.*

*NOW, THEREFORE, BE IT RESOLVED that the Travis County Commissioners Court of the State of Texas gratefully recognizes the contributions of Susan Verhoef to residents and employees of Travis County and wishes her continuing success in her much deserved retirement.*

*SIGNED AND ENTERED THIS 19<sup>th</sup> DAY OF March, 2013*

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*Samuel T. Biscoe  
County Judge*

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*Ron Davis  
Commissioner, Precinct 1*

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*Gerald Daugherty  
Commissioner, Precinct 3*

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*Sarah Eckhardt  
Commissioner, Precinct 2*

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*Margaret J. Gomez  
Commissioner, Precinct 4*



# Travis County Commissioners Court Agenda Request

**Meeting Date:** 3/19/12

**Prepared By/Phone Number:** Bill Paterson, 854-9650

**Elected/Appointed Official/Dept. Head:** Leslie Browder, 854-9106

**Commissioners Court Sponsor:** Judge Samuel T. Biscoe

**AGENDA LANGUAGE: APPROVE RESOLUTION RECOGNIZING DANIEL MANSOUR, RISK & BENEFITS MANAGER, ON HIS RETIREMENT FROM TRAVIS COUNTY HUMAN RESOURCES MANAGEMENT DEPARTMENT EFFECTIVE MARCH 31, 2013.**

**BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

See attached Resolution.

**STAFF RECOMMENDATIONS:**

Recommend approval.

**ISSUES AND OPPORTUNITIES:**

N/A

**FISCAL IMPACT AND SOURCE OF FUNDING:**

N/A

**REQUIRED AUTHORIZATIONS:**

Leslie Browder, Planning and Budget Office, 854-9106

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, [Cheryl.Aker@co.travis.tx.us](mailto:Cheryl.Aker@co.travis.tx.us) by Tuesdays at 5:00 p.m. for the next week's meeting.



# Travis County Commissioners Court Agenda Request

**Meeting Date:** March 19, 2013

**Prepared By/Phone Number:** Juanita Jackson 854-4467

**Elected/Appointed Official/Dept. Head:** Sherri E. Fleming,  
County Executive for Health and Human Services and Veterans Service

**Commissioners Court Sponsor:** Judge Samuel T. Biscoe

**AGENDA LANGUAGE:**

Approve Resolution Observing the 45<sup>th</sup> Anniversary of the TET Offensive

**BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

(See Attached)

**STAFF RECOMMENDATIONS:**

Staff recommends approval of this item.

**ISSUES AND OPPORTUNITIES:**

Please see attached draft.

**FISCAL IMPACT AND SOURCE OF FUNDING:**

This item will not increase the County Budget.

**REQUIRED AUTHORIZATIONS:**

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to the County Judge's office, [agenda@co.travis.tx.us](mailto:agenda@co.travis.tx.us) by Tuesdays at 5:00 p.m. for the next week's meeting.

# Travis County Commissioners Court



# Resolution

WHEREAS, January 30<sup>th</sup> marks the launching of the TET Offensive during the Vietnam War and it is fitting to remember the nearly 4,000 American military personnel who made the ultimate sacrifice during those harrowing weeks and months;

WHEREAS, in the early morning hours of January 30, 1968, in violation of a lunar New Year truce, 84,000 North Vietnamese and Viet Cong troops launched the massive TET Offensive, attacking 105 cities and towns throughout South Vietnam;

WHEREAS, on January 31<sup>st</sup>, the bloodiest day of America's longest war, 246 Americans were killed and over 2,000 wounded in a twenty-four hour period;

WHEREAS, American troops, although taken by surprise, displayed bravery and skill in innumerable instances of bitter combat, notably in battles at the cities of Saigon and Hue and the US Marine Corps base at Khe Sanh;

WHEREAS, the attacks were eventually repelled and the Viet Cong were effectively destroyed as a fighting force, the TET Offensive cost more than 50,000 lives, including over 14,000 civilians and 3,895 American soldiers with 543 casualties suffered during a week in mid-February alone;

WHEREAS, nearly 2,000 documented cases of mass murder during the Battle of Hue City claimed the lives of many South Vietnamese businessmen, government workers, politicians, theologians, foreign missionaries, doctors, intellectuals and teachers – a tragic loss from which neither the City nor the Nation have ever fully recovered; and

WHEREAS, nearly half a century later, the courage commanded by American troops during the TET Offensive continues to exemplify the highest standards of bravery, especially by those who paid their last full measure of devotion, worthy of remembrance and honor by the country they served.

NOW, THEREFORE, BE IT RESOLVED BY THE TRAVIS COUNTY COMMISSIONERS COURT THAT ALL CITIZENS OF TRAVIS COUNTY ARE URGED TO OBSERVE THE 45<sup>TH</sup> ANNIVERSARY OF THE TET OFFENSIVE THAT BEGAN ON JANUARY 30 UNTIL APRIL 6, 1968 REMEMBERING THOSE BRAVE MEN AND WOMEN WHOSE SELFLESS SACRIFICE HONORED OUR COUNTRY THROUGH THEIR SERVICE.

SIGNED AND ENTERED THIS \_\_\_\_\_ DAY OF FEBRUARY 2013.

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SAMUEL T. BISCOE  
COUNTY JUDGE

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RON DAVIS  
COMMISSIONER, PRECINCT 1

\_\_\_\_\_  
SARAH ECKHARDT  
COMMISSIONER, PRECINCT 2

\_\_\_\_\_  
GERALD DAUGHERTY  
COMMISSIONER, PRECINCT 3

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MARGARET J. GOMEZ  
COMMISSIONER, PRECINCT 4

## **The TET Offensive**

On January 21, 1968, an intense barrage of artillery hit the US Marine base at Khe Sanh in northwest South Vietnam. This presaged a [siege and battle](#) that would last for seventy-seven days and would see 6,000 Marines hold off 20,000 North Vietnamese. Anticipating that American forces would be drawn north to the fighting at Khe Sanh, Viet Cong units broke the traditional TET (Lunar New Year) cease-fire on January 30, 1968, by launching major attacks against most cities in South Vietnam.

For the next two months, US and ARVN forces successfully beat back the Viet Cong assault, with particularly heavy combat in the cities of Hue and Saigon. Once the fighting had ended, the Viet Cong had been permanently crippled and ceased to be an effective fighting force. On April 1, US forces began Operation Pegasus to relieve the Marines at Khe Sanh. After opening the road to Khe Sanh (Route 9) with a mix of air mobile and ground forces, US troops linked up with the besieged Marines on April 8.

## **Aftereffects of TET**

While the TET Offensive proved to be a military victory for the US and ARVN, it was a political and media disaster. Public support began to erode as Americans started to question the handling of the conflict. Others doubted Westmoreland's ability to command, leading to his replacement in June 1968, by General Creighton Abrams. President Johnson's popularity plummeted and he withdrew as a candidate for reelection. Ultimately, it was the media's reaction and stressing of a widening "credibility gap" that did the most damage to the Johnson Administration's efforts. Noted reporters, such as Walter Cronkite, began to openly criticize Johnson and the military leadership, as well as called for negotiated end to the war. Though he had low expectations, Johnson conceded and opened peace talks with North Vietnam in May 1968.



# Travis County Commissioners Court Agenda Request

**Meeting Date:** March 19, 2013

**Prepared By/Phone Number:** Kent Hubbard/854-6458

**Elected/Appointed Official/Dept. Head:** Cyd Grimes

**Commissioners Court Sponsor:** Judge Biscoe

**Agenda Language:** Pursuant to Texas Local Government Code, Section 263.152(a)(1), declare certain items surplus property and sell at public auction.

- **Purchasing Recommendation and Comments:** Purchasing concurs and recommends approval of requested action. This procurement action meets the compliance requirements as outlined by the statutes.

There are four capital assets included in the items to be auctioned. The Meridian Mail systems are portions of the old voicemail system that have been determined to be no longer useable and will not be repaired. The Scanmark 2500 is an obsolete form reader that was damaged and the Cisco PIX is a broken network security appliance.

Tagged inventory items that are tracked in SAP are itemized in each auction-lot. The balance of the auction items are not considered assets and not tracked in the SAP system.



## Asset Master Record Detail Report

Lot#	Asset #	Inventory #	Location	Description	Serial Number
1	N/A	N/A	TC Add to Auction List	1 USED DRILL & LIGHT COMBO AND MISC CD'S	N/A
2	1007259	102145	TC Add to Auction List	HANDHELD MOVING TRAFFIC RADARS	ASD608000044
2	1007262	102142	TC Add to Auction List	HANDHELD MOVING TRAFFIC RADARS	ASD608000042
2	1039391	70506	TC Add to Auction List	RADAR GUN HR12 KUSTOM	AA7497
2	1005400	87164	TC Add to Auction List	DOPPLER RADAR UNIT; DUAL ANTENNAE K-BAND PYTHON	PYT380000780
3	N/A	N/A	TC Add to Auction List	1 USED BOX OF BOX CUTTERS AND SCISSORS	N/A
4	1010147	121399	TC Add to Auction List	GPS SYSTEMS SPORTRAK PRO TOPO PACKAGE	#
4	1032795	166296	TC Add to Auction List	APPLE IPAD2 WIFI 64 GB BLK	DLXGC9PZDFJ3
4	1011625	124318	TC Add to Auction List	CANON CANOSCAN LIDE 50 (CDW PART #420630)	UY8219455
5	1008846	109725	TC Add to Auction List	DEWALT 18V CORDLESS DRILL	125135
6	N/A	N/A	TC Add to Auction List	1 USED DRILL & 2 USED ELECTRIC HAND SAWS	N/A
7	1018855	152193	TC Add to Auction List	ECHO HANDHELD BLOWER	9053890
7	1018856	152194	TC Add to Auction List	ECHO HANDHELD BLOWER	9054298
8	N/A	N/A	TC Add to Auction List	1 USED TOAST MASTER FRYER	N/A
9	N/A	N/A	TC Add to Auction List	1 USED DEWALT CHOP SAW	N/A
10	N/A	N/A	TC Add to Auction List	1 USED GALLS JUMP STARTER / COMPRESSOR	N/A
11	N/A	N/A	TC Add to Auction List	2 USED GRINDERS	N/A
12	1040098	144817	TC Add to Auction List	INSIGNA 32 " tv	CQNBYYA29249
12	1012625	123804	TC Add to Auction List	FAX CANON LC710	KAG05419
13	N/A	N/A	TC Add to Auction List	1 USED RAWSON TRUCK TOOL BOX	N/A
14	N/A	N/A	TC Add to Auction List	12 USED GAS CONTAINERS	N/A
15	N/A	N/A	TC Add to Auction List	5 OLD BOOK SHELVES	N/A
16	N/A	N/A	TC Add to Auction List	2 OLD BATTERY CHARGERS (NON-WORKING)	N/A
17	1005780	96248	TC Add to Auction List	KIT LS4004 SYMBOL SCANNER	L308637
17	1005781	96249	TC Add to Auction List	KIT LS4004 SYMBOL SCANNER	L072797
17	1005782	96250	TC Add to Auction List	KIT LS4004 SYMBOL SCANNER	J343513
17	1005783	96251	TC Add to Auction List	KIT LS4004 SYMBOL SCANNER	L075886
17	1005784	96252	TC Add to Auction List	KIT LS4004 SYMBOL SCANNER	L026285
17	1005785	96259	TC Add to Auction List	KIT LS4004 SYMBOL SCANNER	L307091
17	1005786	96260	TC Add to Auction List	PDT 8LBL1 LASER SCANNER	L053602
17	1005807	94519	TC Add to Auction List	PDT 8LBL1 LASER SCANNER	L137757
17	1005844	94461	TC Add to Auction List	KIT LS-407R W/SYNAPSE SCANNER	K346530
18	N/A	N/A	TC Add to Auction List	1 USED ECHO CHAINSAW (NON-WORKING)	N/A
19	N/A	N/A	TC Add to Auction List	3 USED SAFETY MIRRORS & 3 USED SPEAKERS	N/A
20	1008017	109606	TC Add to Auction List	PROJECTOR TOSHIBA	5QW1280022
21	1018775	123928	TC Add to Auction List	GARMIN GPS NUV1660	12P134528
21	1017743	126876	TC Add to Auction List	METROLOGIC BAR CODE READER - VOYAGER 9520	860645595
21	1004095	84119	TC Add to Auction List	AUTO SAMPLER H.P.	3214A28251
22	1007527	105758	TC Add to Auction List	COMPACT SUCTION UNIT LAERDAL	PL1002508
22	1039484	76794	TC Add to Auction List	METAL DETECTOR GARRETT WAND	NONE
23	N/A	N/A	TC Add to Auction List	2 BOXES OF OLD BOX CUTTERS AND SCISSORS	N/A
24	N/A	N/A	TC Add to Auction List	2 BOXES OF OLD BOX CUTTERS AND SCISSORS	N/A
25	N/A	N/A	TC Add to Auction List	2 BOXES OF OLD GLASSES	N/A
26	N/A	N/A	TC Add to Auction List	2 BOXES OF OLD WALLETS	N/A
27	1009914	111293	TC Add to Auction List	MOTOROLA RADIO ASTRO SPECTRA W4 128M 35W	526CDS1207





## Asset Master Record Detail Report

Lot#	Asset #	Inventory #	Location	Description	Serial Number
27	1012763	125211	TC Add to Auction List	CANON EOS 20D W/17/85 KIT.	1020619522
27	1015995	125550	TC Add to Auction List	AUTOPSY SAW THERMO ELECTRON	4245
28	N/A	N/A	TC Add to Auction List	1 BOX OF BOX CUTTERS AND 2 OLD BACK PACKS	N/A
29	N/A	N/A	TC Add to Auction List	3 INGERSOLL AIR HAMMER KITS (NON-WORKING)	N/A
30	N/A	N/A	TC Add to Auction List	1 DAYTON INDUSTRIAL FAN (NON-WORKING)	N/A
31	1019976	131647	TC Add to Auction List	WEEDEATER TROY BUILT	1H2070C055
31	1022780	138305	TC Add to Auction List	ECHO GAS STRING TRIMMER	S73112118297
31	1022781	138306	TC Add to Auction List	ECHO GAS STRING TRIMMER	S73112118199
31	1018854	152192	TC Add to Auction List	ECHO GAS STRING TRIMMER	S65611005256
32	N/A	N/A	TC Add to Auction List	1 OLD SCHWINN AND OZONE BICYCLES	N/A
33	N/A	N/A	TC Add to Auction List	1 OLD HUFFY COMMUTER BICYCLE	N/A
34	N/A	N/A	TC Add to Auction List	3 OLD ZENITH TV AND USED PLASTIC CART	N/A
35	N/A	N/A	TC Add to Auction List	1 PALLET OF OLD MISC MODULAR HARDWARE	N/A
36	1003706	100885	TC Add to Auction List	"17"" CARRIAGE IBM TYPEWRITER	2702425
37	N/A	N/A	TC Add to Auction List	1 OLD COUCH	N/A
38	1006281	99669	TC Add to Auction List	COPY BOARD PANASONIC KXB630	30797LC0772
39	N/A	N/A	TC Add to Auction List	2 OLD BOOK SHELVES	N/A
40	N/A	N/A	TC Add to Auction List	1 PALLET OF OLD CORK BOARDS	N/A
41	1021145	130943	TC Add to Auction List	SCANNER FUJITSU 5530C2 COLOR	2047
41	1009378	120724	TC Add to Auction List	VHS RECORDER 4 HEAD PANASONIC	F3IA21263
41	1019420	131519	TC Add to Auction List	PANAFAX UF-8000 FAX MACHINE SUPER G3	1GE44700180
41	1009905	120903	TC Add to Auction List	"13"" TV ORION	53130609679
42	N/A	N/A	TC Add to Auction List	6 BOXES OF OLD BOOKS AND 1 BOX OF CABLES	N/A
43	1004801	52576	TC Add to Auction List	TV RCA	925644901
43	1004804	52764	TC Add to Auction List	TV RCA	222615489
43	1030490	144691	TC Add to Auction List	BROTHER INTELLIFAX 2820	U61325L0NG639241
44	1007364	103475	TC Add to Auction List	VCR PANASONIC 4-HEAD HI-FI	E00080234
45	1013512	127401	TC Add to Auction List	TRANSCRIBER SONY	101255
45	1014118	126935	TC Add to Auction List	REFRIDGE 1.8 CU FT (UNDER DESK) HAIER	2005600644
45	1004929	91720	TC Add to Auction List	TV SONY	8139544
46	1030172	145268	TC Add to Auction List	ELECTROLUX VACUUM CLEANER	1103000793
46	1009882	120424	TC Add to Auction List	VACUUM CLEANER SANITAIRE	340230763
47	1007857	109599	TC Add to Auction List	OKIDATA 5650 FACISIMILE TRANSCEIVER 60021070150-7	205A1010219
47	1006240	95107	TC Add to Auction List	TV/VCR COMBO QUASAR	E9AA34350
47	1016449	109978	TC Add to Auction List	TV 13 INCH TOSHIBA MODEL 13A26	BCB106104576B
47	1005234	88926	TC Add to Auction List	"TELEVISION/VCR COMBO 20"" MAGNAVOX	63426670
47	1005383	91566	TC Add to Auction List	"TELEVISION COLOR 13"" GOLDSTAR	701MX01604
47	1007456	106542	TC Add to Auction List	"DAEWOO 19"" TV/VCR COMBO WITH REMOTE CONTROL	MT22CG1696
47	1005642	95930	TC Add to Auction List	FAX LASER CANON L4500 W/HANDSET	ULR17328
47	1007169	104389	TC Add to Auction List	TV PANASONIC COLOR TV-COMBO WITH VCR 13INCH	I1AA35301
48	1028678	137544	TC Add to Auction List	DAYTON BATTERY CHARGER	JC60031
48	1006360	101112	TC Add to Auction List	SHREDDER FELLOWES 380CC	117492301216K
49	1005388	91639	TC Add to Auction List	"TV MAGNAVOX 20""	3110K192E
49	1006160	99196	TC Add to Auction List	"19"" TV.VCR COMBO DAEWOO	MT97CA1886
50	N/A	N/A	TC Add to Auction List	1 TUB OF OLD CRUTCHES AND CANES	N/A



## Asset Master Record Detail Report

Lot#	Asset #	Inventory #	Location	Description	Serial Number
51	N/A	N/A	TC Add to Auction List	1 BOX OF OLD SHIRTS AND JACKETS	N/A
52	N/A	N/A	TC Add to Auction List	1 BOX OF OLD JACKETS	N/A
53	N/A	N/A	TC Add to Auction List	1 MAGNA BICYCE	N/A
54	N/A	N/A	TC Add to Auction List	1 USED SINGLE COUCH	N/A
55	N/A	N/A	TC Add to Auction List	1 USED LOVE COUCH	N/A
56	N/A	N/A	TC Add to Auction List	1 USED LOVE COUCH	N/A
57	N/A	N/A	TC Add to Auction List	1 USED LOVE COUCH	N/A
58	N/A	N/A	TC Add to Auction List	1 PALLET OF OUT- DATED FIRE EXTIGUISHERS	N/A
59	1005777	95609	TC Add to Auction List	FACSIMILE MACHINE SHARP UX600M	87147583
59	1003737	69289	TC Add to Auction List	TYPEWRITER CANON	W22080019
59	1005690	95310	TC Add to Auction List	TYPEWRITER IBM WHEELWRITER II.	11NPG36
59	1009078	101254	TC Add to Auction List	SCANNER PANASONIC 2025C	6632XDA1482
59	1013537	125666	TC Add to Auction List	DVD DUPLICATOR NORAZZA	7210526
59	1005029	81478	TC Add to Auction List	JUKEBOX PIONEER 6 DISC	8515082
59	1007684	109136	TC Add to Auction List	JET COUNTER FOR BILLS CUMMINS	402990000
60	N/A	N/A	TC Add to Auction List	1 USED MOBILE WORK STATION	N/A
61	1018184	137208	TC Add to Auction List	FELLOWES POWERSHRED C-320C CONFETTI-CUT SHREDDER	#
61	1023545	141271	TC Add to Auction List	SHREDDER C-420C CONFETTI FELLOWES	#
62	N/A	N/A	TC Add to Auction List	1 OLD CAFETERIA TABLE	N/A
63	N/A	N/A	TC Add to Auction List	1 BOX OF OLD SHIRTS AND PANTS AND 2 CARTS	N/A
64	N/A	N/A	TC Add to Auction List	1 PALLET OF MISC OLD OFFICE SUPPLIES	N/A
65	1004956	81651	TC Add to Auction List	MOUNTAIN BIKE ROLAND 21 SPEED	HBEC000948
66	1003964	91984	TC Add to Auction List	REFRIGERATOR KENMORE	930100980
67	N/A	N/A	TC Add to Auction List	1 PALET OF OLD BINDERS AND MISC CABLES	N/A
68	1022398	143118	TC Add to Auction List	BROTHER INTELLIFAX 4750E BUSINESS CLASS LASER FAX	U60283BBJ778824
68	1004403	64203	TC Add to Auction List	PROJECTOR OVERHEAD ELMO	155049
69	N/A	N/A	TC Add to Auction List	1 OLD BROTHER TYPE WRITER AND MISC CABLES	N/A
70	N/A	N/A	TC Add to Auction List	1 PALLET OF EXPIRED TONERS	N/A
71	1016448	130890	TC Add to Auction List	FAX MACHINE CANON LC 710	KAG65Z35
71	1012355	127423	TC Add to Auction List	FAX CANNON SUPER G3 710	KAG05595
71	1007681	103799	TC Add to Auction List	CANON 3170 W/HANDSET	UUY03551
72	1028840	145228	TC Add to Auction List	"SNAPPER 21"" PUSH MOWER	2014505308
72	1014091	126409	TC Add to Auction List	"21"" 6.5HP 2 N 1 PUSH MOWER SNAPPER	2000276154
72	1022422	137972	TC Add to Auction List	"MOWER 21"" SNAPPER PART#SNE2167519B	2012677120
72	1019407	157805	TC Add to Auction List	"21"" PUSH MOWER SNAPPER	2000610350
72	1034035	139329	TC Add to Auction List	"PUSH MOWER 21"" SNAPPER	2014505231
72	1039962	144804	TC Add to Auction List	PUSH MOWER 7800596 #SNE217020B	2015878938
72	1019409	157807	TC Add to Auction List	"21"" PUSH MOWER SNAPPER	2000602483
73	N/A	N/A	TC Add to Auction List	1 MAGIC CHEF REFRIGERATOR (NON-WORKING)	N/A
74	1005632	87097	TC Add to Auction List	"TV/VCR 13"" MAGNAVOX	74852736
74	1006129	94748	TC Add to Auction List	HP SCANJET 6200CXI (W95 V.B OR ABOVE)	SG96B170FW
74	1014094	125675	TC Add to Auction List	GOVIDEO VR5940 DUAL-DECK DVD RECORDER & VCR	5165940200536
74	1023678	158186	TC Add to Auction List	CANON-LIDE200 WE SCANNER	KCYA30601
74	1012513	124696	TC Add to Auction List	SONY TCWE305 DUAL CASSETTE PLAYER/RECORDER	8287102
74	1004309	89706	TC Add to Auction List	VIDEO CASSETTE RECORDER SONY SV0 1410	29638



## Asset Master Record Detail Report

Lot#	Asset #	Inventory #	Location	Description	Serial Number
74	1014552	127903	TC Add to Auction List	DVD RECORDER/PLAYER AND VHS VCR COMBO SONY	6135626
75	N/A	N/A	TC Add to Auction List	1 OLD STORAGE CABINET AND BOX OF PHONES	N/A
76	N/A	N/A	TC Add to Auction List	5 USED LIGHT FIXTURES AND SMALL CART	N/A
77	N/A	N/A	TC Add to Auction List	1 OLD CHURCH PEW	N/A
78	N/A	N/A	TC Add to Auction List	1 OLD CHURCH PEW	N/A
79	N/A	N/A	TC Add to Auction List	1 OLD WAREHOUSE LADDER	N/A
80	N/A	N/A	TC Add to Auction List	1 OLD DOUBLE SIDED BOOK SHELVE	N/A
81	N/A	N/A	TC Add to Auction List	1 OLD DOUBLE SIDED BOOK SHELVE	N/A
82	N/A	N/A	TC Add to Auction List	1 OLD DOUBLE SIDED BOOK SHELVE	N/A
83	N/A	N/A	TC Add to Auction List	1 OLD DOUBLE SIDED BOOK SHELVE	N/A
84	N/A	N/A	TC Add to Auction List	1 OLD DOUBLE SIDED BOOK SHELVE	N/A
85	N/A	N/A	TC Add to Auction List	2 BOXES OF OLD AUDIENCE SEATS	N/A
86	N/A	N/A	TC Add to Auction List	2 BOXES OF OLD AUDIENCE SEATS	N/A
87	N/A	N/A	TC Add to Auction List	1 PALLET OF OLD CEILING PANELS	N/A
88	N/A	N/A	TC Add to Auction List	1 PALLET OF OLD CEILING PANELS	N/A
89	1004898	82169	TC Add to Auction List	"TV 20"" ZENITH WITH	52232140342
89	1007656	108956	TC Add to Auction List	"DAEWOO 13"" TV/VCR COMBINATION	MT21CG0771
89	1006322	99097	TC Add to Auction List	"DAEWOO 13"" TV/VCR COMBINATION	GT9ZEK1481
89	1007491	109004	TC Add to Auction List	SMART LABEL PRINTER EZ30	EZ44256431
89	1004941	83101	TC Add to Auction List	TV SONY	8084470
90	N/A	N/A	TC Add to Auction List	6 OLD TOILET BOWLS AND BOX OF MISC CABLES	N/A
91	1013929	126398	TC Add to Auction List	"19"" TELEVISION TOSHIBA	BC301047374
91	1007107	104430	TC Add to Auction List	"13"" TV/VCR PANASONIC	G1AA331193
92	N/A	N/A	TC Add to Auction List	1 OLD BOOK SHELVE AND 2 USED PROJECTORS	N/A
93	N/A	N/A	TC Add to Auction List	1 PALLET OF OLD TABLES	N/A
94	N/A	N/A	TC Add to Auction List	1 PALLET OF OLD TABLES	N/A
95	N/A	N/A	TC Add to Auction List	1 OLD REFRIGERATOR (NON-WORKING)	N/A
96	1023361	122997	TC Add to Auction List	EPSON RECEIPT PRINTER	C11C524001
97	1016906	130825	TC Add to Auction List	"19"" TELEVISION TOSHIBA	BCB203106196
97	1006970	104065	TC Add to Auction List	"PANASONIC 20"" TV W/4 HEAD VCR COMBO	F1AA29184
98	1005954	95467	TC Add to Auction List	VHS RECORDER/PLAYER PANASONIC	K8KD01114
99	1012978	124661	TC Add to Auction List	TYPEWRITER BROTHER	U53080C5E124249
99	1016356	127086	TC Add to Auction List	GARMIN 350 GPS	44174839
100	1017224	130869	TC Add to Auction List	"19"" TELEVISION TOSHIBA	BCB203109478
101	N/A	N/A	TC Add to Auction List	1 OLD WHIRLPOOL REFRIGERATOR (NON-WOKING)	N/A
102	1009190	120749	TC Add to Auction List	CISCO WS-C3550 48-SMI MULTI LAYER SWITCH	CAT072622A6
102	1009195	120750	TC Add to Auction List	CISCO WS-C3550 48-SMI MULTI LAYER SWITCH	CAT0726X27Y
102	1009185	120752	TC Add to Auction List	CISCO WS-C3550 48-SMI MULTI LAYER SWITCH	CAT072622A0
102	1039869	138641	TC Add to Auction List	CISCO 3500 SWITCH	NEED
102	1010365	102565	TC Add to Auction List	APC SMART UPS XL 1500VA RM 3U	360
102	1039872	98025	TC Add to Auction List	CISCO 3500 SWITCH	NEED
102	1039870	98052	TC Add to Auction List	CISCO 3500 SWITCH	NEED
102	1039328	80473	TC Add to Auction List	CISCO CATALYST 3550	FAB0512P083
102	1009184	121139	TC Add to Auction List	CISCO WS-C3550 48-SMI MULTI LAYER SWITCH	CAT072622CJ
102	1039867	98020	TC Add to Auction List	CISCO 3560 SWITCH	FOX05270JNH



## Asset Master Record Detail Report

Lot#	Asset #	Inventory #	Location	Description	Serial Number
103	N/A	N/A	TC Add to Auction List	1 OLD DESK WITH HUTCH	N/A
104	1005662	93516	TC Add to Auction List	OVERHEAD PROJECTOR PORT 3M2000	960330
104	1004109	61882	TC Add to Auction List	TELEVISION RCA MDL:42152	848280522
105	1006327	101076	TC Add to Auction List	SPEED QUEEN COMMERCIAL DRYER	6020864
106	N/A	N/A	TC Add to Auction List	1 PALLET OF EXPIRED FIRE EXTINGUISHERS	N/A
107	N/A	N/A	TC Add to Auction List	1 PALLET OF OLD ROTARY PHONES	N/A
108	N/A	N/A	TC Add to Auction List	1 CART OF EXPIRED FIRE EXTINGUISHERS	N/A
109	N/A	N/A	TC Add to Auction List	6 OLD ICE CHESTS	N/A
110	N/A	N/A	TC Add to Auction List	1 PALLET OF EXPIRED TONERS	N/A
111	1016354	128858	TC Add to Auction List	FAX MACHINE CANON LC710	KAG62551
111	1005184	87287	TC Add to Auction List	"TV SHARP 25"	637132
111	1018872	131431	TC Add to Auction List	HP 2820 COLOR LASERJET FLATBED ALL-IN-ONE #282-520	CNHC77K09F
111	1006859	103648	TC Add to Auction List	VCR JVC SUPER VHS HI-FI #HR-S3800U	145E3114
111	1014102	126417	TC Add to Auction List	FAX MACHINE CANNON LC710	KAG26820
111	1023677	140720	TC Add to Auction List	LE 230 ULTRASONIC WEPON CLEANING SYSTEM	#
113	N/A	N/A	TC Add to Auction List	1 PALLET OF EXPIRED TONERS	N/A
114	1031318	166264	TC Add to Auction List	"TV INSIGNIA 32" LCD 720P NS-32L430A11	10H243624296
114	1013927	126392	TC Add to Auction List	"19" TELEVISION TOSHIBA	BC301047351
114	1013928	126393	TC Add to Auction List	"19" TELEVISION TOSHIBA	BC301047345
114	1022126	138838	TC Add to Auction List	"TV SAMSUNG 42" LCD	B46A3CSQ302988
115	1003954	58225	TC Add to Auction List	TYPEWRITER PANASONIC KX-E3000	7KM10F09674
115	1007804	109671	TC Add to Auction List	CANON LC3170 LASER FACSIMILE	UYP72431
115	1007903	109195	TC Add to Auction List	FACSIMILE CANON LC3170 LASER	UYP72377
115	1014802	130203	TC Add to Auction List	ORDERING OKI DATA 5650 DIGITAL LED FAX MACHINE	AE5C042205A0
115	1009844	109275	TC Add to Auction List	FAX MACHINE CANON FAX LC710	UZS23356
116	N/A	N/A	TC Add to Auction List	1 OLD DESK	N/A
117	N/A	N/A	TC Add to Auction List	2 OLD DESKS	N/A
118	1015240	122296	TC Add to Auction List	SHREDDER POWERSHRED 220CC FELLOWES	50922
119	N/A	N/A	TC Add to Auction List	30 OLD MOP HANDLES AND 1 OLD MOP BUCKET	N/A
120	1026846	139254	TC Add to Auction List	MILWAUKEE SWIVEL HANDLE SAWZALL	A44A609370048
121	N/A	N/A	TC Add to Auction List	4 OLD RESTROOM SINKS	N/A
122	1005854	95457	TC Add to Auction List	TRAFFIC COUNTER DELTA III	0064A0751B
122	1005851	95454	TC Add to Auction List	TRAFFIC COUNTER DELTA III	0064A0752B
122	1005852	95455	TC Add to Auction List	TRAFFIC COUNTER DELTA III	0064A0753B
122	1005853	95456	TC Add to Auction List	TRAFFIC COUNTER DELTA III	0064A0750B
122	1017742	126875	TC Add to Auction List	EPSON TM-T88III RECEIPT PRINTER (DARK GREY	J4PG025208
123	N/A	N/A	TC Add to Auction List	1 FRIGIDAIRE REFRIGERATOR (NON-WORKING)	N/A
124	N/A	N/A	TC Add to Auction List	1 HAIRE REFRIGERATOR (NON-WORKING)	N/A
125	1011829	124218	TC Add to Auction List	HCDLINK DVC 1000 D-LINK BROADBAND VIDEOPHONE	H2AA134006340
125	1011827	124216	TC Add to Auction List	HCDLINK DVC 1000 D-LINK BROADBAND VIDEOPHONE	H2AA134006337
125	1009909	120905	TC Add to Auction List	D-LINK VIDEO PHONE	H2AA2350002398
126	N/A	N/A	TC Add to Auction List	1 OLD DAEWOO TV/VCR COMBO AND 2 OLD FAXES	N/A
127	N/A	N/A	TC Add to Auction List	1 OLD RCA TV/VCR COMBO AND 1 PANASONIC TV	N/A
128	1011826	124215	TC Add to Auction List	HCDLINK DVC 1000 D-LINK BROADBAND VIDEOPHONE	H2AA134006339
128	1011825	124214	TC Add to Auction List	HCDLINK DVC 1000 D-LINK BROADBAND VIDEOPHONE	H2AA134006338



## Asset Master Record Detail Report

Lot#	Asset #	Inventory #	Location	Description	Serial Number
128	1009908	120901	TC Add to Auction List	D-LINK VIDEO PHONE	H2AA2350002400
128	1011828	124217	TC Add to Auction List	HCDLINK DVC 1000 D-LINK BROADBAND VIDEOPHONE	H2AA134006336
129	N/A	N/A	TC Add to Auction List	1 OLD LARGE WOODEN WORK STATION	N/A
130	N/A	N/A	TC Add to Auction List	1 OLD LARGE WOODEN WORK STATION	N/A
131	1006901	104219	TC Add to Auction List	AG 1330 INDUSTRIAL VCR PANASONIC	B1KN02970
132	1004860	81859	TC Add to Auction List	PRINTER RECEIPT WESTEX	NEED
132	1005356	89626	TC Add to Auction List	CASH REGISTER WESTREX	110
133	N/A	N/A	TC Add to Auction List	1 BOX OF OLD INMATE BED SHEETS	N/A
134	1008993	121169	TC Add to Auction List	PIX-515E-UR-BUN CHASSIS CISCO	88807089193
134	1009226	121135	TC Add to Auction List	CISCO WS-C2950-24 CATALYST SWITCH	FHK0728W0RU
134	1012726	122464	TC Add to Auction List	PIX-515E-UR-BUN	88809084678
134	1039888	121177	TC Add to Auction List	CISCO 3500 SWITCH	NEED
134	1039868	97989	TC Add to Auction List	CISCO 3500 SWITCH	NEED
134	1039875	80470	TC Add to Auction List	CISCO 3500 SWITCH	NEED
134	1039873	98030	TC Add to Auction List	CISCO 3500 SWITCH	NEED
134	1039327	80474	TC Add to Auction List	CISCO CATALYST 3550	FAB0520U0DD
135	N/A	N/A	TC Add to Auction List	1 PALLET OF USED LIGHTS (L 4 X 2 W)	N/A
136	N/A	N/A	TC Add to Auction List	1 PALLET OF OLD BINDERS	N/A
137	1004432	94189	TC Add to Auction List	TV/SONY/20 INCH COLOR	8093671
137	1004924	78110	TC Add to Auction List	TELEVISION COLOR RECEIVER	52116170275
137	1006684	102506	TC Add to Auction List	"TELEVISION/VCR COMBINATION VCR/20"" HIGH TECH	EOAA20336
137	1005724	93589	TC Add to Auction List	"TV W/REMOTE 20"" SAMSUNG #TXD1972	3CDJ6134964
137	1005040	81829	TC Add to Auction List	"TV/VCR COMBO EMERSON 13""	65460107013
138	N/A	N/A	TC Add to Auction List	1 OLD WORK BENCH / TABLE	N/A
139	N/A	N/A	TC Add to Auction List	2 OLD BOOK SHELVES	N/A
140	N/A	N/A	TC Add to Auction List	1 OLD DOUBLE SIDED BOOK SHELVE	N/A
141	N/A	N/A	TC Add to Auction List	1 OLD DOUBLE SIDED BOOK SHELVE	N/A
142	N/A	N/A	TC Add to Auction List	1 OLD DOUBLE SIDED BOOK SHELVE	N/A
143	N/A	N/A	TC Add to Auction List	1 OLD DOUBLE SIDED BOOK SHELVE	N/A
144	N/A	N/A	TC Add to Auction List	1 OLD DOUBLE SIDED BOOK SHELVE	N/A
145	N/A	N/A	TC Add to Auction List	1 OLD BOOK SHELVE WITH STORAGE DRAWERS	N/A
146	N/A	N/A	TC Add to Auction List	2 OLD DESKS AND 1 TABLE	N/A
147	N/A	N/A	TC Add to Auction List	3 OLD DESKS	N/A
148	N/A	N/A	TC Add to Auction List	3 OLD DESKS	N/A
149	N/A	N/A	TC Add to Auction List	1 OLD WORK BENCH AND 1 SMALL TABLE	N/A
150	N/A	N/A	TC Add to Auction List	1 OLD COUCH AND CHAIR	N/A
151	1006844	103098	TC Add to Auction List	VAPOR STEAM CLEANING SYSTEM 110 VOLT 60 HZ	2197
152	1012106	125093	TC Add to Auction List	SCANNER VISIONEER 9650 USB - FLATBED - LEGAL	437TW104970WZ70011
152	1018947	129462	TC Add to Auction List	HP SCANJET 7650	CN77JT40NN
152	1025733	139377	TC Add to Auction List	VR 2 DIGIT INDICATOR	71009
152	1007423	106251	TC Add to Auction List	25 INCH SCREEN - SAMSUNG - #TXK2566	392R100881V
153	1017879	128682	TC Add to Auction List	CANON IMAGECLASS MF4150 MONOCHROME LASER FAX	JUM45632
153	1039180	127019	TC Add to Auction List	BRAILLE PRINTER LAMPERT	6553
153	1006455	101402	TC Add to Auction List	"TV/VCR COMB DAEWOO 13""	GT9ZDA1825
154	1004318	77092	TC Add to Auction List	"TV COLOR 13"" GE	37234307



## Asset Master Record Detail Report

Lot#	Asset #	Inventory #	Location	Description	Serial Number
154	1004986	81480	TC Add to Auction List	"TELEVISION 13"" MAGNAVOX	45300557
155	N/A	N/A	TC Add to Auction List	1 OLD THORO-MATIC BUFFER (NON-WORKING)	N/A
156	N/A	N/A	TC Add to Auction List	1 OLD SHREDDER	N/A
157	1003991	94917	TC Add to Auction List	FLOOR BUFFER ADVANCED	47588
158	1021852	128704	TC Add to Auction List	AQUA SPOT MACHINE/HARD SURFACE CLEANER	1882783
159	N/A	N/A	TC Add to Auction List	1 OLD CAFETERIA TABLE	N/A
160	1003770	52454	TC Add to Auction List	"IBM CORRECTING ""SELECTRIC"" III TYPEWRITER	6705114606657
161	N/A	N/A	TC Add to Auction List	2 PALLETS OF OLD MISC MUDULAR FURNITURE	N/A
162	N/A	N/A	TC Add to Auction List	(APPROXIMATELY) 70 OLD CHAIRS	N/A
163	N/A	N/A	TC Add to Auction List	1 HUFFY BICYCLE	N/A
164	N/A	N/A	TC Add to Auction List	1 ROADMASTER BICYCLE	N/A
165	N/A	N/A	TC Add to Auction List	1 NEXT BREAK BICYCLE	N/A
166	N/A	N/A	TC Add to Auction List	1 MARIN BICYCLE	N/A
167	N/A	N/A	TC Add to Auction List	1 MONGOOSE BICYCLE	N/A
168	N/A	N/A	TC Add to Auction List	1 PACIFIC BICYCLE	N/A
169	N/A	N/A	TC Add to Auction List	1 HUFFY BICYCLE	N/A
170	N/A	N/A	TC Add to Auction List	1 MISC BIYCLE (NO NAME)	N/A
171	N/A	N/A	TC Add to Auction List	1 NEXT BICYCLE	N/A
172	N/A	N/A	TC Add to Auction List	1 FLY BIKE BICYCLE	N/A
173	N/A	N/A	TC Add to Auction List	1 THRUSTER BICYCLE	N/A
173A	N/A	N/A	TC Add to Auction List	1 ROADMASTER BICYCLE	N/A
173B	N/A	N/A	TC Add to Auction List	1 FA AMBUSH BICYCLE	N/A
174	1028962	145263	TC Add to Auction List	COLD WATER PRESSURE WASHER NORTHSTAR ELECTRIC	8104794
175	N/A	N/A	TC Add to Auction List	1 PALLET OF OLD CORK BOARDS	N/A
176	1006953	104360	TC Add to Auction List	ROLLING HOPPER STEEL SAFE GARDALL	202353
177	N/A	N/A	TC Add to Auction List	(APPROXIMATELY) 200 OLD CHAIRS (DAMAGED)	N/A
178	N/A	N/A	TC Add to Auction List	2 OLD PORTABLE DVD PLAYERS	N/A
179	N/A	N/A	TC Add to Auction List	1 OLD DELL LATITUDE LAPTOP	N/A
180	N/A	N/A	TC Add to Auction List	1 BOX OF MISC ELECTRONICS	N/A
181	N/A	N/A	TC Add to Auction List	1 OLD SONY DVD LAYER	N/A
182	1010169	121512	TC Add to Auction List	DIGITAL CAMERA OLYMPUS	115385546
182	1011857	123073	TC Add to Auction List	CAMERA SONY DIGITAL CYBER-SHOT #DSC-W1	504959
183	N/A	N/A	TC Add to Auction List	1 BOX OF MISC JEWELRY	N/A
184	N/A	N/A	TC Add to Auction List	1 BOX OF MISC JEWELRY	N/A
185	N/A	N/A	TC Add to Auction List	1 BOX OF MISC JEWELRY	N/A
186	N/A	N/A	TC Add to Auction List	1 BOX OF MISC JEWELRY	N/A
187	N/A	N/A	TC Add to Auction List	1 BOX OF MISC WATCHES	N/A
188	N/A	N/A	TC Add to Auction List	1 BOX OF MISC JEWELRY	N/A
189	N/A	N/A	TC Add to Auction List	1 BOX OF MISC COINS	N/A
190	N/A	N/A	TC Add to Auction List	1 OLD DELL INSPIRON LAPTOP AND DESKTOP	N/A



## Asset Master Record Detail Report

LOT#	Asset #	Inventory #	Location	Asset # (OASSET_MAIN) - Long Text	Serial Number (OASSET_ZZSERIAL)	Acquisition Value
44	1000235	89393	TC Add to Auction List	MERIDIAN MAIL MSU NODE4	NNTM1831545	\$ 46,774.59
36	1000289	89394	TC Add to Auction List	MERIDIAN MAIL MSU NODE3	NNTM183000GX	\$ 34,884.22
112	1000297	88030	TC Add to Auction List	SCANMARK 2500; BASE MODEL	AR02994	\$ 7,197.10
98	1001603	120757	TC Add to Auction List	HS20 XEON COMPUTER SYSTEM FIREWALL CISCO PIX 506E	CNM7M50BRA	\$ 5,568.87



# Travis County Commissioners Court Agenda Request

**Meeting Date:** March 19, 2013

**Prepared By/Phone Number:** J. Lee Perry/49724; Marvin Brice, CPPB,  
Assistant Purchasing Agent

**Elected/Appointed Official/Dept. Head:** Cyd Grimes

**Commissioners Court Sponsor:** Judge Biscoe

**Agenda Language:** Consider and take appropriate action on an Interlocal Cooperation Agreement between Travis County and the City of Lakeway for improvements to Bee Creek Road.

- **Purchasing Recommendation and Comments:** Purchasing concurs with department and recommends approval of requested action. This procurement action meets the compliance requirements as outlined by the statutes.
- Bee Creek Road is a public-public partnership approved by Travis County voters in the 2011 bond referendum. This project is to improve Bee Creek Road from Highway 71 to its intersection with Highland Blvd. (within unincorporated area of Travis County). Currently, Bee Creek Road, approximately 1 mile in total length, is a narrow and winding two-lane road with no shoulder, or curb and gutter. The area terrain is rough and hilly. Bee Creek Road will be improved to a four-lane road divided arterial with bike lanes and sidewalks on both sides.
- With this Interlocal Agreement, the City of Lakeway agrees to improve existing two-lane segment of Highland Blvd. to a four-lane arterial that ties into the County's proposed Bee Creek Road improvements. The City of Lakeway also agrees to relocate the tie-in of Bee Creek Road to existing roundabout in Highland Blvd. with a new 2 lane road.
- The parties will acquire all of the right-of-way and easements needed for their respective projects.
- **Contract Expenditures:** Within the last N/A months \$0.00 has been spent against this contract/requirement.

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, [Cheryl.Aker@co.travis.tx.us](mailto:Cheryl.Aker@co.travis.tx.us) by Tuesdays at 5:00 p.m. for the next week's meeting.



➤ **Contract-Related Information:**

Award Amount: N/A

Contract Type: Interlocal

Contract Period: Through project completion

➤ **Contract Modification Information: N/A**

Modification Amount:

Modification Type:

Modification Period:

➤ **Solicitation-Related Information: N/A**

Solicitations Sent:

Responses Received:

HUB Information:

% HUB Subcontractor:

➤ **Special Contract Considerations:**

Award has been protested; interested parties have been notified.

Award is not to the lowest bidder; interested parties have been notified.

Comments: N/A

➤ **Funding Information:**

Shopping Cart/Funds Reservation in SAP: N/A

Fund Center(s): N/A

Comments: No fiscal impact to Travis County from this agreement.

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, [Cheryl.Aker@co.travis.tx.us](mailto:Cheryl.Aker@co.travis.tx.us) by Tuesdays at 5:00 p.m. for the next week's meeting.

**TRANSPORTATION AND NATURAL RESOURCES**

STEVEN M. MANILLA, P.E., COUNTY EXECUTIVE



700 Lavaca Street-5<sup>th</sup> Floor  
Travis County Administration Building  
PO Box 1748  
Austin, Texas 78767  
Phone: (512) 854-9383  
Fax: (512) 854-4697

February 26, 2013

**Memorandum**

To: Marvin Brice, Assistant Purchasing Agent

From: Steve Manilla, County Executive, TNR

Subject: Bee Creek Road Interlocal Agreement with City of Lakeway

The following information is provided for you to prepare a Commissioners Court agenda request for entering into an interlocal agreement with City of Lakeway for the Bee Creek Road project. Please contact me at 854-9429 if you have any questions.

**Agenda Language:**

Consider and take appropriate action on an Interlocal Cooperation Agreement between Travis County and City of Lakeway for the Bee Creek Road and Highland Blvd Improvements.

**Back Ground/Summary of Request:**

Bee Creek Road is a public-private-public partnership project approved by voters in the 2011 bond referendum. This project will improve Bee Creek Road from Hwy 71 to its intersection with Highland Blvd (within unincorporated area of Travis County). The total length is about 1 mile. The existing Bee Creek Road is a narrow and winding two-lane road with no shoulder or curb & gutter. The area terrain is rough and hilly. Steep cut to the hill or fill to the ravine is often needed to meet roadway design geometry requirements. Since the opening of the Highland Blvd in City of Lakeway, traffic on Bee Creek Road is ever increasing. This project will improve Bee Creek Road from a two-lane road to a four-lane divided arterial with bike lanes and sidewalks on both sides of the road (Exhibit A). Under this proposed Interlocal Agreement, City of Lakeway agrees to improve existing two-lane segment of Highland Blvd to four-lane arterial road that ties to County's proposed four-lane Bee Creek Road improvements. City of Lakeway also agrees to relocate the tie-in of Bee Creek Road to the existing roundabout in Highland Blvd with a new two-lane Road (Exhibit B). Each party will be responsible for design and construction of the above roadway improvements that falls within each party's jurisdiction. However, each party agrees to cooperate with each other on any design and construction that may impact the other party's project. The parties will acquire all right-of-way and easements needed for their respective projects but in the event that one party's project requires real property from within the jurisdiction of the other party, the other party will be responsible for the acquisition and shall be reimbursed for all associated costs by the other party. Under another proposed interlocal agreement between Travis County and Lake Travis Independent School District (School

District), Travis County agrees to design and construct a traffic signal for a new school along Bee Creek Road and be reimbursed by School District for all associated costs. Under this Interlocal agreement, City of Lakeway agrees to operate and maintain this new signal and be reimbursed by Travis County all associated O/M costs. In the event that Bee Creek Road is annexed by City of Lakeway, City of Lakeway will be responsible for completing the construction and future maintenance of such traffic signal at its own costs. Through a previous public-private partnership agreement with a developer, the majority of the right-of-way and easements needed on the north side of the Bee Creek Road will be donated by this developer. The intersection of Bee Creek Road at Hwy 71 will also be improved under this project. A close to 90-degree tie-in from Bee Creek Road to Hwy 71 plus right turn lanes on Hwy 71 will be included in this intersection improvements.

**Staff Recommendations:**

Staff recommends approval of this Interlocal Agreement.

**Issues and Opportunities:**

This Interlocal agreement will allow a cooperative opportunity between each party to improve the contiguous Bee Creek Road and Highland Blvd. Completion of these roadway projects will provide safety and capacity improvements to Bee Creek Road and Highland Blvd which is the main arterial roadway from Hwy 71 to the southwestern portion of City of Lakeway. These roadway projects will also support the planned new Lake Travis ISD school located in the middle section of the proposed Bee Creek Road improvements.

**Fiscal Impacts and Sources of Funding:**

Approved 2011 Bond funds for Bee Creek Road Improvements is \$9,520,159. Under this agreement, Travis County and City of Lakeway will cooperate with each other on the contiguous roadway improvements projects. Each party will be responsible for paying for their own project costs. There is no fiscal impact to the County from this agreement other than staff time needed for project coordination.

Attachment: Bee Creek Road Interlocal Agreement

cc: Cyd Grimes, Purchasing Officer  
Tom Nuckols, County Attorney's Office  
Chris Gilmore, County Attorney's Office  
Tony Valdez, TNR  
Donna Williams-Jones, TNR  
Tawana Gardner, TNR

**BEE CREEK ROAD  
INTERLOCAL COOPERATION AGREEMENT  
CITY OF LAKEWAY & TRAVIS COUNTY**

This Interlocal Cooperation Agreement is made and entered into by and between the City of Lakeway, Texas (the "City") and Travis County, Texas (the "County"), hereinafter collectively referred to as the "Parties", upon the premises and for the consideration stated herein.

**WHEREAS**, the County intends to develop and construct roadway improvements to Bee Creek Road within unincorporated Travis County, a project approved in the County's 2011 Bond referendum (the "County Project"), as depicted in attached Exhibit A; and,

**WHEREAS**, the City intends to develop and construct roadway improvements to Bee Creek Road and Highland Boulevard within the City's corporate limits (the "City Project"), as depicted in attached Exhibit B; and

**WHEREAS**, the City Project and the County Project are contiguous and jointly will improve access to a new Lake Travis Independent School District facility and to a new city arterial roadway (Highland Boulevard), and will generally enhance, preserve, and protect the public health and safety of the citizens of Lakeway, Texas, and Travis County, Texas; and

**WHEREAS**, the Parties intend to conform to this Agreement in all respects with the Interlocal Cooperation Act, Texas Government Code Section 791.001, *et seq.*

**NOW, THEREFORE**, the Parties agree as follows:

**1. Project Management.**

- (a) The County will provide the project management services for the development and construction of the County Project. The City shall be responsible for the development and construction of the City Project.
- (b) The Director of Public Works of the Travis County Transportation and Natural Resources Department (the "County's Director") will act on behalf of the County with respect to the County Project, coordinate with the City, receive and transmit information and instructions, and will have complete authority to interpret and define the County's policies and decisions with respect to the County Project. The County's Director will designate a County Project Manager and may designate other representatives to transmit instructions and act on behalf of the County with respect to the County Project.
- (c) The City Manager will serve as the City's project director, and will act on behalf of the City with respect to the City Project, coordinate with the County,

receive and transmit information and instructions, and will have complete authority to interpret and define the City's policies and decisions with respect to the City Project. The City Manager may designate other representatives to transmit instructions and act on behalf of the City with respect to the Project. The City Manager will act as a single point of contact for the City with respect to the portion of the Project located within the City.

- (d) If a disagreement between City and County arises regarding engineering design, design and construction standards, plans and specifications, inspection and testing, deficiencies and remedial action, change orders, or any other requirement or provision of this Agreement, and the disagreement is not resolved by the City Manager and the County Project Manager, the City Manager shall confer as soon as possible to the County's Director seeking resolution. If the City Manager and County's Director do not resolve the issue, the City Manager shall confer as soon as possible with the County Executive of the Travis County Transportation and Natural Resources Department (the "County Executive") for resolution.

## **2. Project Development.**

- (a) The County will be responsible for the management of the development and construction of the improvements from the intersection of Bee Creek Road with State Highway 71 to the intersection of Bee Creek Road with Highland Boulevard. The City will be responsible for the development and construction of the improvements from the intersection of Bee Creek Road with Highland Boulevard to the point where existing Highland Boulevard transitions from two to four lanes, including (i) the development of the engineering design, plans and specifications for the roadway improvements and sidewalks, (ii) the surveying, (iii) the right-of-way and easement acquisition, (iv) the construction, (v) the inspection and testing and any required permitting and environmental assessments and clearances associated with the City Project, and (vi) to the extent provided by this Agreement, acceptance of the completed work. The County shall be responsible for improving its section of Bee Creek Road to a four-lane divided roadway including bike lanes and sidewalks. The City shall be responsible for improving Highland Boulevard to a four lane roadway including sidewalks; improving the intersection of Bee Creek Road with Highland Boulevard as needed to safely accommodate the four laning of Bee Creek Road and Highland Boulevard; and completing the realignment of two-lane Bee Creek Road, as shown on Exhibit B.

- (b) The plans and specifications for the County Project shall be in accordance with the design and construction standards applicable under County projects and the plans and specifications for the City Project shall be in accordance with the design and construction standards applicable under City projects, unless otherwise agreed by the Parties. In addition, the County and the City will ensure that the plans and specifications will comply with the applicable Texas Accessibility Standards.
- (c) The County and City will ensure that their design engineers provide professional liability, automobile liability, and general liability insurance in accordance with the standard requirements of the County and City for such projects.
- (d) The County and the City will be responsible for the review and approval of the engineering design, plans and specifications and for construction management, inspection, and testing for their respective Projects.
- (e) A County or City permit and associated fees shall be required only for any part of the County Project or City Project within the unincorporated County or City's full purpose corporate limits, respectively. The application review process and fees for any such permit shall be the same as the process and fee requirements that the County or City applies to its own road and drainage projects. The County and City shall coordinate their review of any permit application and issuance of the permit concurrently with the review and approval of engineering design and plans and specifications for their respective projects.
- (f) The Parties will participate in joint review meetings with representatives from all affected City and County Departments in order to avoid and resolve conflicts in review comments. The City and County will provide a designated review teams to expedite the review process.
- (g) The Parties shall require the contractor(s) to immediately take any appropriate remedial action to correct any deficiencies identified by the Parties within their respective jurisdictions.

### **3. Project Bidding & Award of Construction Contract.**

The County will be responsible for overseeing the solicitation of bids for the construction of the County Project. Bids shall be solicited by means of a competitive process and in accordance with the County's minority and women-owned businesses policy. The City will be responsible for bidding, advertising, awarding and managing the construction of the City Project.

**4. Additional Management Duties.** The County and City hereby covenant and agree to provide to each other:

- (a) one (1) set of the plans and specifications for the construction of their respective projects at the 30, 60, 90, 100 percent (100%) design complete stages for the joint verification of design compatibility and consistency;
- (b) written responses to the initial plan review comments within 14 working days of receipt;
- (c) written notice of the schedule for design and the advertisement for bids, award of contract, and construction of the respective projects;
- (d) written notice of the bid tabs for their respective projects;
- (e) written copy of all contracts affecting their respective projects;
- (f) joint approval of change orders that revise each other's respective designs, within two (2) days of receipt by both parties;
- (g) review and approval of the submitted plans and specifications by providing any initial comments within ten (10) working days of submittal, review and approve each other's responses to those initial comments within five (5) working days, and work in good faith to resolve any outstanding issues;
- (h) expeditiously review any applicable permit applications and work in good faith to resolve any outstanding issues;
- (i) respond to requests for information within three (3) working days and requests for approval of shop drawings within ten (10) working days;

- (j) each party will perform independent inspection and testing on their respective projects.; and
  - (m) upon satisfactory completion of construction and any applicable warranty or construction performance period for their respective projects, the County will accept the portions that are located within the County and the City will provide to the County an acceptance letter for the portions that are located within the City. The County will furnish the City a copy of the record drawings of the County Project for the City's records and the City will furnish the County a copy of the record drawings of the City Project for the County's records.
- 5. Traffic Signal for Lake Travis ISD Facility.**
- (a) The County anticipates entering into an interlocal agreement with the Lake Travis Independent School District (the "School District") under which:
    - i. the School District would pay for a study to determine whether a traffic signal at the intersection of Bee Creek Road and the south entrance to the new School District facility is warranted;
    - ii. the School District would pay the County to install the underground infrastructure for a traffic signal as part of the County Project.
  - (b) If the study concludes that a traffic signal at the new School District facility is warranted and the portion of Bee Creek Road where the signal will be located has not been annexed by the City:
    - i. the School District will pay for the design of the traffic signal and pay the County to install the traffic signal; and
    - ii. the County would be responsible for operating, maintaining, and repairing the traffic signal.
  - (c) The City agrees that if the City annexes the portion of Bee Creek Road before the study is completed, the City agrees to pay for the remainder of the study, and if the study concludes that a traffic signal at the new School District facility is warranted, the City agrees to pay for the design, installation, operation, and maintenance of the traffic signal, and Section 5(d) will no longer be in effect.
  - (d) This Section 5(d) is effective only if the portion of Bee Creek Road where the traffic signal is located has not been annexed by the City. The City agrees to maintain, repair, and, if requested, upgrade, the traffic signal on the County's behalf in accordance with specifications set forth by the County's traffic engineer and as set forth in this Section 5(d) of this Agreement once the County determines that the traffic signal is fully operational, and the County agrees to reimburse the City for the traffic



signal's maintenance, repair, and upgrade costs at the same rates the City pays its contractor for maintenance, repair, and upgrade costs for similar traffic signals.

- i. The County will send written notification to the City when the County determines that the traffic signal is fully operational.
- ii. The City may use its contractor to perform traffic signal maintenance, repair, and upgrade services for the County.
- iii. The County will be responsible for notifying the City of a traffic malfunction.
- iv. The City will maintain a log of all "trouble calls" received from the County regarding the traffic signal and submit an invoice to the County for all traffic signal maintenance, repair, and upgrade services performed by the City.
- v. The City will not make any adjustments to the traffic signal operation or the installation design until it receives written approval of the adjustments from the County, except that in the event of traffic signal malfunction, the City is authorized to make timing adjustments as needed without the necessity of prior written approval from the County.
- vi. The City must obtain written approval from the County before making any phasing changes to the traffic signal. All notices and requests will be in writing except that in emergency situations where delay incurred by waiting for written approval or notification would be detrimental to the parties' interests, then, verbal communication will be sufficient with written communication to follow.
- vii. All signal components used by the City must meet City of Austin specifications.
- viii. The County will pay the City within 30 days of receipt of an invoice from the City that references this Agreement and that includes at least the following information:
  - (A) the date of service,
  - (B) a brief description of the services rendered; and
  - (C) an itemization of the cost of labor, parts, vehicles, and any other expenses for which the City is seeking payment in relation to the services provided
- ix. W-9. The City shall provide County with an Internal Revenue Form W-9 Request for Taxpayer Identification Number and Certification that is completed in compliance with the Internal Revenue Code, its

rules and regulations, and a statement of entity status in a form satisfactory to the County Auditor before any funds are payable.

- x. The County reserves the right to use other contractors to perform maintenance, repair, and upgrade signals for the traffic signal or to perform these services by itself.

6. **Bond and Guarantee.** All construction contracts affecting their respective projects shall include a payment and performance bond and maintenance bond by the contractor for a period of one year from the date of acceptance of their respective projects.

7. **Liability.** To the extent allowed by Texas law, the County and the City agree that each entity is responsible for its own proportionate share of any liability for its negligent acts or omissions.

8. **Financial Obligations.**

(a) The County and City agree to pay all costs of their respective projects. The Parties agree to pay the costs of the engineering, surveying, geotechnical investigations, permitting, right-of-way and easement acquisitions, construction contract advertising, bidding and award, design and construction phase project management, construction, and inspection and testing, and the cost of any change orders made necessary by field changes to address unanticipated conditions for their respective projects. If mutually agreed that the County is to manage any of the construction phase of the City's Project, the City will reimburse the County for all such costs except the County's internal Project Management costs. The Parties will acquire all right-of-way and easements needed for their respective projects ("Real Property Interests"). In the event one Party's Project requires real property from within the jurisdiction of the other Party, the Party in whose jurisdiction the real property is located shall be responsible for the acquisition and shall be reimbursed for all associated costs by the other Party; but before the City enters into any agreement to acquire any Real Property Interests in the City's jurisdiction and as a condition for the City to seek reimbursement from the County, the City must submit the final form of any such agreement to the County Executive for review and comment and the City must make any changes required by the County Executive before signing an agreement to acquire such Real Property Interests. If the City agrees to pay construction costs associated with a

driveway permit in connection with the purchase of Real Property Interests described in this Section 8, the County will incur those costs provided the County Executive approves in writing the final form of the agreement.

9. **Miscellaneous.**

(a) **Force Majeure.** In the event that the performance by the County or the City of any of its obligations or undertakings hereunder shall be interrupted or delayed by any occurrence not occasioned by its own conduct, whether such occurrence be an act of God, or the common enemy, or the result of war, riot, civil commotion, sovereign conduct, or the act of conduct of any person or persons not a party or privy hereto, then it shall be excused from such performance for such period of time as it reasonably necessary after such occurrence to remedy the effects hereto.

(b) **Notice.** Any notice given hereunder by either party to the other shall be in writing and may be effected by personal delivery in writing or by registered or certified mail, return receipt requested when mailed to the proper party, at the following addresses:

CITY: Steven Jones  
City Manager  
1102 Lohman's Crossing  
Lakeway, Texas 78734

WITH COPY TO: Alan J. Bojorquez  
City Attorney  
City of Lakeway  
c/o Bojorquez Law Firm, PLLC  
12325 Hymeadow Drive, Suite 2-100  
Austin, Texas 78750

COUNTY: Steven M. Manilla, P.E. (or successor)  
County Executive, TNR  
P. O. Box 1748  
Austin, Texas 78767

WITH A COPY TO: Cyd Grimes, C.P.M. (or successor)  
Travis County Purchasing Agent

P.O. Box 1748  
Austin, Texas 78767

AN WITH A COPY TO: David Escamilla (or successor)  
Travis County Attorney  
P. O. Box 1748  
Austin, Texas 78767  
Attn: File No. 291.253

- (c) Number and Gender Defined.** As used in this Agreement, whenever the context so indicates, the masculine, feminine, or neuter gender and the singular or plural number shall each be deemed to include the others.
- (d) Entire Agreement.** This Agreement contains the complete and entire Agreement between the parties respecting the matters addressed herein, and supersedes all prior negotiations, agreements, representations, and understanding, if any, between the parties respecting the joint construction of the Projects. This Agreement may not be modified, discharged, or changed in any respect whatsoever except by a further agreement in writing duly executed by authorized representatives of the parties hereto. No official, representative, agent, or employee of Travis County, Texas has any authority to modify this Agreement, except pursuant to such express authority as may be granted by the Commissioners Court of Travis County, Texas. The recitals set forth above and the attached exhibits are incorporated herein.
- (e) Effective Date.** This Agreement takes effect upon the last date of due execution of the Agreement by the County and the City.
- (f) Other Instruments.** The Parties hereto covenant and agree that they will execute other and further instruments and documents as may become necessary or convenient to effectuate and carry out the purposes of this Agreement.
- (g) Invalid Provision.** Any clause, sentence, provision, paragraph, or article of this agreement held by a court of competent jurisdiction to be invalid, illegal, or ineffective shall not impair, invalidate, or nullify the remainder of this Agreement, but the effect thereof shall be confined to the clause, sentence, provision, paragraph, or article so held to be invalid, illegal, or ineffective.

- (h) **Current Funds.** The party or parties paying for the performance of governmental functions or services shall make payments therefore from current revenues available to the paying party.
- (i) **Venue.** TO THE EXTENT ALLOWED BY TEXAS LAW, IT IS AGREED THAT VENUE FOR ALL LAWSUITS CONCERNING THIS AGREEMENT WILL BE IN TRAVIS COUNTY, TEXAS. THIS AGREEMENT CONCERNS REAL PROPERTY LOCATED IN TRAVIS COUNTY, TEXAS, AND IS WHOLLY PERFORMABLE IN TRAVIS COUNTY.
- (j) **Interpretation.** In the event of any dispute over its meaning or application, this Agreement will be interpreted fairly and reasonably and neither more strongly for or against either party.
- (k) **Application of Law.** This Agreement is governed by the laws of the State of Texas.
- (l) **Mediation.** When mediation is acceptable to both parties in resolving a dispute arising under this Agreement, the parties agree to use a mutually agreed upon mediator, or a person appointed by a court of competent jurisdiction, for mediation as described in Section 154.023 of the Texas Civil Practice and Remedies Code. Unless both parties are satisfied with the result of the mediation, the mediation will not constitute a final and binding resolution of the dispute. All communications within the scope of the mediation are to remain confidential as described in Section 154.073 of the Texas Civil Practice and Remedies Code, unless both parties agree, in writing, to waive the confidentiality.
- (m) Interest on overdue payments is governed by Chapter 2251 of the Texas Government Code.
- (n) In this Agreement, "working day" means a calendar day that is not a Saturday, Sunday, or a holiday designated by the Travis County Commissioners Court.
- (o) **Third Party Rights Not Created.** This Agreement is not intended to and shall not be construed to create any rights or remedies in any person or legal entity that is not a party to it and the Parties are not waiving any defense or

immunity to which they are entitled against any person or legal entity that is not a party to this Agreement.

Each of the signatories to this Agreement represents and warrants that he is duly authorized to sign this in the capacity indicated.

**CITY OF LAKEWAY, TEXAS:**

By: David P. DeOme  
David P. DeOme, Mayor

Date: 02/20/13

**APPROVED AS TO FORM:**

Alan J. Bojorquez, City Attorney

**TRAVIS COUNTY, TEXAS:**





by: Samuel T. Biscoe, County Judge

Date: \_\_\_\_\_

**DRAFT**

EXHIBIT "A"

HIGHLANDS BLVD/  
BEE CREEK RD  
WIDENING PROJECT

-  City of Lakeway
-  Travis County Portion 4,330 In ft (approx)
-  Lakeway Portion 5,285 in ft (approx)
-  Village of The Hills







Every effort has been made to ensure the accuracy and completeness of the data.  
The City of Lakeway assumes no liability for any errors or omissions other than those  
of nature.

February 15, 2013 | 1 inch = 3,000 feet



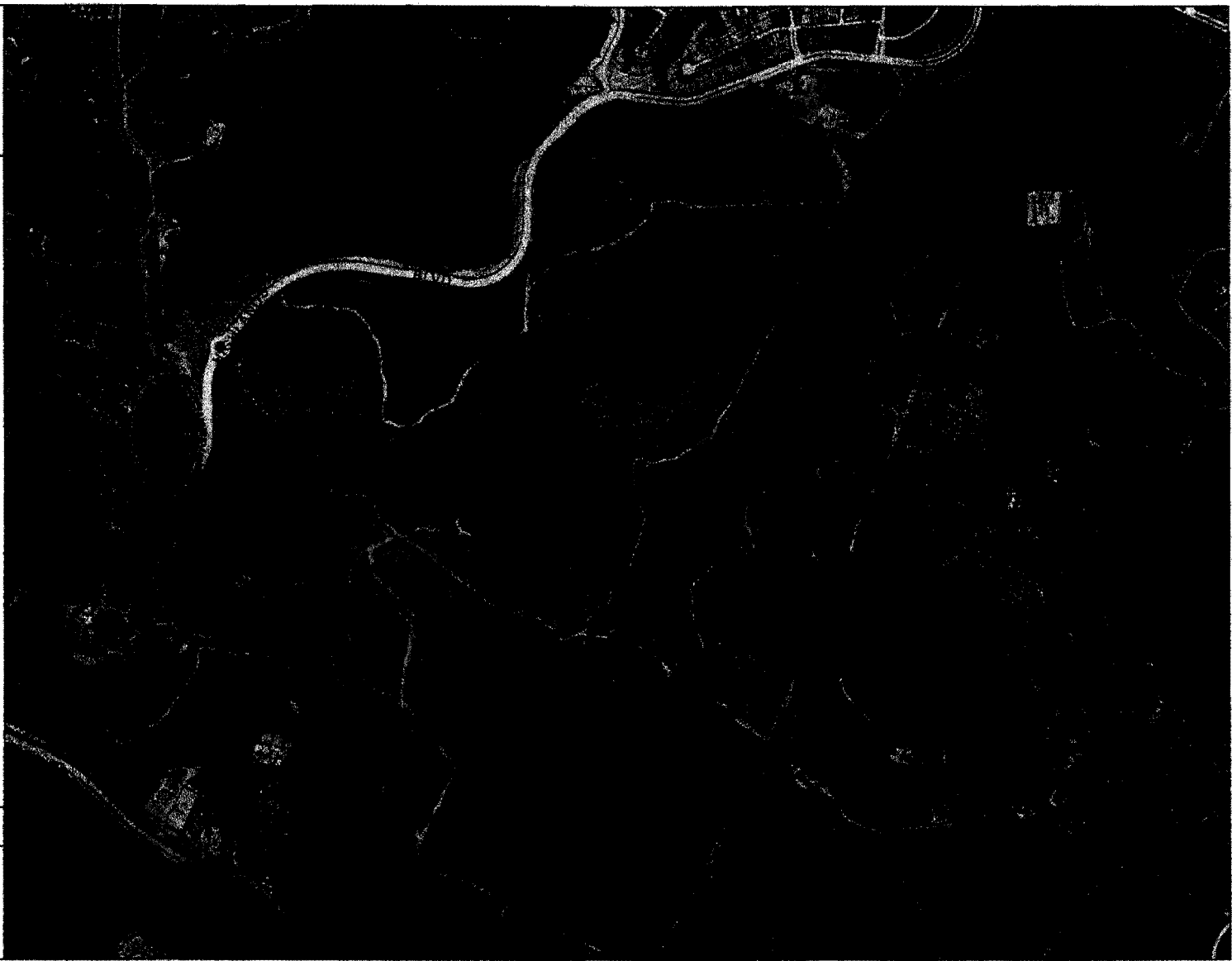
EXHIBIT "B"

HIGHLANDS BLVD/  
BEE CREEK RD  
WIDENING PROJECT

-  City of Lakeway
-  Travis County Portion 4,330 in ft (approx)
-  Lakeway Portion 5,285 in ft (approx)
-  Village of The Hills

From other last best effort to assess the accuracy and completeness of the data, the City of Lakeway assumes no liability for any errors or omissions other than those of the City.

February 15, 2013 | 1 inch = 3,000 feet







# Travis County Commissioners Court Agenda Request

**Meeting Date:** March 19, 2013

**Prepared By/Phone Number:** Loren Breland, 854-4854

**Elected/Appointed Official/Dept. Head:** Cyd Grimes

**Commissioners Court Sponsor:** Judge Biscoe

**Agenda Language:** Approve Interlocal Agreement between Travis County and the Capital Area Council of Governments (CAPCOG) for air quality monitoring.

- **Purchasing Recommendation and Comments:** Purchasing concurs with department and recommends approval of requested action. This procurement action meets the compliance requirements as outlined by the statutes.

The purpose of this interlocal with CAPCOG will be to provide funding toward the continued operation of CAPCOG's air quality monitoring stations known as CAMS 684 and CAMS 601, located in the McKinney Roughs Nature Park and in Fayette County, respectively. The amount provided by Travis County under this agreement will be a not to exceed amount of \$15,000.00.

- **Funding Information:**

- SAP Funds Reservation Document #300000494
- Funding Account(s):
- Comments:



**TRANSPORTATION AND NATURAL RESOURCES**  
**STEVEN M. MANILLA, P.E., COUNTY EXECUTIVE**

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700 Lavaca, Suite 540  
Travis County Administration Building  
P. O. Box 1748  
Austin, Texas 78767  
(512) 854-9383  
FAX (512) 854-4697

February 20, 2013

**MEMORANDUM**

TO: Cyd Grimes, County Purchasing Agent  
FROM: *Carl B. Joseph for*  
Steven M. Manilla, P.E., County Executive, TNR  
SUBJECT: Interlocal Agreement  
Air Quality Monitoring

TNR requests that Travis County enter into an interlocal agreement with The Capital Area Council of Governments ("CAPCOG") to assist in the operations of air quality monitoring at continuous air monitoring station (CAMS) numbers 684 and 601.

Due to funding cuts, CAPCOG was required to reduce ozone monitoring in multiple locations. The data collected at the selected locations demonstrates the direct impact of ozone transport on Travis County. This information is required to develop effective targeted pollution control strategies within Travis County.

The budgeted funds for FY13 have been pre-encumbered on Funds Reservation 300000494.

If you should have any questions or need further information, please contact Christina Jensen at (512) 854-7670.

*CJ*:SMM:cj

# **CAPITAL AREA COUNCIL OF GOVERNMENTS INTERLOCAL CONTRACT FOR AIR QUALITY MONITORING SERVICES**

## **Art. 1. Parties and Purpose**

1.1. The Capital Area Council of Governments ("CAPCOG") is a regional planning commission and political subdivision of the State of Texas organized and operates under the Texas Regional Planning Act of 1965, as amended, chapter 391 of the Local Government Code.

1.2. Travis County is a Texas local government that is seeking to ensure reliable, high-quality ambient air quality monitoring data is collected at CAPCOG's air quality monitor stations, known as CAMS 684 and CAMS 601, located in the McKinney Roughs Nature Park and in Fayette County, respectively.

1.3. This contract is entered into between CAPCOG and Travis County under chapter 791 of the Government Code so that Travis County can contribute funding toward the continued operation of air quality equipment at the McKinney Roughs Nature Park and Fayette County as part of the regional air quality program at CAPCOG.

## **Art. 2. Goods and Services**

2.1. CAPCOG agrees to operate and maintain ambient air quality monitoring equipment (the "Equipment") at an ambient air quality monitoring site in the McKinney Roughs Nature Park and in Fayette County, as described in Attachment A to this contract. The Equipment will include at least an ozone analyzer and a data logger. CAPCOG agrees to provide Travis County a copy of any warranty that covers the Equipment, and if requested, documentation of the maintenance of the Equipment at the sites listed in Attachment A. CAPCOG agrees to allow Travis County to inspect the monitoring sites listed in Attachment A to verify the proper operation and maintenance of the Equipment. CAPCOG agrees to fully enforce all warranties relating to the Equipment in addition to any agreements that CAPCOG has relating to the operation or maintenance of the Equipment.

2.2 CAPCOG will provide quality-assured data on ozone concentrations, wind speed, and wind direction collected by instruments located at the CAMS 601 (Fayette County) and CAMS 684 (McKinney Roughs) air quality monitoring stations reported to the TCEQ's LEADS system from April 15, 2013, through October 31, 2013. CAPCOG will ensure at least 85% data completeness for each instrument at each site throughout this period. Following completion of monitoring on October 31, 2013, CAPCOG will prepare and submit a report to Travis County on the air quality monitoring activities at

these two sites no later than January 31, 2014. CAPCOG uses a contractor that prepares monthly reports of the data collected by the Equipment. Within 15 days after receiving a report from its contractor, CAPCOG will forward a copy of the report to the County.

### **Art. 3. Contract Price and Payment Terms**

3.1. The Parties agree that the total cost for CAPCOG to provide the services described in Section 2 is \$15,000. Travis County agrees to provide funding to CAPCOG under this contract solely from current revenues available to Travis County, with a total value not to exceed \$15,000. If CAPCOG receives or will receive funding from one or more sources besides Travis County for providing air quality monitoring services at either CAMS 601 or CAMS 684, Travis County's funding obligation under this Section 3 will be reduced in proportion to any funding contribution from a non-Travis County source.

3.2 Within 30 days after CAPCOG provides Travis County with any of the reports described in Section 2.2, CAPCOG will submit an invoice to the following address: Travis County Auditor's Office, P.O. Box 1748, Austin, Texas 78767, with a copy to: Travis County Transportation and Natural Resources Department, P.O. Box 1748, Austin, Texas 78767.

The invoice must include at least the following:

- (i) The name, address, and telephone number of CAPCOG and similar information in the event payment is to be made to a different address;
- (ii) the Travis County contract or Purchase Order number;
- (iii) identification of products or services as outlined in this Agreement;
- (iv) quantity or quantities, applicable unit prices, total prices, and total amount;
- (v) information as to whether CAPCOG has received or will receive funding from other sources besides Travis County for performing air quality monitoring services at either CAMS 601 or CAMS 684, and the amount(s), if any; and
- (vi) any additional payment information called for by this contract.

3.3. Travis County agrees to pay the invoice within 30 days after it receives the invoice, as required by the Prompt Payment Act, chapter 2251 of the Government Code.

3.4 **TAXPAYER IDENTIFICATION.** CAPCOG shall provide Travis County with an Internal Revenue Form W-9, Request for Taxpayer Identification Number and Certification, that is completed in compliance with the Internal Revenue Code and its rules and regulations before any funds are payable.

#### **Art. 4. Effective Date and Term of Contract**

4.1. This contract takes effect on the date it is signed on behalf of CAPCOG and it ends, unless sooner terminated under Art. 6 or 7, or on March 1, 2014, whichever comes first.

#### **Art. 5. Nondiscrimination and Equal Opportunity**

5.1. CAPCOG and Travis County will not unlawfully discriminate against anyone in carrying out this contract because of race, color, religion, national origin, sex, age, disability, handicap, or veteran status.

#### **Art. 6. Termination of Contract for Unavailability of Funds**

6.1. Travis County acknowledges that CAPCOG is a governmental entity without taxing power and agrees that CAPCOG may terminate this contract in whole or part if CAPCOG learns that funds to pay for the goods or services will not be available at the time of delivery or performance.

6.2. CAPCOG terminates this contract for unavailability of funds by giving Travis County notice of the termination, as soon as it learns of the funding unavailability, and specifying the termination date, which may not be less than 15 calendar days from the notice date. The contract terminates on the specified termination date.

#### **Art. 7. Termination for Breach of Contract**

7.1. If Travis County or CAPCOG breaches a material provision of this contract, the other may notify the breaching party describing the breach and demanding corrective action. The breaching party has five business days from its receipt of the notice to correct the breach, or to begin and continue with reasonable diligence and in good faith to correct the breach. If the breach cannot be corrected within a reasonable time, despite the breaching party's reasonable diligence and good faith effort to do so, the parties may agree to terminate the contract or either party may invoke the dispute resolution process of Art. 8.

7.2. Termination for breach under Art. 7.1 does not waive either party's claim for damages resulting from the breach.

#### **Art. 8. Dispute Resolution**

8.1. The parties desire to resolve disputes arising under this contract without litigation. Accordingly, if a dispute arises, the parties agree to attempt in good faith to resolve the dispute between themselves. To this end, the parties agree not to sue one another, except to enforce compliance with this Art. 8, toll the statute of limitations, or seek an injunction, until they have exhausted the procedures set out in this Art. 8.

8.2. At the written request of either party, each party shall appoint one nonlawyer representative to negotiate informally and in good faith to resolve any dispute arising under this contract. The representatives appointed shall determine the location, format, frequency, and duration of the negotiations.

8.3. If the representatives cannot resolve the dispute within 30 calendar days after the first negotiation meeting, the parties agree to refer the dispute to the Dispute Resolution Center of Austin for mediation in accordance with the Center's mediation procedures by a single mediator assigned by the Center. Each party shall pay half the cost of the Center's mediation services. Unless both parties are satisfied with the result of the mediation, the mediation will not constitute a final and binding resolution of the dispute. All communications within the scope of the mediation are to remain confidential as described in Section 154.073 of the Texas Civil Practice and Remedies Code, unless both parties agree, in writing, to waive the confidentiality.

8.4. The parties agree to continue performing their duties under this contract, which are unaffected by the dispute, during the negotiation and mediation process.

#### **Art. 9. Notice to Parties**

9.1. Notice to be effective under this contract must be in writing and received by the party against whom it is to operate. Notice is received by a party: (1) when it is delivered to the party personally; (2) on the date shown on the return receipt if mailed by registered or certified mail, return receipt requested, to the party's address specified in paragraph 9.2 and signed on behalf of the party; or (3) three business days after its deposit in the United States mail, with first-class postage affixed, addressed to the party's address specified in Art. 9.2.

9.2. CAPCOG's address is 6800 Burleson Road, Building 310, Suite 165, Austin, TX 78744, Attention: Betty Voights, Executive Director. Notices to the County must be sent to:

Travis County  
Transportation and Natural Resources Department  
P. O. Box 1748  
Austin, Texas 78767  
Attention: Adele Noel (or successor)  
Environmental Quality Program Manager

WITH A COPY TO:

Cyd Grimes, C.P.M. (or successor)  
Travis County Purchasing Agent  
P.O. Box 1748  
Austin, Texas 78767

9.3. A party may change its address by providing notice of the change in accordance with Art. 9.1.

## Art. 10. Miscellaneous

10.1. Each individual signing this contract on behalf of a party warrants that he or she is legally authorized to do so and that the party is legally authorized to perform the obligations undertaken.

10.2. (a) This contract states the entire agreement of the parties, and an amendment to it is not effective unless in writing and signed by all parties.

(b) Attachment A is part of this contract.

10.3-. This Agreement is binding upon and inures to the benefit of Travis County and CAPCOG and their respective successors, executors, administrators, and assigns. Neither Travis County nor CAPCOG may assign, sublet, or transfer its interest in or obligations under this Agreement without the written consent of the other party hereto. IT IS EXPRESSLY ACKNOWLEDGED THAT NO OFFICIAL, EMPLOYEE, AGENT, OR REPRESENTATIVE OF TRAVIS COUNTY HAS ANY AUTHORITY, EITHER EXPRESS OR IMPLIED, TO AMEND THIS AGREEMENT EXCEPT PURSUANT TO SUCH EXPRESS AUTHORITY AS MAY BE GRANTED BY THE TRAVIS COUNTY COMMISSIONERS COURT.

10.4. This contract is executed in duplicate originals.

10.5 **Non-Waiver of Default.** No payment, act, or omission by the County may constitute or be construed as a waiver of any breach or default of CAPCOG which then exists or may subsequently exist. All rights of the County under this Agreement are specifically reserved and any payment, act, or omission is not to be construed to impair or prejudice any remedy or title to the County under it. Any right or remedy in this Agreement does not preclude the exercise of any other right or remedy under this Agreement or under any law, except as expressly provided in this Agreement, nor will any action taken in the exercise of any right or remedy be deemed a waiver of any other rights or remedies.

10.6 **No Waiver of Immunity.** It is expressly understood and agreed by the Parties that neither the execution of this Agreement nor any conduct of any representative of CAPCOG or County relating to this Agreement will be considered to waive, nor will it be deemed to have waived, any immunity or defense that would otherwise be available to that entity against claims arising in the exercise of its governmental powers and functions, nor will it be considered a waiver of sovereign immunity to suit.

10.7. This Agreement is between Travis County and CAPCOG. This Agreement is not intended, nor may it be construed, to confer any benefits, rights, or remedies upon any person not a party hereto.

10.8 If performance by any Party of any obligation under this Agreement is interrupted or delayed by reason of unforeseeable event beyond its control, whether

such event is an act of God or the common enemy, or the result of war, riot, civil commotion, sovereign conduct other than acts of the County under this Agreement, or the act of conduct of any person or persons not a party or privy hereto, then such Party will be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.

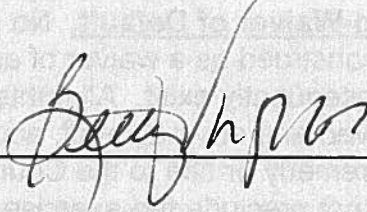
**10.9 Venue.** TO THE EXTENT ALLOWED BY TEXAS LAW, IT IS AGREED THAT VENUE FOR ALL LAWSUITS CONCERNING THIS AGREEMENT WILL BE IN TRAVIS COUNTY, TEXAS.

**10.10 Severability.** If any term, condition, or provision in this contract is found to be invalid, unlawful or unenforceable to any extent, the parties shall endeavor in good faith to agree to such amendments that will preserve, as far as possible, the intentions expressed in this contract. If the parties fail to agree on such an amendment, such invalid term, condition or provision will be severed from the remaining terms, conditions and provisions, which will continue to be valid and enforceable to the fullest extent permitted by law.

TRAVIS COUNTY,  
TEXAS

CAPITAL AREA COUNCIL OF  
GOVERNMENTS

By \_\_\_\_\_

By  \_\_\_\_\_

Samuel T. Biscoe  
County Judge

Betty Voights  
Executive Director

Date \_\_\_\_\_

Date 1-10-13



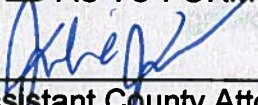
**AVAILABILITY OF FUNDS CONFIRMED:**

By: \_\_\_\_\_  
**Nicki Riley**  
**Travis County Auditor**

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
**Cyd V. Grimes, C.P.M.**  
**Travis County Purchasing Agent**

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
  
**Assistant County Attorney**

**ATTACHMENT A  
CAPCOG AIR QUALITY MONITORING STATIONS**

**CAMS 684**

CAPCOG owns an ambient air quality monitoring station located at 1884 State Highway 71 West, Cedar Creek, Texas (Latitude: 30.1408770 degrees; Longitude: -97.458897 degrees, elevation: 158.0 meters). This air quality monitoring station collects ambient ozone concentrations, wind speed, and wind direction during ozone season from April through October, and has been active since August 16, 2006. The site reports data to the Texas Commission on Environmental Quality ("TCEQ"), which designates the site as Continuous Air Monitoring Station ("CAMS") 684, and calls it "McKinney Roughs." The site's United States Environmental Protection Agency ("EPA") Site Number is 480210684..

The equipment currently installed at the site includes the following:

- One Tanabyte ozone analyzer less than a year old,
- One Zeno data logger less than a year old,
- One Young Instruments Wind Sensor less than a year old.

**CAMS 601**

CAPCOG owns an ambient air quality monitoring station located at 601 Roznov Road, Round Top, Texas (Latitude: 29°57'45"; Longitude: -96°44'45", elevation: 85.0 meters). This air quality monitoring station collects ambient ozone concentrations, wind speed, and wind direction during ozone season from April through October, and has been active since May 18, 2000. The site reports data to the Texas Commission on Environmental Quality ("TCEQ"), which designates the site as Continuous Air Monitoring Station ("CAMS") 601, and calls it "Fayette County." The site's United States Environmental Protection Agency ("EPA") Site Number is 481490001.

The equipment currently installed at the site includes the following:

- One Teledyne ozone analyzer 6 years old,
- One TEOM particulate matter analyzer,
- One Zeno data logger 12 years old,
- One F450 Met Station more than 5 years old.



# Travis County Commissioners Court Agenda Request

**Meeting Date:** Tuesday, March 19, 2013

**Prepared By/Phone Number:** C.W. Bruner, 854-9760

**Elected/Appointed Official/Dept. Head:** Cyd Grimes

**Commissioners Court Sponsor:** Judge Biscoe

**Agenda Language:** Reject sole bid received for IFB No. 1210-003-CW, Rental of Cargo Vans, and rebid.

- **Purchasing Recommendation and Comments:** Purchasing concurs with department and recommends approval of requested action. This procurement action meets the compliance requirements as outlined by the statutes.

IFB No. 1210-003-CW was issued on December 17, 2012. A total of twelve (12) vendors were solicited; one (1) bid was received. The County Clerk department recommends rejecting the sole bid. The proposal received does not meet the functional and material specifications listed within the solicitation. County Clerk recommends re-bid at this time.

- **Solicitation-Related Information:**

Solicitations Sent: 12

Responses Received: 1

HUB Information: N/A

% HUB Subcontractor: N/A



**Dana DeBeauvoir**  
Travis County Clerk


PO Box 149325, Austin TX 78714-9325  
Phone: (512) 854-9188 Fax: (512) 854-3942  
<http://www.co.travis.tx.us>

**Recording, Elections, Computer Resources,  
Accounting, and Administration Divisions**  
5501 Airport Boulevard, Austin, Texas 78751-1410

**Misdemeanor Records, Civil/Probate,  
and Records Management Divisions**  
1000 Guadalupe, Austin, Texas 78701-2328

**MEMORANDUM**

TO: Cyd Grimes, CPM  
County Purchasing Agent

FROM: Dana Debeauvoir   
County Clerk

DATE: February 21, 2013

SUBJECT: **Review of Bid Tabulation Packet for Bid # 1210-003-CW, Rental of  
Cargo Vans**

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Reference the bid cited above. We would like to recommend that the sole bid by Enterprise Rent-a-Car, is rejected for safety reasons.

On page 5 under **2.0 Functional Specifications**, Enterprise does not have steel dividers in their vans.

Under **3.0 Material Specifications** they do not have Insulated floors (rubber matting for non-shifting of the cargo) nor all 3/4 ton rental vans.

If you have any questions or need additional information please contact Denise Bell at 854-3997.

Thank you for your assistance.

## Bid #1210-003-CW - RENTAL OF CARGO VANS

Creation Date **Oct 10, 2012**

End Date **Jan 7, 2013 9:00:00 AM CST**

Start Date **Dec 17, 2012 12:15:20 PM CST**

Awarded Date **Not Yet Awarded**

1210-003-CW--01-01 Rental of Cargo Van					
Supplier	Unit Price	Qty/Unit	Total Price	Attch.	Docs
<a href="#">Enterprise Rent-a-Car</a>	First Offer - \$269.99	15 / week	\$4,049.85		<b>Y</b>
<b>Product Code:</b> <b>Unit Amount Text:</b> per vehicle per week <b>Total Amount Text:</b> per vehicle per 15 weeks <b>Agency Notes:</b>			<b>Supplier Product Code:</b> <b>Supplier Notes: Make and Model Bid:</b> Ford, Nissan, Chevy Cargo Van Chevy E250 - payload 3/4 ton, Ford E250 - payload 3/4 ton, Nissan NV 2500 Chevy E150, Ford E150, Nissan NV 1500		

1210-003-CW--01-02 Rental of Cargo Van					
Supplier	Unit Price	Qty/Unit	Total Price	Attch.	Docs
<a href="#">Enterprise Rent-a-Car</a>	First Offer - \$59.99	15 / day	\$899.85		<b>Y</b>
<b>Product Code:</b> <b>Unit Amount Text:</b> per vehicle per day <b>Total Amount Text:</b> per vehicle per 15 days <b>Agency Notes:</b>			<b>Supplier Product Code:</b> <b>Supplier Notes: Make and Model Bid:</b> Ford, Nissan, Chevy Cargo Van Chevy E250 - payload 3/4 ton, Ford E250 - payload 3/4 ton, Nissan NV 2500 Chevy E150, Ford E150, Nissan NV 1500		

**Supplier Totals**

<b><a href="#">Enterprise Rent-a-Car</a></b>		<b>\$4,949.70 (2/2 items)</b>
Bid Contact <b>Megan Thomas</b>	Address <b>PO Box 613109</b>	
<b><a href="mailto:john.a.hampton@ehi.com">john.a.hampton@ehi.com</a></b>	<b>DFW Airport, TX 75261</b>	
<b>Ph 972-392-4747</b>		
<b>Fax 512-692-3864</b>		
<b>Agency Notes:</b>	<b>Supplier Notes:</b>	

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# Travis County Commissioners Court Agenda Request

**Meeting Date:** March 19, 2013

**Prepared By/Phone Number:** Kent Hubbard/854-6458

**Elected/Appointed Official/Dept. Head:** Cyd Grimes

**Commissioners Court Sponsor:** Judge Biscoe

**Agenda Language:** Pursuant to Texas Local Government Code, Section 263.152(a)(1), declare certain items salvage property and recycle as scrap material.

Texas Local Government Code (TLGC) 263.151(1) defines salvage property as: *"...personal property, other than items routinely discarded as waste, that because of use, time, accident, or any other cause is so worn, damaged, or obsolete that it has no value for the purpose for which it was originally intended."*

In the typical course of County asset disposal process, Purchasing presents County assets to the Court to consider as "surplus" (as defined in TLGC) and requests direction to administer a public auction for final disposition of those assets. For the specific items on this request, we are recommending that these assets (or more specifically, remainder portions thereof) be considered as salvage property and are requesting direction to recycle the items as scrap metal. The current collection includes approximately 30 pallets of general scrap metal that includes portions of old metal desks, file cabinets, metal tables, bicycle frames, iron drain grates, old electric motors, washers, dryers, wire baskets, metal shelving, old damaged trash cans, rusted A/C units, water heaters, metal storage boxes and old lockers.

We believe these assets are more valuable to the Court as recycled material than auctioned. Anecdotally, we have auctioned similar materials for a number of years that yielded little or no bids from the public. On bids accepted at auction, ordinarily less than \$5 for one or more pallets of material, the cost of the work required to process the material far exceeds the bid amount received. For material that received no bids, we have been

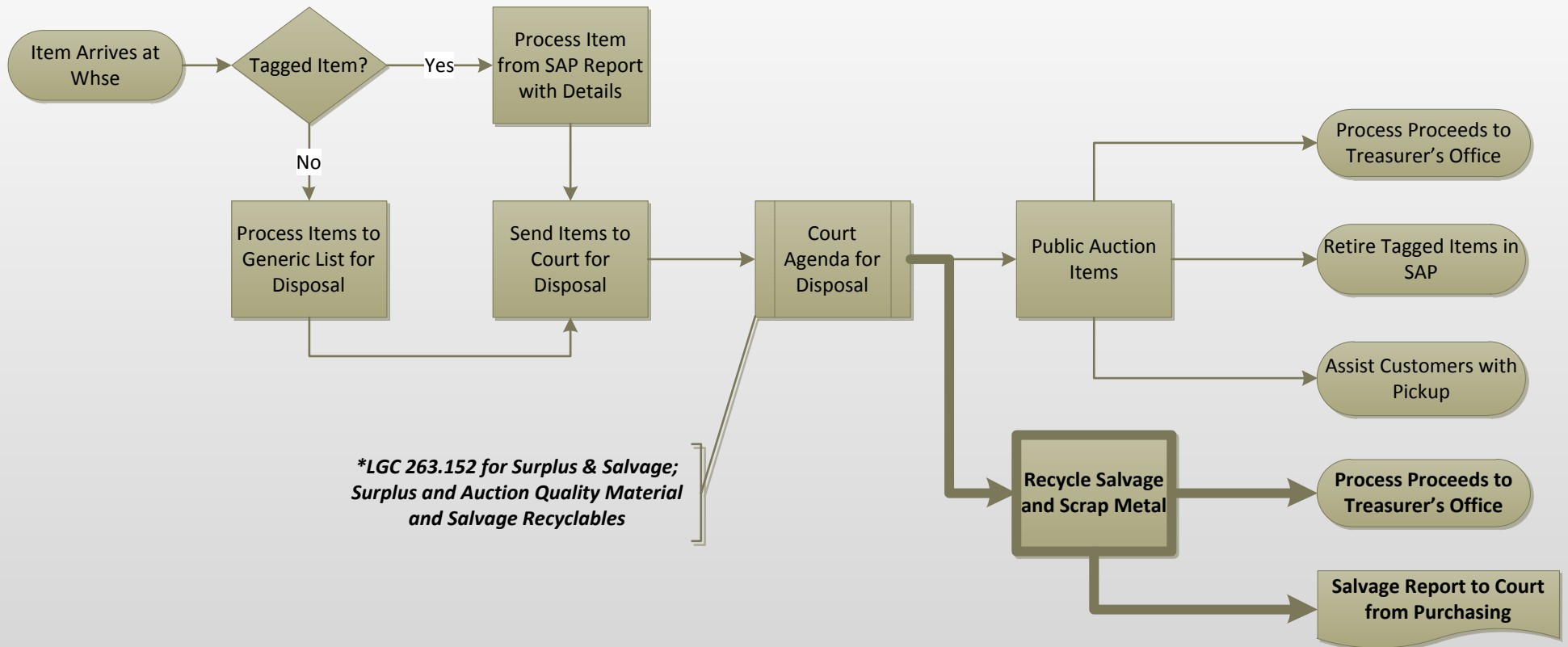
obliged to stockpile these items to find alternative means of disposal, thus the relatively large volume of material currently on hand.

We expect an initial volume for recycling of this particular salvage material to be 3-4 large roll-off containers, with subsequent usage to be no more than once or twice a year depending on salvage-quality material received by the warehouse. Later Agenda requests to process that material will be submitted to the Court for its direction.

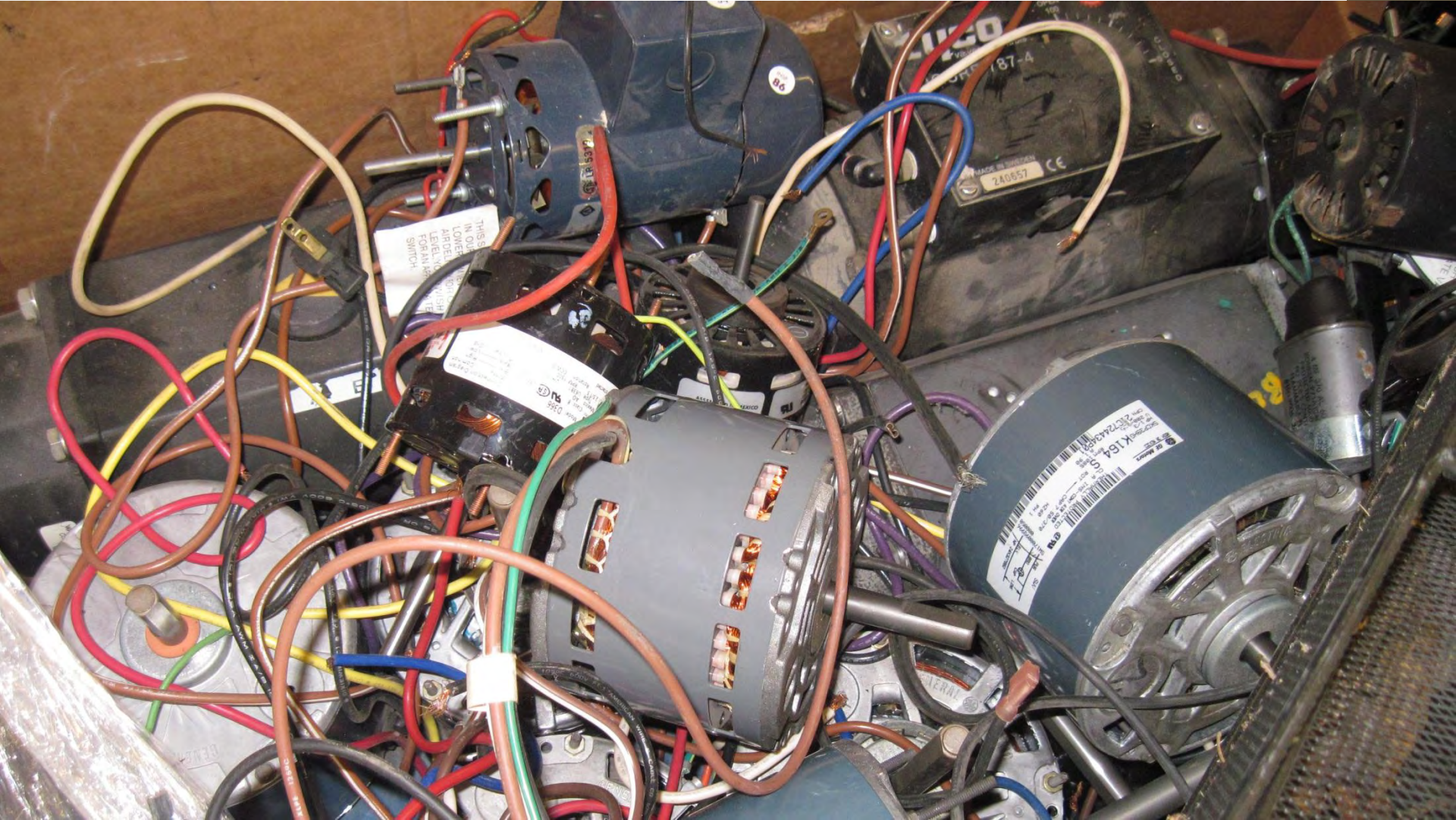
Through an inter-local agreement with the City of Austin, the County can utilize an existing contractual agreement with a locally-owned recycling company, Austin Metal and Iron Company. This company will provide roll-off containers as needed to process the material. These containers are owned by the company and are provided at no cost to the County. Rates paid for the material will be based on industry standard metal market-index pricing on the day on which the material is received. Each container processed by the company will generate appropriate documentation for the Purchasing Office, with all funds received by the County forwarded to the Treasurer's Office as with the regular auction process. While this request is specific to the disposal of fixed assets by Purchasing, the same contractual agreement in place will facilitate on-going non-asset based metal recycling activities by other County departments.

We believe that this process, if accepted by the Court, will allow us to return the maximum amount of asset-generated value back to the general fund, while simultaneously allowing a portion of the statutorily mandated asset disposal process to merge with the County's broader recycling efforts.

# Fixed Assets: Proposed Disposal Process with Recycling















# Travis County Commissioners Court Agenda Request

**Meeting Date:** March 19, 2013

**Prepared By/Phone Number:** Loren Breland, 854-4854

**Elected/Appointed Official/Dept. Head:** Cyd Grimes

**Commissioners Court Sponsor:** Judge Biscoe

**Agenda Language:** Approve contract award for Topdressing Material for Athletic Fields, IFB No. B1302-008-LD, to the low bidder, JAE Construction Inc.

- **Purchasing Recommendation and Comments:** Purchasing concurs with department and recommends approval of requested action. This procurement action meets the compliance requirements as outlined by the statutes.
- This contract will provide topdressing material for TNR Parks athletic fields.

Bid #B1302-008-LD was issued on February 19, 2013 and 3 bids were received on March 6, 2013. TNR has reviewed the bids and recommends award to the low bidder, JAE Construction Inc.

➤ **Contract-Related Information:**

Award Amount: Estimated Quantity, \$61,848.96.

Contract Type: Annual Contract

Contract Period: March 19, 2013 – March 18, 2014

➤ **Solicitation-Related Information:**

Solicitations Sent: 15

Responses Received: 3

HUB Information:

% HUB Subcontractor:

➤ **Funding Information:**

SAP Shopping Cart #:

Funding Account(s):

Comments: SAP Funds Reservation Document 300000525 entered in SAP.

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to [agenda@co.travis.tx.us](mailto:agenda@co.travis.tx.us) by Tuesdays at 5:00 p.m. for the next week's meeting.

**TRANSPORTATION AND NATURAL RESOURCES**

STEVEN M. MANILLA, P.E., COUNTY EXECUTIVE



700 Lavaca Street-5<sup>th</sup> Floor  
Travis County Administration Building  
PO Box 1748  
Austin, Texas 78767  
Phone: (512) 854-9383  
Fax: (512) 854-4697

March 12, 2013

**MEMORANDUM**

**TO:** Cyd Grimes, Purchasing Agent  
**FROM:** Steven M. Manilla, P.E., County Executive  
**SUBJECT:** Solicitation BY302-008-LD- Topdressing Material for Athletic Fields

TNR has reviewed the bid tabulations for topdressing material for athletic fields and recommends award to the low bidder JAE Construction, Inc. to supply this material for parks. JAE's cost proposal of \$24.93 per cubic yard is fair and reasonable.

Funds in the amount of \$61,848.96 have been reserved for this recommendation under funds reservation document number **300000525**. We have also included \$2,393.28 for modification to add ninety-six (96) cubic-yards to include Webberville Park for a total funds reservation amount of \$64,242.24

We appreciate your assistance with this request. If you have any questions please contact Kurt Nielsen at 854-7218.

cc: Charles Bergh, Park Director  
Robert Armistead, Park Program Manager  
Kurt Nielsen, District Park Manager  
Tim Speyrer, Park Supervisor

*clw*

RECEIVED  
TRAVIS COUNTY  
PURCHASING  
OFFICE  
2013 MAR 12 AM 11:46

# Funds Reservation 30000525

General Data			
Document type	OT	Document type	030
Company code	1000	Document date	03/11/2013
FM area	1000	Posting date	03/11/2013
Controlling area	1000	Currency	USD/ 1.00000
Statistics			
Entered by	LOPEZI	Created on	03/11/2013
Last changed by		Last changed	
More Data			
Text	Contract Award-Topdressing Matri-Athletic Fields		
Reference			
Overall Amount	64,242.24 USD		

Document item 001			
Text	Contract Award-Topdressing Material		
Commitment item	510130	Funds center	1490220001
Fund	0001	G/L account	510130
Cost center	1490220001	Due on	Customer
Vendor		Customer	
Amount	61,848.96 USD		

Document item 002			
Text	Topdressing Matri-Webberville Park		
Commitment item	510130	Funds center	1490220001
Fund	0001	G/L account	510130
Cost center	1490220001	Due on	Customer
Vendor		Customer	
Amount	2,393.28 USD		

**Bid #B1302-008-LD - TOPDRESSING MATERIAL FOR ATHLETIC FIELDS**Creation Date **Feb 13, 2013**End Date **Mar 6, 2013 2:00:00 PM CST**Start Date **Feb 19, 2013 10:08:27 AM CST**Awarded Date **Not Yet Awarded**

<b>B1302-008-LD--01-01 Topdressing Material for Athletic Fields</b>					
<b>Supplier</b>	<b>Unit Price</b>	<b>Qty/Unit</b>	<b>Total Price</b>	<b>Attch.</b>	<b>Docs</b>
<a href="#">JAE Construction, Inc. [Ad]</a>	First Offer - \$24.93	2112 / cubic yard	\$52,652.16		<b>Y</b>
<b>Product Code:</b>		<b>Supplier Product Code:</b>			
<b>Unit Amount Text:</b> Twenty four dollars and 93 cents		<b>Supplier Notes:</b>			
<b>Total Amount Text:</b> Fifty two thousand six hundred fifty two dollars and 16 cents					
<b>Agency Notes:</b>					
<a href="#">Whittlesey Landscape Supplies</a>	First Offer - \$32.89	2112 / cubic yard	\$69,463.68		<b>Y</b>
<b>Product Code:</b>		<b>Supplier Product Code:</b> TOPDRESSING FOR ATHLETIC FIELDS			
<b>Unit Amount Text:</b> Price per yard		<b>Supplier Notes:</b>			
<b>Total Amount Text:</b> Total yards delivered					
<b>Agency Notes:</b>					
<a href="#">E.O.N.E., Ltd. dba Organics</a>	First Offer - \$35.66	2112 / cubic yard	\$75,313.92		<b>Y</b>
<b>Product Code:</b>		<b>Supplier Product Code:</b> 50% Dillo 50% Masonry Sand			
<b>Unit Amount Text:</b> per cubic yard delivered		<b>Supplier Notes:</b> Delivered in 24 cubic yard loads.			
<b>Total Amount Text:</b> total delivered for project					
<b>Agency Notes:</b>					

<b>B1302-008-LD--01-02 Topdressing Material for Athletic Fields</b>					
<b>Supplier</b>	<b>Unit Price</b>	<b>Qty/Unit</b>	<b>Total Price</b>	<b>Attch.</b>	<b>Docs</b>
<a href="#">JAE Construction, Inc. [Ad]</a>	First Offer - \$24.51	144 / cubic yard	\$3,529.44		<b>Y</b>
<b>Product Code:</b>		<b>Supplier Product Code:</b>			
<b>Unit Amount Text:</b> Twenty four dollars and 51 cents		<b>Supplier Notes:</b>			
<b>Total Amount Text:</b> Three thousand five hundred twenty nine dollars and 44 cents					
<b>Agency Notes:</b>					
<a href="#">Whittlesey Landscape Supplies</a>	First Offer - \$34.89	144 / cubic yard	\$5,024.16		<b>Y</b>
<b>Product Code:</b>		<b>Supplier Product Code:</b> TOP DRESSING MATERIAL FOR ATHLETIC FIELDS			
<b>Unit Amount Text:</b> PRICE PER YARD		<b>Supplier Notes:</b>			
<b>Total Amount Text:</b> TOTAL PRICE DELIVERED					
<b>Agency Notes:</b>					
<a href="#">E.O.N.E., Ltd. dba Organics</a>	First Offer - \$35.66	144 / cubic yard	\$5,135.04		<b>Y</b>
<b>Product Code:</b>		<b>Supplier Product Code:</b> 50% Dillo 50% Masonry Sand			
<b>Unit Amount Text:</b> per cubic yard delivered		<b>Supplier Notes:</b> Delivered in 24 cubic yard loads.			
<b>Total Amount Text:</b> total delivered for project					
<b>Agency Notes:</b>					

<b>B1302-008-LD--01-03 Topdressing Material for Athletic Fields</b>					
<b>Supplier</b>	<b>Unit Price</b>	<b>Qty/Unit</b>	<b>Total Price</b>	<b>Attch.</b>	<b>Docs</b>
<a href="#">JAE Construction, Inc. [Ad]</a>	First Offer - \$23.60	192 / cubic yard	\$4,531.20		<b>Y</b>
<b>Product Code:</b>		<b>Supplier Product Code:</b>			
<b>Unit Amount Text:</b> Twenty three dollars and 60 cents		<b>Supplier Notes:</b>			
<b>Total Amount Text:</b> Four thousand five hundred thirty one dollars and 20 cents					
<b>Agency Notes:</b>					
<a href="#">E.O.N.E., Ltd. dba Organics</a>	First Offer - \$35.66	192 / cubic yard	\$6,846.72		<b>Y</b>
<b>Product Code:</b>		<b>Supplier Product Code:</b> 50% Dillo 50% Masonry Sand			
<b>Unit Amount Text:</b> per cubic yard delivered		<b>Supplier Notes:</b> Delivered in 24 cubic yard loads.			
<b>Total Amount Text:</b> total delivered for project					
<b>Agency Notes:</b>					
<a href="#">Whittlesey Landscape Supplies</a>	First Offer - \$35.89	192 / cubic yard	\$6,890.88		<b>Y</b>
<b>Product Code:</b>		<b>Supplier Product Code:</b> TOPDRESSING MATERIAL FOR ATHLETIC FIELDS			
<b>Unit Amount Text:</b> PRICE PER YARD					



<b>Total Amount Text:</b> TOTAL PRICE DELIVERED <b>Agency Notes:</b>	<b>Supplier Notes:</b>
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<b>B1302-008-LD--01-04 Topdressing Material for Athletic Fields</b>					
<b>Supplier</b>	<b>Unit Price</b>	<b>Qty/Unit</b>	<b>Total Price</b>	<b>Attch.</b>	<b>Docs</b>
<u>JAE Construction, Inc. [Ad]</u>	First Offer - \$23.67	48 / cubic yard	\$1,136.16		Y
<b>Product Code:</b> <b>Unit Amount Text:</b> Twenty three dollars and 67 cents <b>Total Amount Text:</b> One thousand one hundred thirty six dollars and 16 cents <b>Agency Notes:</b>			<b>Supplier Product Code:</b> <b>Supplier Notes:</b>		
<u>E.O.N.E., Ltd. dba Organics</u>	First Offer - \$35.66	48 / cubic yard	\$1,711.68		Y
<b>Product Code:</b> <b>Unit Amount Text:</b> per cubic yard delivered <b>Total Amount Text:</b> total delivered for project <b>Agency Notes:</b>			<b>Supplier Product Code:</b> 50% Dillo 50% Masonry Sand <b>Supplier Notes:</b> Delivered in 24 cubic yard loads.		
<u>Whittlesey Landscape Supplies</u>	First Offer - \$35.89	48 / cubic yard	\$1,722.72		Y
<b>Product Code:</b> <b>Unit Amount Text:</b> PRICE PER YARD <b>Total Amount Text:</b> TOTAL PRICE DELIVERED <b>Agency Notes:</b>			<b>Supplier Product Code:</b> TOPDRESSING MATERIAL FOR ATHLETIC FIELDS <b>Supplier Notes:</b>		

**Supplier Totals**

<u>JAE Construction, Inc. [Ad]</u>		<b>\$61,848.96 (4/4 items)</b>
Bid Contact <b>Manuel Escobar</b> <a href="mailto:meir@austin.rr.com">meir@austin.rr.com</a> Ph 512-447-2413 Fax 512-383-5107	Address <b>8700 Manchaca Rd Ste-406</b> <b>Austin, TX 78748</b>	
<b>Agency Notes:</b>	<b>Supplier Notes:</b>	
<u>Whittlesey Landscape Supplies</u>		<b>\$83,101.44 (4/4 items)</b>
Bid Contact <b>Dakota Smith</b> <a href="mailto:dakota@989rock.com">dakota@989rock.com</a> Ph 512-989-7625	Address <b>3219 S IH 35</b> <b>Round Rock, TX 78664</b>	
<b>Agency Notes:</b>	<b>Supplier Notes:</b>	
<u>E.O.N.E., Ltd. dba Organics</u>		<b>\$89,007.36 (4/4 items)</b>
Bid Contact <b>Pat whited</b> <a href="mailto:pat@organicsbygosh.com">pat@organicsbygosh.com</a> Ph 512-276-1211	Address <b>13602 FM 969</b> <b>Austin, TX 78724</b>	
<b>Agency Notes:</b>	<b>Supplier Notes:</b>	

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# Travis County Commissioners Court Agenda Request

**Meeting Date:** March 19, 2013

**Prepared By:** Paul Scoggins Phone #: 854-7619

**Division Director/Manager:** Anna M. Bowlin ACCP, Division Director of Development Services and Long Range Planning

**Department Head:**  Steven M. Manilla, P.E., County Executive-TNR

**Sponsoring Court Member:** Commissioner Davis, Precinct One

**AGENDA LANGUAGE:** Consider and take appropriate action on the following in Precinct One:

- A) The use of an Alternative Fiscal Agreement for Avalon, Phase 10; and
- B) The use of a Cash Security Agreement for Avalon, Phase 10.

## **BACKGROUND/SUMMARY OF REQUEST:**

The developer/owner of the subject subdivision requests to enter into an Alternative Fiscal Agreement with Travis County. Under this agreement the plat will be held in abeyance while the street and drainage facilities are constructed.

The developer also requests to post cash for the fiscal posting. To post cash the developer must enter into a Cash Security Agreement with Travis County.

## **STAFF RECOMMENDATIONS:**

The request has been reviewed by TNR staff and staff finds the use of the subject agreements meets all Travis County standards. As such, TNR staff recommends the approval of the proposed motions.

## **ISSUES AND OPPORTUNITIES:**

Under Alternative Fiscal the County Executive of TNR holds the plat in abeyance and, upon completion of the items listed below, the Division Director of Development Services and Long Range Planning authorizes the issuance of a Basic Development Permit for construction of the street and drainage facilities.

### **Plat Status**

Staff has reviewed the plat and all comments have been addressed. The plat meets current standards and has everything in place such that it could be recommended for approval and recordation at this time.

### Restoration/Erosion Control Fiscal

The fiscal for the subdivision's restoration and improvements have been posted with Travis County using a Cash Security Agreement in the amount of \$110,297.00.

### Access to Publicly Maintained Road

Avalon, Phase 10 takes access from Jakes Hill Road, a street maintained by Travis County.

### WasteWater Service

Wastewater service for this subdivision will be provided by the City of Pflugerville.

### Construction Plans and Engineer's Estimate of Construction Cost Approved

All comments by Travis County staff have been addressed and the reviewer is prepared to sign the cover sheet of the plans and issue permit #12-2129. The estimated costs of the improvements is \$896,965.50. This amount includes all costs related to the construction of all streets and drainage facilities (including temporary erosion controls and all structures contributing to the total detention).

The developer has signed the attached statement acknowledging that this action does not imply or guarantee plat approval by the Commissioners Court and that he/she understands the constraints related to the use of alternate fiscal. An Extension of Sixty-Day Period for Completed Plat Application Final Action agreement is also included.

### **FISCAL IMPACT AND SOURCE OF FUNDING:**

None

### **ATTACHMENTS/EXHIBITS:**

Alternative Fiscal Acknowledgment

Exhibit "A" – Description

Cash Security Agreement

Extension of Sixty-Day Period

Proposed Plat

Maps

**REQUIRED AUTHORIZATIONS:**

Cynthia McDonald	Financial Manager	TNR	854-4239
Steve Manilla	County Executive	TNR	854-9429
Anna Bowlin	Division Director	Development Services	854-7561

**CC:**

Don Grigsby	Engineer	Development Services	854-7560

**AB:SM:ps**  
**1101 - Development Services - Avalon, Phase 10**

§ EXHIBIT 82.401 (D)

(d) Alternative Fiscal Policy Request and Acknowledgement

STATE OF TEXAS §

COUNTY OF TRAVIS §

TO THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS:

The undersigned Owner proposes to subdivide that certain tract of land more particularly described in Exhibit "A", which is attached hereto and made a part hereof. The owner requests that the Travis County's Transportation and Natural Resources Department ("TNR") hold the proposed plat of the land in abeyance until all of the proposed subdivision Improvements have been constructed to Travis County Standards for the Construction of Streets and Drainage in Subdivision (the "Standards") to the satisfaction of the Executive Manager of TNR. In order to qualify for this Alternative Fiscal Policy, the proposed subdivision must meet the access criteria set forth in the Standards.

Under this Policy, the Owner is not required to post fiscal Security to secure the construction of the Improvements, but is required to obtain a Travis County Development Permit. The owner will be required to post fiscal for boundary street improvements if they are not to be completed during the construction of the Improvements. Additionally, the Owner shall file Security with the submitted Final Plat to secure restoration of disturbed areas should construction not be completed.

Upon satisfactory completion of the Improvements, the submitted plat shall be forwarded by TNR to the Commissioners Court for approval and recording.

If the Owner elects to proceed under this option, the Owner acknowledges and agrees that, until the plat is filed the Owner may not use the proposed subdivision's description in a contract to convey real property, unless the conveyance is expressly contingent on the recording and approval of the final plat and the purchaser is not given the use or the occupancy of the real property before the recording of the final plat, under penalty of prosecution under Section 12.002 of the Texas Property Code. In addition, the approval of Alternative Fiscal in no way constitutes approval of the proposed plat.

If the plat is to be approved and filed, the Owner must post Security in the amount of 10% of the cost of the Improvements to secure the performance of the construction of the Improvements for one year from the date of the approval of the plat and the acceptance of the construction by the County.

Executed this 19<sup>th</sup> day of February, 2013

OWNER:

By: [Signature]

Name: Blake J Magee

Title: President  
Authorized Representative

TRAVIS COUNTY, TEXAS By: \_\_\_\_\_  
County Judge

ACKNOWLEDGEMENT

STATE OF TEXAS §  
  §  
COUNTY OF TRAVIS §

This instrument was acknowledged before me by Blake J Magee on the 19<sup>th</sup> day of February, 2013, in the capacity stated herein.

[Signature]  
Notary Public in and for  
the State of Texas

Amy Frederick

Printed or typed name of notary



My commission expires: 4/19/14

ACKNOWLEDGEMENT

STATE OF TEXAS       §  
                                  §  
COUNTY OF TRAVIS   §

This instrument was acknowledged before me by \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in the capacity stated herein.

\_\_\_\_\_  
Notary Public in and for  
the State of Texas

\_\_\_\_\_  
Printed or typed name  
of notary  
My commission  
expires: \_\_\_\_\_

Mailing Address of Owner:

Km Avalon, Ltd.  
1011 North Lamar  
Austin, TX 78703

# Exhibit "A"

THAT KM AVALON, LTD, BLAKE J. MAGEE, PRESIDENT, BEING THE OWNER OF A TRACT OF LAND OUT OF THE PHILIP GOLDEN SURVEY, ABSTRACT No. 328, AND OUT OF THE EDWARD FLINT SURVEY, ABSTRACT No. 277 DESCRIBED AS 199.93 ACRES GRANTED TO KM AVALON, LTD., RECORDED UNDER DOCUMENT NO. 2005118416; 44.99 ACRES GRANTED TO KM AVALON, LTD., RECORDED IN DOCUMENT No. 2005118415; AND 45.00 ACRES GRANTED TO KM AVALON, LTD., RECORDED IN DOCUMENT No. 2005118420 IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, DOES HEREBY SUBDIVIDE, IN ACCORDANCE WITH CHAPTERS 212 AND 232 OF THE TEXAS LOCAL GOVERNMENT CODE, 15.67 ACRES TO BE KNOWN AS AVALON PHASE 10 IN ACCORDANCE WITH THE MAP OR PLAT ATTACHED HERETO, AND DOES HEREBY DEDICATE TO THE PUBLIC THE USE OF ALL STREETS AND EASEMENTS SHOWN HEREON, SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.



§ EXHIBIT 82.401 (C)

**CASH SECURITY AGREEMENT**

TO: Travis County, Texas  
DEVELOPER: KM Avalon, LHO  
ESCROW AGENT: Travis County Treasurer  
AMOUNT OF SECURITY: \$ 110,297.00  
SUBDIVISION: Avalon Phase 10  
DATE OF POSTING:  
EXPIRATION DATE: Three Years, or more, from Date of Posting

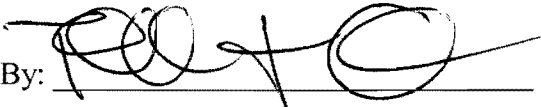
The ESCROW AGENT shall duly honor all drafts drawn and presented in accordance with this CASH SECURITY AGREEMENT (this "Agreement"). Travis County (the "County") may draw on the account of the DEVELOPER up to the aggregate AMOUNT OF SECURITY upon presentation of a draft signed by the County Judge that the following condition exists:

The County considers such a drawing on this Security necessary to complete all or part of the SUBDIVISION Improvements to current Travis County Standards for the Construction of Roads and Drainage in Subdivisions (the "Standards). No further substantiation of the necessity of the draw is required by this Agreement.

This Agreement is conditioned on the performance of the duties of the DEVELOPER prior to the EXPIRATION DATE to provide for the construction and completion of the street and drainage Improvements in the SUBDIVISION to current Travis County Standards for the construction of Roads and Drainage in Subdivisions ("the "Standards"), so that the Improvements are performing to the Standards upon the approval of the construction of the Improvements and the acceptance of the public Improvements by the Commissioners Court and at the end of the public Improvement construction Performance Period, which commences upon the acceptance.

Partial drafts and reductions in the amount of Security are permitted. Upon the acceptance of the Improvements, the Security will be reduced to ten percent of the cost of the public Improvements. Drafts will be honored within five calendar days of presentment. In lieu of drawing on the Security, the County, in its discretion, may accept a substitute Security in the then current amount of the estimated cost of constructing the Improvements. This Agreement may be revoked only by the written consent of the DEVELOPER and the COUNTY.

**DEVELOPER**

By:   
Name: Blake Magee  
Title: President  
Date: 2/19/13

**ADDRESS OF DEVELOPER**

Km Avabn, Ltd.  
1011 North Lamar  
Austin, TX 78703  
Phone: 512 481 0303

APPROVED BY THE TRAVIS COUNTY COMMISSIONERS COURT: \_\_\_\_\_  
Date

\_\_\_\_\_  
COUNTY JUDGE, TRAVIS COUNTY, TEXAS

EXHIBIT 82.201(D)

EXTENSION OF SIXTY DAY PERIOD FOR COMPLETED PLAT APPLICATION FINAL ACTION

Date: \_\_\_\_\_

Owner's Name and Address: KM Avalon, Ltd.  
1011 N. Lamar  
Austin, TX 78703

Proposed Subdivision Name and Legal Description (the "Property"): Avalon Phase 10

The undersigned Owner and the Executive Manager of Travis County Transportation and Natural Resources Department hereby agree that the sixty (60) day period for final action to be taken on a Completed Plat Application for the Property is hereby extended by mutual agreement and without compulsion until the date that all subdivision requirements have been met to Travis County standards to the satisfaction of the Executive Manager of TNR.

Executed and affective as of the date set forth below.

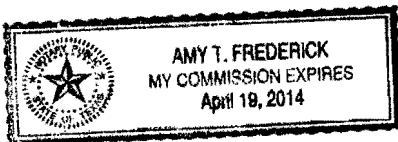
Owner: KM Avalon, Ltd.  
By: [Signature]  
Name: Blake Magee  
Title: President  
Authorized Representative

ACKNOWLEDGEMENT

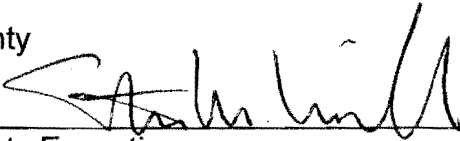
STATE OF TEXAS  
COUNTY OF TRAVIS

This instrument was acknowledged before me on the 20th day of October, 2012,  
by Blake Magee of Travis County, Texas known to me personally or on the basis of an  
approved form of identification, in the capacity stated.

[Signature]  
Notary Public, State of TEXAS  
My Commission Expires: 4/19/14  
Amy Frederick  
(Printed Name of Notary)



Travis County

By:   
County Executive  
Travis County Transportation and Natural Resources Department

ACKNOWLEDGEMENT

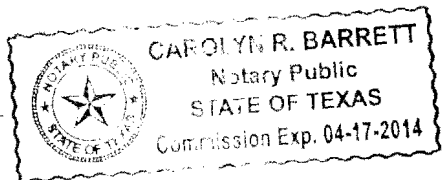
STATE OF TEXAS  
COUNTY OF TRAVIS

This instrument was acknowledged before me on the 8<sup>th</sup> day of March,  
2013 by Steven M Manilla, P.E., County Executive of Travis County, Texas known to me  
personally or on the basis of an approved form of identification, in the capacity stated.

Notary Public, State of Texas



Carolyn R. Barrett  
(Printed Name of Notary)

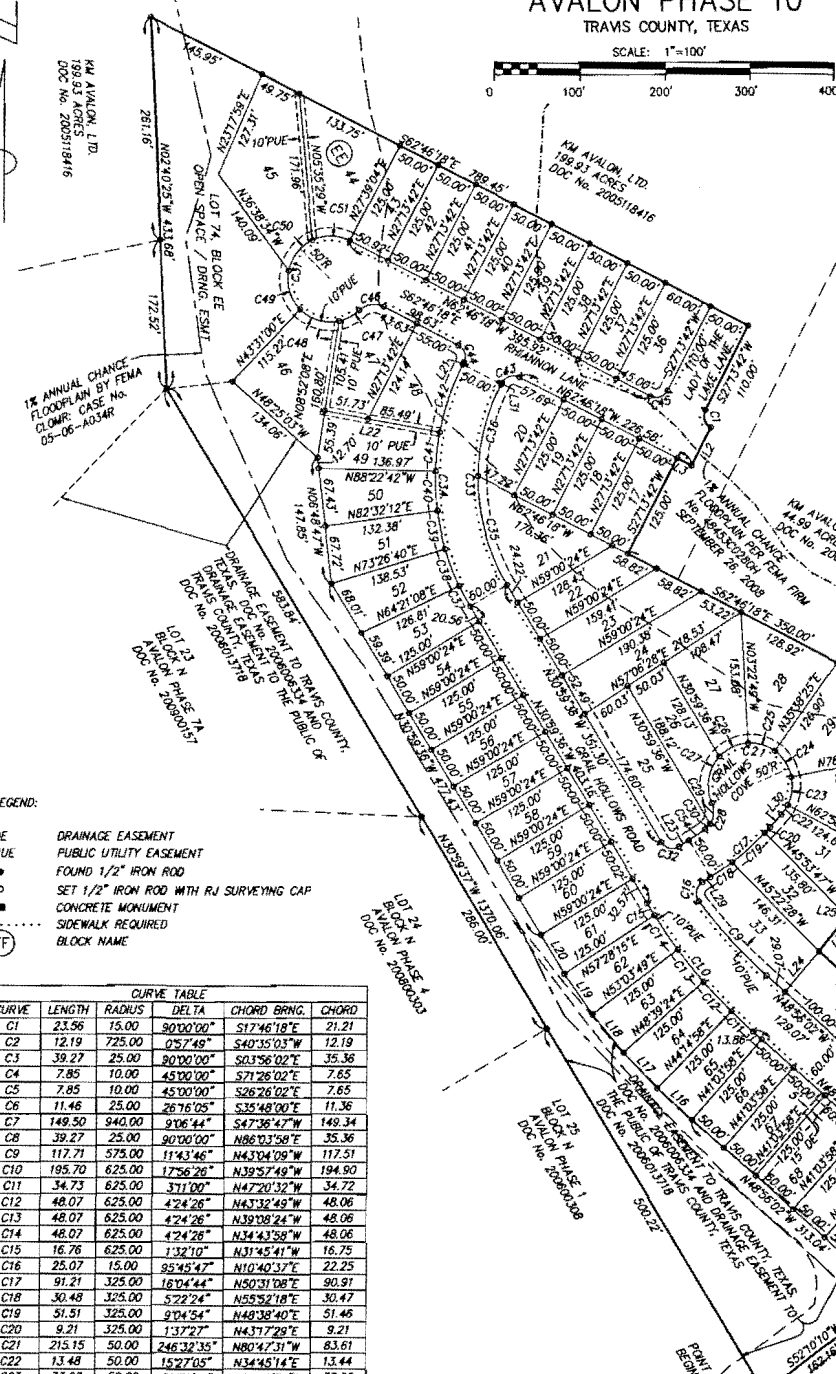
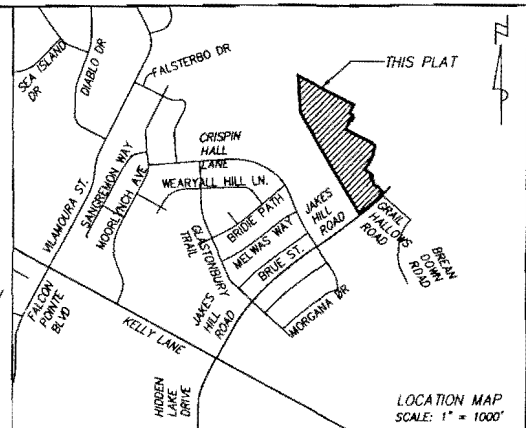


My Commission Expires:



# FINAL PLAT OF AVALON PHASE 10 TRAVIS COUNTY, TEXAS

SCALE: 1"=100'  
0 100' 200' 300' 400'



**SUBDIVISION SUMMARY:**

RESIDENTIAL:	54	9.63
NON-RESIDENTIAL:	0	0.00
PRIVATE OPEN SPACE:	1	3.52
DETENTION:	0	0.00
<b>RESIDENTIAL INCLUDED IN THIS PHASE:</b>	<b>54</b>	<b>9.63</b>
PREVIOUS RESIDENTIAL PHASES:	383	74.87
<b>TOTAL RESIDENTIAL:</b>	<b>437</b>	<b>84.50</b>
PUBLIC PARKLAND INCLUDED IN THIS PHASE:	0	0.00
TOTAL PARKLAND REQUIRED:	0	0.00
TOTAL PARKLAND DEDICATION TO DATE:	0	0.00

**FINISHED FLOOR ELEVATIONS:**

LDT No.	BLOCK	ELEVATION
45	EE	650.02'
46	EE	647.80'
49	EE	648.30'
50	EE	648.04'
51	EE	647.79'
52	EE	647.53'
53	EE	647.25'
54	EE	646.80'
55	EE	646.30'
56	EE	645.80'
57	EE	645.42'
58	EE	645.17'
59	EE	644.92'
60	EE	644.47'
61	EE	644.74'
62	EE	645.02'
63	EE	645.30'
64	EE	645.38'
65	EE	645.38'
66	EE	645.15'
67	EE	644.90'
68	EE	644.65'
69	EE	644.35'
70	EE	644.16'
71	EE	644.13'

- LEGEND:**
- DE DRAINAGE EASEMENT
  - PUE PUBLIC UTILITY EASEMENT
  - FOUND 1/2" IRON ROD
  - SET 1/2" IRON ROD WITH RJ SURVEYING CAP
  - CONCRETE MONUMENT
  - SIDEWALK REQUIRED
  - FF BLOCK NAME

**CURVE TABLE**

CURVE	LENGTH	RADIUS	DELTA	CHORD BRNG.	CHORD
C1	23.56	15.00	90.00°00'	S17°46'18"E	21.21
C2	12.19	725.00	0°57'49"	S40°35'03"W	12.19
C3	39.27	25.00	90.00°00'	S03°56'02"E	35.36
C4	7.85	10.00	45.00°00'	S71°28'02"E	7.65
C5	7.85	10.00	45.00°00'	S28°28'02"E	7.65
C6	11.46	25.00	26°16'02"	S35°48'00"E	11.36
C7	149.50	940.00	9°06'44"	S47°36'47"W	149.34
C8	39.27	25.00	90.00°00'	N88°03'58"E	35.36
C9	117.71	575.00	11°43'46"	N43°04'09"W	117.51
C10	195.70	625.00	11°43'46"	N43°04'09"W	194.90
C11	34.73	625.00	7°56'28"	N39°57'49"W	34.72
C12	48.07	625.00	3°11'00"	N47°20'32"W	48.06
C13	48.07	625.00	4°24'28"	N43°32'49"W	48.06
C14	48.07	625.00	4°24'28"	N39°08'24"W	48.06
C15	16.76	625.00	4°24'28"	N34°43'58"W	16.75
C16	25.07	15.00	1°32'10"	N31°45'41"W	22.25
C17	91.21	325.00	9°54'47"	N10°40'37"E	90.97
C18	30.48	325.00	18°04'44"	N50°31'08"E	30.47
C19	51.51	325.00	5°22'24"	N55°52'18"E	51.46
C20	9.21	325.00	9°04'54"	N49°38'40"E	9.21
C21	215.15	50.00	1°37'27"	N43°17'29"E	83.61
C22	13.48	50.00	246°32'35"	N80°47'31"W	13.44
C23	33.63	50.00	15°27'05"	N74°45'14"E	33.00
C24	37.39	50.00	38°32'19"	N07°45'34"E	36.53
C25	33.63	50.00	4°28'10"	N32°56'04"E	33.00
C26	38.61	50.00	38°32'19"	N73°17'43"W	37.66
C27	58.40	50.00	44°14'54"	N64°56'43"W	55.13
C28	33.97	25.00	66°55'05"	S09°23'44"W	31.42
C29	25.36	25.00	77°51'10"	N14°51'47"E	24.29
C30	8.61	25.00	58°07'39"	N05°00'01"E	8.56
C31	218.63	50.00	19°43'30"	N43°55'36"E	81.65
C32	23.68	15.00	250°31'46"	N08°02'09"W	23.52
C33	243.88	240.00	80°26'54"	N76°13'03"W	21.30
C34	294.69	290.00	59°13'18"	N01°52'57"W	282.17
C35	132.30	240.00	59°13'18"	N15°72'02"W	130.64
C36	111.57	240.00	31°35'07"	N15°72'02"W	110.57
C37	27.06	290.00	26°38'10"	N13°54'37"E	27.05
C38	46.02	290.00	5°20'44"	N28°19'14"W	45.97
C39	46.02	290.00	8°05'32"	N21°06'06"W	45.97
C40	46.02	290.00	9°05'32"	N12°00'34"W	45.97
C41	45.98	290.00	9°05'32"	N02°55'15"W	45.93
C42	46.02	290.00	9°05'32"	N06°10'04"E	45.97
C43	83.59	290.00	9°05'32"	N02°55'15"W	83.30
C44	23.56	15.00	16°30'52"	N18°58'16"E	21.21
C45	23.56	15.00	90.00°00'	N72°13'42"E	21.21
C46	23.56	15.00	90.00°00'	N17°46'18"W	21.21
C47	30.77	25.00	90.00°00'	N77°13'42"E	28.87
C48	27.41	50.00	70°31'44"	N81°57'50"E	27.07
C49	49.75	50.00	31°24'42"	N62°24'19"E	47.73
C50	49.04	50.00	5°20'46"	N73°22'57"W	47.10
C51	46.68	50.00	9°11'32"	N61°48'48"W	44.11
C52	123.72	940.00	3°29'15"	N36°10'35"E	45.00
C53	26.37	940.00	82°25'32"	N88°59'02"W	44.17
C54	22.89	275.00	7°30'17"	N46°49'54"E	22.04
C55	11.35	675.00	1°58'27"	N51°21'56"E	11.35
C56	22.89	275.00	4°46'09"	N56°10'28"E	22.89
C57	11.35	675.00	0°57'49"	N40°35'03"E	11.35

**LINE TABLE**

LINE	BEARING	LENGTH
L1	S27°13'49"W	50.00'
L2	N62°46'18"W	18.89'
L3	S22°10'09"W	48.57'
L4	S27°28'52"W	48.57'
L5	S32°30'15"W	48.57'
L6	S37°34'17"W	48.57'
L7	S41°01'58"W	27.91'
L8	S48°58'02"E	26.00'
L9	N86°03'58"E	10.00'
L10	S48°58'02"E	30.00'
L11	S03°56'02"E	10.00'
L12	S48°58'02"E	45.68'
L13	S48°58'02"E	60.00'
L14	S48°58'02"E	55.52'
L15	S41°04'29"W	57.67'
L16	N47°44'22"W	57.67'
L17	N43°32'49"W	57.67'
L18	N39°08'24"W	57.67'
L19	N34°43'58"W	57.67'
L20	N31°45'41"W	52.68'
L21	N27°13'42"E	2.40'
L22	S79°17'01"E	137.21'
L23	N58°13'30"E	13.76'
L24	N40°30'35"E	62.16'
L25	N32°30'35"E	4.46'
L26	N32°30'35"E	44.11'
L27	N27°28'52"E	32.19'
L28	N22°26'52"E	11.38'
L29	N68°13'30"E	11.10'
L30	N42°28'46"E	18.77'
L31	N27°13'42"E	2.40'
L32	N41°03'58"E	27.91'

**STREET SUMMARY:**

STREET	LINEAR FEET	ROW WIDTH
GRAIL HOLLOW ROAD	1,231'	50'
GRAIL HOLLOW COVE	156'	50'
RHANNIGAN LANE	578'	50'
LADY OF THE LAKE LANE	150'	50'

**PROPERTY OWNER / SUBDIVIDER:**  
KM AVALON, LTD.  
BLAKE J. WAGNER, PRESIDENT  
1011 N. LAMAR BLVD.  
AUSTIN, TEXAS 78703

**SITE DATA:**  
15.85 ACRES  
PHILLIP GOLDEN SURVEY No. 17, ABSTRACT No. 328  
54 SINGLE FAMILY LOTS  
1 OPEN SPACE/DRAINAGE EASEMENT LOT  
2 BLOCKS  
2,115 LINEAR FEET OF NEW STREETS:

**BUILDING SETBACKS:**  
25' - FRONT  
20' - REAR  
5' - SIDE  
10' - CORNER LOT, STREET SIDE

**BENCH MARKS:**  
BENCH MARK 1: SQUARE CUT ON TOP OF CURB ELEVATION = 644.74 NAVD  
BENCH MARK 2: SQUARE CUT ON TOP OF CURB ELEVATION = 643.57 NAVD

DATE: FEBRUARY 6, 2013 SCALE: 1" = 100'

**RANDALL JONES & ASSOCIATES ENGINEERING, INC.**  
1212 E. BRAKER LANE, AUSTIN, TEXAS 78753  
(512) 836-4793 FAX: (512) 836-4817 F-9784

**RJ SURVEYING & ASSOCIATES, INC.**  
1212 E. BRAKER LANE, AUSTIN, TEXAS 78753  
(512) 836-4793 FAX: (512) 836-4817

FINAL PLAT OF  
**AVALON PHASE 10**

**GENERAL NOTES:**

1. THIS PLAT IS WITHIN THE EXTRA TERRITORIAL JURISDICTION OF THE CITY OF PFLUGERVILLE.
2. NO OBJECTS, INCLUDING BUT NOT LIMITED TO BUILDINGS, FENCES OR LANDSCAPING SHALL BE ALLOWED IN A DRAINAGE EASEMENT, EXCEPT AS APPROVED BY TRAVIS COUNTY AND THE CITY OF PFLUGERVILLE. ALL DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE OWNER OR HIS / HER ASSIGNS.
3. THE PROPERTY OWNER OR HIS / HER ASSIGNS SHALL PROVIDE FOR ACCESS TO THE DRAINAGE EASEMENT AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY THE CITY OF PFLUGERVILLE AND TRAVIS COUNTY FOR INSPECTION OR MAINTENANCE OF SAID EASEMENT.
4. FOUR FOOT (4') SIDEWALKS SHALL BE CONSTRUCTED ALONG EACH SIDE OF PHANNON LANE, GRAIL HOLLOW LANE, LADY OF THE LAKE LANE AND GRAIL HOLLOW DRIVE AND SIDEWALK RAMPS FOR HANDICAP ACCESS SHALL BE PROVIDED AT ALL STREET INTERSECTIONS.
5. SINGLE FAMILY SIDE YARD SETBACK SHALL BE 5 FEET AS STATED IN THE COMPREHENSIVE DEVELOPMENT AGREEMENT BETWEEN KM KELLY LANE AND THE CITY OF PFLUGERVILLE.
6. NO SINGLE FAMILY LOT SHALL BE LESS THAN 8,000 SQUARE FEET IN AREA AS STATED IN THE COMPREHENSIVE DEVELOPMENT AGREEMENT BETWEEN KM KELLY LANE AND THE CITY OF PFLUGERVILLE.
7. WATER SERVICE TO THE SUBDIVISION WILL BE PROVIDED BY KELLY LANE W.C.I.D. No. 2.
8. WASTEWATER SERVICE TO THE SUBDIVISION WILL BE PROVIDED BY THE CITY OF PFLUGERVILLE.
9. PARKLAND WILL BE DEDICATED PER THE REQUIREMENTS THE COMPREHENSIVE AGREEMENT BETWEEN KM KELLY LANE AND THE CITY OF PFLUGERVILLE.
10. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN APPROVED SEWER SYSTEM.
11. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A WATER SYSTEM APPROVED BY THE TEXAS STATE DEPARTMENT OF HEALTH.
12. DRIVEWAY ACCESS FROM LOTS 1, 20, 25 AND 33 BLOCK FF; AND LOT 48, BLOCK EE TO GRAIL HOLLOW ROAD IS PROHIBITED.
13. DRIVEWAY ACCESS FROM LOT 36, BLOCK EE TO LADY OF THE LAKE LANE IS PROHIBITED.
14. THIS PROPERTY IS SUBJECT TO THE COVENANTS AND RESTRICTIONS RECORDED IN DOCUMENT No. 2008064285 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**OWNER'S CERTIFICATION**

THE STATE OF TEXAS  
 COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS  
 THAT KM AVALON, LTD, BLAKE J. MAGEE, PRESIDENT, BEING THE OWNER OF A TRACT OF LAND OUT OF THE PHILIP GOLDEN SURVEY, ABSTRACT No. 328, AND OUT OF THE EDWARD PLUM SURVEY, ABSTRACT No. 277 DESCRIBED AS 199.93 ACRES GRANTED TO KM AVALON, LTD., RECORDED UNDER DOCUMENT NO. 2005118416, 44.99 ACRES GRANTED TO KM AVALON, LTD., RECORDED IN DOCUMENT No. 2005118415; AND 45.00 ACRES GRANTED TO KM AVALON, LTD., RECORDED IN DOCUMENT No. 2005118420 IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, DOES HEREBY SUBDIVIDE, IN ACCORDANCE WITH CHAPTERS 212 AND 232 OF THE TEXAS LOCAL GOVERNMENT CODE, 15.87 ACRES TO BE KNOWN AS AVALON PHASE 10 IN ACCORDANCE WITH THE MAP OR PLAT ATTACHED HERETO, AND DOES HEREBY DEDICATE TO THE PUBLIC THE USE OF ALL STREETS AND EASEMENTS SHOWN HEREON, SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS MY HAND, THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BLAKE J. MAGEE  
 KM AVALON LTD,  
 1011 N. LAMAR BLVD,  
 AUSTIN, TEXAS 78703

**ACKNOWLEDGMENT:**  
 STATE OF TEXAS  
 COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED BLAKE J. MAGEE, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

SEAL

NOTARY PUBLIC, STATE OF TEXAS

A PORTION OF THIS TRACT IS WITHIN THE DESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 49453002804, EFFECTIVE DATE SEPTEMBER 26, 2008, FOR TRAVIS COUNTY, TEXAS.

I, R. BRENT JONES, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PLAT IS FEASIBLE FROM AN ENGINEERING STANDPOINT, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

*R. Brent Jones*  
 R. BRENT JONES  
 LICENSED PROFESSIONAL ENGINEER No. 92671  
 STATE OF TEXAS



STATE OF TEXAS  
 COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS

THAT I, J. KENNETH WEIGAND, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE ON-THE-GROUND SURVEY OF THE LAND AND THAT ALL CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION CODE OF THE CITY OF PFLUGERVILLE, TEXAS AND THAT ALL KNOWN EASEMENTS WITHIN THE BOUNDARY OF THE PLAT ARE SHOWN HEREON.

*John K. Weigand Feb. 6, 2013*  
 J. KENNETH WEIGAND  
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5741  
 STATE OF TEXAS



APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY THE  
 PLANNING AND ZONING COMMISSION OF THE CITY OF PFLUGERVILLE, TEXAS, ON  
 BEHALF OF THE CITY.

BY: \_\_\_\_\_  
 NAJ NORDER, CHAIR

THIS PLAT REFLECTS THE APPROVAL GRANTED BY THE PLANNING AND ZONING  
 COMMISSION ON THE DATE INDICATED ABOVE.

BY: \_\_\_\_\_  
 TROY FLETCHER, PLANNING DIRECTOR

ATTEST:  
 KAREN THOMPSON, CITY SECRETARY

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY THE CITY COUNCIL  
 OF THE CITY OF PFLUGERVILLE, TEXAS, ON BEHALF OF THE CITY.

BY: \_\_\_\_\_  
 JEFF COLEMAN, MAYOR

ATTEST:  
 KAREN THOMPSON, CITY SECRETARY

THIS SUBDIVISION PLAT IS LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION  
 OF THE CITY OF PFLUGERVILLE, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

BY: \_\_\_\_\_  
 TROY FLETCHER, PLANNING DIRECTOR

**COMMISSIONERS COURT**

IN APPROVING THIS PLAT, THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS, ASSUMES NO OBLIGATION TO BUILD THE STREETS, ROADS AND OTHER PUBLIC THOROUGHFARES SHOWN ON THIS PLAT OR ANY BRIDGES OR CULVERTS IN CONNECTION THEREWITH. THE BUILDING OF ALL STREETS, ROADS AND OTHER PUBLIC THOROUGHFARES SHOWN ON THIS PLAT, AND ALL BRIDGES AND CULVERTS NECESSARY TO BE CONSTRUCTED OR PLACED IN SUCH STREETS, ROADS OR OTHER PUBLIC THOROUGHFARES OR IN CONNECTION THEREWITH IS THE RESPONSIBILITY OF THE OWNER AND / OR DEVELOPER OF THE TRACT OF LAND COVERED BY THIS PLAT IN ACCORDANCE WITH PLANS AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS.

THE OWNER OF THE SUBDIVISION SHALL CONSTRUCT THE SUBDIVISION'S STREET AND DRAINAGE IMPROVEMENTS (THE "IMPROVEMENTS") TO COUNTY STANDARDS IN ORDER FOR THE COUNTY TO ACCEPT THE PUBLIC IMPROVEMENTS FOR MAINTENANCE OR TO RELEASE FISCAL SECURITY POSTED TO SECURE PRIVATE IMPROVEMENTS. TO SECURE THIS OBLIGATION, THE OWNER(S) MUST POST FISCAL SECURITY WITH THE COUNTY IN THE AMOUNT OF THE ESTIMATED COST OF THE IMPROVEMENTS. THE OWNER(S) OBLIGATION TO CONSTRUCT THE IMPROVEMENTS TO COUNTY STANDARDS AND TO POST THE FISCAL SECURITY TO SECURE SUCH CONSTRUCTION IS A CONTINUING OBLIGATION ENDING UPON THE OWNERS AND THEIR SUCCESSORS AND ASSIGNS UNTIL THE PUBLIC IMPROVEMENTS HAVE BEEN ACCEPTED FOR MAINTENANCE BY THE COUNTY OR THE PRIVATE IMPROVEMENTS HAVE BEEN CONSTRUCTED AND ARE PERFORMING TO COUNTY STANDARDS.

THE AUTHORIZATION OF THIS PLAT BY THE COMMISSIONERS COURT FOR FILING OR THE SUBSEQUENT ACCEPTANCE FOR MAINTENANCE BY TRAVIS COUNTY, TEXAS, OF ROADS AND STREETS IN THE SUBDIVISION DOES NOT OBLIGATE THE COUNTY TO INSTALL STREET NAME SIGNS OR ERECT TRAFFIC CONTROL SIGNS, SUCH AS SPEED LIMIT, STOP SIGNS, AND YIELD SIGNS, WHICH IS CONSIDERED TO BE A PART OF THE DEVELOPER'S CONSTRUCTION.

THE STATE OF TEXAS  
 COUNTY OF TRAVIS

I, DANA DEBEAUVOR, CLERK OF THE COUNTY COURT, OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A. D., THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS, PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THIS PLAT AND THAT SAID ORDER WAS DULY ENTERED IN THE MINUTES OF THE SAID COURT.

WITNESS MY HAND AND SEAL OF THE OFFICE OF THE COUNTY CLERK, OF SAID COUNTY, THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A. D.

DANA DEBEAUVOR, COUNTY CLERK  
 TRAVIS COUNTY, TEXAS

**DEPUTY**

I, DANA DEBEAUVOR, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING, AND ITS CERTIFICATE OF AUTHENTICATION, WAS FILED FOR RECORD IN MY OFFICE ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A. D., AT \_\_\_\_ O'CLOCK \_\_\_\_ M AND DULY RECORDED ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A. D., AT \_\_\_\_ O'CLOCK \_\_\_\_ M., OF SAID COUNTY AND STATE IN DOCUMENT NUMBER \_\_\_\_\_ OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A. D.

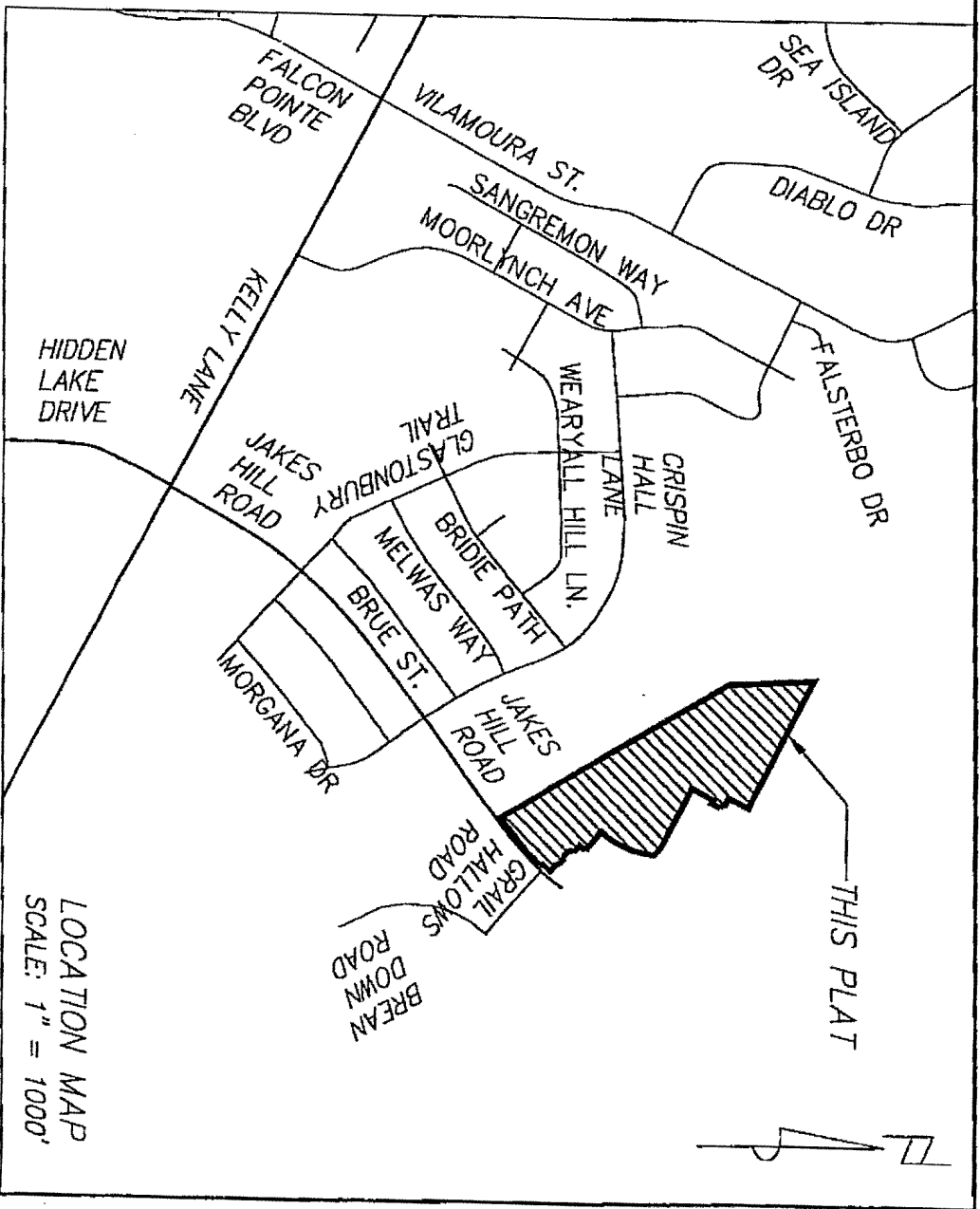
DANA DEBEAUVOR, COUNTY CLERK  
 TRAVIS COUNTY, TEXAS

**DEPUTY**

DATE: FEBRUARY 6, 2013

**RANDALL JONES & ASSOCIATES ENGINEERING, INC.**  
 1212 E. BRAKER LANE, AUSTIN, TEXAS 78753  
 (512) 836-4793 FAX: (512) 836-4817 F-9784

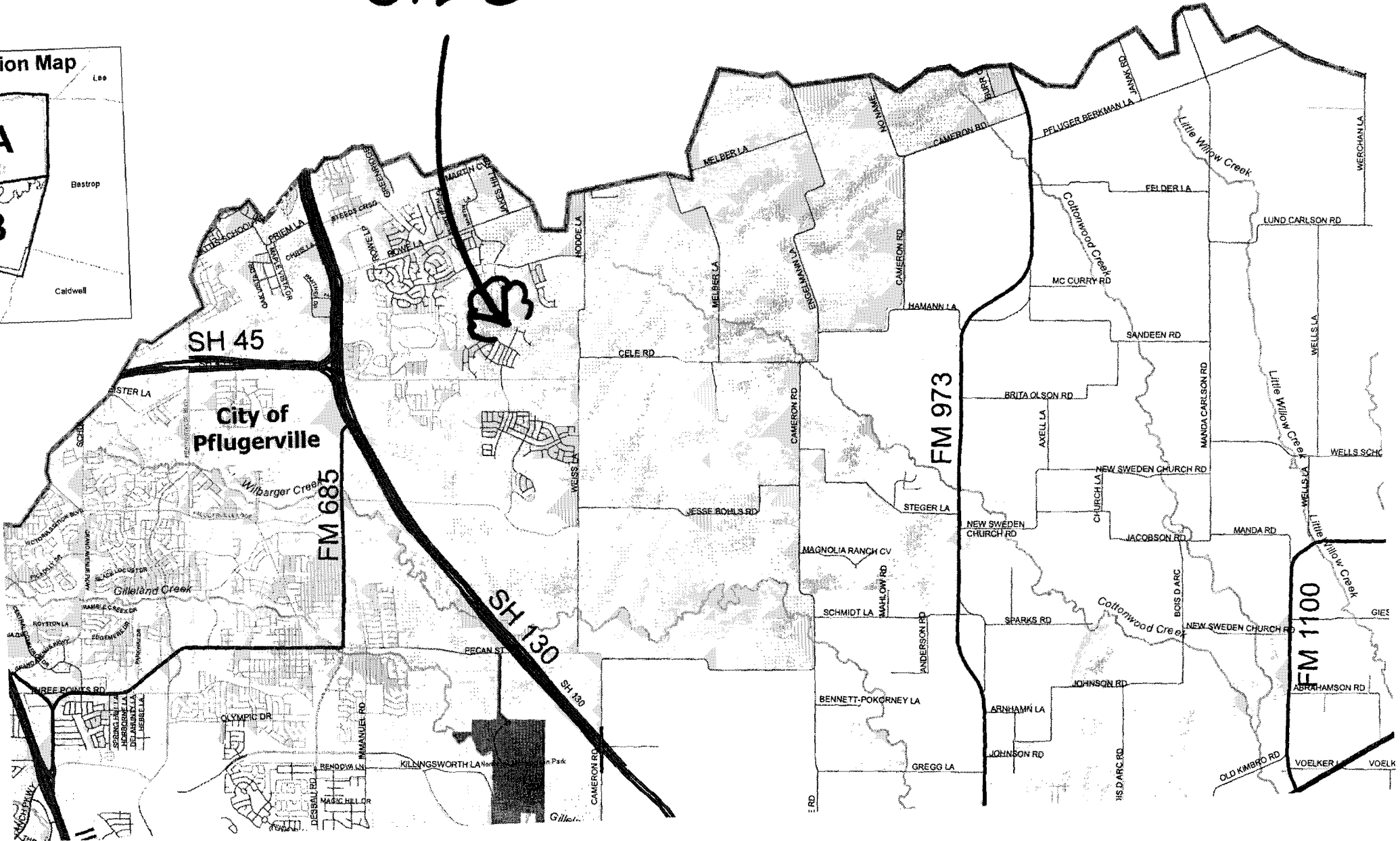
**RJ SURVEYING & ASSOCIATES, INC.**  
 1212 E. BRAKER LANE, AUSTIN, TEXAS 78753  
 (512) 836-4793 FAX: (512) 836-4817



LOCATION MAP  
SCALE: 1" = 1000'

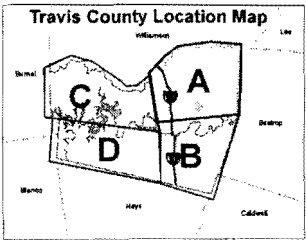


# Site

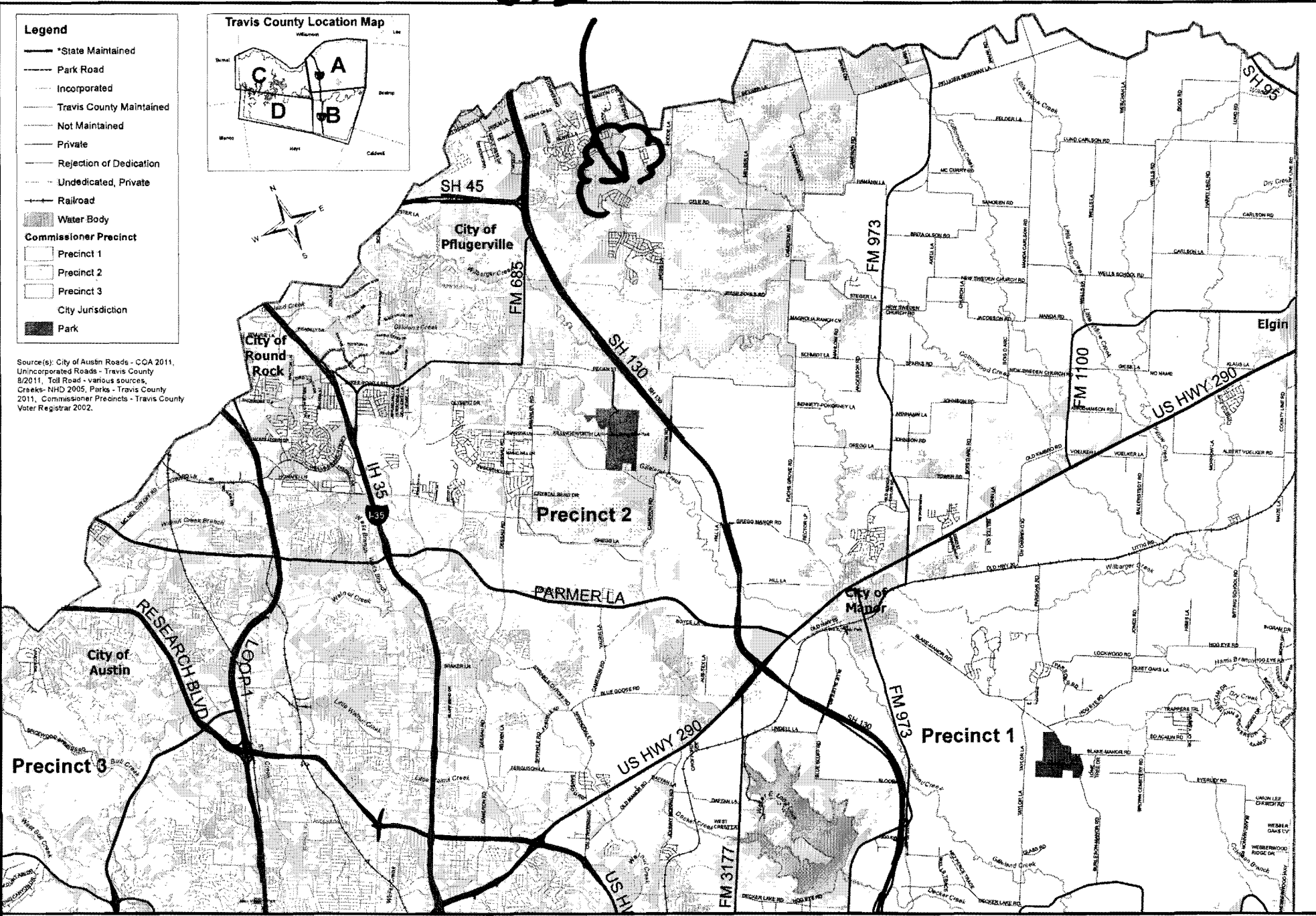


# Site

- Legend**
- \*State Maintained
  - Park Road
  - Incorporated
  - Travis County Maintained
  - Not Maintained
  - Private
  - Rejection of Dedication
  - Undedicated, Private
  - Railroad
  - Water Body
  - Commissioner Precinct
  - Precinct 1
  - Precinct 2
  - Precinct 3
  - City Jurisdiction
  - Park

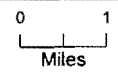


Source(s): City of Austin Roads - COA 2011, Unincorporated Roads - Travis County 8/2011, Toll Road - various sources, Creeks- NHD 2005, Parks - Travis County 2011, Commissioner Precincts - Travis County Voter Registrar 2002.



Map Disclaimer: The data is provided "as is" with no warranties of any kind.

## Travis County Roadways, Map A



Map Prepared by: Travis County, Dept. of Transportation & Natural Resources. Date 8/9/2011



# Travis County Commissioners Court Agenda Request

**Meeting Date:** March 19, 2013

**Prepared By/Phone Number:** Fred Lugo 854-4105

**Elected/Appointed Official/Dept. Head:** Sherri E. Fleming,  
County Executive for Health and Human Services and Veterans Service

**Commissioners Court Sponsor:** Judge Samuel T. Biscoe

## **AGENDA LANGUAGE:**

Consider and take appropriate action on request to authorize the expenditure of \$2,000 for two trainings to Coming of Age nonprofit agency partners. One training to occur in April 2013, for \$1,000, and one to occur in September 2013, for \$1,000.

## **BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

Coming of Age's services for its nonprofit agency partners includes training to build capacity through successful management of an intergenerational workforce and volunteer network. The training, entitled "Learning Lab: Capturing the Energy and Expertise of People 50+," is provided by a certified Learning Lab contract trainer to deliver the 4-session workshop series to staff from 15 nonprofit agency partners. Funding for the contract trainer would come out of the Coming of Age budget.

## **STAFF RECOMMENDATIONS:**

Staff recommends Court approval for expenditure of \$2,000 from the Coming of Age budget for a certified Learning Lab contract trainer to provide the trainings to its nonprofit agency partners.

## **ISSUES AND OPPORTUNITIES:**

This training offers nonprofit organizations the potential to better manage organizational change and build nonprofit capacity. Opportunity also exists for volunteer managers, human resources staff, executive directors, and board members within Travis County's nonprofit sector to apply learned insights and strategies to further their organization's mission and attract people over 50 to serve and contribute to their organization.

## **FISCAL IMPACT AND SOURCE OF FUNDING:**

This line item for this expenditure is 15803000001 GL 512020 (Coming of Age In-house Training/Online Courses).

## **REQUIRED AUTHORIZATIONS:**

Diana Ramirez, Planning and Budget Office  
Patty Lennon, Travis County Auditor's Office

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials should be submitted as a pdf to the County Judge's office, [agenda@co.travis.tx.us](mailto:agenda@co.travis.tx.us) by **Tuesdays at 5:00 p.m.** for the next week's meeting.



# Cost Proposal

October 4, 2012

## Client

Travis County Health & Human Services, *Coming of Age* Austin Metro

## Primary Contact

Fred Lugo, 512-854-4105, fred.lugo@co.travis.tx.us

## Reference

"Learning Lab: Capturing the Energy and Expertise of 50+"

## Deliverables:

Meredith Garcia will deliver the "Learning Lab: Capturing the Energy and Expertise of People 50+," a four-session workshop series in which 10-15 participants (organizations identified by and partnering with *Coming of Age* Austin Metro) learn how to:

- Draw on the talents, skills, and passions of people 50+;
- Craft compelling opportunities that will appeal to them; develop effective ways to market their opportunities;
- Manage an intergenerational workforce; and create an outcomes driven action plan.

## Cost:

Session #1: "Learning Lab: Capturing the Energy and Expertise of People 50+"

April 10, 2013 AM

\$250.00

Session #2: "Learning Lab: Capturing the Energy and Expertise of People 50+"

April 10, 2013 P.M.

\$250.00

Session #3: "Learning Lab: Capturing the Energy and Expertise of People 50+"

April 11, 2013 A.M.

\$250.00

Session #4: "Learning Lab: Capturing the Energy and Expertise of People 50+"

April 11, 2013 P.M.

\$250.00

**AND**



Session #1: "Learning Lab: Capturing the Energy and Expertise of People 50+"  
September 18, 2013 AM  
\$250.00

Session #2: "Learning Lab: Capturing the Energy and Expertise of People 50+"  
September 18, 2013 P.M.  
\$250.00

Session #3: "Learning Lab: Capturing the Energy and Expertise of People 50+"  
September 19, 2013 A.M.  
\$250.00

Session #4: "Learning Lab: Capturing the Energy and Expertise of People 50+"  
September 19, 2013 P.M.  
\$250.00

### Justification for Services:

*Coming of Age* Austin Metro requests certified Learning Lab contract trainers to deliver the "Learning Lab: Capturing the Energy and Expertise of People 50+" workshop for a total of 4-sessions. Meredith Garcia has such experience and expertise and will provide *Coming of Age* Austin Metro with certified contract training services.

*Coming of Age* Austin Metro will provide the following materials for the "Learning Lab: Capturing the Energy & Expertise of People 50+."

- Training Room(s)
- Set-up of the training room(s)
- Laptop, projector, screen, and flash drive
- All "Learning Lab: Capturing the Energy & Expertise of People 50+" training materials such as PowerPoint presentations, facilitator's manual and participant workbooks and folders.
- Participant's surveys and evaluations
- Consent form for quotes to use for marketing purposes
- Roster and sign-in sheets
- Table of contents for activities
- Session agendas and getting ready checklists
- Training outlines
- Participant certificates
- Volunteer ad instructions
- Extension cords and surge protectors
- Name tags
- Pens/pencils/pencil sharpener/markers
- Scratch paper
- Flip charts



- Easels
- White board
- Tape
- Paperclips
- *Coming of Age* Austin Metro marketing materials
- Map of local restaurants in the area

Submitted by,

A handwritten signature in black ink that reads "Meredith Garcia". The signature is written in a cursive, flowing style.

Meredith Garcia



# Travis County Commissioners Court Agenda Request

**Meeting Date:** March 19, 2013

**Prepared By/Phone Number:** Juanita Jackson 854-4467

**Elected/Appointed Official/Dept. Head:** Sherri E. Fleming,  
County Executive for Health and Human Services and Veterans Service

**Commissioners Court Sponsor:** Judge Samuel T. Biscoe

## **AGENDA LANGUAGE:**

Consider and Take Appropriate Action on the Request from the Community Action Network to Print 1000 Copies of their 2013 Community Dashboard Report.

## **BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

The Community Action Network's Community Dashboard provides an overview of social, health and well-being of Austin and Travis County. In this year's report, the Community Action Network aims to identify areas where collaborative action is needed. The Community Dashboard is updated annually and the CAN Community Council holds televised public forums regarding the indicators, updates on current conditions, and identifying work to be done. A copy of the 2012 report is attached and the finalized version of 2013 report will be submitted in April 2013.

Travis County has been a longstanding partner in the Community Action Network.

## **STAFF RECOMMENDATIONS:**

Staff recommends approval of this request

## **FISCAL IMPACT AND SOURCE OF FUNDING:**

If this request is approved, the department projects the cost not to exceed \$2,500. Travis County's Print Shop will be responsible for producing 1000

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, [agenda@co.travis.tx.us](mailto:agenda@co.travis.tx.us) by **Tuesdays at 5:00 p.m.** for the next week's meeting.

copies of the document in the form of a booklet, double-sided, in color. The report is still being prepared.

A budget transfer from cost center 1580540001 GL 511440 will be processed upon receipt of actual costs incurred by the Print Shop in fulfilling the request.

**REQUIRED AUTHORIZATIONS:**

Mary Etta Gerhardt, Assistant County Attorney

Robert Duke, Supervisor, Travis County Print Shop

Diana Ramirez, Budget Analyst IV, Planning and Budget Office

Aerin Toussant, Budget Analyst

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, [agenda@co.travis.tx.us](mailto:agenda@co.travis.tx.us) by **Tuesdays at 5:00 p.m.** for the next week's meeting.





March 1, 2013

**CAN Partners**

Austin Chamber of Commerce  
Austin Community College  
Austin Independent School District  
Austin Travis County Integral Care  
Capital City African American Chamber of Commerce  
Capital Metro  
Central Health  
City of Austin  
City of Pflugerville  
Community Justice Council  
Del Valle ISD  
Greater Austin Asian Chamber of Commerce  
Greater Austin Hispanic Chamber of Commerce  
Huston-Tillotson University  
Interfaith Action Central Texas (iACT)  
Manor ISD  
One Voice Central Texas  
Seton Healthcare Family  
St. David's Foundation  
St. Edward's University  
Travis County  
United Way for Greater Austin  
University of Texas at Austin  
Workforce Solutions - Capital Area

Sherri Fleming  
County Executive  
Travis County HHS &VS  
502 East Highland Mall Blvd.  
Austin, TX 78752

Dear Sherri,

I am writing on behalf of CAN to request assistance in printing the **2013 CAN Community Dashboard Report**. CAN is a partnership of governmental, non-profit, private and faith-based organizations which leverage mutual resources to collectively improve social, health, educational and economic opportunities in our community. CAN's Dashboard, comprised of 16 key socio-economic indicators, provides a snapshot of our community's well-being and helps us identify what collaborative attention and action is needed.

In April 2013, CAN will release its fourth annual report, the **2013 CAN Community Dashboard Report** with:

- Updated data and trends for each indicator (where we stand),
- Agreed upon goals and targets (where we would like to be headed),
- Efforts to move Dashboard indicators in the right direction,
- Areas of greatest inequity, and
- Populations who are vulnerable or adversely affected.

This report will help enhance community awareness and inform policy-makers, agency leaders and staff, and community members on the progress being made to achieve a common vision of equity and opportunity for all.

This report is produced with guidance from the Dashboard Steering Committee which is comprised of experts across jurisdictions: education, health & human services, criminal justice, workforce development, transportation, homelessness, housing, mental health, early education and care, civic engagement, and other areas.

We are requesting 1,000 copies. CAN will email or deliver the document to the Travis County printing department on Wednesday, March 27<sup>th</sup>. We would like to pick up the copies on or before Wednesday, April 10, and in time for the press conference on the report's key findings on Friday, April 12<sup>th</sup>. The following is a link to the 2012 Community Dashboard report: <http://www.cancommunitydashboard.org/files/CANCommunityDashboard2012.pdf>. This year we expect the report to be 22 pages - four pages longer.

We thank you for your support.

A handwritten signature in black ink that reads "Vanessa Sarria".

Vanessa Sarria, CAN Executive Director



# Community Dashboard 2012

key socioeconomic indicators  
for Austin & Travis County

# DIVERGENT PATHS, CONNECTED FUTURES

Austin and Travis County consistently rank among the top places in the nation to live, work, retire, start a business, or enjoy live music and the natural environment. We are fortunate to live in such a vibrant, educated, and culturally diverse community, but this community's fortune and prosperity are not shared by all.

There are a greater percentage of people who are low-income in the City of Austin than in the State of Texas as a whole or the nation. Our community also has a higher percentage of households that are housing cost-burdened. Only one-third of the low-income students who graduated high school from Austin ISD in 2010 met the state's "college readiness" standard for both mathematics and English Language Arts.

There is an increasingly stark economic divide in our community, and the futures of people on both sides of this divide are intrinsically linked. The increasingly low-income children filling elementary school classrooms are the future workers and taxpayers who will support Central Texas' aging pre-senior population, which is the fastest growing in the nation. The families pushed into the suburbs with limited transportation options or access to services are the workforce and the fuel that will keep the local economy strong.

Community Action Network (CAN) is a unique partnership of agencies, organizations and individuals who share a common vision for our community's social, health, educational and economic well-being. CAN developed the Community Dashboard to track 16 indicators that gauge progress made toward this common vision. New additions in this third annual Community Dashboard report include a "Strategic Framework for Action" and an inventory of "Common Strategies." Both were informed by many stakeholder meetings and by an analysis of over 70 planning documents. This work provides a common language for better understanding the inter-relationships of all our partners' efforts to enhance the community's well-being.

Carefully monitoring these indicators and identifying areas where we can work together for collective impact will help ensure that Austin remains a city that future generations will also be proud to call home.



**CAN Partners work together to promote a community of equity and opportunity.**

- Austin Chamber of Commerce
- Austin Community College
- Austin Independent School District
- Austin Travis County Integral Care
- Capital Metro
- Central Health
- City of Austin
- Community Justice Council
- Interfaith Action of Central Texas
- One Voice Central Texas
- Seton Healthcare Family
- St. David's Foundation
- St. Edward's University
- Travis County
- United Way Capital Area
- University of Texas at Austin
- Workforce Solutions– Capital Area

Visit [www.cancommunitydashboard.org](http://www.cancommunitydashboard.org) to learn more about the CAN Community Dashboard indicators and local efforts to improve these community conditions.

# DEMOGRAPHIC TRENDS

Protecting our quality of life for the long-term requires that we monitor and understand the implications of demographic changes in Austin and Travis County and in the larger five-county Metropolitan Statistical Area (MSA). In 2011, CAN convened mappers and planners from around the region to share data, information and insights about how the Central Texas community is changing. Following are some of the findings of this group.

## growing

- From 2000 to 2010, the five-county metro area grew by 37%, according to the [U.S. Census Bureau](#). Austin was the fastest growing metro in Texas and the 8th fastest growing metro area in the United States.
- The growth rate for populations living at the [federal poverty threshold](#) and low-income populations (200% of poverty level) was about twice that of the population as a whole.

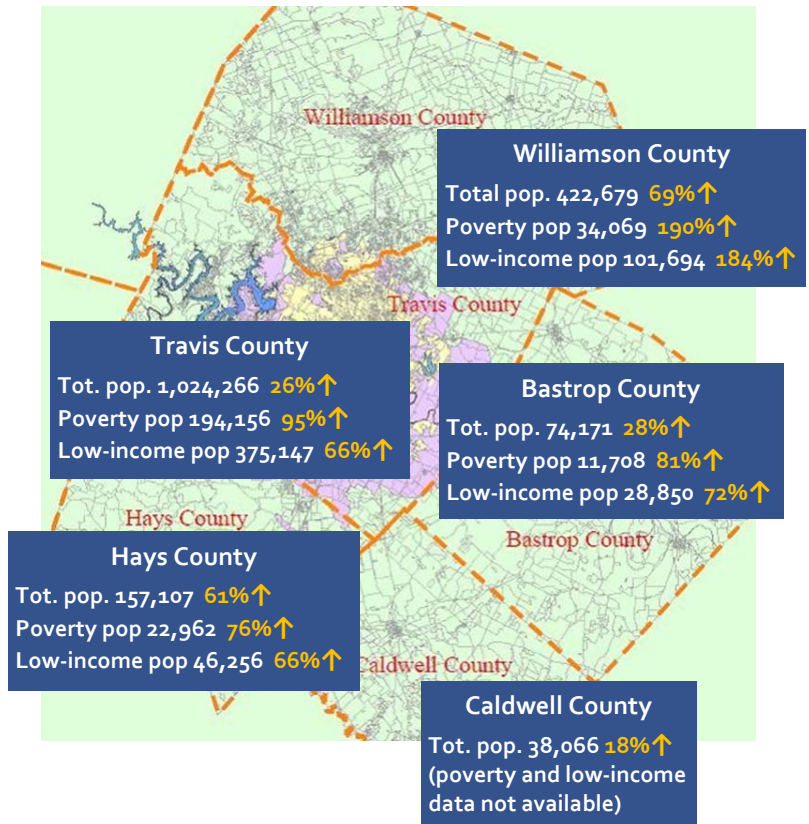
## economic division

- According to the [City of Austin demographer](#), the median family income (MFI) for Anglo and Asian populations increased by more than 30% from 2000 to 2009, while the MFI for African American families increased only slightly and the MFI for Hispanic families actually fell from 2000 to 2009.
- There is a stark geographical divide in where low-income and higher income families live. The geographical patterns for the prevalence of childhood obesity, poor educational outcomes, and low voter turnout are similar to the geographical patterns for where low-income populations are concentrated.

## diversifying

- Hispanics have increased as a percent of the total population in each of the five counties in the MSA, while the white population has decreased as a percent of the total population.
- The Asian population is the fastest growing population in Travis County, though its percent of the total remains small.
- African American populations held steady as a percent of the total MSA population, but shifted away from the City of Austin into the eastern portions of Travis County and into adjacent counties.
- The two bookends of our demographic growth trends are a large and fast-growing Hispanic child population and the fastest growing pre-senior (45–64 year old) population in the nation.

## Austin-Round Rock-San Marcos MSA 2010 population totals and % change since 2000



## pooling & sprawling

- There has been a “pooling” and “sprawling” of low-income populations as families double-up or move further out of the city limits to find affordable housing.
- Much of the growth over the past decade occurred outside the city limits of Austin. Some census blocks within the City of Austin saw zero or negative growth from 2000 to 2010, especially in the child population.

# SETTING A COURSE FOR COLLECTIVE ACTION

Community Action Network has facilitated the development of the Community Dashboard that provides a snapshot of the overall socioeconomic health and well-being of our community.

- 2008
**A COMMON VISION:**  
 The CAN Board of Directors, Community Council, Issue Area Groups and other community stakeholders worked together to develop a common vision of our aspirations for all people in our community.
- 2009
**COMMUNITY DASHBOARD INDICATORS:**  
 A Dashboard Steering Committee with expertise in education, health, human services, criminal justice, workforce development, transportation and housing identified 16 community indicators that measure whether we are making progress towards achieving our Common Vision. The indicators were approved by the CAN Board of Directors.
- 2010
**BASELINE:**  
 The first annual Community Dashboard report was released and a website was created with an analysis of each indicator. The CAN Community Council hosted monthly televised forums with presentations on where we stand on each indicator, who is working to improve the indicator, and what more needs to be done.
- 2011
**WHERE WE ARE HEADED:**  
 CAN published the second Community Dashboard report and the Dashboard Steering Committee began working with stakeholders to set goals and targets for the indicators.
- 2012
**STRATEGIC FRAMEWORK FOR ACTION:**  
 This third annual Community Dashboard report updates data for each indicator and also includes a new Strategic Framework for Action. These strategies were identified through input from numerous stakeholders, Issue Area Groups, CAN partner agencies and through an analysis of community planning documents.

## OUR COMMON VISION

<p><b>We are safe, just &amp; engaged</b></p>	<p>We are free from abuse, neglect, crime, violence and injustice.</p> <p>We respect and value diversity.</p> <p>We are aware, socially connected, and contribute to our neighborhoods, individual communities, and the community at large.</p> <p>We have the opportunity and willingness to lead by utilizing our talents, passions and interests to improve the community.</p>
<p><b>Our basic needs are met</b></p>	<p>We live in a community where the basic needs of all are met.</p> <p>We live in affordable and stable housing with access to open space and public amenities.</p> <p>We have safe, affordable, accessible and reliable transportation.</p>
<p><b>We are healthy</b></p>	<p>We live, work, learn and play in accessible, safe, clean and healthy physical environments.</p> <p>We have adequate nutrition and achieve and maintain optimal physical and behavioral health.</p>
<p><b>We achieve our full potential</b></p>	<p>We have the education, skills and opportunities to achieve our full potential and lead meaningful, joyful lives.</p> <p>We have adequate income, resources and supports to live independent lives.</p>

# COMMUNITY DASHBOARD INDICATORS



**We are safe, just & engaged**

community indicator	2011 report	2012 report <small>(data available as of 3/29/2012)</small>	target
Violent crime rate in Travis County	456 per 100,000 population in 2009	417 per 100,000 population in 2010	417 per 100,000 population by 2017
Proportionality of arrest demographics as compared to overall population in Travis County	disproportionate	disproportionate	target not set
Proportionality of voter turnout by age in Travis County	disproportionate	disproportionate	target not set



**Our basic needs are met**

Percent of Travis County residents who are low-income (below 200% FPL)	35% in 2009	37% in 2010	30% by 2017
Percent of Travis County households that are cost-burdened (pay 30% or more of income for housing)	38% in 2009	41% in 2010	36% by 2017
Vehicle miles traveled per capita in Travis County	23.8 miles per day in 2009	24.4 miles per day in 2010	23.4 miles by 2017
Number of people identified in the annual point-in-time homeless count	2,406 in 2010	2,244 in 2012	1,000 by 2017



**We are healthy**

Percent under age 65 in Travis County who have no health insurance	24% in 2009	22% in 2010	20% by 2014
Percent of adults in Travis County who report poor mental health*	19% in 2009	20% in 2010	15% by 2017
Percent of adults in Travis County who are smokers*	17% in 2009	14% in 2010	12% by 2020
Percent of adults in Travis County who are obese*	22% in 2009	24% in 2010	19% by 2020
Attainment of EPA air ozone standards	2010 in attainment	2011 in attainment	attainment



**We achieve our full potential**

Percent of children who are kindergarten ready	52% in 2009	50% in 2010	70% by 2015
Percent of Austin ISD students who graduate from high school in four years	76% for Class of 2009	79% for Class of 2010	90% for Class of 2014
Percent of Austin ISD graduates who are college ready in English and Math	Engl/Lang Arts: 62% Math: 63% Class of 2009	Engl/Lang Arts: 65% Math: 65% Class of 2010	Engl/Lang Arts: 73% Math: 81% Class of 2014
Unemployment rate for Travis County	7% in January 2011	6% in January 2012	4% by 01/2017

\* Three year data aggregates are used to compensate for small sample sizes.

Learn more about each indicator at [www.cancommunitydashboard.org](http://www.cancommunitydashboard.org)

# STRATEGIC FRAMEWORK FOR ACTION

## a common language for taking action together

Achieving equity and opportunity for all people in our community will require making progress in all four of the common goal areas outlined in the Community Dashboard. The Strategic Framework for Action provides a common language for policy-makers, service providers and the community at large to talk about the kinds of collective action that can help our community accomplish its vision of equity and opportunity for all people.

The community plans identified in the Strategic Framework for Action are examples of plans that make recommendations related to improving conditions across the community, rather than recommendations that drive the work of a single organization. These plans can inform and connect the individual plans of CAN partner agencies and others.

In looking at the Strategic Framework for Action, it is important to consider whether additional community plans are needed and how the existing community plans can be tied together or strengthened so that they can serve as the fabric that helps our community weave together an integrated network of services and care.





We are safe, just & engaged

**We are Safe, Just & Engaged—Community Plans:**

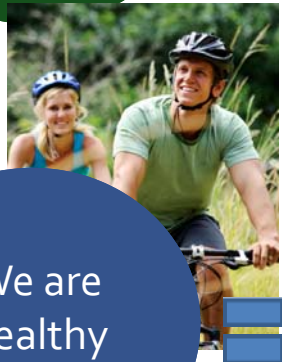
- 2012-2015 Travis County Plan for Criminal Justice and Related Activities
- Austin Travis County Integral Care, Mental Health Jail Diversion Plan
- City of Austin, Imagine Austin Comprehensive Plan



Our basic needs are met

**Our Basic Needs are Met—Community Plans:**

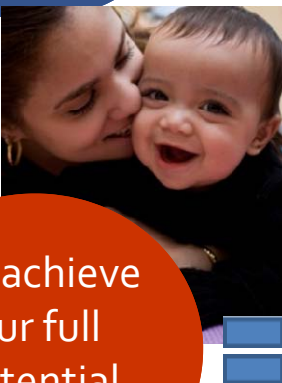
- Austin Travis County HHS Community Health Improvement Plan (under development)
- Ending Community Homelessness Coalition Plan to End Community Homelessness
- Capital Area Metropolitan Planning Organization (CAMPO) 2035 Plan
- Imagine Austin Comprehensive Plan
- Regional Transit Coordination Committee Capital Area Coordinated Transportation Plan



We are healthy

**We are Healthy—Community Plans:**

- Austin Travis County HHS Community Health Improvement Plan (under development)
- Imagine Austin Comprehensive Plan
- Capital Area Planning Council of Governments (CAPCOG) 8 Hour Ozone Flex Program Austin-Round Rock MSA



We achieve our full potential

**We Achieve our Full Potential—Community Plans:**

- Travis County School Readiness Action Plan 2012-15 (under development)
- E<sup>3</sup> Alliance Blueprint for Educational Change
- CAPCOG's Comprehensive Economic Development Strategy 2010-2015





# WE ARE SAFE, JUST AND ENGAGED

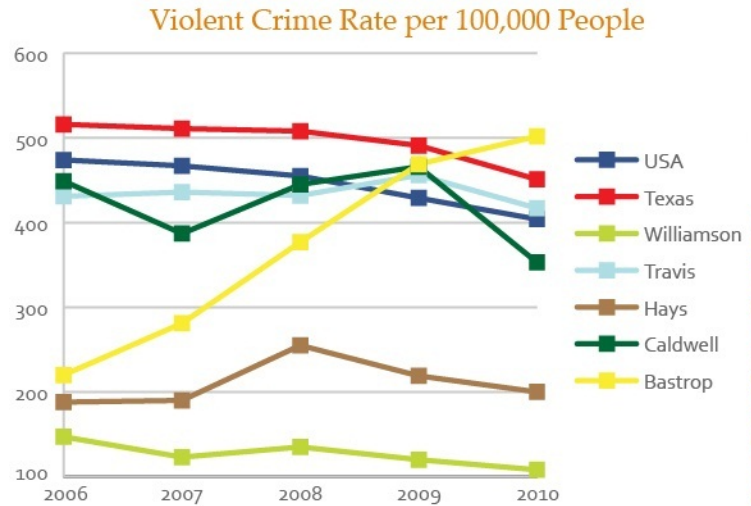
2017 Target:  
417 per 100,000  
population

## Violent crime occurred at a rate of 417 per 100,000 population in Travis County

The violent crime rate for Travis County, and most of the other counties in the five-county metro area, decreased from 2009 to 2010. The violent crime rate for the City of Austin is lower than the average for U.S. cities of its size and is also lower than most other large cities in Texas.

People most vulnerable to violent crime are children, the elderly and people with disabilities. People who are immigrants and low-income are also more likely to be victimized.

The Community Justice Council brings together law enforcement, courts, juvenile and adult probation, prosecution, defense attorneys, victims' advocates, schools, and other community members to share information and increase collaboration among community justice agencies and partners. The [Austin/Travis County Reentry Roundtable](#) works to promote effective reentry and reintegration into the community for formerly incarcerated persons. The Family Violence Task Force, the Mental Health Jail Diversion Committee and the [Hate Crimes Task Force](#) all seek to reduce violent crime.



Source: Federal Bureau of Investigation

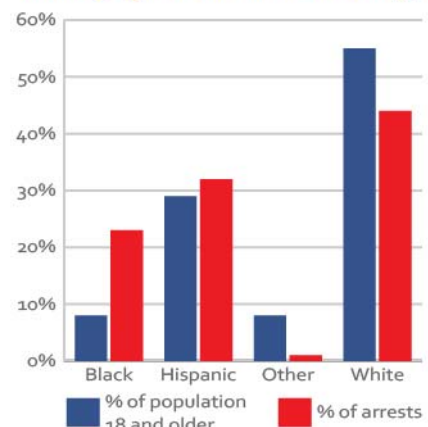
## Arrests are not proportionate for all races in Travis County

2017 Target:  
not yet set

African Americans make up 8% of the total adult population in Travis County, yet they represent 23% of all those arrested. The causes of disproportionality are complex and cross many social systems. The [Center for Elimination of Disproportionality and Disparities](#), under the Texas Health and Human Services Commission, was created in 2011 to address disproportionality found in many state social service systems.

The report [Breaking Schools' Rules: A Statewide Study on How School Discipline Relates to Students' Success and Juvenile Justice Involvement](#), found that African American students were suspended or expelled from school at exceptionally high rates. The Travis County District Attorney's Office, Austin ISD and Travis County Juvenile Probation have convened a work group to examine local data and to review best practices for impacting some of the findings in the report.

Arrest Demographics Compared to Population Demographics for Travis County, 2010



Source: Travis County Criminal Justice Planning Department and the American Community Survey, 1-Year Estimates

## Proportionality of voter turnout by age in Travis County

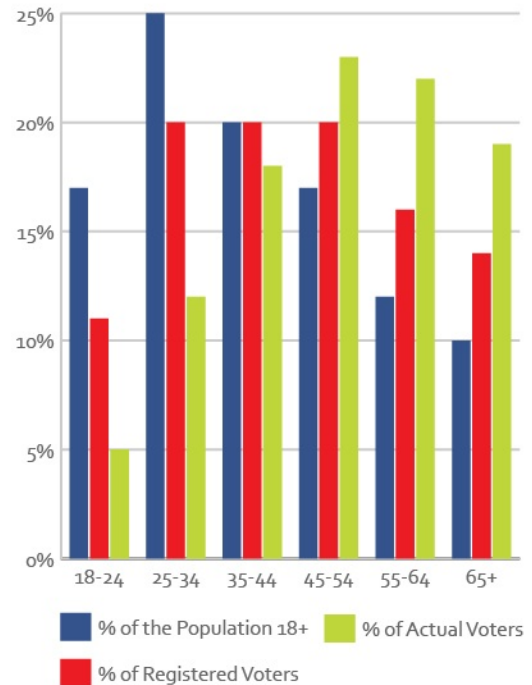
Young people are much less likely to participate in elections than older people. The type of election impacts who is likely to vote. For example, in the 2008 presidential election, voters under the age of 35 made up 31% of all voters in Travis County, but in 2010, when voters chose a Governor and other state and local officials, voters under the age of 35 made up only 17% of the total vote.

African Americans and Hispanics also tend to be under-represented in the voting booths, as are people with lower incomes. There is concern that if voter i.d. laws are enacted, there may be even lower voter turnout among historically disenfranchised populations.

The [Texas Civic Engagement Table](#) proposes that organizations serving minority and moderate income people encourage their clients to become engaged in voting and in community life. UT's [Annette Strauss Institute for Civic Participation](#) encourages voting among young adults. The [East Austin Voter Mobilization Initiative](#) targets get-out-the-vote efforts in East Austin precincts with low voter turnout and large African American and Hispanic populations.

2017 Target:  
not yet set

Travis County Demographics Compared to Demographics of Voters in the 2010 General Election



Source: Opinion Analysts and American Community Survey, 1-Year Estimates

*We are safe, just and engaged.*

## COMMON STRATEGIES FOR TURNING THE CURVE

The [Travis County FY2012 Community Plan for the Coordination of Criminal Justice and Related Activities](#) and the [Imagine Austin Comprehensive Plan](#) recommend the following:

- increased collaboration among criminal justice agencies and partners to maximize resources, improve the flow of information, and to better address the regional nature of crime
- Increased collaboration between criminal justice agencies and other community stakeholders such as government agencies to provide seamless services and prevent overlapping services and programming
- Increased contact between law enforcement and community members to build trust and promote long-term cooperation

Common strategies to reduce disproportionality

- The [Austin Community College Master Plan Fiscal Year 2011-2013](#), the [Imagine Austin Comprehensive Plan](#), and [E<sup>3</sup> Alliance's Blueprint for Educational Change](#) recommend increasing educational opportunities for marginalized populations.
- The [2009-2011 HIV Health Services Comprehensive Plan](#), the [Austin ISD Strategic Plan 2010-2015](#), and the [Imagine Austin Comprehensive Plan](#) recommend recruitment of diverse staff members. Implementing this type of recruitment is often done with the intention that staff reflect the diversity of populations being served.
- The [2009-2011 HIV Health Services Comprehensive Plan](#), the [Austin Travis County Integral Care Local Area Service Plan FY2011-2012](#), and the [Austin ISD Strategic Plan 2010-2015](#) recommend cultural competency trainings for staff.

# OUR BASIC NEEDS ARE MET

## 37% of Travis County residents are low-income

The percent of people in Travis County who are low-income increased for the third year in a row. The [Urban Institute](#) defines people as low-income when they earn less than 200% of the federal poverty level. In 2010, that was equal to \$44,100 annually for a family of four. Over 375,000 people in Travis County have fallen below this income level. People who are low-income fare worse on almost every indicator on the CAN Community Dashboard.

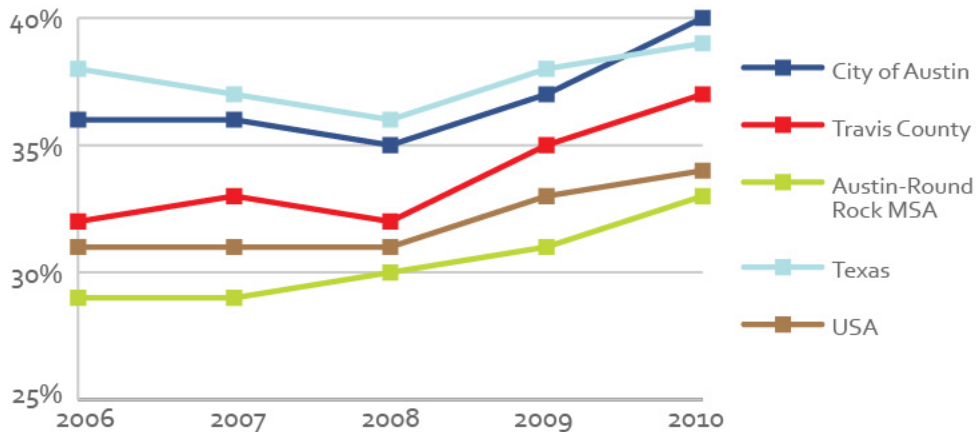
Women and children are most likely to be low-income. One-half of all children in Austin and in the State of Texas live in low-income households. Visit [www.cancommunitydashboard.org](http://www.cancommunitydashboard.org) to see more data on vulnerable populations and a map depicting where low-income populations are concentrated in the five-county area.

The Community Action Network Board of Directors voted in 2011 to support a new initiative called [Pathways to Prosperity](#). This regional effort to promote workforce training and employment options for people who are low-income is led by Workforce Solutions Capital Area. All of the initiatives and efforts outlined in this Community Dashboard report, when addressed together, will promote equity and opportunity and will help families and individuals improve their economic situations.

2017 Target:  
30%



% of Individuals Living Below 200% of the Federal Poverty Level

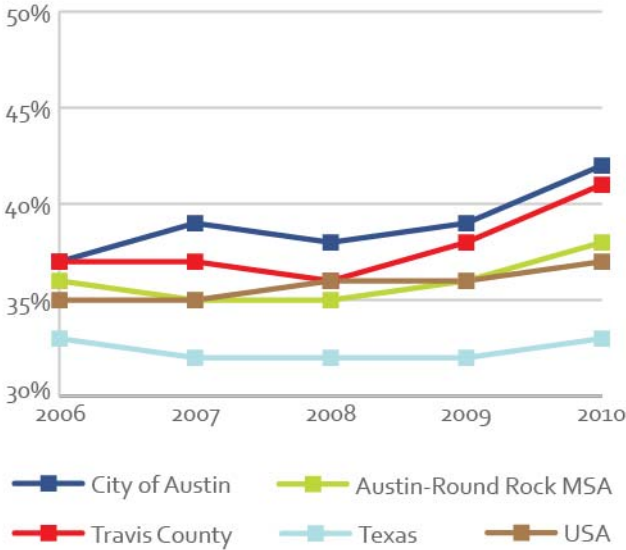


Source: American Community Survey, 1-Year Estimates

# 41% of Travis County households are housing cost-burdened

2017 Target:  
36%

% of Households that are Cost-Burdened



Source: American Community Survey, 1-Year Estimates

The percent of households in Travis County that are housing cost-burdened increased in 2010 and is higher than the state and the nation. The [U.S. Department of Housing and Urban Development](#) considers households to be cost-burdened if they pay 30% or more of their income on housing costs and utilities. Renters and people who earn 30% or less of the median family income are most likely to be cost-burdened.

The City of Austin has received a [HUD Sustainability Grant](#) to plan a 200-acre mixed use community in the Colony Park area of northeastern Travis County with affordable housing linked to jobs, transit and services. The City's [Imagine Austin Comprehensive Plan](#) acknowledges the importance of promoting "Complete Communities" with affordable housing and access to services in all parts of town. The [Capital Area Council of Governments' Sustainable Places](#) grant promotes community design that connects where people live, learn, work, and play in the five-county Austin MSA.

# 24.4 daily vehicle miles per capita in Travis County

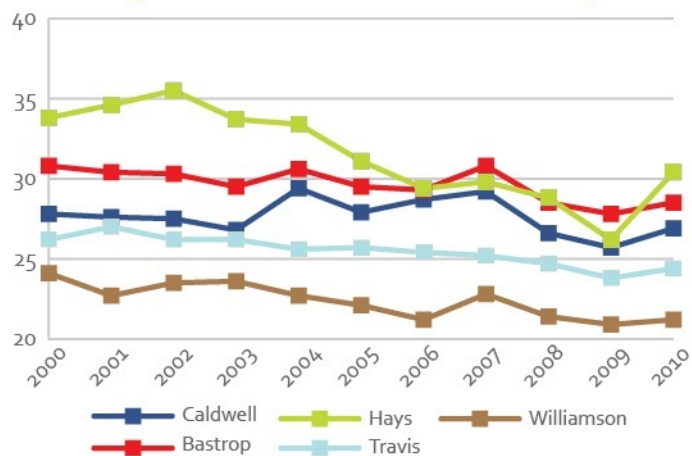
2017 Target:  
23.4 miles per day

Vehicle miles traveled (VMT) per capita has been trending downward over the past decade, but increased in 2010. This could be due to the improving economy and population growth in the suburbs and outlying counties.

As housing is pushed further away from core employment areas, the VMT per capita increases. Local efforts that have promise for reducing VMT include the housing and land use efforts mentioned in the section above, but also the [Capital Area Metropolitan Planning Organization \(CAMPO\) 2035 Plan](#) which proposes targeting transportation investments to support Activity Centers throughout the region that link housing, employment and transportation. [Project Connect](#), a partnership between the City of Austin, Capital Metro, Lone Star Rail, CAMPO and the Central Texas Regional

Mobility Authority, promotes cross-jurisdictional cooperation toward regional high-capacity transit that is linked and connected to commuter transit and urban transit systems.

Daily Vehicle Miles Traveled Per Capita



Source: Texas Department of Transportation

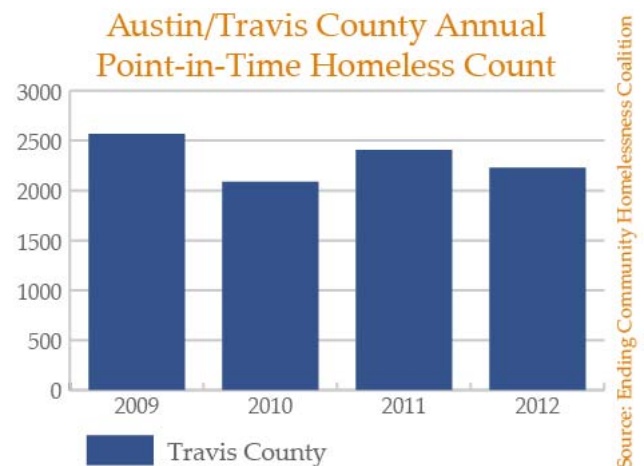
# 2,244 people are homeless in Travis County

2017 Target:

1,000

The [Ending Community Homelessness Coalition](#) (ECHO) annual point-in-time count identified 2,244 people in Austin and Travis County who were living on the streets, in cars, under bridges or in homeless shelters or transitional housing this past January. ECHO enlists the help of hundreds of volunteers to count people who are unsheltered for this annual count that is required by the U.S. Department of Housing and Urban Development. Those identified in the point-in-time count are most likely to be white males and many are veterans and people with mental health or substance use issues. About 20% are chronically homeless. Point-in-time counts typically undercount families and children and do not include the marginally homeless and those who are doubling up on the couches of friends or relatives.

ECHO's [Plan to End Community Homelessness](#) recommends prevention and crisis services; short-term services, such as emergency and transitional shelter; and long-term services, such as permanent supportive housing. The Austin City Council set a goal in 2010 of creating 350 new units of permanent supportive housing by 2014.



*Our basic needs are met.*

## COMMON STRATEGIES FOR TURNING THE CURVE

The [Capital Area Metropolitan Planning Organization \(CAMPO\)2035 Plan](#), [Austin Independent School District's District Wide Facilities Plan](#), [CAPCOG's Assessment of Growth and Development](#), the [Imagine Austin Comprehensive Plan](#), and the [Downtown Austin Plan](#) all recommend high density, transit-oriented development that connects housing to jobs and services.

The [Imagine Austin Comprehensive Plan](#), the [Downtown Austin Plan](#), and [NHCD's FY2009-2014 Consolidated Plan](#) recommend that the availability of units affordable to people with very low or low incomes be expanded through a variety of methods such as affordable housing incentives for developers or preservation of existing affordable housing units.

[Travis County's Consolidated Plan & Action Plan](#) and [NHCD's FY2009-2014 Consolidated Plan](#) recommend increasing the affordability of owner housing by providing homebuyer assistance for low to moderate income households.

[ECHO's Plan to End Community Homelessness](#), the [Imagine Austin Comprehensive Plan](#), the [City of Austin Downtown Austin Plan](#), the [City of Austin Comprehensive Housing Market Study](#), the and [City of Austin's Neighborhood Housing and Community Development Department's FY2009-2014 Consolidated Plan](#) recommend expanding the availability of affordable housing for very low-income and moderate income households and creating additional permanent supportive housing units.

[ECHO's Plan to End Community Homelessness](#), [Austin Community College District's Facilities Master Plan](#), and the [Community Action Network's Frequently Asked Questions about Basic Needs](#) suggest strengthening workforce development efforts for people who are low-income. ECHO recommends expanding workforce development programs that address the issue of insufficient wages and that are targeted at the homeless in our community; ACC recommends locating workforce development programs in areas where there are high concentrations of low-income people; and CAN's document recommends using economic development incentives for employers as a means to increase workers' skills and wages.

The [Imagine Austin Comprehensive Plan](#), the [City of Austin's Neighborhood Housing and Community Development Department's FY2009-2014 Consolidated Plan](#), and the [Community Action Network's Frequently Asked Questions about Basic Needs](#) recommend ensuring that low-income working families have adequate work supports, such as earned income tax credits, child care assistance, public health insurance coverage, and housing assistance.

# WE ARE HEALTHY

## 22% of those under age 65 in Travis County have no health insurance

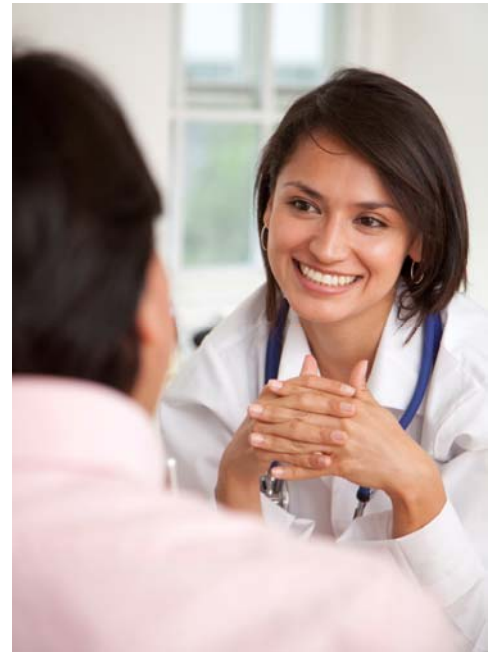
2017 Target:

20%

The State of Texas has the highest rate of people with no health insurance than any other state in the nation. Even though local rates have improved since 2008, the percent of those with no health insurance is much greater than the national average.

It is estimated that 68% of all uninsured people in Travis County are employed and 62% are U.S. citizens. People who are low-income are three times more likely than others in Travis County to have no medical coverage. Undocumented residents do not qualify for most public health insurance.

[Central Health](#), formerly the Travis County Healthcare District, was created in 2004 by a vote of Travis County residents. A dedicated property tax has allowed Central Health to expand access to health care for uninsured and under-served people. [Central Health Healthcare Navigation](#) is a partnership between Central Health and United Way Capital Area that connects people who call 2-1-1 with health insurance enrollment assistance. The [Central Texas Regional Healthcare Coverage Coalition](#) engages partners across multiple counties to help people access healthcare. Local partners are working to bring the [Benefit Bank of Texas](#) to the Austin area. This state-wide initiative screens, determines eligibility, and electronically submits applications for public health programs and a range of other benefits.



% of Population under age 65 with no Health Insurance



Source: American Community Survey, 1-Year Estimates

## 20% of adults in Travis County report poor mental health

The percentage of adults in Travis County who report poor mental health has increased each year since 2008 and is now equivalent with both the national and state rate. Days that include stress, depression and problems with emotions are considered “poor mental health days” in the [Behavioral Risk Factor Surveillance System \(BRFSS\)](#) survey, conducted by the Centers for Disease Control.

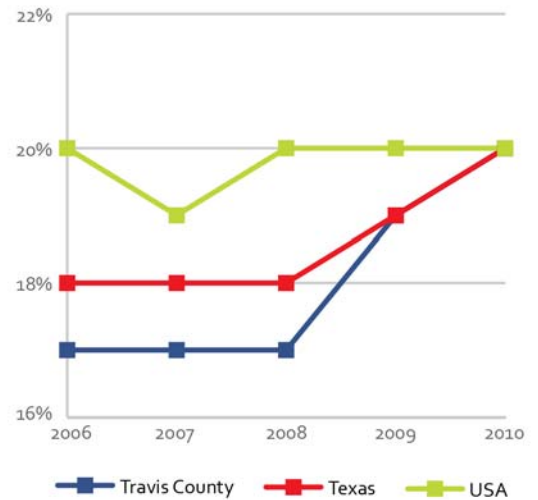
People earning less than \$25,000 per year are three times more likely to report poor mental health than those earning \$75,000 or more. It is estimated that 25% to 30% of all people incarcerated in Travis County have mental illness.

A partnership between [Central Health](#) and Austin/Travis County Integral Care has allowed the integration of health and behavioral health services, which helped contribute to a 79% increase in mental health visits from 2009 to 2010. The Psychiatric Services Stakeholder Group, a collaboration of government, healthcare, and other organizations, is working to create a stronger, more viable mental health crisis system.

Travis County became the first county in the nation to have a [Mental Health Public Defender Office](#) with specially trained prosecutors and case workers. The Mental Health Jail Diversion Committee is working to ensure people with behavioral health problems who are incarcerated receive the care and services they need so that they do not continually cycle through jails and emergency rooms.

2017 Target:  
15%

% of Adults who Report Poor Mental Health



Source: Texas BRFSS

## 24% of adults in Travis County are obese

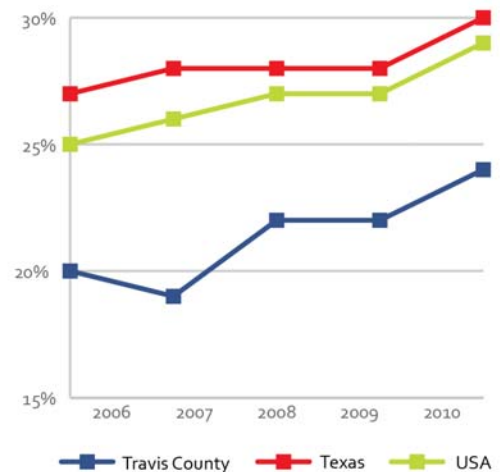
About one-fourth of all adults in Travis County are obese and the rate of obesity is steadily increasing. The state and national rates are even higher. Obesity rates are disproportionately high among low-income people who may not have access to healthy food or to safe, walkable neighborhoods and recreational opportunities. People with lower educational levels, African Americans, Hispanics and people with disabilities also have higher rates of obesity.

The Austin/Travis County Health and Human Services Department was awarded a federal [Community Transformation Grant](#) of \$1 million annually for 5 years to promote healthier lifestyles and reduce health disparities. The effort will, among other things, promote policy changes to increase physical activity and improve nutrition.

Many CAN partners are working through [Children's Optimal Health](#) to map hot-spots of childhood obesity and to overlay those maps with data related to educational outcomes, food deserts, and crime.

2020 Target:  
19%

% of Adults who are Obese



Source: Texas BRFSS

# 14% of adults in Travis County are smokers

A downward trend in smoking rates in Travis County continued in 2010 with 14% of adults reporting that they smoke to the [Behavioral Risk Factor Surveillance System](#) survey. This trend was also reflected, to a lesser extent, in the state and national smoking rates.

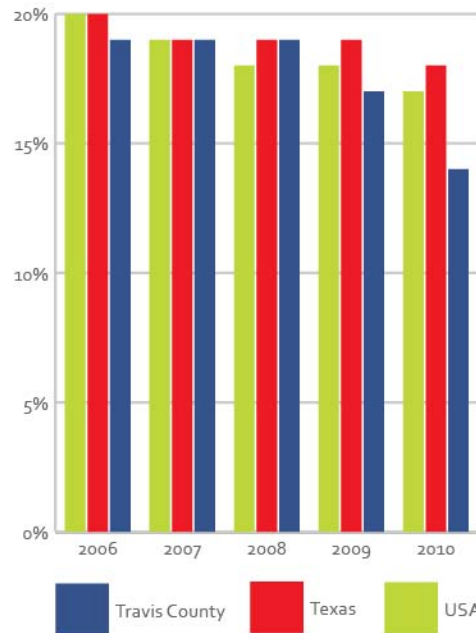
Before the negative effects were generally known, smoking was most prevalent among wealthier people. Now, those who earn less than \$25,000 a year are much more likely to smoke than those at higher income levels. There are also higher rates of smoking among young adults and men.

The Austin/Travis County Health and Human Services Department received a \$7.5 million [Communities Putting Prevention to Work grant](#) in 2010 to address tobacco use. The effort's [Live Tobacco Free](#) media campaign has spread the message that tobacco is the #1 preventable cause of death and has let people know of free cessation workshops and treatment. Early successes of the campaign are that workplaces, hospitals, universities, service providers and apartment complexes are implementing tobacco-free policies.

The Austin/Travis County Health and Human Services Department has received a [Community Transformation Grant](#) of \$1 million annually for five years to prevent chronic disease and reduce health disparities through healthy living, which includes reducing the use of tobacco.

2020 Target:  
12%

% of Adults who are Smokers



Source: Texas BRFSS



## a new community plan FOR HEALTH AND HUMAN SERVICES

The Austin/Travis County Health and Human Services Department has begun a new community planning process to address the overall health and well-being of our community. The [Community Health Assessment](#) (CHA) engages community members and local health system partners to collect and analyze data on health and the social determinants of health. This data will be used to develop a Community Health Improvement Plan (CHIP) that will help guide strategies and investments in health and human services.



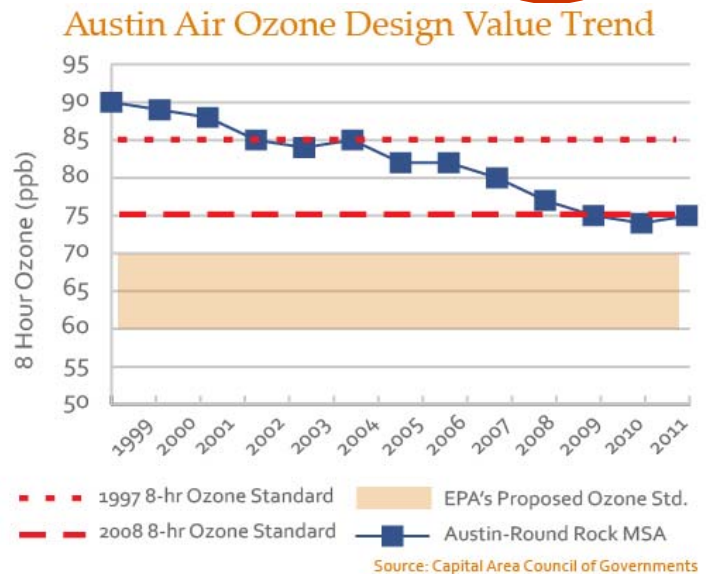
# Austin area is in attainment of EPA air ozone standards

2017 Target:  
attainment

The Austin area ended a six year trend of steadily declining air ozone readings with a slight increase in 2011. In spite of this increase, Austin remains in attainment of current Environmental Protection Agency standards for ozone. If new, proposed standards are approved, Austin will be no longer be in attainment and will face federal sanctions.

The elderly, children, pregnant women and people with asthma and other respiratory problems suffer the most from poor air quality.

The Clean Air Coalition, facilitated by the [Capital Area Council of Governments](#), brings together governmental agencies, businesses, environmental concerns and others to develop strategies to improve air quality.



*We are healthy.*

## COMMON STRATEGIES FOR TURNING THE CURVE

[Watson's 10 in 10 Proposal 2012—2022](#) is an effort led by State Senator Kirk Watson resulting in agreement between Central Health, the City of Austin, the University of Texas, Seton Healthcare Family, St. David's Healthcare and other local partners to work toward long-term strategies that include, among other things, a medical school, a teaching hospital and the expansion of local health clinics.

The [CAPCOG Area Agency on Aging Plan](#), [Central Health's Strategic Plan](#), the [Community Action Network's](#) Frequently Asked Questions documents on [Child and Youth Mental Health](#) and on [Childhood Poverty](#), and the [Imagine Austin Comprehensive Plan](#) advocate for increasing access to healthcare whether it be through expanded eligibility for public health insurance programs, increased efforts to enroll eligible persons in public health insurance programs, expanding healthcare provider capacity, or by locating healthcare services in neighborhoods to increase the affordability and accessibility of care.

[ATCIC's Local Service Area Plan for FY 2011-2012](#) and the [Community Action Network's Frequently Asked Questions about Behavioral Health](#) document recommend a seamless behavioral health continuum of care including crisis and non-crisis services. Both also recommend the integration of behavioral health and physical health services.

[ATCIC's Local Service Area Plan for FY 2011-2012](#) and the [Community Action Network's Frequently Asked Questions about Child and Youth Mental Health](#) document recommend that the community be provided with more information about the various aspects of mental health, mental illness, intellectual and developmental disabilities, and substance abuse to eliminate stigma.

[Austin Climate Protection Plan](#), the [8 Hour Ozone Flex Program for the Austin-Round Rock Metropolitan Statistical Area](#), the [CAMPO 2035 Regional Transportation Plan](#), and the [Imagine Austin Comprehensive Plan](#) recommend that the Austin area increase use of renewable energy sources and decrease use of fossil fuels such as carbon and coal.

The [Imagine Austin Comprehensive Plan](#) and the [Tobacco Prevention & Control Strategic Plan for FY2012-2013](#) support the promotion of tobacco cessation programs and the development of policies and regulations to support tobacco-free environments.

The [8 Hour Ozone Flex Program for the Austin-Round Rock Metropolitan Statistical Area](#), the [CAMPO 2035 Regional Transportation Plan](#), and the [Austin Climate Protection Plan](#) recommend that organizations with fleets of vehicles purchase alternative fuel vehicles.

The [8 Hour Ozone Flex Program for the Austin-Round Rock Metropolitan Statistical Area](#) and the [CAMPO 2035 Regional Transportation Plan](#) recommend restricting the idling of diesel powered engines in heavy-duty motor vehicles and a regional rideshare program.

The [CAMPO 2035 Regional Transportation Plan](#) and [CAMPO's Plan for the Coordination of Public Transit-Health and Human Services Transportation](#) both recommend transportation improvements that reduce the number of high-capacity vehicles making trips (this includes buses, vans used by social service agencies and clinics, etc.) while increasing the number of people served by these vehicles.

# WE ACHIEVE OUR FULL POTENTIAL

## 50% of children enter kindergarten ready for school

2015 Target:  
70%

One-half of Central Texas kindergarteners were “school ready” according to a measure developed by the E<sup>3</sup>Alliance in coordination with United Way Capital Area Success by 6 and other partners. A sample of students from eight area school districts were assessed during the first six weeks of kindergarten across four domains of child development: social/emotional, language and communication, early literacy, and mathematics.



Students who qualified for free or reduced-price school lunches and those who did not participate in pre-kindergarten programs were much more likely to enter kindergarten already behind their peers.

In spite of State budget cuts to pre-k programs, [Austin ISD](#) has continued to provide full-day pre-kindergarten for eligible children. [United Way Capital Area’s Success by 6 initiative](#) is a community collaborative of over 30 organizations working together to ensure that children enter kindergarten happy, healthy and prepared for school success. An Early Childhood Stakeholders group that was formed through this collaborative effort has produced a Travis County School Readiness Action Plan 2012-15 with specific strategies for improving school readiness. Improving school readiness is one of four Goals of the [E<sup>3</sup>Alliance Blueprint for Educational Change](#).

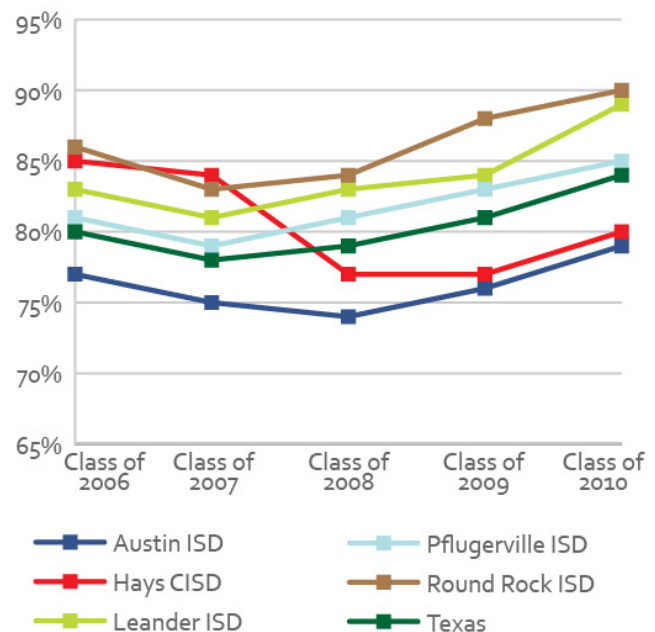
## 79% of Austin ISD students graduate from high school in four years

Class of 2014 Target:  
90%

The graduation rate for Austin ISD has improved two years in a row. Even so, one in five Austin ISD students is still not graduating from high school in four years. There are significant gaps between the graduation rates of White students and the graduation rates of African American, Hispanic, and Native American students. Economically disadvantaged students have also historically lagged behind.

Austin ISD has approved a [Strategic Plan](#) to improve graduation rates and other educational outcomes. The City of Austin, Travis County, AISD Subcommittees are working to curb the impact of truancy and family housing mobility on graduation rates. The [E<sup>3</sup> Alliance Blueprint for Educational Change](#) works across districts in the ten-county area to highlight promising practices and to engage whole communities in improving educational outcomes.

Four-Year Graduation Rates



Source: Texas Education Agency

# 65% of Austin ISD graduates are college ready in Math

## 65% are college ready in English/Language Arts

More students are graduating from high school college ready, according to a measure developed by the [Texas Education Agency](#). To meet this standard, students must achieve a high enough score on the SAT, ACT or TAKS test to make them eligible to take college-credit courses without first taking non-credit, remedial courses.

Even though the percent of Austin ISD graduates who are college ready in either Math or English/Language Arts has improved steadily over the past five years, gaps remain. There are significant disparities among various racial/ethnic groups and also among low-income student populations.

One of the key action steps in [Austin ISD's Strategic Plan](#) is to "ensure college ready rigor at each grade level" and to "expand opportunities for dual credit and advanced placement." The [E<sup>3</sup> Alliance's Blueprint for Educational Change](#) notes that many students drop out of high school because they do not see the relevance of that work in their lives. To remedy this, the Blueprint suggests that school districts, colleges, and the business community work together to ensure that core educational subjects are taught with career relevance in mind and in ways that help students develop the skills that will lead them to be successful in college or in future careers.

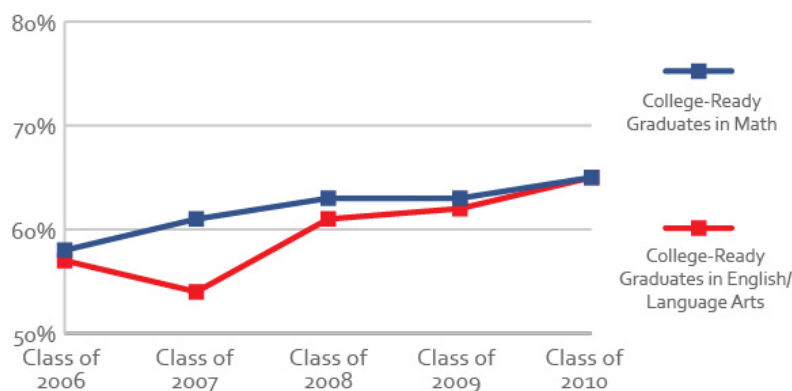
The [Austin Chamber of Commerce](#) recruits volunteers and works with Partners in Education to provide tutoring sessions for students who need extra help meeting college readiness standards.

[Austin Community College](#) is part of a state-wide College Readiness initiative that partners with local high schools to improve the college readiness of high school graduates.

**Class of 2014**  
**Target:**  
**Engl./L.A. 73%**  
**Math 81%**



**% of Austin ISD Graduates who are College-Ready by Subject**



Source: Texas Education Agency

# 6% of Travis County workers are unemployed

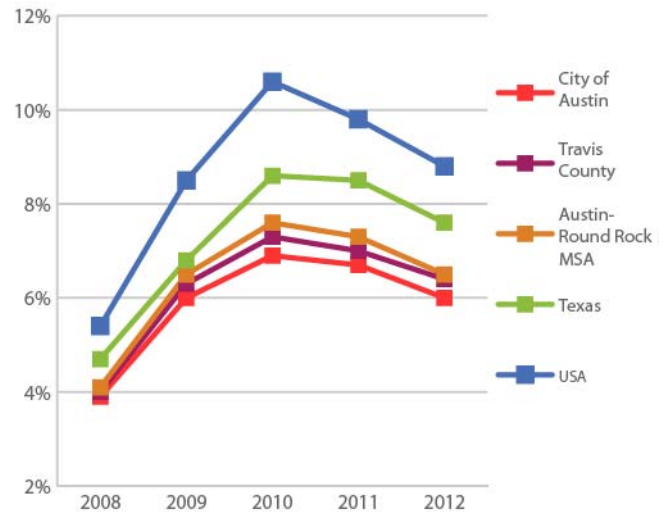
January 2017  
Target:  
4%

Unemployment rates continued a downward trend in 2012 after hitting a ten year high in 2010. Local unemployment rates have remained consistently lower than both the state and national rates. The [Capital Area Council of Governments](#) reports that the Austin region's job growth has primarily occurred in industries with relatively low wages, and the Austin MSA ranks near the bottom of all U.S. metro areas in average earnings and per capita income growth.

People most vulnerable to being unemployed are racial and ethnic minorities, especially African American males. Other populations with higher rates of unemployment are people with disabilities, criminal histories, or no post-secondary degrees or certifications.

[Workforce Solutions-Capital Area](#) is partnering with 10 education and community partners in the Workforce and Education Readiness Continuum (WERC) project. WERC is a network of strategic partners linked to help prepare Austin-area residents to enter and reenter today's competitive job market. Designed to seamlessly provide services ranging from GED, ESL, job-readiness training, and college-level education, WERC connects 38 provider locations to create "no wrong door" for workforce and education services.

Unemployment Rates - January



Source: Texas Labor Market Information

## We achieve our full potential.

### COMMON STRATEGIES FOR TURNING THE CURVE

The [Austin ISD Strategic Plan 2010-2015](#), the [Imagine Austin Comprehensive Plan](#), the [Travis County School Readiness Action Plan 2012-15](#) (under development), and [E<sup>3</sup> Alliance's Blueprint for Educational Change](#) recommend increasing the capacity of and enrollment in early childhood education and pre-kindergarten programs.

The [Travis County School Readiness Action Plan 2012-15](#) (under development) and [E<sup>3</sup> Alliance's Blueprint for Educational Change](#) recommend school readiness awareness campaigns and increasing early childhood education program accreditation rates.

[Austin Community College's Master Plan](#) and [E<sup>3</sup> Alliance's Blueprint for Educational Change](#) both recommend the following strategies related to improving college readiness in Central Texas:

- Identify and enhance college readiness standards for the State and for Central Texas
- Align curriculum of high schools and post-secondary institutions to simplify transitions (An example of how this recommendation is being implemented in our community is through efforts outlined in the [Austin ISD Strategic Plan 2010-2015](#) whereby Austin ISD and Austin Community College partner to provide students with dual-credit course options.)
- Expand higher education capacity to ensure that there is access for the growing population

The [Austin Community College Master Plan FY2011-2013](#), the [Imagine Austin Comprehensive Plan](#), and [Workforce Solution's Public Policy Priorities](#) recommend the provision of workforce education programs targeted at under-employed populations such as people who have been released from incarceration.

[CAPCOG's Comprehensive Economic Development Strategy 2010-2015](#), [Workforce Solution's Public Policy Priorities](#), and the [Imagine Austin Comprehensive Plan](#) recommend raising students' awareness of labor market opportunities.

The [Imagine Austin Comprehensive Plan](#) and the [Austin Chamber's Local Legislative Agenda](#) recommend the continuation and strengthening of partnerships between chambers and state and local governments to leverage incentives to attract and retain major employers.

[CAPCOG's Comprehensive Economic Development Strategy 2010-2015](#) and the [Imagine Austin Comprehensive Plan](#) recommend expanding the availability of job training programs that will meet the needs of targeted industries and occupations.



We are Safe,  
Just &  
Engaged



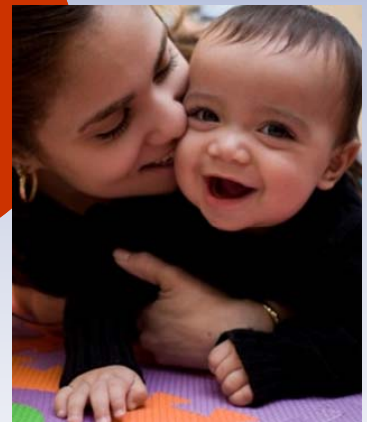
We are  
Healthy

Equity &  
Opportunity



Our  
Basic Needs  
Are Met

We Achieve  
Our Full  
Potential



The *Community Dashboard 2012* report was published by Community Action Network on March 29, 2012. Learn more about Community Action Network at [www.caction.org](http://www.caction.org).

This report was produced by:

Vanessa Sarria, Executive Director;  
Mary Dodd, Assistant Director;  
Chantel Bottoms, Senior Research Analyst; and  
Catherine Raines, Web Site Developer.



Special thanks to members of the CAN Dashboard Steering Committee and to Travis County for printing the report.





# Travis County Commissioners Court Agenda Request

**Meeting Date:** March 19, 2013

**Prepared By/Phone Number:** Yolanda Reyes, (512)854-9106

**Elected/Appointed Official/Dept. Head:** Leslie Browder, County Executive, Planning and Budget

**Commissioners Court Sponsor:** Judge Samuel T. Biscoe

**AGENDA LANGUAGE:** Consider and take appropriate action on budget amendments, transfers and discussion items.

**BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**  
Please see attached documentation.

**STAFF RECOMMENDATIONS:** Please see attached documentation.

**ISSUES AND OPPORTUNITIES:** Please see attached documentation

**FISCAL IMPACT AND SOURCE OF FUNDING:** Please see attached documentation.

**REQUIRED AUTHORIZATIONS:**

**Leslie Browder – Planning and Budget Office, (512)854-9106**

**Leroy Nellis – Planning and Budget Office, (512)854-9106**

**Jessica Rio – Planning and Budget Office, (512)854-9106**

**County Judge's Office, (512)854-9555**

**AGENDA REQUEST DEADLINE:** All agenda requests and supporting materials should be submitted as a pdf to the County Judge's office, [agenda@co.travis.tx.us](mailto:agenda@co.travis.tx.us) by Tuesdays at 5:00 p.m. for the next week's meeting.

# BUDGET AMENDMENTS AND TRANSFERS

FY 2013

3/19/2013

## NEW BUDGET

<u>BA#</u>	<u>IO/WBS</u>	<u>FUND</u>	<u>COST CENTER</u>	<u>COMMITMEN</u>	<u>T</u>	<u>Dept.</u>	<u>Line Item</u>	<u>Increase</u>	<u>Decrease</u>	<u>Pg #</u>
N1	0001	124001	411060	Crim.Cts		Crim.Cts	Grant Partial Reimb. (Revenue)	\$368,429.00		1
	0001	124001	500050	Crim.Cts		Crim.Cts	FICA - OASDI	\$74,123.00		
	0001	124001	506010	Crim.Cts		Crim.Cts	Sal. Regular - Employee	\$4,595.00		
	0001	124001	506020	Crim.Cts		Crim.Cts	Medicare	\$1,075.00		
	0001	124001	506030	Crim.Cts		Crim.Cts	Medical Insurance	\$8,353.00		
	0001	124001	506040	Crim.Cts		Crim.Cts	Life Insurance	\$99.00		
	0001	124001	506050	Crim.Cts		Crim.Cts	Retirement Contribution	\$9,095.00		
	0001	124001	510060	Crim.Cts		Crim.Cts	Comm. Supp & Equip.	600.00		
	0001	124001	510070	Crim.Cts		Crim.Cts	Comp. Equip & Perip.	8,376.00		
	0001	124001	510210	Crim.Cts		Crim.Cts	Office Furniture	6,000.00		
	0001	124001	510220	Crim.Cts		Crim.Cts	Office Supplies	600.00		
	0001	124001	512090	Crim.Cts		Crim.Cts	Travel - Lodging Meals	7,000.00		
	0001	124001	512100	Crim.Cts		Crim.Cts	Travel - Mileage	1,000.00		
	0001	124001	506060	Crim.Cts		Crim.Cts	Worker's Compensation	\$145.00		
	0001	124001	511900	Crim.Cts		Crim.Cts	Other Services	\$247,368.00		1
N2	0001	194001	411060	Legl Mandated Fees		Legl Mandated Fees	Grant Partial Reimb. (Revenue)	931.20		
	0001	194101	411060	Legl Mandated Fees		Legl Mandated Fees	Grant Partial Reimb. (Revenue)	1,396.80		
	0001	194001	514040	Legl Mandated Fees		Legl Mandated Fees	Court Ordered Attorney Fees	931.20		
	0001	194101	514040	Legl Mandated Fees		Legl Mandated Fees	Court Ordered Attorney Fees	1,396.80		

## OTHER

O1

Approve cell phone allowance for position 30000413 in Information Technology Department

8

**PLANNING AND BUDGET OFFICE**  
**TRAVIS COUNTY, TEXAS**



700 Lavaca, Ste 1560  
P.O. Box 1748  
Austin, Texas 78767

March 4, 2013

To: Commissioners Court

From: Alan Miller, Sr. Planning & Budget Analyst

Re: Budget Adjustment to allocate mid-year indigent defense grant resources towards newly created CUC positions in the Criminal Courts

On February 26, 2013 Commissioners Court approved the allocation of two additional staff for the Criminal Courts, a Business Analyst I and Business Analyst III to assist with the development of the CUC Tech Share Project.

PBO mentioned in Budget Amendments and Transfers that the Criminal Courts had proposed to fund the additional positions using a General Fund grant program, the Indigent Defense Services Grant. This program is one of the few General Fund grants and typically received at the beginning of the year, which has been included in revenue used to build the FY 13 budget and a second piece, which up to now, has come towards the end of the year. The State has changed their methodology to provide the second piece of this funding earlier.

This additional funding has now been received and the newly certified revenue needs to be approved by Commissioners Court as required by the FY 2013 Budget rules. The department has submitted budget adjustments to fund this staff and to provide other operating services sufficient to tie to the overall additional award of \$368,429. Also included is a smaller additional FY 13 revenue of \$2,328 from the same source.

The department will use these grant resources to fund these positions for the remainder of FY 13 and in FY 14 in its entirety. It is anticipated that these funds will be available for future fiscal years and hopefully can be included within the adopted budget. PBO notes that the department intends to hire above entry and there are sufficient resources within the grant funds for the proposed salaries.

PBO recommends approval of these adjustments to budget the additional mid-year revenue.

CC: Leslie Browder, County Executive for Planning & Budget  
Debra Hale, Travis County Criminal Courts  
Tanya Watson, Travis County Criminal Courts  
Mark Erwin, Travis County Criminal Courts  
Jessica Rio, PBO  
Travis Gatlin, PBO  
Victoria Ramirez, PBO



TRAVIS COUNTY  
DISTRICT AND COUNTY  
CRIMINAL COURTS



BLACKWELL-THURMAN  
CRIMINAL JUSTICE CENTER  
P. O. BOX 1748  
AUSTIN, TX. 78767  
(512) 854-9244  
FAX: (512) 854-4464

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Date: March 19, 2013  
To: Commissioners Court  
From: Debra Hale, Director Criminal Court Management  
Re: Budget Adjustment Related to CUC TechShare Courts Project

The Criminal Courts Department will play a key role throughout the CUC TechShare Courts Project. On February 26<sup>th</sup>, 2013, Commissioners Court approved our department's request for two additional FTEs to be dedicated to the CUC TechShare Project. A Business Analyst III FTE will be dedicated to the District Courts, and a Business Analyst I FTE will be dedicated to the County Courts.

Due to the CUC TechShare project timeline, the effective date for this request is April 1, 2013. The Criminal Courts are able to internally fund the two FTEs and start-up costs in the amount of \$121,061 using the Indigent Defense Services Grant for FY13. As mentioned in PBO's memo, the Indigent Defense Services Grant is a General Fund grant which before now was received in two parts; the first part at the beginning of the year, and the second part at the end of the year.

In FY13 the State changed their methodology and will now be providing both parts of the grant award at the beginning of the year. On February 14, 2013, the Auditor's Office certified the second part of the award in the amount of \$368,429. The attached budget adjustment allocates this additional amount toward the CUC TechShare positions as well as other operating services which align with the purpose of these grant funds.

PBO recommends approval of these budget adjustments. Please do not hesitate to contact me if you have any questions.

# Header Information for Entry Doc Number

400002031

Doc. Number 400002031 Doc. Status Preposed FM Area 1000  
 Budget. Cate. Payment Doc. Year 2013 Doc. Date Feb 13, 2013  
 Value Type Budget Version 0 Doc. Type TRAN  
 Budget Type 1 Fiscal Year 2013 Year. Cash. Eff  
 Process UI BALA Process BALS Original. Applic. BWB Doc. Family  
 Creator MILLERA1 Creation Date Mar 6, 2013 Creation Time 14:22:34  
 Resp. Person JOSEPH KERTZ Year Cohort Public Law  
 Legislation

## Additional Data

Header Text FY13 Indigent Defense Formula Gmt Avrd difference

TextName

Total Document 0 USD

## Lines

Line	Fund	Budget Period	Funds Center	Comm. Item	FuncArea Grant	Funded Program	Local Amount	Text Line
000001	0001		1240010001	411060	1210	NOT-RELEVANT 600420	368,429	Revenue-FY13 Indigent Defense Formula Grant Award
000002	0001		1240010001	500050	1210	NOT-RELEVANT 600420	-74,123	Salary
000003	0001		1240010001	506010	1210	NOT-RELEVANT 600420	-4,595	FICA
000004	0001		1240010001	506020	1210	NOT-RELEVANT 600420	-1,075	Medicare
000005	0001		1240010001	506030	1210	NOT-RELEVANT 600420	-8,353	Medical Insurance
000006	0001		1240010001	506040	1210	NOT-RELEVANT 600420	-99	Life Insurance
000007	0001		1240010001	506050	1210	NOT-RELEVANT 600420	-9,095	Retirement
000008	0001		1240010001	510060	1210	NOT-RELEVANT 600420	-600	Phones & Port Activation

*Den* March 13, 2012

Line	Fund	Funds center	Comm. Item	Func Area	Grant	Funded Program	Local Amount	Line Text
000009	0001		1240010001	510070	1210	NOT-RELEVANT	600420	Laptops, Software, Printers, Scanners -8,376
000010	0001		1240010001	510210	1210	NOT-RELEVANT	600420	Office Furniture -6,000
000011	0001		1240010001	510220	1210	NOT-RELEVANT	600420	Office Supplies -600
000012	0001		1240010001	512090	1210	NOT-RELEVANT	600420	Travel, Meals, Lodging -7,000
000013	0001		1240010001	512100	1210	NOT-RELEVANT	600420	Mileage -1,000
000014	0001		1240010001	506060	1210	NOT-RELEVANT	600420	Workers Compensation Insurance -145
000015	0001		1240010001	511900	1210	NOT-RELEVANT	600420	Other Purchased Services -247,368


continued. ~~X~~ = U Li March 13, 2011

TRAVIS COUNTY  
AUDITOR'S OFFICE  
  
NICKI RILEY, CPA  
COUNTY AUDITOR



TRAVIS COUNTY  
ADMINISTRATION BUILDING  
P.O. BOX 1748  
AUSTIN, TX. 78767  
(512) 854-9125  
FAX: (512) 854-9164

February 14, 2013

TO: Leslie Browder, County Executive, Planning and Budget  
FROM:  Nicki Riley, County Auditor  
SUBJECT: Certification of Revenue – Indigent Defense Services

I hereby certify \$368,429.00 as revenue to be used by the Travis County Criminal Courts Department for the Indigent Defense Services Grant in the Fiscal Year 2013 Budget.

These funds were awarded by the State of Texas Task Force on Indigent Defense and should be allocated as follows:

<u>Fund #</u>	<u>Cost Center</u>	<u>Order #</u>	<u>GL Acct</u>	<u>Rev. Type</u>	<u>Amount</u>
0001	1240010001	600420	411060	State	\$ 368,429.00
				Total Revenues	\$ 368,429.00

Please note that this is revenue that will be received in excess of what has already been budgeted in cost centers 1940010001 and 1941010001 totaling \$442,000.00.

If you have any questions, please call Rhett Perry at 854-8821.

NR/rp

cc: Dan Wilson, Chief Assistant County Auditor  
David Jungerman, Revenue & Internal Controls Manager, County Auditor  
Alan Miller, Budget Analyst, Planning and Budget  
Debra Hale, Director of Court Management, Criminal Courts Dept.  
Tonya Arnecke-Watson, Program Manager, Criminal Courts Dept.  
Joseph Kertz, Financial Analyst, Criminal Courts Dept.  
DeDe Bell, Financial Manager - County Auditor  
Rhett Perry, Financial Analyst, Grants - County Auditor

# Header Information for Entry Doc Number

400002090

Doc. Number 400002090 Doc. Status Preposted FM Area 1000  
 Budget. Cate. Payment Doc. Year 2013 Doc. Date Feb 14, 2013  
 Value Type Budget Version 0 Doc. Type TRAN  
 Budget Type 6 Fiscal Year 2013 Year. Cash. Eff  
 Process UI BALA Process BALS Original. Applic. BWB Doc. Family

**Additional Data**  
 Creator KERTZJ Creation Date Mar 8, 2013 Creation Time 15:54:57  
 Resp. Person JOSEPH KERTZ Year Cohort Public Law

Header Text Add'l Revenue-FY'12 Indigent Defense Formula Grant

TextName

**Lines**  
 Total Document 0 USD

Line	Fund	Budget Period	Funds Center	Comm. Item	FuncArea Grant	Funded Program	Local Amount	Text Line
000001	0001		1940010001	411060	1210	NOT-RELEVANT NON-FUNDED-PROGRAM	931.2	Add'l Revenue from FY'12 Ind Defense Formula Grant
000002	0001		1941010001	411060	1210	NOT-RELEVANT NON-FUNDED-PROGRAM	1,396.8	Add'l Revenue from FY'12 Ind Defense Formula Grant
000003	0001		1940010001	514040	1210	NOT-RELEVANT NON-FUNDED-PROGRAM	-931.2	Add'l Attorney Fee Budget - Ind Def Formula Grant
000004	0001		1941010001	514040	1210	NOT-RELEVANT NON-FUNDED-PROGRAM	-1,396.8	Add'l Attorney Fee Budget - Ind Def Formula Grant

*[Signature]*  
 March 13, 2013


TRAVIS COUNTY  
AUDITOR'S OFFICE

NICKI RILEY, CPA  
COUNTY AUDITOR



TRAVIS COUNTY  
ADMINISTRATION BUILDING  
P.O. BOX 1748  
AUSTIN, TX. 78767  
(512) 854-9125  
FAX: (512) 854-9164

February 5, 2013

TO: Leslie Browder, County Executive, Planning and Budget  
FROM:  Nicki Riley, County Auditor  
SUBJECT: Certification of Revenue – Indigent Defense Services

I hereby certify \$2,328.00 as revenue to be used by the Travis County Criminal Courts Department for the Indigent Defense Services Grant in the Fiscal Year 2013 Budget.

These funds were awarded by the State of Texas Task Force on Indigent Defense and should be allocated as follows:

<u>Fund #</u>	<u>Cost Center</u>	<u>GL Acct</u>	<u>Rev. Type</u>	<u>Amount</u>
0001	1940010001	411060	State	\$ 931.20
0001	1941010001	411060	State	\$ 1,396.80
Total Revenues				<u>\$ 2,328.00</u>

If you have any questions, please call Rhett Perry at 854-8821.

NR/rp

cc: Dan Wilson, Chief Assistant County Auditor  
David Jungerman, Financial Services Manager, County Auditor  
Alan Miller, Budget Analyst, Planning and Budget  
Debra Hale, Director of Court Management, Criminal Courts Dept.  
Tonya Arnecke Watson, Program Manager, Criminal Courts Dept.  
Joseph Kertz, Financial Analyst, Criminal Courts Dept.  
DeDe Bell, Financial Manager - County Auditor  
Rhett Perry, Financial Analyst, Grants - County Auditor

**PLANNING AND BUDGET OFFICE**  
TRAVIS COUNTY, TEXAS



700 Lavaca, Ste 1560  
P.O. Box 1748  
Austin, Texas 78767

March 12, 2013

To: Commissioners Court

From: Katie Petersen Gipson, Sr. Planning & Budget Analyst

A handwritten signature in blue ink, appearing to read "Katie Petersen", is written over the name in the "From:" line.

Re: Cell phone allowance

Information Technology Services is requesting to internally fund a monthly cellular allowance for a staff member (position 30000413) who uses their personal phone for a significant amount of work-related business. According to Travis County Code Chapter 39 of the Wireless Communications Policy, PBO is required to place the item on the Commissioners Court agenda.

PBO concurs with this request. No actual budget transfer is needed at this time because there is sufficient funding in the appropriate line items.

CC: Walter LaGrone, ITS  
Randy Lott, ITS  
Leslie Browder, PBO  
Jessica Rio, PBO

RECEIVED

13 MAR 11 PM 12:05

**Travis County Monthly Cellular Service Allowance REQUEST**

**FORM** Pursuant to Travis County Code, Chapter 39, Wireless Communications Policy, I am submitting this request for additions (A) or changes (C) of monthly cellular service allowances within my Office/Department.

PLANNING & BUDGET OFFICE

  
 \_\_\_\_\_  
 Official/Department Head Signature and Date

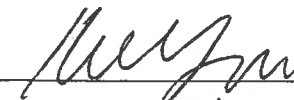
3/7/13  
 effective date

NOTE: All requests for new monthly allowances or increases to previously approved monthly allowances must first go through PBO, then be processed through the Auditor's Office. Along with this request form, a budget transfer sheet must be completed for a transfer of funds into line items 2002 (6.2%), 2005 (9.64%), 2006 (1.95 POPS positions), 2007 (1.45%), and the remaining into 4107. Unless the allowance is for a limited time, the budget transfer used to fund the allowance can only be made on an annualized permanent basis.

A cellular service monthly allowance is requested for (A or C, Employee ID #, position title and slot number):	\$10/mo	\$20/mo	\$30/mo
02000197 <sup>Pos # (3000412)</sup> Marcene Langussu Network Engineer II	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> <sup>APR 2/19/2013</sup>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**  
 \_\_\_\_\_

Reviewed by PBO

 3/12/13  
 \_\_\_\_\_  
 signature and date

Approved by Commissioner's Court

\_\_\_\_\_  
 Date

Processed by Auditor's Office

\_\_\_\_\_  
 signature and date



**Allocated Reserve Status (580010)**

<b>Amount</b>	<b>Dept Transferred Into</b>	<b>Date</b>	<b>Explanation</b>
\$6,920,945			Beginning Balance
(\$10,000)	TNR	10/16/12	Clean Air Force 2013
(\$11,388)	Various	Various	Approved by CC for FY13 portion of ACC intern program
(\$378,290)	HHS	11/6/12	Parenting in Recovery Program
(\$1,881)	TNR	11/13/12	Constable Staffing
(\$135,679)	Constable Pct. 1	11/15/12	Constable Staffing
(\$10,000)	County Attorney	11/20/12	Legal Advisory Services
(\$240,179)	HRMD	12/4/12	Benefits income adjustment
(\$12,537)	Tax Office	12/11/12	Reclassification of two positions
(\$7,067)	JP Pct. 5	12/28/12	DPS backlog-drivers license revocation
(\$80,000)	TNR	1/22/13	East Metro Park Multi-Purpose Court
(\$46,900)	TNR	1/29/13	Recycling Program
(\$11,700)	Facilities	2/5/2013	Move for Dist. Clerk to Gault basement
<b>\$5,975,324</b>	<b>Current Balance</b>		

**Possible Future Expenses Against Allocated Reserve Previously Identified:**

<b>Amount</b>	<b>Explanation</b>
(\$137,676)	Civil Courts – Drug Court Grant
(\$200,000)	Civil Courts Legally Mandated Fees – Attorney Fees & Other Court Costs
(\$220,074)	Criminal Courts – Veterans Court Grant
(\$42,497)	Criminal Courts – Bailiff to CPO transition Cost
(\$175,000)	Crim Cts Legally Mandated Fees – Atty Fees & Other Ct Costs for Capital Cases
(\$12,714)	CSCD – MSS Adjustments
(\$36,000)	District Clerk – Collections Software
(\$20,000)	Emergency Services – Hazardous Materials Disposal
(\$250,000)	Facilities Management – Facilities Best Practices Review
(\$200,000)	General Admin – HUB Requirements Disparity Study (\$35,595 funds from State, restricted-use for this purpose)
(\$100,000)	Health & Human Services – PromoSalud Scholarships and Workforce Development
(\$150,000)	HRMD – Revised Tuition Reimbursement Policy
(\$25,885)	HRMD – ACC Internship Program
(\$83,182)	ITS – BEFIT Customer Support Analyst III
(\$60,000)	RMCR – Additional Postage
(\$1,000,000)	TCSO – Overtime
(\$79,681)	Constable Staffing
<b>(\$2,792,709)</b>	<b>Total Possible Future Expenses (Earmarks)</b>
<b>\$3,182,615</b>	<b>Remaining Allocated Reserve Balance After Possible Future Expenditures</b>

**Capital Acquisition Resources Account Reserve Status (580070)**

**CAR RESERVE TRANSFERS**

<b>Amount</b>	<b>Dept Transferred Into</b>	<b>Date</b>	<b>Explanation</b>
\$2,813,944			Beginning Balance
(\$8,000)	ITS	11/27/12	IT Infrastructure for FMD Projects
(\$82,552)	EMS	12/11/12	Fire fighting aircraft
(\$649,975)	ITS	1/15/13	Data storage tapes
(\$58,040)	Facilities	1/15/13	Renovation of HMS Courthouse Rm118
(\$60,000)	Facilities	1/15/13	Gault HVAC renovation project
(\$42,283)	TNR	1/29/13	Technical Correction FY 12 Budget Amendment
(\$46,306)	Facilities	2/5/13	Gault basement renovations-Dist. Clerk
(\$35,142)	Facilities	2/19/13	FFE for ongoing renovation of 700 Lavaca
<b>\$1,831,646 Current Reserve Balance</b>			

**Possible Future Expenses Against CAR Reserves Previously Identified:**

<b>Amount</b>	<b>Explanation</b>
\$ (817,300)	ITS Infrastructure for FMD Projects
\$ (38,046)	Replacement Boat Motors for Lake Unit
\$ (100,000)	Guardrail-New Installations
\$ (90,000)	Failing Vehicles
\$ (50,000)	Sidewalks-ADA Upgrades
\$ (250,000)	FM 1626 ROW Purchases
\$ (61,954)	Constable Staffing
<b>\$ (1,407,300)</b>	<b>Total Possible Future Expenses (Earmarks)</b>

**\$424,346 Remaining CAR Reserve Balance After Possible Future Expenditures**

**Emergency Reserve Status (580120)**

Amount	Dept Transferred Into	Date	Explanation
\$2,016,924			Beginning Balance
<b>\$2,016,924 Current Reserve Balance</b>			

**Fuel & Utility Reserve Status (580130)**

Amount	Dept Transferred Into	Date	Explanation
\$1,000,000			Beginning Balance
<b>\$1,000,000 Current Reserve Balance</b>			

**Planning Reserve Status (580210)**

Amount	Dept Transferred Into	Date	Explanation
\$5,496,000			Beginning Balance
<b>\$5,496,000 Current Reserve Balance</b>			

**Juvenile Justice TYC (580260)**

Amount	Dept Transferred Into	Date	Explanation
\$418,959			Beginning Balance
<b>\$418,959 Current Reserve Balance</b>			

**Smart Bldg. Facility Maintenance Reserve Status (580240)**

Amount	Dept Transferred Into	Date	Explanation
\$160,778			Beginning Balance
<b>\$160,778 Current Reserve Balance</b>			

**IJS/FACTS Reserve Status (580160)**

Amount	Dept Transferred Into	Date	Explanation
\$2,164,795			Beginning Balance
(\$196,951)	ITS	10/23/12	OnBase Software
(\$717,746)	ITS	11/6/12	CUC TechShare
(\$1,146,096)	ITS	12/18/2012	TechShare
<b>\$104,002 Current Reserve Balance</b>			

**Transition Reserve Status (580300)**

Amount	Dept Transferred Into	Date	Explanation
\$101,889			Beginning Balance
<b>\$101,889 Current Reserve Balance</b>			

**Reserve for State Cuts Status (580310)**

Amount	Dept Transferred Into	Date	Explanation
\$250,000			Beginning Balance
<b>\$250,000 Current Reserve Balance</b>			

**Starflight Maintenance Reserve Status (580320)**

Amount	Dept Transferred Into	Date	Explanation
\$1,001,050			Beginning Balance
<b>\$1,001,050 Current Reserve Balance</b>			

**1115 Waiver Reserve Status (580200)**

Amount	Dept Transferred Into	Date	Explanation
\$1,000,000			Beginning Balance
<b>\$1,000,000 Current Reserve Balance</b>			

**Interlocals Reserve Status (580200)**

Amount	Dept Transferred Into	Date	Explanation
\$2,166,175 (\$1,483,173)	Emergency Services	11/13/12	Beginning Balance Regional Radio Service Interlocal
<b>\$683,002 Current Reserve Balance</b>			

**Annualization Reserve Status (580200)**

Amount	Dept Transferred Into	Date	Explanation
\$65,768			Beginning Balance
<b>\$65,768 Current Reserve Balance</b>			

**Salary Savings Reserve Status (580200)**

Amount	Dept Transferred Into	Date	Explanation
\$400,000			Beginning Balance
<b>\$400,000 Current Reserve Balance</b>			

**Unallocated Reserve Status (580015)**

Amount	Dept Transferred Into	Date	Explanation
\$57,195,853			Beginning Balance
(\$2,302,015)	EMS	12/11/12	Reimbursement Resolution
(\$2,941,500)	ITS	12/11/12	Reimbursement Resolution
(\$877,000)	TNR	12/11/12	Reimbursement Resolution
(\$901,912)	FMD	12/11/12	Reimbursement Resolution
<b>\$50,173,426 Current Reserve Balance</b>			



# Travis County Commissioners Court Agenda Request

**Meeting Date:** March 19, 2013

**Prepared By/Phone Number:** Travis R. Gatlin, 854-9065

**Elected/Appointed Official/Dept. Head:** Leslie Browder, County Executive, Planning and Budget

**Commissioners Court Sponsor:** Judge Samuel T. Biscoe

**AGENDA LANGUAGE:** CONSIDER AND TAKE APPROPRIATE ACTION ON ADOPTION OF AN ORDER AUTHORIZING PUBLICATION OF NOTICE OF INTENT TO ISSUE CERTIFICATES OF OBLIGATION.

**BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

The Commissioners Court approved the FY 13 proposed capital project list to be funded by Certificates of Obligation on March 5, 2013. The proposed project list totals \$22,525,000, including costs of issuance, and is attached for reference.

The County's Bond Counsel has prepared the attached order authorizing publication of notice of intent to issue Certificates of Obligation as required by law and published no less than 30 days prior to the sale. The proposed notice is included as Exhibit A, and the Certificates of Obligation will be expended for the purposes identified in the attached notice. The sale is tentatively scheduled for April 23, 2013.

**STAFF RECOMMENDATIONS:**

The Planning and Budget Office recommends approval of the order.

**ISSUES AND OPPORTUNITIES:**

The order is required by law and authorizes the publication of the Notice of Intent to Issue Certificates of Obligation.

**FISCAL IMPACT AND SOURCE OF FUNDING:**

The proposed capital projects are expected to be funded through the issuance of short-term FY 13 Certificates of Obligation.

**REQUIRED AUTHORIZATIONS:**

**Leslie Browder, Planning and Budget Office (512) 854-9106**

**Jessica Rio, Planning and Budget Office, (512) 854-9106**

**David Salazar, County Judge's Office, (512) 854-9555**

**AGENDA REQUEST DEADLINE:** All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, [Cheryl.Aker@co.travis.tx.us](mailto:Cheryl.Aker@co.travis.tx.us) by Tuesdays at 5:00 p.m. for the next week's meeting.

**Proposed Project List for FY 13 Certificates of Obligation  
Approved by Commissioners Court on March 5, 2013**

**Five-year Certificates of Obligation – \$22,525,000**

<b>Department</b>	<b>Project</b>	<b>Amount</b>
Information Technology Services (ITS)	End of Life Network, Servers and Storage	\$1,591,500
	SAN Fabric Expansion	350,000
	Dense Wave Division Multiplexing to provide high amounts of bandwidth for network and storage communication	250,000
	Building Router High Availability to ensure reliability and availability of the data network for voice and data services	360,000
	Data Storage Increase	1,000,000
<b>Subtotal for ITS</b>		<b>\$3,551,500</b>
Facilities Management Department (FMD)	Granger Building Renovations and Improvements	\$4,489,208
	Executive Office Building Improvements	4,281,200
	Blackwell-Thurman CJC Improvements	\$286,890
	HMS Courthouse Improvements	184,350
	Executive Office Building Parking Garage Improvements	93,615
	Post Road Elevator Upgrade	75,000
	Post Road Drug Court Renovations for CSCD	62,016
	Precinct Two Building Renovations for CSCD	48,243
	Gault Building Improvements	45,138
	Holt Building Improvements	44,070
	Brizendine Building Improvements	30,000
<b>Subtotal for FMD</b>		<b>\$9,639,730</b>
Travis County Sheriff's Office (TCSO)	TCJ Phase III: Duct Work Project	\$2,250,000
	HVAC Units Building 2	660,000
	Replacement of Security Fencing	560,000
	Shelving for Evidence Lab	268,286
	Lockers for Evidence Lab	198,000
	Smoke Detection System for Life Safety Academy	50,000
	Fire Detection System for TCCC Building 12 G Unit	50,000
	Access Modifications for TCCC Building 12	30,000
<b>Subtotal for TCSO</b>		<b>\$4,066,286</b>
Transportation and Natural Resources (TNR)	HMAC and Alternative Paving Projects	\$1,429,849
	East Service Center FM 969 Entrance	400,000
	Capital Drainage Projects	327,000
	Traffic Signals- New Installations	300,000
	Park Roads and Parking Lot Maintenance	219,373
	Metro Park Concrete Sidewalk Upgrade	190,120
<b>Subtotal for TNR</b>		<b>\$2,866,342</b>
Emergency Medical Services (EMS)	Fire Fighting Aircraft, Aircraft Dolly and Aircraft Bambi Bucket	\$2,302,015
<b>Subtotal for EMS</b>		<b>\$2,302,015</b>
Total W/O Issuance Costs		\$22,425,873
Issuance Costs		\$99,127
<b>Total With Issuance Costs</b>		<b>\$22,525,000</b>

ORDER AUTHORIZING PUBLICATION OF NOTICE  
OF INTENT TO ISSUE CERTIFICATES OF OBLIGATION

STATE OF TEXAS

COUNTY OF TRAVIS

WHEREAS, the Commissioners Court of Travis County, Texas (the "County"), deems it advisable to give notice of its intention to issue certificates of obligation of the County in accordance with the notice hereinafter set forth; Now, Therefore,

BE IT ORDERED, ADJUDGED AND DECREED BY THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS:

Section 1. The facts and recitations set forth in the recital to this Order (the "Order") are hereby found and declared to be true and correct.

Section 2. The County Clerk is hereby authorized and directed to cause to be published, in the manner required by law, a notice of intention to issue certificates of obligation (the "Notice") in substantially the form set forth in Exhibit A to this Order, the form and substance of which are hereby adopted and approved.

Section 3. The County Judge and County Clerk are hereby authorized to take such actions as may be appropriate to carry out the intent of this Order, including amending or changing the wording of the Notice.

PASSED AND APPROVED THIS March 19, 2013.



EXHIBIT A

COMMISSIONERS COURT OF  
TRAVIS COUNTY, TEXAS

NOTICE OF INTENTION TO  
ISSUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that at its regular meeting to commence at 9:00 a.m. on Tuesday, April 23, 2013, at its regular meeting place in the Commissioners Court Room on the first floor, 700 Lavaca Street, Austin, Texas, the Commissioners Court of Travis County, Texas (the "County"), proposes to pass an order and to take such other actions as may be deemed necessary to authorize the issuance of one or more series of interest bearing certificates of obligation of the County in a maximum aggregate principal amount not exceeding \$22,525,000, with each such series bearing interest at any rate or rates, not to exceed the maximum interest rate now or hereafter allowed by law, as shall be determined within the discretion of the Commissioners Court on or before the date of issuance and maturing no later than March 1, 2034, for the purpose of evidencing the indebtedness of the County for (i) acquiring and installing computer equipment; (ii) acquiring and installing telecommunications equipment, including upgrades to existing telecommunications equipment; (iii) improving and renovating existing County administrative, justice and social services facilities; (iv) improving and renovating County jail facilities; (v) improving and renovating County Sheriff facilities; (vi) acquisition of equipment for County Sheriff purposes; (vii) constructing and improving County roads, including bridge construction, utility relocation, safety and signalization improvements, related road drainage improvements, and acquiring right-of-way in connection therewith; (viii) improving the consolidated service center in East Travis County; (ix) improving County parks; (x) acquiring a helicopter and related equipment for emergency services purposes; and (xi) paying professional and engineering fees related to the above-described purposes, and the costs of issuance with respect to such certificates of obligation, including but not limited to fees for professional services and incidental expenses related to such purposes. The County proposes to provide for the payment of such certificates of obligation by the levy of ad valorem taxes and a limited pledge of revenues of the County's solid waste disposal system.

COMMISSIONERS COURT  
TRAVIS COUNTY, TEXAS



# Travis County Commissioners Court Agenda Request

**Meeting Date:** March 19, 2013

**Prepared By/Phone Number:** Norman McRee/854-4821

**Elected/Appointed Official/Dept. Head:** Leslie Browder, County Executive, Planning & Budget *LB*

**Commissioners Court Sponsor:** Samuel T. Biscoe, County Judge

## AGENDA LANGUAGE:

Review and approve the immediate release of reimbursement payment to United Health Care for claims paid for participants in the Travis County Employee Health Care Fund for payment of \$1,051,038.00 for the period of March 1 to March 7, 2013.

## BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

See attached.

## STAFF RECOMMENDATIONS:

The Director or Benefits Manager has reviewed the reimbursement submitted and concurs with the findings of the audits by the Financial Analyst and the Benefits Contract Administrator and therefore recommends reimbursement of \$1,051,038.00.

## ISSUES AND OPPORTUNITIES:

See attached.

## FISCAL IMPACT AND SOURCE OF FUNDING:

Employee Health Benefit Fund (8956) – \$1,051,038.00

## REQUIRED AUTHORIZATIONS:

John Rabb, 854-2742

Diane Blankenship, 854-9170

Jessica Rio, 854-9106

**AGENDA REQUEST DEADLINE:** All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, [Cheryl.Aker@co.travis.tx.us](mailto:Cheryl.Aker@co.travis.tx.us) by **Tuesdays at 5:00 p.m.** for the next week's meeting.

**TRAVIS COUNTY  
RECOMMENDATION FOR TRANSFER OF FUNDS**

**DATE:** March 19, 2013

**TO:** Members of the Travis County Commissioners Court

**FROM:** John Rabb, Benefits Manager

**COUNTY DEPT.** Human Resources Management Department (HRMD)

**DESCRIPTION:** United Health Care (UHC) (The Third Party Administrator for Travis County's Hospital and Self Insurance Fund) has requested reimbursement for health care claims paid on behalf of Travis County employees and their dependents.

**PERIOD OF PAYMENTS MADE:** March 1, 2013 to March 7, 2013

**REIMBURSEMENT REQUESTED FOR THIS PERIOD:** \$1,051,038.00

**HRMD RECOMMENDATION:** The Director or Benefits Manager has reviewed the reimbursement submitted and concurs with the findings of the audits by the Financial Analyst and the Benefits Contract Administrator and therefore recommends reimbursement of \$1,051,038.00.

Please see the attached reports for supporting detail information.

**TRAVIS COUNTY**  
**HOSPITAL AND INSURANCE FUND**  
**SUPPORTING DETAIL FOR THE**  
**WEEKLY REIMBURSEMENT REQUEST TO**  
**COMMISSIONERS COURT**  
**FOR THE PAYMENT PERIOD**  
**MARCH 1, 2013 TO MARCH 7, 2013**

-

- Page 1. Detailed Recommendation to Travis County Auditor for transfer of funds.**
- Page 2. Chart of Weekly Reimbursements Compared to Budget.**
- Page 3. Paid Claims Compared to Budgeted Claims.**
- Page 4. FY Comparison of Paid Claims to Budget.**
- Page 5. Notification of amount of request from United Health Care (UHC) (Bank of America)**
- Page 6. Last page of the UHC Check Register for the Week.**
- Page 7. List of payments deemed not reimbursable.**
- Page 8. Journal Entry for the reimbursement.**

TRAVIS COUNTY  
RECOMMENDATION FOR TRANSFER OF FUNDS

DATE: March 19, 2013  
 TO: Nicki Riley, County Auditor  
 FROM: Norman McRee, HR Financial Analyst  
 COUNTY DEPT.: Human Resources Management Department (HRMD)

United Health Care (UHC) (Travis County's Third Party Administrator for our Self Insured Health Care Fund) has requested reimbursement for health care claim payments made on behalf of Travis County employees and their dependents as follows:

PERIOD OF PAYMENTS PAID:  
 FROM: March 1, 2013  
 TO: March 7, 2013

**REIMBURSEMENT REQUESTED: \$ 1,051,038.00**

**SUPPORTING DETAIL FOR REIMBURSEMENT REQUESTED:**

NOTIFICATION OF AMOUNT OF REQUEST FROM UHC*:	\$	1,660,020.90
LESS: REIMBURSEMENTS PREVIOUSLY APPROVED BY COMMISSIONERS COURT: March 12, 2013	\$	(617,670.76)
Adjust to balance per UHC	\$	8,687.86
<b>TOTAL CLAIMS REIMBURSEMENT REQUESTED BY UHC FOR THIS WEEK**:</b>	<b>\$</b>	<b>1,051,038.00</b>
 PAYMENTS DEEMED NOT REIMBURSABLE	 \$	 -
<b>TRANSFER OF FUNDS REQUESTED:</b>	<b>\$</b>	<b>1,051,038.00</b>

The claims have been audited for eligibility and all were eligible in the period covered by the claim.


All claims over \$25,000 (2 this week totaling \$61,077.22) have been audited for data entry accuracy and the following information is correct for each claim audited: date of service, eligibility, nature of service, name of and amount billed by provider, amount billed by date and amount paid by UHC.

Fifteen percent (15%) of all claims under \$25,000 (\$149,057.03) have been audited for data entry accuracy and the following information is correct for each claim identified for this random review: date of service, eligibility, nature of service, name of and amount billed by provider, date and amount paid by UHC. Claims in this random audit met the above requirements but may qualify for more detailed analysis through other resources.

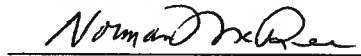
All claims have been reviewed to determine if they have exceeded the \$250,000 stop loss limit. Claims that have exceeded the limit will be reimbursed by Sun Life. Reimbursements are posted as revenue and claims totals shown are gross of stop loss. Cumulative fiscal year stop loss reimbursements from Sun Life total \$574,103.69.

All claims submitted in this transfer have been audited to confirm accuracy of billing and legitimacy of claim under the service provisions of the health care contract and all are contractually legitimate, legally incurred and accurately billed claims.

I certify that all data listed on this recommendation for transfer of funds is correct and that the payments shown have been made solely for the purpose of health insurance claims.

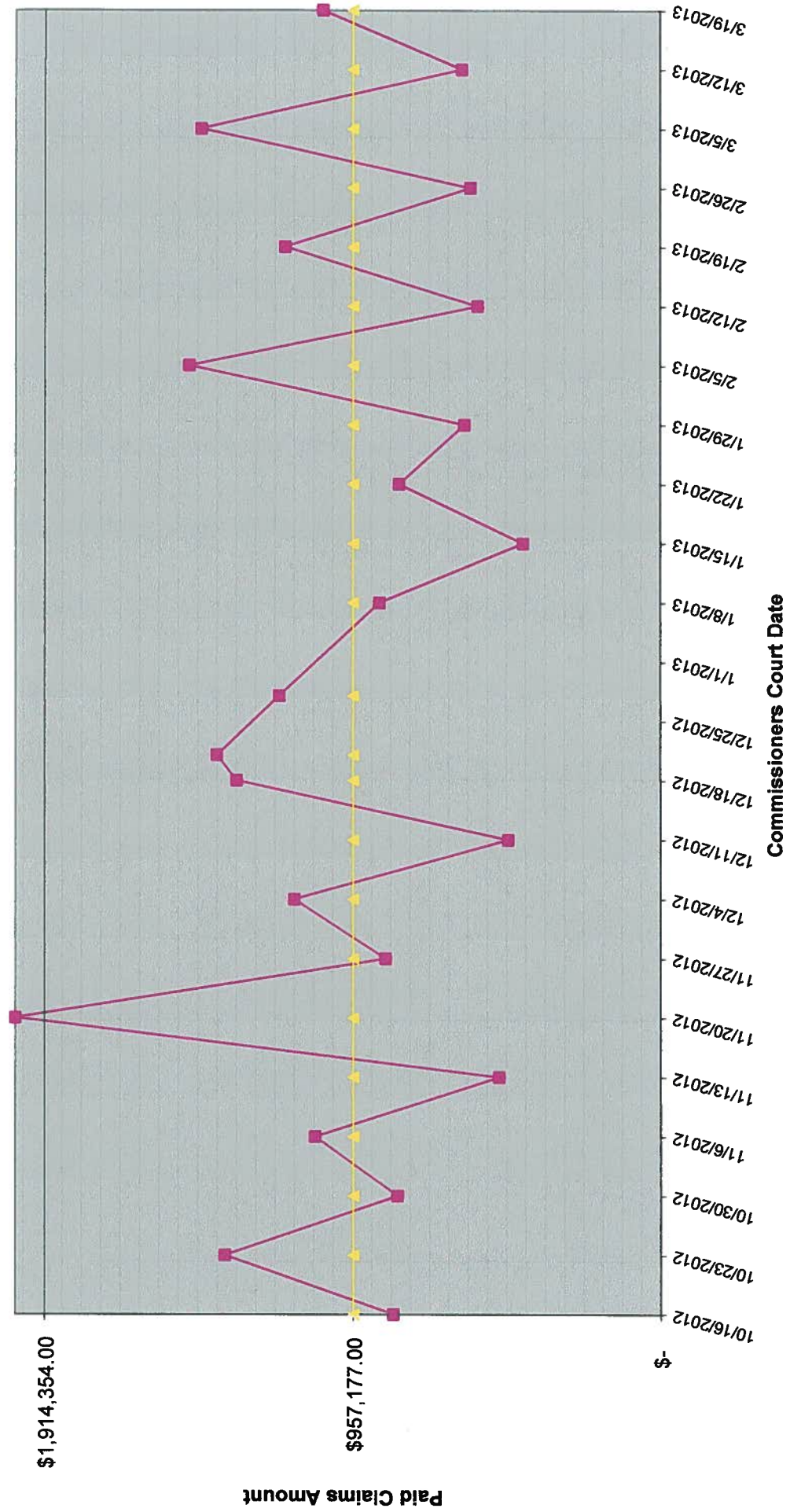
 3/8/13  
 John Rabb, Benefits Manager Date

 3/8/13  
 Shannon Steele, Benefits Administrator Date

 3/8/13  
 Norman McRee, Financial Analyst Date

\*\* Agrees to the total payments for this period per the check register received from UHC. See the final page of this period's check register attached.

**Travis County Employee Benefit Plan  
 FY13 Paid Claims vs Weekly Claims Budget of \$957,177.23**



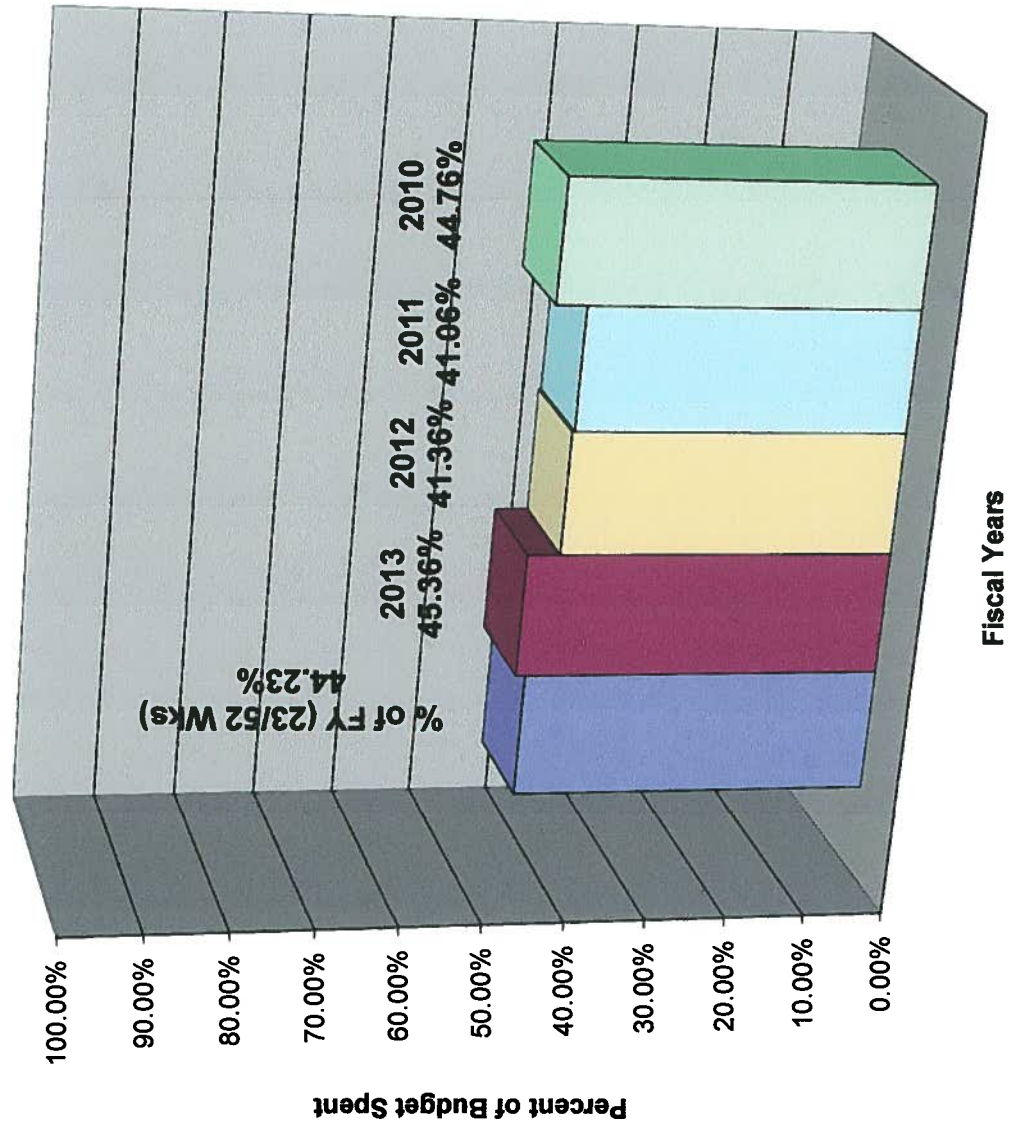
**Travis County Employee Benefit Plan  
FY13 Weekly Paid Claims VS Weekly Budgeted Amount**

Wk	Period from	Period To	Voting Session Date	Pd Claims Request Amount	Budgeted Weekly Claims	# of Large Claims	Total of Large Claims	FY 2013 % of Budget Spent	FY 2012 % of Budget Spent
1	9/28/2012	10/4/2012	10/16/2012	\$ 833,295.36	\$ 957,177.23	2	\$ 264,210.15	1.67%	1.42%
2	10/5/2012	10/11/2012	10/23/2012	\$ 1,356,899.90	\$ 957,177.23	3	\$ 398,807.43	4.40%	3.40%
3	10/12/2012	10/18/2012	10/30/2012	\$ 819,640.44	\$ 957,177.23	2	\$ 116,768.50	6.05%	5.60%
4	10/19/2012	10/25/2012	11/6/2012	\$ 1,076,062.49	\$ 957,177.23	1	\$ 68,192.73	8.21%	6.54%
5	10/26/2012	11/1/2012	11/13/2012	\$ 503,241.86	\$ 957,177.23	0	\$ -	9.22%	7.69%
6	11/2/2012	11/8/2012	11/20/2012	\$ 2,004,819.80	\$ 957,177.23	4	\$ 832,945.50	13.25%	10.01%
7	11/9/2012	11/15/2012	11/27/2012	\$ 856,605.61	\$ 957,177.23	7	\$ 345,370.77	14.97%	11.71%
8	11/16/2012	11/22/2012	12/4/2012	\$ 1,140,771.38	\$ 957,177.23	0	\$ -	17.26%	14.05%
9	11/23/2012	11/29/2012	12/11/2012	\$ 474,802.74	\$ 957,177.23	2	\$ 98,896.45	18.21%	14.57%
10	11/30/2012	12/6/2012	12/18/2012	\$ 1,319,676.15	\$ 957,177.23	4	\$ 142,853.98	20.87%	17.30%
11	12/7/2012	12/13/2012	12/21/2012	\$ 1,380,972.18	\$ 957,177.23	8	\$ 726,479.65	23.64%	18.57%
12	12/14/2012	12/20/2012	12/28/2012	\$ 1,187,151.92	\$ 957,177.23	3	\$ 148,596.86	26.03%	20.69%
13	12/21/2012	12/27/2012	1/8/2013	\$ 875,593.97	\$ 957,177.23	5	\$ 262,457.31	27.79%	21.80%
14	12/28/2012	1/3/2013	1/15/2013	\$ 428,312.76	\$ 957,177.23	2	\$ 58,763.15	28.65%	22.93%
15	1/4/2013	1/10/2013	1/22/2013	\$ 814,824.53	\$ 957,177.23	0	\$ -	30.28%	25.13%
16	1/11/2013	1/17/2013	1/29/2013	\$ 610,955.41	\$ 957,177.23	1	\$ 41,841.23	31.51%	26.89%
17	1/18/2013	1/24/2013	2/5/2013	\$ 1,466,572.26	\$ 957,177.23	4	\$ 192,975.28	34.46%	28.96%
18	1/25/2013	1/31/2013	2/12/2013	\$ 569,238.61	\$ 957,177.23	2	\$ 75,547.81	35.60%	30.05%
19	2/1/2013	2/7/2013	2/19/2013	\$ 1,169,082.60	\$ 957,177.23	1	\$ 25,851.04	37.95%	31.86%
20	2/8/2013	2/14/2013	2/26/2013	\$ 592,192.07	\$ 957,177.23	2	\$ 72,001.13	39.14%	34.26%
21	2/15/2013	2/21/2013	3/5/2013	\$ 1,429,268.44	\$ 957,177.23	3	\$ 250,943.12	42.01%	36.83%
22	2/22/2013	2/28/2013	3/12/2013	\$ 617,670.76	\$ 957,177.23	1	\$ 30,476.50	43.25%	38.55%
23	3/1/2013	3/7/2013	3/19/2013	\$ 1,051,038.00	\$ 957,177.23	2	\$ 61,077.22	45.36%	41.36%
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Paid & Budgeted Claims to Date	\$ 22,578,689.24	\$ 22,015,076.31
Paid Claims less Total Weekly Budget		\$ 563,612.93

note: Not predictive of impact on reserve, intended to show relationship of weekly claims cost to weekly budget.

**Comparison of Claims to FY Budgets  
Week 23**





**Norman McRee**

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**From:** SIFSAX@UHC.COM  
**Sent:** Friday, March 08, 2013 12:06 AM  
**To:** Norman McRee  
**Subject:** UHG FUNDING NOTIFICATION

**TO:** NORMAN MCREE                      **FROM:** UNITEDHEALTH GROUP  
**FAX NUMBER:** (512) 854-3128                      **AB5**  
**PHONE:** (512) 854-3828

NOTIFICATION OF AMOUNT OF REQUEST FOR: TRAVIS COUNTY

**DATE:** 2013-03-08                      **REQUEST AMOUNT:** \$1,660,020.90

**CUSTOMER ID:** 00000701254  
**CONTRACT NUMBER:** 00701254 00709445  
**BANK ACCOUNT NUMBER:** 385015850067                      **ABA NUMBER:** 011900445  
**FUNDING**                      **ADVICE FREQUENCY:** DAILY  
**FREQUENCY:** FRIDAY    **INITIATOR:** CUST    **METHOD:** ACH    **BASIS:** BALANCE

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**CALCULATION OF REQUEST AMOUNT**

+ ENDING BANK ACCOUNT BALANCE FROM: 2013-03-07	\$1,058,808.19
- REQUIRED BALANCE TO BE MAINTAINED:	\$2,668,041.00
+ PRIOR DAY REQUEST:	\$00.00
<b>= UNDER DEPOSIT:</b>	<b>\$1,609,232.81</b>
+ CURRENT DAY NET CHARGE:	\$50,788.09
+ ISSUED CREDIT AMOUNT:	\$00.00
+ FUNDING ADJUSTMENTS:	\$00.00
<b>REQUEST AMOUNT:</b>	<b>\$1,660,020.90</b>

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**ACTIVITY FOR WORK DAY: 2013-03-01**

CUST PLAN	CLAIM	NON CLAIM	NET CHARGE
0632	\$54,109.79	\$00.00	\$54,109.79
<b>TOTAL:</b>	<b>\$54,109.79</b>	<b>\$00.00</b>	<b>\$54,109.79</b>

UNITED HEALTHCARE CHECK REGISTER FOR TRAVIS COUNTY SUBMITTED 2013\_03\_07

CONTR_NBR	PLN_ID	PLN_ID	TRANS_AMT	SRS_DESG_NBR	CHK_NBR	GRP_ID	CLM_ACCT_NBR	ISS_DT	TRANS_TYP_CD	TRANS_DT	WK_END_DT
701254	632	\$	(227.68)	A1	438368	AA	2	3/1/2013	200	3/7/2013	3/1/2013
701254	632	\$	(231.24)	A1	452566	AA	2	3/1/2013	200	3/7/2013	3/1/2013
701254	632	\$	(261.65)	A1	415627	AA	2	3/1/2013	200	3/7/2013	3/1/2013
701254	632	\$	(264.33)	QG	81218902	AH	11	2/28/2013	50	3/6/2013	3/1/2013
701254	632	\$	(270.96)	QG	71312488	AH	7	2/27/2013	50	3/5/2013	3/1/2013
701254	632	\$	(284.01)	A1	408779	AA	2	3/1/2013	200	3/7/2013	3/1/2013
701254	632	\$	(290.13)	QG	41327006	AA	11	3/1/2013	50	3/7/2013	3/1/2013
701254	632	\$	(312.47)	A1	378929	AA	2	3/1/2013	200	3/7/2013	3/1/2013
701254	632	\$	(370.53)	A1	375627	AA	2	3/1/2013	200	3/7/2013	3/1/2013
701254	632	\$	(380.42)	A1	438364	AA	2	3/1/2013	200	3/7/2013	3/1/2013
701254	632	\$	(420.36)	A1	452567	AA	2	3/1/2013	200	3/7/2013	3/1/2013
701254	632	\$	(423.57)	A1	431806	AA	2	3/1/2013	200	3/7/2013	3/1/2013
701254	632	\$	(439.81)	A1	405090	AA	2	3/1/2013	200	3/7/2013	3/1/2013
701254	632	\$	(567.78)	A1	382008	AA	2	3/1/2013	200	3/7/2013	3/1/2013
701254	632	\$	(706.78)	A1	435054	AA	2	3/1/2013	200	3/7/2013	3/1/2013
701254	632	\$	(1,050.00)	QG	91693820	AA	5	2/28/2013	50	3/6/2013	3/1/2013
701254	632	\$	(1,067.72)	A1	415645	AA	2	3/1/2013	200	3/7/2013	3/1/2013
701254	632	\$	(1,130.00)	QG	80097427	AH	1	3/3/2013	50	3/8/2013	3/1/2013
701254	632	\$	(1,207.00)	QG	81340955	AH	5	2/28/2013	50	3/6/2013	3/1/2013

1,051,038.00

6

**Travis County Hospital and Insurance Fund - County Employees**  
**UHC Payments Deemed Not Reimbursable**

For the payment week ending: 03/07/2013

CONTR_#	TRANS_AMT	SRS	CHK_#	GRP	ACCT#	ISS_DATE	TRANS_CODE	TRANS_DATE
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**Total:** \$0.00

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## Travis County - Employee Health Benefits Fund (8956)

### Journal Entry for the Reimbursement to United Health Care

For the payment week ending: 03/07/2013

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Type	EE/RR	Cost Center	G/L Account	Transaction Amount
CEPO	EE	1110068956	516010	\$ 111,332.30
	RR	1110068956	516110	\$ 14,697.24
			Total CEPO	\$ 126,029.54
EPO	EE	1110068956	516030	\$ 216,714.99
	RR	1110068956	516130	\$ 27,425.59
			Total EPO	\$ 244,140.58
PPO	EE	1110068956	516020	\$ 584,343.27
	RR	1110068956	516120	\$ 96,524.61
			Total PPO	\$ 680,867.88
			Grand Total	\$ 1,051,038.00



# Travis County Commissioners Court Agenda Request

**Meeting Date:** 3/19/13

**Prepared By/Phone Number:** Cynthia Lam-Roldan, 854-4822

**Elected/Appointed Official/Dept. Head:** Leslie Browder, 854-9106

**Commissioners Court Sponsor:** Judge Samuel T. Biscoe

## **AGENDA LANGUAGE:**

Consider and take appropriate action on the following items for Human Resources Management Department:

- A. Proposed routine personnel amendments; and
- B. Non-routine request from Records Management and Communication Resources for a variance to Travis County Code Chapter §10.03009, Voluntary Job Change.

## **BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

Attached are Personnel Amendments for Commissioners Court approval.

### **A. Routine Personnel Actions – Pages 2 – 4.**

#### **FY 13 Temporary Position Extensions – Pages 5 - 11.**

Approval requested to **extend** temporary hourly no benefit position end dates - (less than 6 months of employment) effective

April 1, 2013. HRMD has reviewed appropriate documentation; PBO has confirmed FY 13 funding.

### **B. Non-Routine Personnel Action – Pages 12 - 15.**

**Records Mgmt and Communication Resources** requests approval for a voluntary job change retaining the employee's pay that is above midpoint – Travis County Code § 10.03009, Position 30005201, Law Librarian, PG17. HRMD has reviewed supporting documentation and concurs.

If you have any questions or comments, please contact Todd L. Osburn at 854-2744.

## **STAFF RECOMMENDATIONS:**

N/A

**AGENDA REQUEST DEADLINE:** All agenda requests and supporting materials should be submitted as a pdf to the County Judge's office, [agenda@co.travis.tx.us](mailto:agenda@co.travis.tx.us) by **Tuesdays at 5:00 p.m.** for the next week's meeting.

**ISSUES AND OPPORTUNITIES:**

N/A

**FISCAL IMPACT AND SOURCE OF FUNDING:**

None.

**REQUIRED AUTHORIZATIONS:**

Todd Osburn, Human Resources Management Department, 854-2744

Leslie Browder, Planning and Budget Office, 854-9106

**AGENDA REQUEST DEADLINE:** All agenda requests and supporting materials should be submitted as a pdf to the County Judge's office, [agenda@co.travis.tx.us](mailto:agenda@co.travis.tx.us) by **Tuesdays at 5:00 p.m.** for the next week's meeting.



## Human Resources Management Department

700 Lavaca Street, 4<sup>th</sup> Floor

● P.O. Box 1748

● Austin, Texas 78767

● (512) 854-9165 / FAX (512) 854-9757

**March 19, 2013**

**ITEM # :**

**DATE:** March 8, 2013

**TO:** Samuel T. Biscoe, County Judge  
Ron Davis, Commissioner, Precinct 1  
Sarah Eckhardt, Commissioner, Precinct 2  
Gerald Daugherty, Commissioner, Pct. 3  
Margaret Gomez, Commissioner, Precinct 4

**VIA:** Leslie Browder, County Executive, Planning and Budget *LB*

**FROM:** Todd L. Osburn, Compensation Manager, HRMD *TLO*

**SUBJECT:** Weekly Personnel Amendments

Attached are Personnel Amendments for Commissioners Court approval.

**A. Routine Personnel Actions – Pages 2 – 4.**

**FY 13 Temporary Position Extensions – Pages 5 - 11.**

Approval requested to **extend** temporary hourly no benefit position end dates - (less than 6 months of employment) effective April 1, 2013. HRMD has reviewed appropriate documentation; PBO has confirmed FY 13 funding.

**B. Non-Routine Personnel Action – Pages 12 - 15.**

**Records Mgmt and Communication Resources** requests approval for a voluntary job change retaining the employee's pay that is above midpoint – Travis County Code § 10.03009, Position 30005201, Law Librarian, PG17. HRMD has reviewed supporting documentation and concurs.

If you have any questions or comments, please contact Todd L. Osburn at 854-2744.

LB/TLO

**Attachments**

cc: Planning and Budget Department  
County Auditor  
County Auditor-Payroll (Certified copy)  
County Clerk (Certified copy)

WEEKLY PERSONNEL AMENDMENTS - ROUTINE

Action Type Description	Action Reason Description	Action Effective Date	Current Personnel Area	CURRENT Position / Position Title / Employee Group / Employee Subgroup / Grade / Level / Salary/Rate Amt	New Personnel Area	NEW Position / Position Title / Employee Group / Employee Subgroup / Grade / Level / Salary/Rate Amt
New Hire	New Hire	03/01/2013	N/A	N/A	3650 - Juvenile Probation	30050576 / Building Maintenance Work / 2 - Temporary / 05 - Hourly - Retmt / GRD11 / 00 / \$13.85
New Hire	New Hire	03/07/2013	N/A	N/A	3650 - Juvenile Probation	30004446 / Cook / 2 - Temporary / 05 - Hourly - Retmt / GRD08 / 00 / \$10.36
New Hire	New Hire	03/01/2013	N/A	N/A	3150 - County Clerk	30000927 / Systems Engineer II / 1 - Regular / 01 - Full Time Exempt / GRD25 / 00 / \$74,214.40
New Hire	New Hire	03/01/2013	N/A	N/A	3100 - County Attorney	30000768 / Attorney I / 1 - Regular / 01 - Full Time Exempt / GRD22 / 00 / \$55,578.85
New Hire	New Hire	03/19/2013	N/A	N/A	3470 - Constable Pct 5	30001881 / Constable Deputy / 1 - Regular / 02 - Full Time Non-Exempt / GRD61 / 01 / \$49,686.62
New Hire	New Hire	03/20/2013	N/A	N/A	3470 - Constable Pct 5	30001838 / Constable Deputy Chief Pc / 1 - Regular / 01 - Full Time Exempt / GRD68 / 03 / \$88,155.18
New Hire	New Hire	03/01/2013	N/A	N/A	1700 - Transportation and Nat Rsrc	30004639 / School Crossing Guard / 2 - Temporary / 05 - Hourly - Retmt / GRD11 / 00 / \$13.00

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WEEKLY PERSONNEL AMENDMENTS - ROUTINE

Action Type Description	Action Reason Description	Action Effective Date	Current Personnel Area	CURRENT Position / Position Title / Employee Group / Employee Subgroup / Grade / Level / Salary/Rate Amt	New Personnel Area	NEW Position / Position Title / Employee Group / Employee Subgroup / Grade / Level / Salary/Rate Amt
New Hire	New Hire	03/04/2013	N/A	N/A	3300 - District Attorney	30001336 / Attorney IV / 1 - Regular / 01 - Full Time Exempt / GRD27 / 00 / \$77,956.53
Mobility	Interdpt Change	03/04/2013	3150 - County Clerk	30000975 / Court Clerk II / 1 - Regular / 02 - Full Time Non-Exempt / GRD15 / 00 / \$38,852.77	3100 - County Attorney	30050201 / Legal Secretary / 1 - Regular / 02 - Full Time Non-Exempt / GRD15 / 00 / \$38,852.77
Mobility	Lateral Transfer	03/07/2013	3650 - Juvenile Probation	30004426 / Training Education Coord II / 1 - Regular / 01 - Full Time Exempt / GRD18 / 00 / \$56,640.00	3650 - Juvenile Probation	30004428 / Community Liaison / 1 - Regular / 01 - Full Time Exempt / GRD18 / 00 / \$56,640.00
Mobility	Lateral Transfer	02/04/2013	3650 - Juvenile Probation	30004437 / Chemical Dependency Counselor Sr / 1 - Regular / 02 - Full Time Non-Exempt / GRD17 / 00 / \$39,880.36	3650 - Juvenile Probation	30004441 / Counselor Sr / 1 - Regular / 02 - Full Time Non-Exempt / GRD17 / 00 / \$39,880.36
Mobility	Lateral Transfer	03/11/2013	3325 - Criminal Courts	30001539 / Court Reporter / 1 - Regular / 01 - Full Time Exempt / GRD25 / 00 / \$69,629.25	3325 - Criminal Courts	30001517 / Court Reporter / 1 - Regular / 01 - Full Time Exempt / GRD25 / 00 / \$80,341.25
Mobility	Promotion	03/11/2013	1700 - Transportation and Nat Rsrc	30005096 / Road Maintenance Worker / 1 - Regular / 02 - Full Time Non-Exempt / GRD10 / 00 / \$26,915.20	1700 - Transportation and Nat Rsrc	30005012 / Equipment Operator / 1 - Regular / 02 - Full Time Non-Exempt / GRD12 / 00 / \$30,804.80
Mobility	Promotion	03/11/2013	1700 - Transportation and Nat Rsrc	30004984 / Road Maintenance Worker / 1 - Regular / 02 - Full Time Non-Exempt / GRD10 / 00 / \$29,927.25	1700 - Transportation and Nat Rsrc	30004987 / Equipment Operator / 1 - Regular / 02 - Full Time Non-Exempt / GRD12 / 00 / \$34,621.60

WEEKLY PERSONNEL AMENDMENTS - ROUTINE

Action Type Description	Action Reason Description	Action Effective Date	Current Personnel Area	CURRENT Position / Position Title / Employee Group / Employee Subgroup / Grade / Level / Salary/Rate Amt	New Personnel Area	NEW Position / Position Title / Employee Group / Employee Subgroup / Grade / Level / Salary/Rate Amt
Mobility	Promotion	03/04/2013	3470 - Constable Pct 5	30001844 / Court Clerk I / 1 - Regular / 02 - Full Time Non- Exempt / GRD13 / 00 / \$34,196.00	3470 - Constable Pct 5	30001853 / Accountant Assoc / 1 - Regular / 02 - Full Time Non-Exempt / GRD14 / 00 / \$36,589.72
Mobility	Temporary to Regular	03/01/2013	1800 - Rcd Mgmt and Comm Rsrc	30005197 / Law Librarian / 2 - Temporary / 05 - Hourly - Retmt / GRD17 / 00 / \$19.05	1800 - Rcd Mgmt and Comm Rsrc	30050241 / Law Librarian / 1 - Regular / 02 - Full Time Non- Exempt / GRD17 / 00 / \$39,615.06
Mobility	Temporary to Regular	02/24/2013	3650 - Juvenile Probation	30004185 / Juvenile Detention Officer Asst / 2 - Temporary / 05 - Hourly - Retmt / GRD12 / 00 / \$13.59	3650 - Juvenile Probation	30004220 / Juvenile Detention Officer I / 1 - Regular / 02 - Full Time Non- Exempt / GRD13 / 00 / \$31,158.40
Salary Change	Salary/Hourly Rate Change	03/16/2013	3600 - Pretrial Services	30003907 / Pretrial Officer I / 1 - Regular / 02 - Full Time Non-Exempt / GRD16 / 00 / \$38,311.10	3600 - Pretrial Services	GRD16 / 00 / \$40,226.66

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**FY 13 TEMPORARY POSITION EXTENSIONS - TEMPORARY HOURLY NO BENEFIT POSITIONS**

Personnel Area	Position Number	Position Title
Constable 5	30050476	Office Asst
County Clerk	30050292	Application Dev Mgr
County Clerk	30006054, 30006055, 30006058, 30006059, 30006060, 30006061, 30006062, 30006064, 30006065, 30006066, 30006067, 30006068, 30006069, 30006070, 30006071, 30006073, 30006074, 30006075, 30006083, 30006085,  30006088, 30006091, 30006092, 30006094, 30006095, 30006096, 30006097, 30006098, 30006099, 30006100, 30006102, 30006103, 30006104, 30006105, 30006106, 30006107, 30006108, 30006112, 30006113, 30006114,  30006115, 30006116, 30006117, 30006118, 30006119, 30006120, 30006121, 30006122, 30006123, 30006124, 30006125, 30006126, 30006127, 30006128, 30006129, 30006130, 30006131, 30006132, 30006133, 30006134,  30006136, 30006137, 30006138, 30006139, 30006140, 30006141, 30006142, 30006143, 30006144, 30006145, 30006146, 30006147, 30006148, 30006153, 30006154, 30006158, 30006160, 30006161, 30006162, 30006163,  30006164, 30006165, 30006166, 30006167, 30006168, 30006169, 30006170, 30006171, 30006174, 30006175, 30006176, 30006177, 30006178, 30006179, 30006180, 30006181, 30006182, 30006183, 30006184, 30006185,  30006186, 30006187, 30006188, 30006189, 30006190, 30006191, 30006192, 30006193, 30006194, 30006195, 30006196, 30006197, 30006198, 30006199, 30006200, 30006201, 30006203, 30006204, 30006205, 30006206,	Elections Early Voting Clerk 6

**FY 13 TEMPORARY POSITION EXTENSIONS - TEMPORARY HOURLY NO BENEFIT POSITIONS**

Personnel Area	Position Number	Position Title
County Clerk	30006207, 30006208, 30006209, 30006210, 30006211, 30006212, 30006213, 30006214, 30006215, 30006217, 30006218, 30006219, 30006220, 30006221, 30006222, 30006223, 30006224, 30006225, 30006226, 30006227,  30006229, 30006230, 30006231, 30006232, 30006233, 30006234, 30006235, 30006236, 30006237, 30006238, 30006239, 30006240, 30006241, 30006242, 30006243, 30006244, 30006245, 30006246, 30006247, 30006248,  30006249, 30006250, 30006251, 30006252, 30006254, 30006255, 30006256, 30006257, 30006258, 30006259, 30006260, 30006261, 30006262, 30006263, 30006264, 30006266, 30006267, 30006268, 30006269, 30006271,  30006272, 30006273, 30006274, 30006275, 30006276, 30006277, 30006278, 30006279, 30006282, 30006283, 30006285, 30006286, 30006287, 30006291, 30006293, 30006294, 30006295, 30006297, 30006298, 30006299,  30006300, 30006301, 30006302, 30006304, 30006305, 30006306, 30006307, 30006308, 30006309, 30006310, 30006311, 30006312, 30006313, 30006314, 30006315, 30006316, 30006317, 30006318, 30006320, 30006321,  30006322, 30006323, 30006324, 30006325, 30006326, 30006327, 30006328, 30006329, 30006340, 30006343, 30006350, 30006351, 30006357, 30006359, 30006360, 30006363, 30006365, 30006368, 30006370, 30006372,  30006373, 30006374, 30006378, 30006379, 30006380, 30006381, 30006382, 30006384, 30006385, 30006387, 30006389, 30006394, 30006401, 30006402, 30006404, 30006406, 30006408, 30006409, 30006410, 30006411,	Elections Early Voting Clerk 6

**FY 13 TEMPORARY POSITION EXTENSIONS - TEMPORARY HOURLY NO BENEFIT POSITIONS**

Personnel Area	Position Number	Position Title
County Clerk	30006412, 30006413, 30006415, 30006416, 30006417, 30006418, 30006419, 30006420, 30006421, 30006422, 30006423, 30006424, 30006425, 30006426, 30006427, 30006428, 30006429, 30006431, 30006433, 30006434,  30006437, 30006440, 30006441, 30006442, 30006444, 30006445, 30006446, 30006447, 30006449, 30006450, 30006451, 30006452, 30006453, 30006454, 30006456, 30006457, 30006458, 30006459, 30006460, 30006461,  30006462, 30006463, 30006464, 30006465, 30006466, 30006468, 30006469, 30006470, 30006471, 30006472, 30006473, 30006474, 30006475, 30006476, 30006477, 30006479, 30006480, 30006481, 30006482, 30006483,  30006484, 30006485, 30006486, 30006488, 30006489, 30006490, 30006491, 30006492, 30006493, 30006494, 30006495, 30006496, 30006497, 30006498, 30006499, 30006500, 30006501, 30006502, 30006503, 30006504,  30006505, 30006506, 30006507, 30006508, 30006509, 30006510, 30006514, 30006516, 30006517, 30006518, 30006519, 30006520, 30006521, 30006522, 30006523, 30006524, 30006528, 30006529, 30006530, 30006532,  30006533, 30006534, 30006535, 30006536, 30006537, 30006538, 30006539, 30006540, 30006541, 30006542, 30006543, 30006544, 30006545, 30006546, 30006547, 30006548, 30006549, 30006550, 30006551, 30006552,  30006553, 30006554, 30006555, 30006557, 30006558, 30006559, 30006560, 30006561, 30006562, 30006563, 30006564, 30006565, 30006566, 30006567, 30006568, 30006569, 30006570, 30006571, 30006572, 30006573,	Elections Early Voting Clerk 6

**FY 13 TEMPORARY POSITION EXTENSIONS - TEMPORARY HOURLY NO BENEFIT POSITIONS**

Personnel Area	Position Number	Position Title
County Clerk	30006574, 30006575, 30006577, 30006578, 30006582, 30006585, 30006587, 30006592, 30006593, 30006594, 30006601, 30006602, 30006604, 30006605, 30006606, 30006607, 30006610, 30006615, 30006617, 30006618, 30006620, 30006623, 30006624, 30006631, 30006632, 30006643, 30006644, 30006649, 30006650, 30006651, 30006652, 30006653, 30006654, 30006655, 30006656, 30006657, 30006658, 30006659, 30006660, 30006661, 30006662, 30006663, 30006664, 30006665, 30006666, 30006667, 30006671, 30006672, 30006676, 30006677, 30006678, 30006679, 30006680, 30006681, 30006684, 30006687, 30006690, 30006691, 30006692, 30006693, 30006694, 30006695, 30006697, 30006698, 30006700, 30006701, 30006702, 30006703, 30006704, 30006705, 30006706, 30006707, 30006708, 30006710, 30006711, 30006712, 30006714, 30006715, 30006716, 30006717, 30006721, 30006722, 30006723, 30006726, 30006728, 30006729, 30006731, 30006732, 30006733, 30006736, 30006739, 30006740, 30006743, 30006744, 30006747, 30006748, 30006750, 30006751, 30006754, 30006755, 30006756, 30006763, 30006765, 30006767, 30006768, 30006775, 30006782, 30006784, 30006786, 30006787, 30006788, 30006789, 30006791, 30006795, 30006796, 30006797, 30006801, 30006802, 30006803, 30006805, 30006806, 30006810, 30006813, 30006814, 30006815, 30006816, 30006817, 30006818, 30006819, 30006822, 30006826, 30006827, 30006829, 30006831, 30006832, 30006835, 30006836, 30006838, 30006839, 30006840, 30006841, 30006843, 30006845, 30006846, 30006848, 30006849	Elections Early Voting Clerk 6

**FY 13 TEMPORARY POSITION EXTENSIONS - TEMPORARY HOURLY NO BENEFIT POSITIONS**

Personnel Area	Position Number	Position Title
<b>County Clerk</b>	30006057, 30006330, 30006331, 30006332, 30006333, 30006334, 30006335, 30006336, 30006337, 30006338, 30006339, 30006341, 30006342, 30006344, 30006345, 30006346, 30006347, 30006348, 30006349, 30006352,  30006353, 30006354, 30006355, 30006356, 30006358, 30006361, 30006362, 30006364, 30006366, 30006367, 30006369, 30006371, 30006377, 30006430, 30006436, 30006438, 30006439, 30006443, 30006448, 30006455,  30006467, 30006576, 30006584, 30006589, 30006590, 30006591, 30006595, 30006596, 30006597, 30006598, 30006599, 30006600, 30006603, 30006612, 30006613, 30006616, 30006619, 30006621, 30006622, 30006625,  30006629, 30006636, 30006637, 30006638, 30006639, 30006640, 30006645, 30006647, 30006734, 30006737, 30006742, 30006745, 30006770, 30006771, 30006773, 30006774, 30006777, 30006778	Elections Early Voting Deputy 7
<b>County Clerk</b>	30006611, 30006761	Elections Operations Clerk I 8
<b>County Clerk</b>	30006056, 30006063, 30006072, 30006076, 30006077, 30006078, 30006079, 30006080, 30006081, 30006082, 30006084, 30006086, 30006087, 30006089, 30006090, 30006093, 30006101, 30006149, 30006150, 30006151,  30006152, 30006155, 30006157, 30006159, 30006270, 30006280, 30006281, 30006289, 30006290, 30006296, 30006375, 30006376, 30006383, 30006386, 30006388, 30006390, 30006391, 30006392, 30006393, 30006395,	Elections Operations Clerk II 9

**FY 13 TEMPORARY POSITION EXTENSIONS - TEMPORARY HOURLY NO BENEFIT POSITIONS**

Personnel Area	Position Number	Position Title
County Clerk	30006396, 30006397, 30006398, 30006399, 30006405, 30006407, 30006414, 30006432, 30006435, 30006511, 30006512, 30006513, 30006527, 30006579, 30006580, 30006581, 30006583, 30006586, 30006588, 30006641, 30006646, 30006648, 30006668, 30006673, 30006674, 30006682, 30006683, 30006685, 30006686, 30006689, 30006709, 30006713, 30006719, 30006780, 30006790	Elections Operations Clerk II 9
County Clerk	30006109, 30006110, 30006111, 30006135, 30006156, 30006172, 30006173, 30006202, 30006216, 30006228, 30006253, 30006265, 30006284, 30006288, 30006292, 30006303, 30006319, 30006400, 30006403, 30006478, 30006487, 30006515, 30006525, 30006526, 30006531, 30006556, 30006608, 30006609, 30006614, 30006626, 30006627, 30006628, 30006630, 30006633, 30006634, 30006635, 30006642, 30006669, 30006670, 30006675, 30006688, 30006696, 30006699, 30006718, 30006720, 30006724, 30006725, 30006727, 30006735, 30006738, 30006741, 30006746, 30006749, 30006752, 30006753, 30006757, 30006758, 30006759, 30006760, 30006762, 30006764, 30006766, 30006769, 30006772, 30006776, 30006779, 30006781, 30006783, 30006785, 30006792, 30006793, 30006794, 30006798, 30006799, 30006800, 30006804, 30006807, 30006808, 30006809, 30006812, 30006820, 30006821, 30006823, 30006824, 30006825, 30006828, 30006830, 30006833, 30006834, 30006837, 30006842, 30006844, 30006847, 30006850, 30006851	Elections Operations Clerk III 10
County Clerk	30006053, 30006730, 30006811, 30050108, 30050140, 30050351	Elections Operations Clerk IV 11



**FY 13 TEMPORARY POSITION EXTENSIONS - TEMPORARY HOURLY NO BENEFIT POSITIONS**

<b>Personnel Area</b>	<b>Position Number</b>	<b>Position Title</b>
<b>Emergency Medical Service</b>	30050651	Business Analyst Assoc
<b>Emergency Medical Service</b>	30005995	Helicopter Pilot Sr
<b>PBO</b>	30005856	Financial Analyst Sr

<b>NON-ROUTINE – Voluntary Reassignment</b>				
<b>Dept. (From)</b>	<b>Position / Position Title / Employee Subgroup / Grade / Level / Salary</b>	<b>Dept. (To)</b>	<b>Position / Position Title / Employee Subgroup / Grade / Level / Salary</b>	<b>Comments</b>
<b>RMCR</b>	30005961 / Law Library Supv / Part Time Exempt / Grd 20 / 00 / \$27,081.81	<b>RMCR</b>	30005201 / Law Librarian / Part Time Non-Exempt / Grd 17 / 00 / \$27,081.81	Voluntary job change. Pay remains the same. Pay is between midpoint and max of pay grade. Travis County Code § 10.03009.

**BY ORDER OF THE COMMISSIONERS COURT, THE PRECEDING PERSONNEL AMENDMENTS ARE APPROVED.**

\_\_\_\_\_  
**Samuel T. Biscoe, County Judge**

\_\_\_\_\_  
**Ron Davis, Commissioner, Pct. 1**

\_\_\_\_\_  
**Sarah Eckhardt, Commissioner, Pct. 2**

\_\_\_\_\_  
**Gerald Daugherty, Commissioner, Pct. 3**

\_\_\_\_\_  
**Margaret Gomez, Commissioner, Pct. 4**

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# HRMD *Human Resources Management Department*

700 Lavaca Street, 4th Floor • P.O. Box 1748 • Austin, Texas 78767 • (512) 854-9165 / FAX(512) 854-4203

## MEMORANDUM

DATE: March 8, 2013

TO: Samuel T. Biscoe, County Judge  
Ron Davis, Commissioner, Precinct 1  
Sarah Eckhardt, Commissioner, Precinct 2  
Gerald Daugherty, Commissioner, Precinct 3  
Margaret Gomez, Commissioner, Precinct 4

VIA: Leslie Browder, County Executive, Planning & Budget *LB*

FROM: Todd L. Osburn, Compensation Manager, HRMD *TLO*

SUBJECT: Records Management Non-Routine Salary Action, Position 30005201

HRMD requests Commissioners Court to discuss and consider the following action.

### Records Management Request:

Records Management requests approval to maintain the current salary of one part-time Law Library Supervisor (PG 20) concurrent with a voluntary job change to a part-time Law Librarian (PG 17). The salary would place the employee between midpoint and 10% above midpoint in the proposed new pay grade. The request applies to the following action:

### From:

<u>Position #</u>	<u>Title</u>	<u>PG</u>	<u>Salary</u>
30005961	Law Library Supv	20	\$27,081.81

### To:

<u>Position #</u>	<u>Title</u>	<u>PG</u>	<u>Salary</u>
30005201	Law Librarian	17	\$27,081.81

**Policy:**

*Travis County Code §10.03009(b) states that the pay adjustment accompanying a voluntary job change must place the employee either between minimum and midpoint of the new pay grade or there is a 5% decrease for each pay grade that the position is lower than the former position.*

**Issue:**

By maintaining the employee's current salary, the employee's salary is higher than the midpoint of the new pay grade and a decrease of 5% per grade does not occur. By policy, this makes the proposed salary action non-routine.

**Recommendation:**

HRMD recommends approval of the proposed salary action accompanying this voluntary job change. Records Management's request is based on a legitimate business need in the restructuring of duties within the law library. The salary is not excessive for the proposed pay grade. The Planning and Budget Office (PBO) has confirmed funding. The action would be effective March 20, 2013.



**Travis County RMCR**  
Records Management  
& Communication  
Resources

700 Lavaca, 3<sup>rd</sup> floor  
P.O. Box 1748  
Austin, TX 78767

512.854.9575  
Fax: 512.854.4560

**Services:**

**Archives**  
512.854.4675  
Fax: 854.4560

**Imaging Lab**  
512.854.9061  
Fax: 854.4560

**Information Booth**  
512.854.9000  
Fax: 854.9082

**Law Library**  
512.854.8677  
Fax: 512.854.9887


**Media Services/TCTV-17**  
TravisCountyTV.org  
512.854.9503  
Fax: 854.4560

**Mail Services**  
512.854.9528  
Fax: 854.4560

**Offsite Storage**  
512.854.5865  
Fax: 854.9062

**Print Shop**  
512.854.9104  
Fax: 854.9105

**MEMORANDUM**

To: Diane Poirot, Director, HRMD  
From:  Steven Broberg, Director, RMCR  
Date: January 28, 2013  
Re: Voluntary Job Change in RMCR

Records Management and Communication Resources (RMCR) requests approval of a voluntary job change in which the employee retains current salary at a lower pay grade.

The Law Library has a vacancy for a half-time law librarian in the slot 44 (position 30005201). The .5 FTE reference supervisor, currently in slot 53, would like to transition from a supervising position to a non-supervising position.

A Library Supervisor position is a pay grade 20. Librarian positions are a pay grade 17. The supervisor's salary of is above midpoint of the lower pay grade.

Due to this individual's experience, knowledge and ability we feel that the salary proposed, \$27,082, is appropriate. RMCR would recommend the same amount as a starting salary if this employee were to be hired into the vacant slot.

RMCR has the funds available in the current budget to accommodate this salary without requesting additional funds from PBO.





# Travis County Commissioners Court Agenda Request

**Meeting Date:** Tuesday, March 19, 2013  
**Prepared By/Phone Number:** Deece Eckstein, 854-9754  
**Elected/Appointed Official/Dept. Head:** Deece Eckstein, 854-9754  
**Commissioners Court Sponsor:** Judge Biscoe

## AGENDA LANGUAGE:

AT 11:00 A.M.:

CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING:

- A. UPDATE ON LEGISLATIVE ACTIVITIES; AND,
- B. ADDITIONS TO THE PRIORITIES, POLICY POSITIONS AND THE POSITIONS ON OTHER PROPOSALS SECTIONS OF THE TRAVIS COUNTY LEGISLATIVE AGENDA.

## SUMMARY AND IGR COORDINATOR RECOMMENDATION:

IGR recommends that the Court modify the Travis County Legislative Agenda as proposed in the attached Motion in Writing, and specifically include the following:

Oppose legislation or budgeting decisions that:

- a) weaken local control of taxpayer dollars;
- b) require that local intergovernmental transfers be dedicated to any specific, statewide hospital supplemental funding streams;
- c) mandate how IGT dollars are distributed across hospital funding streams; or
- d) jeopardize 1115 Waiver efforts to transform the health care delivery system.

## BACKGROUND:

1. Travis County has seven legislative priorities on which it is taking the lead, and six others on which it is working with CUC, TAC and CJCAT. Bills have been filed to accomplish all those priorities, and we are working with the authors to develop bill analyses and talking points, line

up witnesses, and begin preliminary briefing of committee members and their staffs.

2. Last Wednesday, the Senate Finance Committee reported out their Committee Substitute for SB 1, the 2014-15 state budget. Chairman Williams plans to bring the bill to the full Senate before the end of the month. The House Appropriations Committee is also marking up its version of the budget bill and is expected to report it out next week.
3. As of Thursday, March 14, 5,874 bills and joint resolutions have been filed. We are tracking 1,428 of them through the ATLAS system, and have received 1,135 analyses from the county's policy experts. A spreadsheet detailing this information is attached.

#### **ISSUES AND OPPORTUNITIES:**

4. Last week, the Court approved and executed a letter to the state leadership regarding proposals to mandate that hospital districts, including Central Health, prioritize continuation of the DSH program over other funding priorities in their transfer payments. The backup materials also suggested an addition to the Court's Legislative Agenda, but the Court did not discuss that. IGR recommends this addition to the legislative agenda under the Health and Human Services subsection of the Policy Positions section:

Oppose legislation or budgeting decisions that:

- a) weaken local control of taxpayer dollars;
  - b) require that local intergovernmental transfers be dedicated to any specific, statewide hospital supplemental funding streams;
  - c) mandate how IGT dollars are distributed across hospital funding streams; or
  - d) jeopardize 1115 Waiver efforts to transform the health care delivery system.
5. IGR recommends that the Court adopt the changes to the Travis County Legislative Agenda contained in the attached Motion in Writing. These changes, with the exception of the DSH local control position, have all been previously approved by the Court. That date of the Court's action in all those cases is indicated.

**FISCAL IMPACT AND SOURCE OF FUNDING:** Not applicable.



**REQUIRED AUTHORIZATIONS:** None.

**NAMES, PHONE NUMBERS AND EMAIL ADDRESSES OF PERSONS WHO MIGHT BE AFFECTED BY OR BE INVOLVED WITH THIS REQUEST:**

Tanya Acevedo, Project Management Division Manager  
Travis County Information Technology Services  
Phone: 854-8685  
Email: [Tanya.Acevedo@co.travis.tx.us](mailto:Tanya.Acevedo@co.travis.tx.us)

Daniel Bradford, Assistant County Attorney  
County Attorney's Office  
Phone: 854-3718  
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**ATTACHMENTS:**

- A. Bill Status Report, March 14, 2013.
- B. Motion in Writing regarding amendments to the Travis County Legislative Agenda, March 19, 2013.

AS OF	WEEK	1	2	3	4	5	6	7	8	9	10
<b>THURSDAY</b>		10-Jan	17-Jan	24-Jan	31-Jan	7-Feb	14-Feb	21-Feb	28-Feb	7-Mar	14-Mar
	<b>HBs</b>	446	550	686	845	1,035	1,282	1,582	2,001	2,841	3,862
	<b>HJR</b> s	39	43	44	51	58	63	72	83	106	130
	<b>SB</b> s	149	162	209	268	386	528	669	906	1,305	1,823
	<b>SJR</b> s	11	13	16	20	22	29	30	36	45	59
<b>TOTAL</b>	<b>BILLS</b>	645	768	955	1,184	1,501	1,902	2,353	3,026	4,297	5,874
<b>TRAVIS COUNTY</b>											
	<b>TRACKED</b>	167	281	305	368	474	551	636	712	1,064	1,428
	<b>ANALYSES</b>	109	137	281	346	430	485	627	723	878	1,135
	<b>SUPPORT</b>	0	0	0	0	0	0	0	0	0	3
	<b>OPPOSE</b>	0	0	0	0	1	1	1	2	14	14

AS OF	WEEK	11	12	13	14	15	16	17	18	19	20
<b>THURSDAY</b>		21-Mar	28-Mar	4-Apr	11-Apr	18-Apr	25-Apr	2-May	9-May	16-May	23-May
	<b>HB</b> s										
	<b>HJR</b> s										
	<b>SB</b> s										
	<b>SJR</b> s										
<b>TOTAL</b>	<b>BILLS</b>										
<b>TRAVIS COUNTY</b>											
	<b>TRACKED</b>										
	<b>ANALYSES</b>										
	<b>SUPPORT</b>										
	<b>OPPOSE</b>										

Travis County Commissioners Court  
Voting Session, March 19, 2013  
Motion in Writing

Move that the Travis County Commissioners Court adopt the following amendments to its **Legislative Agenda for the 83<sup>rd</sup> Texas Legislature**:

1. Add the following to the **Health & Human Services** subsection of the Policy Positions section:

Support legislation and budgeting decisions to include Texas in the Medicaid expansion program.

*(2/26/13)*

Oppose legislation or budgeting decisions that:

a) weaken local control of taxpayer dollars;

b) require that local intergovernmental transfers be dedicated to any specific, statewide hospital supplemental funding streams;

c) mandate how IGT dollars are distributed across hospital funding streams; or

d) jeopardize 1115 Waiver efforts to transform the health care delivery system.

*(no action taken on 3/12/13)*

2. Add the following to the **Taxation, Revenues, Budget and Administration** subsection of the **Policy Positions** section:

Support legislation to allow Travis County to impose a filing fee of up to \$15 for all civil cases, with proceeds dedicated to helping pay for the construction, renovation, or improvement of the facilities that house the Travis County civil courts.

*(2/12/13)*

3. Add the following to the **Positions on Other Proposals** section:

Support legislation to give the Travis County Sheriff permissive authority to enforce certain federal laws and regulations regarding commercial motor vehicles.

*(2/26/13)*

4. Add the following to the **Priorities** section:

Support legislation to allow Travis County to impose a filing fee of up to \$15 for all civil cases, with proceeds dedicated to helping pay for the construction, renovation, or improvement of the facilities that house the Travis County civil courts. (TRBA-13)

*(2/12/13)*

Support legislation to give the Travis County Sheriff permissive authority to enforce certain federal laws and regulations regarding commercial motor vehicles. (POP-1)

*(2/12/13)*



# Travis County Commissioners Court Agenda Request

**Meeting Date:** Tuesday, March 19, 2013  
**Prepared By/Phone Number:** Deece Eckstein, 854-9754  
**Elected/Appointed Official/Dept. Heads:** Sherri Fleming, 854-4581  
Deece Eckstein, 854-9754  
**Commissioners Court Sponsor:** Judge Biscoe

## **AGENDA LANGUAGE:**

CONSIDER AND TAKE APPROPRIATE ACTION REGARDING JOINT TRAVIS COUNTY-CITY OF AUSTIN APPOINTMENT TO THE CENTRAL HEALTH BOARD OF MANAGERS, INCLUDING:

- A. PROPOSED QUESTIONS FOR INTERVIEWS WITH CANDIDATES;  
AND
- B. INTERVIEW SCHEDULE AND OTHER RELATED ISSUES.

## **SUMMARY AND IGR RECOMMENDATION:**

The Commissioners Court and the Austin City Council jointly make one appointment to the nine-member Central Health Board of Managers. Applications were due February 22, and a screening committee reviewed the applications and identified finalists. The Commissioners Court has scheduled a work session for Thursday, March 21, at 1:30 p.m. to interview the finalists.

IGR recommends that the Court adopt the questions it wishes to ask of the finalists and authorize IGR to contact the finalists and schedule the times of their interviews.

## **BACKGROUND:**

### *Membership*

Central Health/Travis County Healthcare District (TCHD) Board of Managers:

- ★ Nine members, with four-year staggered terms
  - Four appointed by the Travis County Commissioners Court

- Four appointed by the Austin City Council
- One appointed jointly by the two bodies
- ★ The current County-City appointee resigned at the end of 2012
- ★ Subject to the Uniform Appointment Process

### *Process*

In January, the Court and the Public Health and Human Services Subcommittee of the Austin City Council adopted a process for jointly selecting a member of the Central Health Board of Managers. Under that process, the deadline for applications was Friday, February 22, 2013. Eighteen qualified applications were received.

A screening committee was created by the City and the County, composed of an elected official and two senior staff people from each. Commissioner Margaret Gómez and County Executives Sherri Fleming and Danny Hobby represented the County. The screening committee reviewed all the applications with a goal to identify three finalists to be interviewed by both the Public Health and Human Services Subcommittee of the Austin City Council and the Commissioners Court.

### *Qualifications*

With input from Central Health, the Court and the Subcommittee suggested the following qualifications in the Call for Applications:

1. Senior management-level experience in a non-governmental entity
2. Experience serving on Boards of Directors for high-level businesses or for-profit organizations
3. Demonstrated leadership experience requiring strategic planning, execution, and maintenance of successful business operations
4. Knowledge of the issues and components related to the “safety net” health system.
5. Understanding of the operating principles and value of Federally Qualified Health Centers (FQHCs).
6. Reflective of the diversity of the communities served by Central Health
7. Mature and seasoned community leader

In addition to these criteria, the County requires applicants to complete a Conflict of Interest Disclosure Affidavit.<sup>1</sup> Responses to the Affidavit provide

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valuable information to the Court, but do not act as an absolute bar to service on the Central Health Board of Managers.

The County also requires a Central Health appointee, as a precondition for assuming his or her role, to complete a [Personal Financial Statement](#) document.

**FISCAL IMPACT AND SOURCE OF FUNDING:** Not applicable.

**REQUIRED AUTHORIZATIONS:** None.

**NAMES, PHONE NUMBERS AND EMAIL ADDRESSES OF PERSONS WHO MIGHT BE AFFECTED BY OR BE INVOLVED WITH THIS REQUEST:**

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County Executive, Health and Human Services & Veterans Services  
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Prema Gregerson  
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Beth Devery  
County Attorney's Office  
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Ann-Marie Price, Director of Government Affairs  
Central Health  
Phone: 978-8179  
Email: [annmarie.price@centralhealth.net](mailto:annmarie.price@centralhealth.net)

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<sup>1</sup> The City has a different conflicts requirement, but for purposes of this appointment adopted the County's approach.

**ATTACHMENTS:**

- A. Current roster of Central Health Board of Managers members, updated February 26, 2013.
- B. Proposed questions to be asked of finalists, for discussion and adoption on March 19, 2013.



# ATTACHMENT A

## Central Health Board of Managers

Current Membership	First Appointed	Date Reappointed	Term Expires
<b>Rosie Mendoza, Chair</b> Contact Phone: (512) 708-1690 E-mail Address: <a href="mailto:rosiem@rmendozacpa.com">rosiem@rmendozacpa.com</a> Nominated by: Mayor Lee Leffingwell Representing: City resident, if applicable	08/01/04	03/05/09	12/31/12
<b>VACANT</b> Contact Phone: E-mail Address: Nominated by: Outside Representing: City Council & Travis County	06/11/09 Resigned 12/31/12		12/31/16
<b>Brenda Coleman-Beattie, Treasurer</b> Contact Phone: (512) 329-9990 Nominated by: Travis County Representing: Travis County	03/31/09	10/05/10	12/31/15
<b>Guadalupe Zamora, M.D.</b> Contact Phone: (512) 482-0248 Email Address: <a href="mailto:GZamora1@austin.rr.com">GZamora1@austin.rr.com</a> Nominated by: Travis County Representing: Travis County	01/15/13		12/31/16
<b>Thomas Coopwood, M.D.</b> Contact Phone: (512) 345-1316 E-mail Address: <a href="mailto:tcoopwood1@austin.rr.com">tcoopwood1@austin.rr.com</a> Nominated by: Mayor Lee Leffingwell Representing: City resident, if applicable	01/01/08	12/08/11	12/31/14
<b>Katrina Daniel</b> Contact Phone: (512) 619-8638 E-mail Address: <a href="mailto:katrina.daniel@sbcglobal.net">katrina.daniel@sbcglobal.net</a> Nominated by: Mayor Lee Leffingwell	07/23/09	01/27/11	12/31/14
<b>Clarke Heidrick</b> Contact Phone: (512) 480-5636 E-mail Address: <a href="mailto:cheidrick@gdhm.com">cheidrick@gdhm.com</a> Nominated by: Travis County Representing: Travis County	08/01/05	12/29/09	12/31/13
<b>Lynne Hudson</b> Contact Phone: (512) 000-0000 E-mail Address: <a href="mailto:l.hudson@sbcglobal.net">l.hudson@sbcglobal.net</a> Nominated by: Mayor Lee Leffingwell	04/21/11		12/31/13
<b>Rebecca Lightsey</b> Contact Phone: (512) 473-2800 E-mail Address: <a href="mailto:rlightsey@texasappleseed.net">rlightsey@texasappleseed.net</a> Nominated by: Travis County Representing: Travis County	03/18/11	10/25/11	12/31/15



**INTERVIEW QUESTIONS FOR APPLICANTS**  
**To The Travis County Healthcare District Board of Managers.**

1. What do you consider the primary mission, challenges and opportunities for the Healthcare District?
  
2. What are the most important attributes you would bring to the Healthcare District if selected to serve on the Board of Managers?
  
3. What role, if any, should neighborhood and homeowners' associations and other sources of public input play for the Healthcare District, particularly when considering any future clinic locations and/or clinic closings?
  
4. Describe an event or project in your personal or professional life where your leadership helped to navigate a diverse group to consensus on a difficult issue.
  
5. Describe your personal philosophy on public policy and fiscal accountability as it relates to the provision of public services.

6. What priority should be given to including mental healthcare into the services provided to the clients of the Healthcare District? How do you think it should be done?
  
7. What role, if any, should the Healthcare District play in the provision of pre-hospital emergency medical care?
  
8. Given that societal factors such as income, education and environment are the biggest determinants of health, what role, if any, should the Healthcare District play in addressing these factors in our community?
  
9. In making decisions about the distribution of limited resources, how would you weigh the effects of your decisions on emergency medical services?
  
10. What limitations, if any, are placed on the time you have available for service on the Board of Managers?
  
11. Are there any comments or questions for the members of the Commissioners Court?



## MEMORANDUM

**TO:** Mayor and Council

**FROM:** Kevin Johns, Director, Economic Growth & Redevelopment Services Office

**DATE:** February 21, 2013

**SUBJECT:** Staff action related to Council Special Committee on Economic Incentives:  
Approved motions including direction to staff

This is a brief report on tasks associated with the *Council Special Committee on Economic Incentives Subcommittee*. In June of 2012, the City Council created a Council Special Committee on Economic Incentives to create a uniform framework that incorporates community values within economic development agreement proposals. On November 27, 2012, the Special Committee approved several motions (described below) to propose amendments of the *City's Economic Development Policy* to City Council for consideration. Additionally, the Special Committee, by motion, directed the EGRSO staff in the four (4) areas described on the second page. This memo is to provide an update on the work EGRSO has completed to date.

**Motions approved by the Special Committee to amend the City's Economic Development Policy are listed below 1 – 5:**

1. Shift the economic development policy from an abatement system to a rebate system that is tied to documentation and achievement of targeted goals identified in the economic incentive package.
2. Require that prevailing wages be paid to construction workers.
3. Use the City's Living Wage of \$11/hour as a Core Value. A Core Value is meant to be a minimum requirement that becomes part of the evaluation to determine whether or not an economic development agreement proposal is appropriate for Council consideration.
  - a. Apply the living wage minimum hourly rate to all jobs, including full time employees, contract employees and contract construction employees.
  - b. Create an exception process, with a recommendation from staff as to how to structure this process, which would allow a company, in certain circumstances, to ask for an exception that would be heard at the same time as the final vote for an incentive package.
4. Include domestic partner benefits and health insurance benefits as a Core Value. Utilize the same exception process created in 3.b. above.
5. Change the Threshold for Extraordinary Economic Impact within the Firm-Based Matrix to include the items listed below. Direction was given to staff to blend this motion with a staff recommendation and to bring the finished product back to Council for consideration.
  - a. Paying base wages of \$11/hour
  - b. Meeting or exceeding Minority-owned and women-owned (MBE/WBE) goals identified in the Chapter 380 agreement
  - c. Creating 10% of jobs that benefit the economically disadvantaged population
  - d. Developing a program for recruiting of ex-offenders
  - e. Providing domestic partner benefits

- f. Filling 25% of new jobs by City of Austin residents
- g. Paying at least the industry average for new full-time jobs created
- h. Locating in a targeted redevelopment area
- i. Locating within ½ mile of public transit
- j. Obtaining LEED certification silver or above
- k. Creating a Web LOCI net benefit of at least \$5,000,000

### ***Status Report***

Progress for items #3(b) and #5: The exception process and recommended changes to the Threshold for Extraordinary Impact are being developed and will take into consideration research from item #9 and # 10 below. We are optimistic that completion is within the next 2-3 months, at which time staff recommendations for items #3(b), #5, and #6 will be brought forward for Council consideration. In the interim I will keep you apprised of our progress through monthly communications.

### **Other motions approved by the Special Committee were made as follows:**

6. Establish a stakeholder process to consider strategies for mitigating potential impacts on from #3 above to subcontractors and attempt to solve the prompt pay issues associated with subcontracting, including the possible requirement to establish a collateral pool.  
***Progress: Staff is developing a process to obtain stakeholder input in order to develop a recommendation. The work is anticipated to be completed in 2-3 months.***
7. Provide a briefing annually to City Council to discuss targeted industries and how staff goes about determining which industries should be targeted from one year to the next. ***Progress: Both EGRSO staff and the Greater Austin Chamber of Commerce presented this information at the January 17, 2013 City Council meeting.***
8. Make available a series of evaluations made as a function of the firm-based evaluation criteria matrix so that scoring rationale can be seen.  
***Progress: The series will be completed at the end of March 2013 and will be made available to the public on the EGRSO website.***
9. Research and provide to Council options as to how hiring of individuals from the City of Austin can be scaled at both the baseline and as a bonus. Further direction was given to seek best practices from other municipalities.  
***Progress: EGRSO is utilizing the International Economic Development Council to conduct this research of its member municipalities. The best practices research and recommended options will be completed in the next 2-3 months. This item will be presented with the package of items #1-#6 above for Council consideration.***
10. Assess the number of local hires by incentivized companies.  
***Progress: The eleven companies with active firm-based agreements have been asked to provide local hire data for the purpose of determining the number and percentage of City of Austin residents employed by these companies. The companies are responding. The survey responses will be finalized within the next 1-2 months.***
11. Make economic development agreement information more accessible.  
***Progress: The EGRSO main webpage now features a direct link to the active agreements and payment information, and descriptive paragraphs have been added to assist users with understanding the information that is presented.***

Cc: Marc A. Ott, City Manager  
Sue Edwards, Assistant City Manager



# Travis County Commissioners Court Agenda Request

**Meeting Date:** March 19, 2013  
**Prepared By/Phone Number:** David Salazar, 854-9555  
**Elected/Appointed Official/Dept. Head:** County Judge  
**Commissioners Court Sponsor:** Judge Biscoe

## **AGENDA LANGUAGE:**

CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO AMEND JOINT POWERS AGREEMENT TO EXTEND MEMBERSHIP TO BURNET COUNTY.

## **BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

Please see attached.

## **STAFF RECOMMENDATIONS:**

Please see attached.

## **ISSUES AND OPPORTUNITIES:**

Please see attached.

## **FISCAL IMPACT AND SOURCE OF FUNDING:**

None.

## **REQUIRED AUTHORIZATIONS:**

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials should be submitted as a pdf to the County Judge's office, [agenda@co.travis.tx.us](mailto:agenda@co.travis.tx.us) by Tuesdays at 5:00 p.m. for the next week's meeting.

1                                   **CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION**  
2                                   **JOINT POWERS AGREEMENT**

3  
4   **STATE OF TEXAS**                                   §

5   §  
6   **COUNTY OF TRAVIS**                               §  
7

8  
9 | **THIS AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 20~~10~~13, by and between the State  
10 of Texas, acting by and through its Executive Director of the Texas Department of Transportation,  
11 (hereinafter referred to as the State); the City of Austin (the City); the County of Travis (Travis  
12 County); the County of Williamson (Williamson County); the County of Hays (Hays County); and  
13 the Capital Metropolitan Transportation Authority (Capital Metro):

14  
15   **WITNESSETH**

16  
17 **WHEREAS**, Section 134, Title 23, United States Code (23 USC 134) requires that a metropolitan  
18 planning organization be designated for each urbanized area of more than 50,000 population  
19 by agreement among the Governor and units of general purpose local government which  
20 together represent at least 75 percent of the affected population (including the central city or  
21 cities as defined by the Bureau of the Census) or in accordance with procedures established by  
22 applicable State or local law; and,

23  
24 **WHEREAS**, the State, the City, and Travis County on April 6, 1973, did agree to participate in a  
25 continuing, comprehensive, cooperative transportation planning process for the Austin metropolitan  
26 area as provided in the Federal-Aid Highway Act of 1962; and,

27  
28 **WHEREAS**, said agreement was amended on September 30, 1976, June 28, 1984, September 5,  
29 | 1996, February 3, 2003, ~~and~~ February 26, 2007 and April 7, 2010 to revise the organization  
30 and responsibilities for the Capital Area Metropolitan Planning Organization; and,

31  
32 **WHEREAS**, it is the further desire of the signatory agencies that the Study organization be  
33 revised to provide a one-committee structure composed principally of local elected officials of a  
34 unit of general purpose government which have responsibility for project implementation within  
35 the study area;

1 **NOW, THEREFORE**, it is hereby agreed that the aforementioned agreement of February 26,  
2 2007 shall be considered null and void and shall be replaced in its entirety by this agreement  
3 with the organization and responsibilities as set out in the following paragraphs:

4  
5 **I. ORGANIZATION**  
6

7 A Transportation Policy Board will furnish policy guidance and direction for the continuing  
8 transportation study. Membership on the Transportation Policy Board will consist of:

- 9 1. Four members from the Austin City Council.
- 10 2. One member from the Round Rock City Council.
- 11 3. One member of the Cedar Park City Council.
- 12 4. One member of the San Marcos City Council.
- 13 5. One member from the Georgetown City Council.
- 14 6. One member from the Pflugerville City Council.
- 15 7. Three members of the Travis County Commissioners' Court.
- 16 8. One member to be appointed by the Travis County Commissioners' Court.
- 17 9. One member of the Williamson County Commissioners' Court.
- 18 10. One member of the Hays County Commissioners' Court.
- 19 11. One member of the Bastrop County Commissioners' Court.
- 20 12. One member of the Caldwell County Commissioners' Court ~~or the Court's designee until~~  
21 January 1, 2015.
- 22 ~~13.~~ 13. One member of the Burnet County Commissioners' Court.
- 23 ~~14.~~ One representative from the Capital Metropolitan Transportation Authority.
- 24 ~~15.~~ One representative from the Texas Department of Transportation Austin District.

25  
26 Once a CAMPO member city reaches a population of 50,000 persons or more, as  
27 determined by the U.S. Census Bureau in its most recent annual population estimate, a City  
28 Council Member from that city shall be added to the Transportation Policy Board.

29  
30 The voting membership shall be as follows:

31 **VOTING MEMBERSHIP**

32 City of Austin	4
33 City of Round Rock	1
34 City of Cedar Park	1



1	City of San Marcos	1
2	City of Georgetown	1
3	City of Pflugerville	1
4	Travis County	3
5	Travis County appointee	1
6	Williamson County	1
7	Hays County	1
8	Bastrop County	1
9	Caldwell County	1
10	<u>Burnet County</u>	<u>1</u>
11	Texas Department of Transportation	1
12	Capital Metropolitan Transportation Authority	1
13	Any City in the CAMPO area that reaches a population	
14	of 50,000 or more as detailed above	1

16 Each entity that appoints a member shall designate its representatives and alternates to  
17 the Transportation Policy Board and when necessary fill vacancies among its members on  
18 the Board. Entities selecting elected members of the Transportation Policy Board shall  
19 assure racial and ethnic minority representation on the Board that reflects the minority  
20 population of each county, to the maximum extent possible.

21  
22 **AFFILIATE NON-VOTING MEMBERSHIP**

23  
24 In addition to the voting members, there will be affiliate non-voting membership, including,  
25 but not limited to the list below. The Transportation Policy Board may add or make  
26 changes to the affiliate non-voting membership:

- 27 • Capital Metropolitan Transportation Authority, General Manager
- 28 • Federal Highway Administration
- 29 • Federal Transit Administration
- 30 • Texas Department of Transportation, Transportation Planning and
- 31 Programming Division, Austin
- 32 • University of Texas at Austin

33  
34 The function of the Transportation Policy Board shall be as follows:

- 1 1. Provide policy guidance for the transportation planning process.
- 2 2. Carry out in cooperation with the State and local governments and annually certify  
3 a transportation planning process that is in full compliance with Federal  
4 requirements outlined in 23 USC 134, Section 8 of the Federal Transit Act, as  
5 amended (49 USC 7504, 7506, (c) and (d)) as well as other applicable  
6 requirements as specified in 23 CFR 450.114.
- 7 3. Set goals and cooperatively determine the responsibilities of the participating  
8 agencies for planning tasks in the annual Unified Planning Work Program.
- 9 4. Adopt and review a transportation plan which provides for both the near-term  
10 and long-term needs of persons and goods in the study area at least every five  
11 years and recommend its adoption and implementation by local governments and  
12 state agencies.
- 13 5. Develop in cooperation with the State and local governments and endorse a  
14 staged multiyear transportation improvement program at least every two years  
15 which includes projects in or serving the urbanized areas, initiated by the  
16 implementing agencies, and consistent with the transportation plan.
- 17 6. Adopt a Public Involvement Program that includes participation in the development  
18 of the Transportation Plan, the Transportation Improvement Program, Major  
19 Investment Studies, and other plans and programs.
- 20 7. Designate such offices, special committees or task forces as found necessary to  
21 carry out the planning process.
- 22 8. Appoint the CAMPO Executive Director.
- 23 9. Meet at intervals as necessary to perform its functions.
- 24 10. Adopt internal bylaws and operating procedures consistent with this agreement.

## 25 26 27 **II. METROPOLITAN AREA BOUNDARY**

28  
29 The boundary of the Capital Area Metropolitan Planning Organization shall be  
30 determined by agreement between the Transportation Policy Board and the Governor in  
31 accordance with 23 USC 134. The CAMPO area shall cover at least the existing  
32 urbanized area and the contiguous area expected to become urbanized within the twenty  
33 year forecast period and may encompass the entire metropolitan statistical area, as  
34 defined by the Bureau of the Census. After each decennial census, the Transportation

1 Policy Board shall consider appropriate revisions to the CAMPO area to include every  
2 county in the metropolitan statistical area with a population that exceeds 100,000  
3 residents.

### 4 5 **III. CAMPO EXECUTIVE DIRECTOR AND CAMPO OFFICE**

6  
7 A CAMPO Executive Director shall be appointed by the Transportation Policy Board to  
8 work in close cooperation with representatives of the State, local governments, and  
9 agencies within the study area. The principal duties of the CAMPO Executive Director and  
10 CAMPO office will be as follows:

- 11 1. Arrange for meetings of the Transportation Policy Board and any other special  
12 committee or task force created by the Committee.
- 13 2. Maintain the records, meeting minutes, library, and other documents or  
14 correspondence associated with the functions of the Transportation Policy Board.
- 15 3. Maintain liaison and act in an advisory capacity to the Transportation Policy Board.
- 16 4. Coordinate and maintain liaison with the staffs of the agencies participating in the  
17 CAMPO transportation planning process.
- 18 5. Coordinate the development of the Unified Planning Work Program, Transportation  
19 Plan, Transportation Improvement Program, and Major Investment Studies in  
20 cooperation with participating agencies.
- 21 6. Report to the Transportation Policy Board on the status of the transportation planning  
22 process and recommend special studies, revisions to the Transportation Plan,  
23 Transportation Improvement Program, Major Investment Studies, or Unified Planning  
24 Work Program.
- 25 7. Supervise the CAMPO staff and direct the activities of all personnel hired or  
26 contracted with CAMPO as identified in the Unified Planning Work Program.
- 27 8. Advise the Transportation Policy Board on consistency of the CAMPO work program  
28 and Committee actions with applicable federal and state laws and regulations.

### 29 30 **IV. STUDY FINANCING**

31  
32 The expenses involved in the continuing planning process, data gathering, review and  
33 updating the CAMPO plans and programs will be assumed by the participating agencies  
34 as set forth in the Unified Planning Work Program.

### 35 36 **V. AGREEMENT MODIFICATION OR TERMINATION**

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This agreement may be supplemented or renegotiated as necessary to meet changing conditions. By mutual agreement the parties hereto may terminate this agreement

1 **IN WITNESS WHEREOF**, the Parties have hereunto affixed their signatures on the dates indicated.

2

3 **STATE OF TEXAS**

4

5 Certified as being executed for the purpose and effect of activating and/or carrying out the  
6 orders, established policies, or work programs heretofore adopted by the Texas Transportation  
7 Commission.

8

9 By: \_\_\_\_\_

10 Executive Director

11

12 Date: \_\_\_\_\_

13

14 **RECOMMENDED FOR EXECUTION:**

15

16 \_\_\_\_\_

17 District Engineer - Austin District

18

19 \_\_\_\_\_

20 Deputy Executive Director

21

22

23

24 **CITY OF AUSTIN**

25

26

27 By: \_\_\_\_\_

28 City Manager

29

30 Date: \_\_\_\_\_

31

32 **APPROVED AS TO FORM:**

33

34 \_\_\_\_\_

35 City Attorney

36

37

38

1 **COUNTY OF TRAVIS**

2

3 By: \_\_\_\_\_  
4 County Judge

5

6 Date: \_\_\_\_\_

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9 ATTEST: \_\_\_\_\_  
10 County Clerk

11

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14 **COUNTY OF WILLIAMSON**

15

16 By: \_\_\_\_\_  
17 County Judge

18

19 Date: \_\_\_\_\_

20

21 ATTEST: \_\_\_\_\_  
22 County Clerk

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25

26 **COUNTY OF HAYS**

27

28 By: \_\_\_\_\_  
29 County Judge

30

31 Date: \_\_\_\_\_

32

33 ATTEST: \_\_\_\_\_  
34 County Clerk

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37

38 **CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY**

39

40 By: \_\_\_\_\_  
41 President/CEO

42

43

44 Date: \_\_\_\_\_

1                                   **CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION**  
2                                   **JOINT POWERS AGREEMENT**

3  
4   **STATE OF TEXAS**                                   **§**

5   **§**  
6   **COUNTY OF TRAVIS**                               **§**  
7

8  
9   **THIS AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between the State of  
10 Texas, acting by and through its Executive Director of the Texas Department of Transportation,  
11 (hereinafter referred to as the State); the City of Austin (the City); the County of Travis (Travis  
12 County); the County of Williamson (Williamson County); the County of Hays (Hays County); and  
13 the Capital Metropolitan Transportation Authority (Capital Metro):

14  
15   **WITNESSETH**

16  
17   **WHEREAS**, Section 134, Title 23, United States Code (23 USC 134) requires that a metropolitan  
18 planning organization be designated for each urbanized area of more than 50,000 population  
19 by agreement among the Governor and units of general purpose local government which  
20 together represent at least 75 percent of the affected population (including the central city or  
21 cities as defined by the Bureau of the Census) or in accordance with procedures established by  
22 applicable State or local law; and,

23  
24   **WHEREAS**, the State, the City, and Travis County on April 6, 1973, did agree to participate in a  
25 continuing, comprehensive, cooperative transportation planning process for the Austin metropolitan  
26 area as provided in the Federal-Aid Highway Act of 1962; and,

27  
28   **WHEREAS**, said agreement was amended on September 30, 1976, June 28, 1984, September 5,  
29 1996, February 3, 2003, February 26, 2007 and April 7, 2010 to revise the organization and  
30 responsibilities for the Capital Area Metropolitan Planning Organization; and,

31  
32   **WHEREAS**, it is the further desire of the signatory agencies that the Study organization be  
33 revised to provide a one-committee structure composed principally of local elected officials of a  
34 unit of general purpose government which have responsibility for project implementation within  
35 the study area;

1 **NOW, THEREFORE**, it is hereby agreed that the aforementioned agreement of February 26,  
2 2007 shall be considered null and void and shall be replaced in its entirety by this agreement  
3 with the organization and responsibilities as set out in the following paragraphs:

4  
5 **I. ORGANIZATION**  
6

7 A Transportation Policy Board will furnish policy guidance and direction for the continuing  
8 transportation study. Membership on the Transportation Policy Board will consist of:

- 9 1. Four members from the Austin City Council.
- 10 2. One member from the Round Rock City Council.
- 11 3. One member of the Cedar Park City Council.
- 12 4. One member of the San Marcos City Council.
- 13 5. One member from the Georgetown City Council.
- 14 6. One member from the Pflugerville City Council.
- 15 7. Three members of the Travis County Commissioners' Court.
- 16 8. One member to be appointed by the Travis County Commissioners' Court.
- 17 9. One member of the Williamson County Commissioners' Court.
- 18 10. One member of the Hays County Commissioners' Court.
- 19 11. One member of the Bastrop County Commissioners' Court.
- 20 12. One member of the Caldwell County Commissioners' Court or the Court's designee until  
21 January 1, 2015.
- 22 13. One member of the Burnet County Commissioners' Court.
- 23 14. One representative from the Capital Metropolitan Transportation Authority.
- 24 15. One representative from the Texas Department of Transportation Austin District.

25  
26 Once a CAMPO member city reaches a population of 50,000 persons or more, as  
27 determined by the U.S. Census Bureau in its most recent annual population estimate, a City  
28 Council Member from that city shall be added to the Transportation Policy Board.

29  
30 The voting membership shall be as follows:

31 **VOTING MEMBERSHIP**

32 City of Austin	4
33 City of Round Rock	1
34 City of Cedar Park	1



1	City of San Marcos	1
2	City of Georgetown	1
3	City of Pflugerville	1
4	Travis County	3
5	Travis County appointee	1
6	Williamson County	1
7	Hays County	1
8	Bastrop County	1
9	Caldwell County	1
10	Burnet County	1
11	Texas Department of Transportation	1
12	Capital Metropolitan Transportation Authority	1
13	Any City in the CAMPO area that reaches a population	
14	of 50,000 or more as detailed above	1

15  
16 Each entity that appoints a member shall designate its representatives and alternates to  
17 the Transportation Policy Board and when necessary fill vacancies among its members on  
18 the Board. Entities selecting elected members of the Transportation Policy Board shall  
19 assure racial and ethnic minority representation on the Board that reflects the minority  
20 population of each county, to the maximum extent possible.

21  
22 **AFFILIATE NON-VOTING MEMBERSHIP**

23  
24 In addition to the voting members, there will be affiliate non-voting membership, including,  
25 but not limited to the list below. The Transportation Policy Board may add or make  
26 changes to the affiliate non-voting membership:

- 27 • Capital Metropolitan Transportation Authority, General Manager
- 28 • Federal Highway Administration
- 29 • Federal Transit Administration
- 30 • Texas Department of Transportation, Transportation Planning and
- 31 Programming Division, Austin
- 32 • University of Texas at Austin

33  
34 The function of the Transportation Policy Board shall be as follows:

- 1 1. Provide policy guidance for the transportation planning process.
- 2 2. Carry out in cooperation with the State and local governments and annually certify  
3 a transportation planning process that is in full compliance with Federal  
4 requirements outlined in 23 USC 134, Section 8 of the Federal Transit Act, as  
5 amended (49 USC 7504, 7506, (c) and (d)) as well as other applicable  
6 requirements as specified in 23 CFR 450.114.
- 7 3. Set goals and cooperatively determine the responsibilities of the participating  
8 agencies for planning tasks in the annual Unified Planning Work Program.
- 9 4. Adopt and review a transportation plan which provides for both the near-term  
10 and long-term needs of persons and goods in the study area at least every five  
11 years and recommend its adoption and implementation by local governments and  
12 state agencies.
- 13 5. Develop in cooperation with the State and local governments and endorse a  
14 staged multiyear transportation improvement program at least every two years  
15 which includes projects in or serving the urbanized areas, initiated by the  
16 implementing agencies, and consistent with the transportation plan.
- 17 6. Adopt a Public Involvement Program that includes participation in the development  
18 of the Transportation Plan, the Transportation Improvement Program, Major  
19 Investment Studies, and other plans and programs.
- 20 7. Designate such offices, special committees or task forces as found necessary to  
21 carry out the planning process.
- 22 8. Appoint the CAMPO Executive Director.
- 23 9. Meet at intervals as necessary to perform its functions.
- 24 10. Adopt internal bylaws and operating procedures consistent with this agreement.

## 25 26 27 **II. METROPOLITAN AREA BOUNDARY**

28  
29 The boundary of the Capital Area Metropolitan Planning Organization shall be  
30 determined by agreement between the Transportation Policy Board and the Governor in  
31 accordance with 23 USC 134. The CAMPO area shall cover at least the existing  
32 urbanized area and the contiguous area expected to become urbanized within the twenty  
33 year forecast period and may encompass the entire metropolitan statistical area, as  
34 defined by the Bureau of the Census. After each decennial census, the Transportation

1 Policy Board shall consider appropriate revisions to the CAMPO area to include every  
2 county in the metropolitan statistical area with a population that exceeds 100,000  
3 residents.

### 4 5 **III. CAMPO EXECUTIVE DIRECTOR AND CAMPO OFFICE**

6  
7 A CAMPO Executive Director shall be appointed by the Transportation Policy Board to  
8 work in close cooperation with representatives of the State, local governments, and  
9 agencies within the study area. The principal duties of the CAMPO Executive Director and  
10 CAMPO office will be as follows:

- 11 1. Arrange for meetings of the Transportation Policy Board and any other special  
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34 as set forth in the Unified Planning Work Program.

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1 **IN WITNESS WHEREOF**, the Parties have hereunto affixed their signatures on the dates indicated.

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**STATE OF TEXAS**

Certified as being executed for the purpose and effect of activating and/or carrying out the orders, established policies, or work programs heretofore adopted by the Texas Transportation Commission.

By: \_\_\_\_\_  
Executive Director

Date: \_\_\_\_\_

**RECOMMENDED FOR EXECUTION:**

\_\_\_\_\_  
District Engineer - Austin District

\_\_\_\_\_  
Deputy Executive Director

**CITY OF AUSTIN**

By: \_\_\_\_\_  
City Manager

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

1 **COUNTY OF TRAVIS**

2

3 By: \_\_\_\_\_  
4 County Judge

5

6 Date: \_\_\_\_\_

7

8

9 ATTEST: \_\_\_\_\_  
10 County Clerk

11

12

13

14 **COUNTY OF WILLIAMSON**

15

16 By: \_\_\_\_\_  
17 County Judge

18

19 Date: \_\_\_\_\_

20

21 ATTEST: \_\_\_\_\_  
22 County Clerk

23

24

25

26 **COUNTY OF HAYS**

27

28 By: \_\_\_\_\_  
29 County Judge

30

31 Date: \_\_\_\_\_

32

33 ATTEST: \_\_\_\_\_  
34 County Clerk

35

36

37

38 **CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY**

39

40 By: \_\_\_\_\_  
41 President/CEO

42

43

44 Date: \_\_\_\_\_

Table 1: Current			% of 5 Counties			
County	2011 Est.	2010	2011 Est.	2010	TPB Members	% of 17
1 Bastrop	75,115	74,169	4%	4%	1	6%
2 Caldwell	38,442	38,066	2%	2%	1	6%
3 Hays	164,050	157,103	9%	9%	2	12%
4 Travis	1,063,130	1,024,272	60%	60%	9	53%
5 Williamson	442,782	422,679	25%	25%	4	24%
6	1,783,519	1,716,289	100%	100%	17	100%
7 Capital Metro					1	
8 TxDOT					1	

Table 2: Current with 1 Burnet Co. Rep.			% of 6 Counties			
County	2011 Est.	2010	2011 Est.	2010	TPB Members	% of 18
9 Bastrop	75,115	74,169	4%	4%	1	6%
10 Burnet	43,117	42,750	2%	2%	1	6%
11 Caldwell	38,442	38,066	2%	2%	1	6%
12 Hays	164,050	157,103	9%	9%	2	11%
13 Travis	1,063,130	1,024,272	58%	58%	9	50%
14 Williamson	442,782	422,679	24%	24%	4	22%
	1,826,636	1,759,039	100%	100%	18	100%
15 Capital Metro					1	
16 TxDOT					1	

Table 3: Current; 1 Burnet Co Rep; 1 add'l Travis Co rep.			% of 6 Counties			
County	2011 Est.	2010	2011 Est.	2010	TPB Members	% of 19
17 Bastrop	75,115	74,169	4%	4%	1	5%
18 Burnet	43,117	42,750	2%	2%	1	5%
19 Caldwell	38,442	38,066	2%	2%	1	5%
20 Hays	164,050	157,103	9%	9%	2	11%
21 Travis	1,063,130	1,024,272	58%	58%	10	53%
22 Williamson	442,782	422,679	24%	24%	4	21%
	1,826,636	1,759,039	100%	100%	19	100%
23 Capital Metro					1	
24 TxDOT					1	



# Travis County Commissioners Court Agenda Request

**Meeting Date:** March 19, 2013  
**Prepared By/Phone Number:** Martin Zamzow, 854-9333  
**Elected/Appointed Official/Dept. Head:** Precinct 3  
**Commissioners Court Sponsor:** Commissioner Daugherty

## **AGENDA LANGUAGE:**

RECEIVE PRESENTATION REGARDING PARKING MOBILITY PROGRAM.

## **BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

Please see attached document.

## **STAFF RECOMMENDATIONS:**

This presentation is to inform the Court about this program.

## **ISSUES AND OPPORTUNITIES:**

Please see attached document.

## **FISCAL IMPACT AND SOURCE OF FUNDING:**

None.

## **REQUIRED AUTHORIZATIONS:**

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials should be submitted as a pdf to the County Judge's office, [agenda@co.travis.tx.us](mailto:agenda@co.travis.tx.us) by **Tuesdays at 5:00 p.m.** for the next week's meeting.





Travis County's current volunteer program demonstrates the need for greater enforcement and a new approach to solve the problem of disabled parking abuse.

- 30 volunteers generate more than 1200 violation reports annually
- Violations reported grow each year
- Volunteers predominately cover the downtown and county courthouse areas
- Violations occur county wide
- Pose a significant threat to the health and safety of Travis County's citizens
- Weather exposure
- Traffic hazards
- Disability related health issues

The Texas Legislature recognized that the solution to solving the problem lies in enabling citizen volunteers to report violations when they see them (TTC 681.0101).


Parking Mobility provides the solution to address the problem:

- More efficient, discrete and safer reporting techniques
- Three point community educational campaign
  - Supporters of community based organizations
    - Newsletters and websites
    - Email blasts
    - Small and large group presentations
    - PSA's
  - Volunteers
    - State required four hour training
    - Monthly mini-trainings
    - Annual recertification training
  - Violators
    - Violation education page
    - 1st time offender diversion
- Technology
  - Efficient, secure, scalable, discrete
    - Report violations in 1/3 the time of current processes
  - Highest levels of currently available security protocols
  - Customized to meet the demands of the county
  - Familiar, discrete technology
  - Secure encrypted supporting evidence
  - Seamless integration with current systems
  - Matches current security protocols
  - Reduced administrative overhead
    - Less than 15 minutes per day to process previous day's violations
    - Monthly, quarterly, annual reports customizable and automatically delivered
- Training
  - Exceeds requirements of Texas law
    - 4 hour initial training
    - Monthly mini-training
    - Annual recertification training
  - Volunteer activity monitored by Parking Mobility staff to identify need for retraining.

Parking Mobility adheres to each aspect of Texas law as it relates to disabled parking abuse enforcement by citizen volunteers and responsibly responds to the intent of the Legislature in its attempt to provide counties with the tools necessary to address a global problem at the local level.



**Mack Marsh** Project Director  
512 981 9628  
mack@parkingmobility.com

 iPhone

 Android

 BlackBerry

# Our 501(c)(3) Non-Profit Team



## **Project Director** — Mack Marsh, Jr.

*Previous Positions:* Executive Director, Texas Association of Centers for Independent Living  
Director, Louisiana Medicaid Infrastructure Grant  
Marketing Director, ThinkFirst National Injury Prevention Foundation

## **Board of Directors**

Michael Haynes • Executive Director

Manager, Brain & Spine Center, Seton Healthcare  
Executive Director, Lone Star Paralysis Foundation

Eric Lantz • Secretary

Occupational Therapy, Seton Healthcare & TIRR Memorial Hermann  
Director, Camp Extreme / Camp for All

Michael Stimets • Treasurer

Director of GIS, Parsons Corporation

Regina Blye

Executive Director, Texas State Independent Living Council  
Presidential Appointment, United States Access Board

Chase Bearden

Director of Advocacy, Coalition of Texans with Disabilities

Kathryn McCarter

Manager, Pike Powers Commercialization Lab

Campbell Macdonald

Founder, Parking Mobility & Ockamo Analytics

## **Pro Bono Counsel** — James A. Andrus, K&L Gates LLP

## **Technology Team**

Sarah Holt • Team Leader

Vice President, KPI Consulting

Mike Glasgow • Systems Architect, Database & Security

Senior Enterprise Architect, Oracle Corporation

Michael Nachbaur • iPhone & iPad

Senior Technical Director, Salesforce.com

Colin Edwards • Android Phone & Tablet

Engineer, IronClad Mobile

Srdjan Dakic • Blackberry

President, Fort Mobile

Justin Hunter • Perl

Software Engineer, Cantella & Co.

Charles Grossman • User Interface & Experience

UI / UX Engineer, KPI Consulting

Melanie Richards • Graphic Design



**Mack Marsh** Project Director  
512 981 9628

[mack@parkingmobility.com](mailto:mack@parkingmobility.com)

iPhone

Android

BlackBerry



**Travis County Commissioners Court Agenda Request**  
**TRAVIS COUNTY HOUSING FINANCE CORPORATION**

**Meeting Date:** March 19, 2013

**Prepared By/Phone Number:** Andrea Shields, Manager/854-9116

**Elected/Appointed Official/Dept. Head:** Leslie Browder, County Executive, Planning and Budget/854-9106

**Commissioners Court Sponsor:** Sarah Eckhardt, Vice President and Margaret Gomez, Secretary

**AGENDA LANGUAGE:**

Consider and take appropriate action on affordable housing funding under the Commitment of Development Funding by Unit of General Local Government provision of housing tax credits by the Texas Department of Housing and Community Affairs (2306.6710(b)(1)(E)).

- A) Receive briefing by staff on implications of prior court and Corporation actions;
- B) Receive public comments on previous actions; and
- C) Direct staff to develop policies and procedures for responding to incoming requests for support.

**BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

- List of projects applying for tax credits from Central Texas
- TDHCA Qualified Allocation Plan for 2013

**ISSUES AND OPPORTUNITIES:** None.

**FISCAL IMPACT AND SOURCE OF FUNDING:** None.

**REQUIRED AUTHORIZATIONS:** Andrea Shields, Manager/854-9116; Leslie Browder, County Executive, Planning and Budget/854-9106

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, [Cheryl.Aker@co.travis.tx.us](mailto:Cheryl.Aker@co.travis.tx.us) by Tuesdays at 5:00 p.m. for the next week's meeting.



**Texas Department of Housing and Community Affairs**  
**2013 Competitive (9%) Housing Tax Credit (HTC) Program**  
**Application Submission Log**

NOTE: The following scoring categories are NOT included in the "Self Score Total" column:  
 \$11.9(1) - Quantifiable Community Participation (QCP)  
 \$11.9(2) - Community Support from State Representative or Senator  
 \$11.9(3) - Cost of Development Per Square Foot  
 \$11.9(4) - Point Deductions

The Application log is organized by region and subregion. Applicants selected the At-Risk/USDA Set-Asides are listed first and are organized by score rather than by region. Where scores indicate a tie between more than one application in a subregion or At-Risk, no representation is made regarding how the applications would be ranked after applying the tie breaker factors in the QAP. The Department plans to post the complete review of each application shortly. The following data was compiled using information submitted by each applicant. This data has not yet been reviewed or verified by the Department and errors may be present. Those reviewing the log are advised to use caution in reaching any definitive conclusions based on this information. Some applicants may have received a pre-application review and Applicant Responsibility. A more complete log will be posted subsequent to completion of the application review process. If you have any questions regarding this log, please contact the staff member in the log should contact Jean LaRosa at jlarosa@dhca.state.tx.us as soon as possible. Identification of an error early does not guarantee that the error can be addressed administratively.

Version date: March 5, 2013

Application Number	Development Name	Development Address	City	Zip Code	County	Region	Urban/Rural	USDA Set-Aside	At-Risk Set-Aside	Integration Set-Aside	Construction Type	Low Income Units	Market Rate Units	Total Units	Target Population	HTC Requested	Applicant Contact	Second Contact	Self Score Total	Notes*	Basic Demographic Information for Census Tract	Poverty Rate							
13112	Liberty Trails Townhomes	Appr 95 acre; REC of Hwy 29 & Hwy 1869	Liberty Hill	78642	Williamson	7	Urban				New Construction	75	23	100	General	\$1,090,000	Jorge A. Aguirre	Donna Rickbacher	109		4849102022	1st Q   7.6%							
13071	Windy Ridge Apartments	3091D Ranch Rd 620	Austin	78726	Travis	7	Urban				New Construction	120	0	120	General	\$1,080,318	Adrian Ghisla	Rich Dwyer	106		4845300195	3rd Q   6.2%							
13108	Skyway Studios	2800 S Lamar Blvd	Austin	78704	Travis	7	Urban	X			New Construction	109	0	109	Supportive Housing	\$1,072,000	Walter Moreau	Jennifer Hicks	107		4845300190	2nd Q   4.7%							
13109	Nonassisted Apartments	3226 W Saugather Lane	Austin	78748	Travis	7	Urban	X			New Construction	126	14	140	General	\$1,252,000	Walter Moreau	Jennifer Hicks	105		48453001746	2nd Q   5.2%							
13142	The Mills of Phagareville	SMS of "his is built" Colorado Blvd Dr. N side of Phagareville Phagareville	Phagareville	78660	Travis	7	Urban				New Construction	137	0	137	Elderly	\$1,500,000	Steve Ford	Carrie Ford	105		48453001858	3rd Q   2.1%							
13159	4800 Berman	SWC of Berman Dr. & Barbara Jordan Blvd	Austin	78723	Travis	7	Urban				New Construction	140	50	170	General	\$1,420,000	Janine Slak	Wynne Gierami	105		48453001096	4th Q   10.1%							
13125	Songhai at West Gate	8700 Westgate Boulevard	Austin	78745	Travis	7	Urban				New Construction	140	6	146	General	\$1,320,000	Miguel Hernandez	Charmo M. Piza	104		48453001729	2nd Q   6.2%							
	Estimated amount available to Allocate	\$3,398,300													Total HTC Requested	\$4,646,318													
<b>TOTALS</b>																Total HTC Requested	\$38,698,533												
Fund Estimated 2013 HTC Ceiling																Total Applications Reviewed	133												

\* The notes included herein are abbreviated in form and are intended to convey the summary result of an Applicant's or Staff's action related to a pre-application or application. Applicants are advised not to rely solely on the notes section for a complete understanding of the circumstances for which the notes relate.

**2013 New Housing Communities Competing for Tax Credits in Central Texas Region**  
 Texas Dept of Housing and Com Affairs Based on TDHCA March 5 log **approx \$3.4 million available**

Project	Developer	Location	County	Base Score	City/County \$ Score	Total Score	Estimated Credit Request
1 Liberty Hill 100 family	J Aguire	Liberty Hill	Williamson	96 points	13 Committed Cash -LH	109	1,090,000
2 RR 620 120 family	Realtex	Austin ETJ	Travis	96 points	12 <b>Applied County Loan</b> \$1.8 million	108	1,080,918
3 Goodwill 109 sup hsg (homeless)	Found Com.	S. Lamar Austin	Travis	94 points	13 Committed Cash Austin \$1.8 million	107	1,002,000
4 Pflugerville 117 elderly	Steve Ford	Pflugerville	Travis	93 points	12 <b>Applied County Loan</b> \$425k	105 (wins tie)	1,500,000
5 Homestead 140 family	Found Com.	Slaughter near Brodie	Travis	92 points	13 Committed Cash Austin \$2.2 million	105	1,252,000
6 Mueller 140 family	Diana McIver	Mueller	Travis	92 points	13 Committed Cash Austin \$2.2 million	105 cannot win tie	1,500,000
7 Westgate 136 family	C Njie	SW Austin	Travis	91 points	13 Committed Cash Austin \$2.2 million	104	1,220,000

# 2013 State of Texas Qualified Allocation Plan



TDHCA will, upon request, provide reasonable accommodations for persons with disabilities and language assistance for persons with limited English proficiency.

**§11.1. General.**

(a) Authority. The rules in this chapter apply to the allocation by the Texas Department of Housing and Community Affairs (the "Department") of Housing Tax Credits authorized by applicable federal income tax laws and whereby the Department is authorized to make such allocations for the State of Texas pursuant to Texas Government Code, Chapter 2306, Subchapter DD. As required by Internal Revenue Code (the "Code"), §42(m)(1), the Department developed this Qualified Allocation Plan (QAP) to establish the procedures and requirements relating to an allocation of Housing Tax Credits. All requirements herein and all those applicable to a Housing Tax Credit Development or Application in Chapter 10 of this title (relating to Uniform Multifamily Rules), or otherwise incorporated by reference herein constitute the QAP required by Texas Government Code, §2306.67022.

(b) Due Diligence and Applicant Responsibility. Department staff may, from time to time, make available for use by Applicants information and informal guidance in the form of reports, frequently asked questions, and responses to specific questions. The Department encourages communication with staff in order to clarify any issues that may not be fully addressed in the QAP or be unclear when applied to specific facts. However, while these resources are offered to help Applicants prepare and submit accurate information, Applicants should also appreciate that this type of guidance is limited by its nature and that staff will apply the rules of the QAP to each specific situation as it is presented in the submitted Application. In addition, although the Department may compile data from outside sources in order to assist Applicants in the Application process, it remains the sole responsibility of the Applicant to independently perform the necessary due diligence to research, confirm and verify any data, opinions, interpretations, or other information upon which an Applicant bases an Application. Notwithstanding the fact that these rules along with other Department resources may not contemplate unforeseen situations that may arise, the Department will apply a reasonableness standard to the evaluation of Applications for Housing Tax Credits.

(c) Competitive Nature of Program. Applying for competitive housing tax credits is a technical process that must be followed completely. As a result of the highly competitive nature of applying for tax credits, an Applicant should proceed on the assumption that deadlines are fixed and firm with respect to both date and time and cannot be waived except where authorized and for truly extraordinary circumstances, such as the occurrence of a significant natural disaster that makes timely adherence impossible. If an Applicant chooses to submit by delivering an item physically to the Department, it is the Applicant's responsibility to be within the Department's doors by the appointed deadline. Applicants should further ensure that all documents are legible, properly organized and tabbed, and that digital media is fully readable. Applicants are strongly encouraged to submit the required items well in advance of established deadlines.

(d) Definitions. The capitalized terms or phrases used herein are defined in §10.3 of this title (relating to Definitions), unless the context clearly indicates otherwise. Any capitalized terms that are defined in Texas Government Code, Chapter 2306, §42 of the Code, or other Department rules have, when capitalized, the meanings ascribed to them therein. Defined terms when not capitalized, are to be read in context and construed according to common usage.

**§11.2. Program Calendar for Competitive Housing Tax Credits.**

Non-statutory deadlines specifically listed in the Program Calendar may be extended for good cause by the Executive Director for a period of not more than five (5) business days provided, however, that the Applicant has requested an extension prior to the date of the original deadline. Extensions relating to Administrative Deficiency deadlines may only be extended if documentation needed to resolve the item is needed from a Third Party.

Deadline	Documentation Required
12/17/2012	Application Acceptance Period Begins.

Deadline	Documentation Required
12/17/2012	Pre-application Neighborhood Organization Request Date.
01/08/2013	Pre-Application Final Delivery Date (including pre-clearance and waiver requests).
01/18/2013	Full Application Neighborhood Organization Request Date.
03/01/2013	Full Application Delivery Date.
03/01/2013	Quantifiable Community Participation (QCP) Delivery Date.
03/01/2013	Third Party Report Delivery Date (Environmental Site Assessment (ESA), Property Condition Assessment (PCA), Appraisal (if applicable)).
04/01/2013	Final Input from State Representative or State Senator Delivery Date.
04/01/2013	Market Analysis and Site Design and Development Feasibility Report Delivery Date.
04/01/2013	Resolutions Delivery Date.
05/01/2013	Challenges to Neighborhood Organization Opposition Delivery Date.
05/15/2013	Application Challenges Deadline.
Mid-May	Final Scoring Notices Issued for Majority of Applications Considered "Competitive."
06/14/2013	Deadline for public comment to be included in a summary to the Board at a posted meeting.
June	Release of Eligible Applications for Consideration for Award in July.
Late July	Final Awards.
Mid-August	Commitments are Issued.
11/01/2013	Carryover Documentation Delivery Date.
07/01/2014	10 percent Test Documentation Delivery Date.



Deadline	Documentation Required
12/31/2015	Placement in Service.
Five (5) business days after the Deficiency Notice date (without incurring point loss)	Administrative Deficiency Response Deadline (unless an extension has been granted).

**§11.3. Housing De-Concentration Factors.**

(a) Two Mile Same Year Rule (Competitive HTC Only). (§2306.6711(f)) Staff will not recommend for award, and the Board will not make an award to an Application that proposes a Development Site located in a county with a population that exceeds one million if the proposed Development Site is also located less than two linear miles from the proposed Development Site of another Application that is awarded in the same calendar year.

(b) Twice the State Average Per Capita. (§2306.6703(a)(4)) If the Development is located in a municipality, or if located completely outside a municipality, a county, that has more than twice the state average of units per capita supported by Housing Tax Credits or private activity bonds at the time the Application Round begins (or for Tax-Exempt Bond Developments at the time the Certificate of Reservation is issued by the Texas Bond Review Board), the Applicant must obtain prior approval of the Development from the Governing Body of the appropriate municipality or county containing the Development. Such approval must include a resolution adopted by the Governing Body of the municipality or county, as applicable, setting forth a written statement of support, referencing Texas Government Code, §2306.6703(a)(4), and authorizing an allocation of Housing Tax Credits for the Development. An acceptable, but not required, form of resolution may be obtained in the Multifamily Programs Procedures Manual.

(c) One Mile Three Year Rule. (§2306.6703(a)(3))

(1) An Application that proposes the New Construction or Adaptive Reuse of a Development that is located one linear mile or less (measured by a straight line on a map) from another Development that meets all of the criteria in subparagraphs (A) – (C) of this paragraph shall be considered ineligible.

(A) The Development serves the same type of household as the proposed Development, regardless of whether the Development serves families, elderly individuals, or another type of household; and

(B) The Development has received an allocation of Housing Tax Credits or private activity bonds for any New Construction at any time during the three-year period preceding the date the Application Round begins (or for Tax-Exempt Bond Developments the three-year period preceding the date the Certificate of Reservation is issued); and

(C) The Development has not been withdrawn or terminated from the Housing Tax Credit Program.

(2) Paragraph (1) of this subsection does not apply to a Development:

(A) that is using federal HOPE VI (or successor program) funds received through HUD;

(B) that is using locally approved funds received from a public improvement district or a tax increment financing district;

(C) that is using funds provided to the state under the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. §§12701 et seq.);

(D) that is using funds provided to the state and participating jurisdictions under the Housing and Community Development Act of 1974 (42 U.S.C. §§5301 et seq.);

(E) that is located in a county with a population of less than one million;

(F) that is located outside of a metropolitan statistical area; or

(G) that the Governing Body of the appropriate municipality or county where the Development is to be located has by vote specifically allowed the construction of a new Development located within one linear mile or less from a Development described under paragraph (1)(A) of this subsection. An acceptable, but not required, form of resolution may be obtained in the Multifamily Programs Procedures Manual.

(3) Where a specific source of funding is referenced in paragraph (2)(A) - (D) of this subsection, a commitment or resolution documenting a commitment of the funds must be provided in the Application or prior to the Resolutions Delivery Date (for Tax Exempt Bond Developments the resolution must be submitted no later than 14 days prior to the Board meeting where the tax credits will be considered).

(d) Limitations on Developments in Certain Census Tracts. An Application that proposes the New Construction or Adaptive Reuse of a Development proposed to be located in a census tract that has more than 30 percent Housing Tax Credit Units per total households as established by the U.S. Census Bureau for the most recent Decennial Census shall be considered ineligible unless:

(1) the Development is in a Place whose population is less than 100,000; or

(2) the Governing Body of the appropriate municipality or county containing the Development has by vote specifically allowed the construction of the new Development and submits to the Department a resolution referencing this rule.

(e) Additional Phase. Applications proposing an additional phase of an existing tax credit Development serving the same Target Population, or Applications proposing Developments that are adjacent to an existing tax credit Development serving the same Target Population, or Applications that are proposing a Development serving the same Target Population on a contiguous site to another Application awarded in the same program year, shall be considered ineligible unless the other Developments or phase(s) of the Development have been completed and have maintained occupancy of at least 90 percent for a minimum six (6) month period as reflected in the submitted rent roll.

#### **§11.4. Tax Credit Request and Award Limits.**

(a) Credit Amount (Competitive HTC Only). (§2306.6711(b)) The Board may not allocate to an Applicant, Developer, Affiliate or Guarantor (unless the Guarantor is also the General Contractor, and is not a Principal of the Applicant, Developer or Affiliate of the Development Owner) Housing Tax Credits in an amount greater than \$3 million in a single Application Round. All entities that share a Principal are Affiliates. For purposes of determining the \$3 million limitation, a Person is not deemed to be an Applicant, Developer, Affiliate or Guarantor solely because it:

(1) raises or provides equity;

(2) provides "qualified commercial financing;"

(3) is a Qualified Nonprofit Organization or other not-for-profit entity that is providing solely loan funds, grant funds or social services; or

(4) receives fees as a Development Consultant or Developer that do not exceed 10 percent of the Developer Fee (or 20 percent for Qualified Nonprofit Developments) to be paid or \$150,000, whichever is greater.

(b) Maximum Request Limit (Competitive HTC Only). For any given Development, an Applicant may not request more than 150 percent of the credit amount available in the sub-region based on estimates released by the Department on December 1, or \$1,500,000, whichever is less, or \$2,000,000 for Applications under the At-Risk Set-Aside. The Department will consider the amount in the Funding Request of the pre-application and Application to be the amount of Housing Tax Credits requested and will automatically reduce the Applicant's request to the maximum allowable under this subsection if exceeded. Regardless of the credit amount requested or any subsequent changes to the request made by staff, the Board may not award to any individual Development more than \$2 million in a single Application Round. (§2306.6711(b))

(c) Increase in Eligible Basis (30 percent Boost). Applications will be evaluated for an increase of up to but not to exceed 30 percent in Eligible Basis provided they meet the criteria identified in paragraph (1) or (2) of this subsection. Staff will not recommend such an increase in Eligible Basis if it is determined it would cause the Development to be over sourced, as evaluated by the Real Estate Analysis division, in which case a credit amount necessary to fill the gap in financing will be recommended. The criteria in paragraph (2) of this subsection are not applicable to Tax-Exempt Bond Developments.

(1) The Development is located in a Qualified Census Tract (QCT) (as determined by the Secretary of HUD) that has less than 30 percent Housing Tax Credit Units per total households in the tract as established by the U.S. Census Bureau for the most recent Decennial Census. New Construction or Adaptive Reuse Developments located in a QCT that has in excess of 30 percent Housing Tax Credit Units per total households in the tract are not eligible to qualify for a 30 percent increase in Eligible Basis, which would otherwise be available for the Development Site pursuant to §42(d)(5)(C) of the Code. For Tax-Exempt Bond Developments, as a general rule, a QCT designation would have to coincide with the program year the Certificate of Reservation is issued in order for the Department to apply the 30 percent boost in its underwriting evaluation. Applicants must submit a copy of the census map that includes the 11-digit census tract number and clearly shows that the proposed Development is located within a QCT;

(2) The Development meets one of the criteria described in subparagraphs (A) - (D) of this paragraph (pursuant to the authority granted by H.R. 3221):

(A) the Development is located in a Rural Area;

(B) the Development is proposing entirely Supportive Housing and is expected to be debt free or have no foreclosable or non-cash flow debt;

(C) the Development meets the criteria for the Opportunity Index as defined in §11.9(c)(4) of this chapter (relating to Competitive HTC Selection Criteria); or

(D) the Development is a non-Qualified Elderly Development not located in a QCT that is in an area covered by a community revitalization plan. A Development will be considered to be in an area covered by a community revitalization plan if it is eligible for points under §11.9(d)(6) of the chapter.

**§11.5. Competitive HTC Set-Asides. (§2306.111(d))** This section identifies the statutorily-mandated set-asides which the Department is required to allocate. An Applicant may elect to compete in as many of the set-asides described in this section for which the proposed Development qualifies.

(1) Nonprofit Set-Aside. (§2306.6729 and §2306.6706(b)) At least 10 percent of the State Housing Credit Ceiling for each calendar year shall be allocated to Qualified Nonprofit Developments which meet the requirements of §42(h)(5) of the Code and Texas Government Code, §2306.6729 and §2306.6706(b). Qualified Nonprofit Organizations must have the controlling interest in the Development Owner applying for this set-aside (e.g. greater than 50 percent ownership in the General Partner). If the Application is filed on behalf of a limited partnership, the Qualified Nonprofit Organization must be the Managing General Partner. If the Application is filed on behalf of a limited liability company, the Qualified Nonprofit Organization must be the controlling Managing Member. Additionally, a Qualified Nonprofit Development submitting an Application in the Nonprofit Set-Aside must have the nonprofit entity or its nonprofit Affiliate or subsidiary be the Developer or a co-Developer as evidenced in the development agreement. An Applicant that meets the requirements to be in the Qualified Nonprofit Set-Aside is deemed to be applying under that set-aside unless their Application specifically includes an affirmative election to not be treated under that set-aside and a certification that they do not expect to receive a benefit in the allocation of tax credits as a result of being affiliated with a nonprofit. The Department reserves the right to request a change in this determination and/or not recommend credits for those unwilling to switch if insufficient Applications in the Nonprofit Set-Aside are received.

(2) USDA Set-Aside. (§2306.111(d-2)) At least 5 percent of the State Housing Credit Ceiling for each calendar year shall be allocated to Rural Developments which are financed through USDA. If an Application in this set-

aside involves Rehabilitation it will be attributed to and come from the At-Risk Development Set-Aside; if an Application in this set-aside involves New Construction it will be attributed to and come from the applicable Uniform State Service Region. Commitments of Competitive Housing Tax Credits issued by the Board in the current program year will be applied to each set-aside, Rural Regional Allocation, Urban Regional Allocation and/or USDA Set-Aside for the current Application Round as appropriate. Applications must also meet all requirements of Texas Government Code, §2306.111(d-2).

(3) At-Risk Set-Aside. (§2306.6714; §2306.6702)

(A) At least 15 percent of the State Housing Credit Ceiling for each calendar year will be allocated under the At-Risk Development Set-Aside and will be deducted from the State Housing Credit Ceiling prior to the application of the regional allocation formula required under §11.6 of this chapter (relating to Competitive HTC Allocation Process). Through this set-aside, the Department, to the extent possible, shall allocate credits to Applications involving the preservation of Developments identified as At-Risk Developments. (§2306.6714) Up to 5 percent of the State Housing Credit Ceiling associated with this set-aside may be given priority to Rehabilitation Developments funded with USDA.

(B) An At-Risk Development must meet all the requirements of Texas Government Code, §2306.6702(a)(5). For purposes of this paragraph, any stipulation to maintain affordability in the contract granting the subsidy, or any federally insured mortgage will be considered to be nearing expiration or nearing the end of its term if expiration will occur or the term will end within two (2) calendar years of July 31 of the year the Application is submitted.

(C) An Application for a Development that includes the demolition of the existing Units which have received the financial benefit described in Texas Government Code, §2306.6702 will not qualify as an At-Risk Development unless the redevelopment will include at least a portion of the same site.

(D) Developments must be at risk of losing affordability from the financial benefits available to the Development and must retain or renew the existing financial benefits and affordability unless regulatory barriers necessitate elimination of a portion of that benefit for the Development. For Developments retaining public housing operating subsidies to qualify under the At-Risk Set-Aside, only a portion of the subsidy must be retained for the proposed Development, but no less than 25 percent of the proposed Units must be public housing units.

(E) Nearing expiration on a requirement to maintain affordability includes Developments eligible to request a Qualified Contract under §42 of the Code. Evidence must be provided in the form of a copy of the recorded LURA, the first years' IRS Forms 8609 for all buildings showing Part II of the form completed and, if applicable, documentation from the original application regarding the right of first refusal.

(F) An amendment to an Application seeking to enable the Development to qualify as an At-Risk Development, that is submitted to the Department while the Application is under review will not be accepted.

**§11.6. Competitive HTC Allocation Process.** This section identifies the general allocation process and the methodology by which awards are made.

(1) Regional Allocation Formula. The Department shall initially make available in each Rural Area and Urban Area of each Uniform State Service Region ("sub-region") Housing Tax Credits in an amount consistent with the Regional Allocation Formula developed in compliance with Texas Government Code, §2306.1115. The process of awarding the funds made available within each sub-region shall follow the process described in this section. Where a particular situation that is not contemplated and addressed explicitly by the process described herein, Department staff shall formulate a recommendation for the Board's consideration based on the objectives of regional allocation together with other policies and purposes set out in Texas Government Code, Chapter 2306 and the Department shall provide Applicants the opportunity to comment on and propose alternatives to such a recommendation. In general, such a recommendation shall not involve broad reductions in the funding request amounts solely to accommodate regional allocation and shall not involve rearranging the priority of Applications within a particular sub-region or set-aside except as described herein. If the Department determines that an allocation recommendation would cause a violation of the \$3

million credit limit per Applicant, the Department will make its recommendation by selecting the Development(s) that most effectively satisfy the Department's goals in meeting set-aside and regional allocation goals.

(2) Credits Returned and National Pool Allocated After January 1. For any credits returned after January 1 and eligible for reallocation, the Department shall first return the credits to the sub-region or set-aside from which the original allocation was made. The credits will be treated in a manner consistent with the allocation process described in this section and may ultimately flow from the sub-region and be awarded in the collapse process to an Application in another region, sub-region or set-aside. For any credit received from the "national pool" after the initial approval of awards in late July, the credits will be added to and awarded to the next Application on the waiting list for the state collapse.

(3) Award Recommendation Methodology. (§2306.6710(a) - (f); §2306.111) The Department will assign, as described herein, Developments for review by the program and underwriting divisions. In general, Applications will be prioritized for assignment, with highest priority given to those identified as most competitive based upon the Applicant self-score and an initial program review. The procedure identified in subparagraphs (A) - (F) of this paragraph will also be used in making recommendations to the Board.

(A) USDA Set-Aside Application Selection (Step 1). The first level of priority review will be those Applications with the highest scores in the USDA Set-Aside until the minimum requirements stated in §11.5(2) of this chapter (relating to Competitive HTC Set-Asides. (§2306.111(d))) are attained. The minimum requirement may be exceeded in order to award the full credit request or underwritten amount of the last Application selected to meet the At-Risk Set-Aside requirement;

(B) At-Risk Set-Aside Application Selection (Step 2). The second level of priority review will be those Applications with the highest scores in the At-Risk Set-Aside statewide until the minimum requirements stated in §11.5(3) of this chapter are attained. This may require the minimum requirement to be exceeded to award the full credit request or underwritten amount of the last Application selected to meet the At-Risk Set-Aside requirement. This step may leave less than originally anticipated in the 26 sub-regions to award under the remaining steps, but these funds would generally come from the statewide collapse;

(C) Initial Application Selection in Each Sub-Region (Step 3). The highest scoring Applications within each of the 26 sub-regions will then be selected provided there are sufficient funds within the sub-region to fully award the Application. Applications electing the At-Risk or USDA Set-Asides will not be eligible to receive an award from funds made available within each of the sub-regions;

(D) Rural Collapse (Step 4). If there are any tax credits set-aside for Developments in a Rural Area in a specific Uniform State Service Region ("Rural sub-region") that remain after award under subparagraph (C) of this paragraph, those tax credits shall be combined into one "pool" and then be made available in any other Rural Area in the state to the Application in the most underserved Rural sub-region as compared to the sub-region's allocation. This rural redistribution will continue until at least 20 percent of the funds available to the State are allocated to Applications in Rural Areas. (§2306.111(d)(3)) In the event that more than one sub-region is underserved by the same percentage, the priorities described in clauses (i) - (ii) of this subparagraph will be used to select the next most underserved sub-region:

- (i) the sub-region with no recommended At-Risk Applications from the same Application Round; and
- (ii) the sub-region that was the most underserved during the Application Round during the year immediately preceding the current Application Round.

(E) Statewide Collapse (Step 5). Any credits remaining after the Rural Collapse, including those in any sub-region in the State, will be combined into one "pool." The funds will be used to award the highest scoring Application (not selected in a prior step) in the most underserved sub-region in the State compared to the amount originally made available in each sub-region. This process will continue until the funds remaining are insufficient to award the next highest scoring Application in the next most underserved sub-region. In the event that more than one sub-region is underserved by the same percentage, the priorities described in clauses (i) and (ii) of this subparagraph will be used to select the next most underserved sub-region:

- (i) the sub-region with no recommended At-Risk Applications from the same Application Round; and
- (ii) the sub-region that was the most underserved during the Application Round during the year immediately preceding the current Application Round.

(F) Contingent Qualified Nonprofit Set-Aside Step (Step 6). If an insufficient number of Applications participating in the Nonprofit Set-Aside are selected after implementing the criteria described in subparagraphs (A) – (F) of this paragraph to meet the requirements of the 10 percent Nonprofit Set-Aside, action must be taken to modify the criteria described in subparagraphs (A) – (F) of this paragraph to ensure the set-aside requirements are met. Therefore, the criteria described in subparagraphs (C) – (F) of this paragraph will be repeated after selection of the highest scoring Application(s) under the Nonprofit Set-Aside statewide are selected to meet the minimum requirements of the Nonprofit Set-Aside. This step may cause some lower scoring Applications in a sub-region to be selected instead of a higher scoring Application not participating in the Nonprofit Set-Aside.

(4) Waiting List. The Applications that do not receive an award by July 31 and remain active and eligible will be recommended for placement on the waiting list. Applications on the waiting list are selected for an award when the remaining balance of tax credits is sufficient to award the next Application on the waiting list. The waiting list is not static. The allocation process will be used in determining the Application to award. For example, if credits are returned, those credits will first be made available in the set-aside or sub-region from which they were originally awarded. This means that the first Application on the waiting list is in part contingent on the nature of the credits that became available for award. (§2306.6710(a) - (f); §2306.111)

**§11.7. Tie Breaker Factors.** In the event there are Competitive HTC Applications that receive the same number of points in any given set-aside category, rural regional allocation or urban regional allocation, or rural or state collapse, the Department will utilize the factors in this section, in the order they are presented, to determine which Development will receive preference in consideration for an award. The tie breaker factors are not intended to specifically address a tie between equally underserved sub-regions in the rural or statewide collapse.

(1) Applications ranking higher on the Opportunity Index under §11.9(c)(4) of this chapter (relating to Competitive HTC Selection Criteria) as compared to another Application with the same score.

(2) Applications proposed to be located the greatest distance from the nearest Housing Tax Credit assisted Development.

#### **§11.8. Pre-Application Requirements (Competitive HTC Only).**

(a) General Submission Requirements. The pre-application process allows Applicants interested in pursuing an Application to assess potential competition across the thirteen (13) state service regions, sub-regions and set-asides. Based on an understanding of the potential competition they can make a more informed decision whether they wish to proceed to prepare and submit an Application. A complete pre-application is a pre-application that meets all of the Department's criteria, as outlined in subsections (a) and (b) of this section, with all required information and exhibits provided pursuant to the Multifamily Programs Procedures Manual.

(1) The pre-application must be submitted, along with the required pre-application fee as described in §10.901 of this title (relating to Fee Schedule), no later than the Pre-application Final Delivery Date as identified in §11.2 of this chapter (relating to Program Calendar for Competitive Housing Tax Credits). If such pre-application and corresponding fee is not submitted on or before this deadline the Applicant will be deemed to have not made a pre-application.

(2) The pre-application shall consist of one (1) CD-R containing a PDF copy and Excel copy to the Department in the form of a single file and individually bookmarked as presented in the order as required in the Multifamily Programs Procedures Manual.

(3) Only one pre-application may be submitted by an Applicant for each Development Site.

(4) Department review at this stage is limited, and not all issues of eligibility and threshold are reviewed or addressed at pre-application. Acceptance by staff of a pre-application does not ensure that an Applicant satisfies all Application eligibility, threshold or documentation requirements. While the pre-application is more limited in scope than an Application, pre-applications are subject to the same limitations, restrictions, or causes for disqualification or termination as a full Application, and pre-applications will thus be subject to the same consequences for violation, including but not limited to loss of points and termination of the pre-application.

(b) Pre-Application Threshold Criteria. Pursuant to Texas Government Code, §2306.6704(c) pre-applications will be rejected unless they meet the threshold criteria described in paragraphs (1) and (2) of this subsection:

(1) Submission of the competitive HTC pre-application in the form prescribed by the Department which identifies at a minimum:

(A) Site Control meeting the requirements of §10.204(9) of this title (relating to Required Documentation for Application Submission);

(B) Funding request;

(C) Target Population;

(D) Requested set-asides (At-Risk, USDA, Nonprofit, and/or Rural);

(E) Total Number of Units proposed;

(F) Census tract number in which the Development Site is located;

(G) Expected score for each of the scoring items identified in the pre-application materials;

(H) All issues requiring waivers necessary for the filing of an eligible Application; and

(I) Any community revitalization plan the Applicant anticipates using for points under §11.9(d)(6)(A) and (B)(i) of this chapter (relating to Competitive HTC Selection Criteria).

(2) Evidence in the form of a certification provided in the pre-application, that all of the notifications required under this paragraph have been made. (§2306.6704)

(A) Neighborhood Organization Requests. The Applicant must request a list of Neighborhood Organizations on record with the county and state whose boundaries include the proposed Development Site:

(i) No later than the Pre-application Neighborhood Organization Request Date identified in §11.2 of this chapter, the Applicant must e-mail, fax or mail with registered receipt a completed Neighborhood Organization Request letter as provided in the pre-application to the local elected official, as applicable, based on where the Development is proposed to be located. If the Development is located in an area that has district based locally elected officials, or both at-large and district based locally elected officials, the request must be made to the city council member or county commissioner representing that district; if the Development is located in an area that has only at-large local elected officials, the request must be made to the mayor or county judge for the jurisdiction. If the Development is not located within a city or its Extra Territorial Jurisdiction (ETJ), the county local elected official must be contacted. In the event that local elected officials refer the Applicant to another source, the Applicant must request Neighborhood Organizations from that source in the same format;

(ii) The Applicant must list in the pre-application all Neighborhood Organizations on record with the county or state whose boundaries include the proposed Development Site as provided by the local elected officials, or that the Applicant has knowledge of (regardless of whether the organization is on record with the county or state) as of the date of pre-application submission.

(B) Notification Recipients. No later than the date the pre-application is submitted, notification must be sent to all of the persons or entities prescribed in clauses (i) – (viii) of this subparagraph whose jurisdiction or boundaries include the Development Site. Developments located in an ETJ of a city are required to notify both city and county officials. The notifications may be sent by e-mail, fax or mail

with registered return receipt or similar tracking mechanism in the format required in the Pre-application Notification Template provided in the pre-application. The Applicant is encouraged to retain proof of delivery in the event the Department requires proof of notification. Acceptable evidence of such delivery is demonstrated by signed receipt for mail or courier delivery and confirmation of receipt by the recipient for fax and e-mail. Officials to be notified are those officials in office at the time the pre-application is submitted.

- (i) Neighborhood Organizations on record with the state or county whose boundaries include the proposed Development Site;
- (ii) Superintendent of the school district;
- (iii) Presiding officer of the board of trustees of the school district;
- (iv) Mayor of the municipality;
- (v) All elected members of the Governing Body of the municipality;
- (vi) Presiding officer of the Governing Body of the county;
- (vii) All elected members of the Governing Body of the county; and
- (viii) State Senator and State Representative;

(C) Notice Requirements. The notification must include, at a minimum, all of the information described in clauses (i) – (vi) of this subparagraph:

- (i) the Applicant's name, address, an individual contact name and phone number;
- (ii) the Development name, address, city and county;
- (iii) a statement informing the entity or individual being notified that the Applicant is submitting a request for Housing Tax Credits with the Texas Department of Housing and Community Affairs;
- (iv) whether the Development proposes New Construction, Reconstruction, Adaptive Reuse, or Rehabilitation;
- (v) the type of Development being proposed (single family homes, duplex, apartments, townhomes, high-rise etc.); and
- (vi) the approximate total number of Units and approximate total number of low-income Units.

(c) Pre-application Results. Only pre-applications which have satisfied all of the pre-application requirements, including those in §11.9(e)(3) of this chapter will be eligible for pre-application points. The order and scores of those Developments released on the Pre-application Submission Log do not represent a Commitment on the part of the Department or the Board to allocate tax credits to any Development and the Department bears no liability for decisions made by Applicants based on the results of the Pre-application Submission Log. Inclusion of a Development on the Pre-application Submission Log does not ensure that an Applicant will receive points for a pre-application.

#### **§11.9. Competitive HTC Selection Criteria.**

(a) General Information. This section identifies the scoring criteria used in evaluating and ranking Applications. The criteria identified in subsection (b) of this section include those items required under Texas Government Code, Chapter 2306, §42 of the Code, and other criteria established in a manner consistent with Chapter 2306 and §42 of the Code. There is no rounding of numbers in this section for any of the calculations in order to achieve the desired requirement or limitation, unless rounding is explicitly stated as allowed for that particular calculation or criteria. Due to the highly competitive nature of the program, Applicants that elect points where supporting documentation is required but fail to provide any supporting documentation or fail to submit supporting documentation in good faith will not be allowed to cure the issue through an Administrative Deficiency. However, Department staff may provide the Applicant an opportunity



to explain how they believe the Application, as submitted, meets the requirements for points or otherwise satisfies the requirement to provide supporting documentation in good faith.

(b) Criteria promoting development of high quality housing.

(1) Size and Quality of the Units. (§2306.6710(b)(1)(D); §42(m)(1)(C)(iii)) An Application may qualify for up to fourteen (14) points under subparagraphs (A) and (B) of this paragraph.

(A) Unit Sizes (7 points). The Development must meet the minimum requirements identified in this subparagraph to qualify for points. Points for this item will be automatically granted for Applications involving Rehabilitation (excluding Reconstruction), for Developments receiving funding from USDA, or for Supportive Housing Developments without meeting these square footage minimums only if requested in the Self Scoring Form.

- (i) five-hundred-fifty (550) square feet for an Efficiency Unit;
- (ii) six-hundred-fifty (650) square feet for a one Bedroom Unit;
- (iii) eight-hundred-fifty (850) square feet for a two Bedroom Unit;
- (iv) one-thousand-fifty (1,050) square feet for a three Bedroom Unit; and
- (v) one-thousand, two-hundred-fifty (1,250) square feet for a four Bedroom Unit.

(B) Unit Features (7 points). Applications in which Developments provide specific amenity and quality features in every Unit at no extra charge to the tenant will be awarded points based on the point structure provided in §10.101(b)(6)(B) of this title (relating to Site and Development Requirements and Restrictions) and as certified to in the Application. The amenities will be required to be identified in the LURA. Rehabilitation Developments will start with a base score of three (3) points and Supportive Housing Developments will start with a base score of five (5) points.

(2) Sponsor Characteristics. (§42(m)(1)(C)(iv)) (1 point). An Application may qualify to receive one (1) point provided the ownership structure contains a HUB, as certified by the Texas Comptroller of Public Accounts, or Qualified Nonprofit Organization, provided the Application is under the Nonprofit Set-Aside, has some combination of ownership interest, cash flow from operations, and developer fee which taken together equal at least 80 percent and no less than 5 percent for any category. For example, a HUB or Qualified Nonprofit Organization may have 20 percent ownership interest, 30 percent of the developer fee, and 30 percent of cash flow from operations. The HUB or Qualified Nonprofit Organization must also materially participate in the Development and operation of the Development throughout the Compliance Period and must have experience directly related to the housing industry, which may include experience with property management, construction, development, financing, or compliance. The Principals of the HUB or Qualified Nonprofit Organization cannot be a Related Party to any Principals of the Applicant or Developer unless the Related Party is a wholly-owned subsidiary of the HUB or Qualified Nonprofit Organization.

(c) Criteria to serve and support Texans most in need.

(1) Income Levels of Tenants. (§§2306.111(g)(3)(B) and (E); 2306.6710(b)(1)(C) and (e); and §42(m)(1)(B)(ii)(I)) An Application may qualify for up to fifteen (15) points for rent and income restricting a Development for the entire Affordability Period at the levels identified in subparagraph (A) or (B) of this paragraph.

(A) For any Development located within a non-Rural Area of the Dallas, Fort Worth, Houston, San Antonio, or Austin MSAs:

- (i) At least 40 percent of all low-income Units at 50 percent or less of AMGI (15 points);
- (ii) At least 30 percent of all low income Units at 50 percent or less of AMGI (13 points); or
- (iii) At least 20 percent of all low-income Units at 50 percent or less of AMGI (11 points).

(B) For Developments proposed to be located in areas other than those listed in subparagraph (A) of this paragraph:

- (i) At least 20 percent of all low-income Units at 50 percent or less of AMGI (15 points);
  - (ii) At least 15 percent of all low-income Units at 50 percent or less of AMGI (13 points); or
  - (iii) At least 10 percent of all low-income Units at 50 percent or less of AMGI (11 points).
- (2) Rent Levels of Tenants. (§2306.6710(b)(1)(G)) An Application may qualify to receive up to eleven (11) points for rent and income restrictions of a Development for the entire Affordability Period. These levels are in addition to those committed under paragraph (1) of this subsection.
- (A) At least 20 percent of all low-income Units at 30 percent or less of AMGI for Supportive Housing Developments qualifying under the Nonprofit Set-Aside only (11 points);
  - (B) At least 10 percent of all low income Units at 30 percent or less of AMGI or, for a Development located in a Rural Area, 7.5 percent of all low income Units at 30 percent or less of AMGI (9 points); or
  - (C) At least 5 percent of all low-income Units at 30 percent or less of AMGI (7 points).
- (3) Tenant Services. (§2306.6710(b)(1)(I) and §2306.6725(a)(1)) A Supportive Housing Development qualifying under the Nonprofit Set-Aside may qualify to receive up to nine (9) points and all other Developments may receive up to eight (8) points. By electing points, the Applicant certifies that the Development will provide a combination of supportive services, which are listed in §10.101(b)(7) of this title, appropriate for the proposed tenants and that there is adequate space for the intended services. The provision and complete list of supportive services will be included in the LURA. The Owner may change, from time to time, the services offered; however, the overall points as selected at Application will remain the minimum. No fees may be charged to the tenants for any of the services. Services must be provided on-site or transportation to those off-site services identified on the list must be provided. The same service may not be used for more than one scoring item.
- (4) Opportunity Index.
- (A) For Developments located in an Urban Area, if the proposed Development Site is located within a census tract that has a poverty rate below 15 percent for Individuals (or 35 percent for Developments in Regions 11 and 13), an Application may qualify to receive up to seven (7) points upon meeting the additional requirements in clauses (i) – (v) of this subparagraph. The Department will base poverty rate on data from the most recent five (5) year American Community Survey as available on November 15.
    - (i) Development targets the general population or Supportive Housing; income in the census tract is in the top quartile of median household income for the county or MSA as applicable and the Site is in the attendance zone of an elementary school that is rated exemplary or recognized (7 points);
    - (ii) Development targets the general population or Supportive Housing; income in the census tract is in the top two quartiles of median household income for the county or MSA as applicable and the Site is in the attendance zone of an elementary school that is rated exemplary or recognized (5 points);
    - (iii) any Development, regardless of population served is located in a census tract with income in the top quartile of median household income for the county or MSA as applicable and the Site is in the attendance zone of an elementary school that is rated exemplary or recognized (5 points);
    - (iv) any Development, regardless of population served is located in a census tract with income in the top quartile of median household income for the county or MSA as applicable (3 points); or
    - (v) any Development, regardless of population served is located in a census tract with income in the top two quartiles of median household income for the county or MSA as applicable (1 point).
  - (B) For Developments located in a Rural Area, an Application may qualify to receive up to seven (7) points upon meeting the requirements in clauses (i) – (v) of this subparagraph.

(i) Development targets the general population or Supportive Housing; income in the census tract is in the top quartile of median household income for the county or MSA as applicable and the Site is in the attendance zone of an elementary school that is rated at least acceptable (7 points);

(ii) Development targets the general population or Supportive Housing; income in the census tract is in the top two quartiles of median household income for the county or MSA as applicable and the Site is in the attendance zone of an elementary school that is rated at least acceptable (5 points);

(iii) Any Development, regardless of population served, is located in a census tract with income in the top quartile of median household income for the county or MSA as applicable and the Site is in the attendance zone of an elementary school that is rated at least acceptable (5 points);

(iv) Any Development, regardless of population served, is located in a census tract with income in the top quartile of median household income for the county or MSA as applicable (3 points); or

(v) Any Development, regardless of population served, is located in a census tract with income in the top two quartiles of median household income for the county or MSA as applicable (1 point).

(C) An elementary school attendance zone for the Development Site does not include schools with district-wide possibility of enrollment or no defined attendance zones, sometimes known as magnet schools. However, in districts with district-wide enrollment an Applicant may use the lowest rating of all elementary schools. The applicable school rating will be the 2011 accountability rating assigned by the Texas Education Agency. School ratings will be determined by the school number, so that in the case where a new school is formed or named or consolidated with another school but is considered to have the same number that rating will be used. A school that has never been rated by the Texas Education Agency will use the district rating. If a school is configured to serve grades that do not align with the Texas Education Agency's conventions for defining elementary schools (typically grades K-5 or K-6), the school will be considered to have the lower of the ratings of the schools that would be combined to meet those conventions.

(5) Educational Excellence. An Application may qualify to receive up to (3 points) for a Development Site located within the attendance zone of a public school with an academic rating of recognized or exemplary (or comparable rating) by the Texas Education Agency, as described in subparagraphs (A) and (B) of this paragraph. An attendance zone does not include schools with district-wide possibility of enrollment or no defined attendance zones, sometimes known as magnet schools. However, in districts with district-wide enrollment an Applicant may use the lowest rating of all elementary, middle, or high schools, respectively. The applicable school rating will be the 2011 accountability rating assigned by the Texas Education Agency. School ratings will be determined by the school number, so that in the case where a new school is formed or named or consolidated with another school but is considered to have the same number that rating will be used. A school that has never been rated by the Texas Education Agency will use the district rating. If a school is configured to serve grades that do not align with the Texas Education Agency's conventions for defining elementary schools (typically grades K-5 or K-6), middle schools (typically grades 6-8 or 7-8) and high schools (typically grades 9-12), the school will be considered to have the lower of the ratings of the schools that would be combined to meet those conventions. In determining the ratings for all three levels of schools, ratings for all grades K-12 must be included, meaning that two or more schools' ratings may be combined. For example, in the case of an elementary school which serves grades K-4 and an intermediate school that serves grades 5-6, the elementary school rating will be the lower of those two schools' ratings. Also, in the case of a 9th grade center and a high school that serves grades 10-12, the high school rating will be considered the lower of those two schools' ratings.

(A) Development is within the attendance zone of an elementary school, a middle school and a high school with an academic rating of recognized or exemplary (3 points); or

(B) Development is within the attendance zone of an elementary school and either a middle school or high school with an academic rating of recognized or exemplary (1 point).

(6) Underserved Area. (§§2306.6725(b)(2); 2306.127, 42(m)(1)(C)(ii)) An Application may qualify to receive (2 points) for general or Supportive Housing Developments or (1 point) for Qualified Elderly Developments, if the proposed Development is located in one of the areas described in subparagraphs (A) – (D) of this paragraph.

(A) A Colonia;

(B) An Economically Distressed Area;

(C) A Place, or if outside of the boundaries of any Place, a county that has never received a competitive tax credit allocation or a 4 percent non-competitive tax credit allocation for a Development that remains an active tax credit development; or

(D) For Rural Areas only, a census tract that has never received a competitive tax credit allocation or a 4 percent non-competitive tax credit allocation for a Development that remains an active tax credit development serving the same Target Population.

(7) Tenant Populations with Special Housing Needs. (§42(m)(1)(C)(v)) An Application may qualify to receive up to (2 points) for Developments in which at least 5 percent of the Units are set aside for Persons with Special Needs. For purposes of this scoring item, Persons with Special Needs is defined as persons with alcohol and/or drug addictions, Colonia residents, Persons with Disabilities, victims of domestic violence, persons with HIV/AIDS, homeless populations, veterans, wounded warriors (as defined by the Caring for Wounded Warriors Act of 2008), and migrant farm workers. Throughout the Compliance Period, unless otherwise permitted by the Department, the Development Owner agrees to affirmatively market Units to Persons with Special Needs. In addition, the Department will require a minimum twelve-month period during which Units must either be occupied by Persons with Special Needs or held vacant. After the twelve-month period, the Development Owner will no longer be required to hold Units vacant for households with special needs, but will be required to continue to affirmatively market Units to household with special needs.

(d) Criteria promoting community support and engagement.

(1) Quantifiable Community Participation. (§2306.6710(b)(1)(B); §2306.6725(a)(2)) An Application may qualify for up to (16 points) for written statements from a Neighborhood Organization. In order for the statement to qualify for review, the Neighborhood Organization must have been in existence prior to the Pre-Application Final Delivery Date, and its boundaries must contain the Development Site. In addition, the Neighborhood Organization must be on record with the state (or the Department) or county in which the Neighborhood Organization is located. Neighborhood Organizations may request to be on record for the current application cycle with the Department by submitting documentation (such as evidence of board meetings, bylaws, etc.) by the Quantifiable Community Participation (QCP) Delivery Date. The written statement must meet the requirements in subparagraph (A) of this paragraph.

(A) Statement Requirements.

(i) the Neighborhood Organization's name, a written description and map of the organization's boundaries, signatures and contact information (phone, email and mailing address) for at least two individual members with authority to sign on behalf of the organization;

(ii) certification that the boundaries of the Neighborhood Organization contain the Development Site and that the Neighborhood Organization meets the definition pursuant to Texas Government Code, §2306.004(23-a) and includes at least two separate residential households; and

(iii) an explicit expression of support, opposition, or neutrality. Any expression of opposition must be accompanied with at least one reason forming the basis of that opposition. A Neighborhood Organization is encouraged to be prepared to provide additional information with regard to opposition.

(B) Technical Assistance. For purposes of this section, if there is no Neighborhood Organization already on record, the Applicant, Development Owner, or Developer is allowed to provide technical assistance in the creation of and/or placing on record of a Neighborhood Organization provided that no Neighborhood Organization exists.

(i) Technical assistance is limited to:

(I) the use of a facsimile, copy machine/copying, email and accommodations at public meetings; and

(II) assistance in completing the QCP Neighborhood Information Packet, providing boundary maps and assisting in the Administrative Deficiency process;

(ii) No person required to be listed in accordance with §2306.6707 may participate in any way in the deliberations of a Neighborhood Organization of the Development to which the Application requiring their listing relates. This does not preclude their ability to present information and respond to questions at a duly held meeting where such matter is considered;

(iii) For non-Identity of Interest Applications the seller or their agents could be a member of the Neighborhood Organization if the seller will maintain primary residence within the Neighborhood Organizations boundaries.

(C) Point Values for Quantifiable Community Participation. An Application may receive points based on the values in clauses (i) – (vi) of this subparagraph. Points will not be cumulated. Where more than one written statement is received for an Application, the averaged weight of all statements received in accordance with this subparagraph will be assessed and awarded.

(i) sixteen (16) points for explicit support from a Neighborhood Organization that, during at least one of the three prior Application Rounds, provided a written statement that qualified as Quantifiable Community Participation opposing any Competitive Housing Tax Credit Application and whose boundaries remain unchanged;

(ii) fourteen (14) points for explicitly stated support from a Neighborhood Organization;

(iii) twelve (12) points for explicit neutrality from a Neighborhood Organization that, during at least one of the three prior Application Rounds provided a written statement, that qualified as Quantifiable Community Participation opposing any Competitive Housing Tax Credit Application and whose boundaries remain unchanged;

(iv) ten (10) points for statements of neutrality from a Neighborhood Organization or statements not meeting all the explicit requirements of this section, or an existing Neighborhood Organization provides no statement of either support, opposition or neutrality;

(v) ten (10) points for areas where no Neighborhood Organization is in existence, equating to neutrality; or

(vi) zero (0) points for statements of opposition meeting the requirements of this subsection.

(D) Challenges to opposition. Any written statement from a Neighborhood Organization expressing opposition to an Application may be challenged if it is contrary to findings or determinations, including zoning determinations, of a municipality, county, school district, or other local governmental entity having jurisdiction or oversight over the funding or determination. If any such statement is challenged, the challenger must declare the basis for the challenge. The Neighborhood Organization expressing opposition will be given seven (7) calendar days to provide any support for the accuracy of its assertions. All such materials and the analysis of the Department's staff will be provided to a fact finder, chosen by the Department, for review and a determination. The determination will be final and may not be waived or appealed.

(2) Community Input other than Quantifiable Community Participation. If an Application receives points under paragraph (1)(C)(iv) or (v) of this subsection, then, in order to ascertain if there is community support, an Application may receive up to (4 points) for letters that qualify for points under subparagraphs (A), (B), and/or (C) of this paragraph. No more than (4 points) will be awarded under this

point item under any circumstances. All letters must be submitted within the Application. At no time will the Application receive a score lower than zero (0) for this item.

(A) An Application may receive (2 points) for each letter of support submitted from a community or civic organization that serves the community in which the Development Site is located. Letters of support must identify the specific Development and must state support of the specific Development at the proposed location. To qualify, the organization must be qualified as tax exempt and have as a primary (not ancillary or secondary) purpose of the overall betterment, development, or improvement of the community as a whole or of a major aspect of the community such as improvement of schools, fire protection, law enforcement, city-wide transit, flood mitigation, or the like. The community or civic organization must provide some documentation of its tax exempt status and its existence and participation in the community in which the Development is located including, but not limited to, a listing of services and/or members, brochures, annual reports, etc. Letters of support from organizations that cannot provide reasonable evidence that they are active in the area that includes the location of the Development will not be awarded points. For purposes of this subparagraph, community and civic organizations do not include neighborhood organizations, governmental entities (excluding Special Management Districts), or taxing entities. Should an Applicant elect this option and the Application receives letters in opposition, then (2 points) will be subtracted from the score for each letter in opposition, provided that the letter is from an organization that would otherwise qualify under this subparagraph.

(B) An Application may receive (2 points) for a letter of support, from a property owners association created for a master planned community whose boundaries include the Development Site that does not meet the requirements of a Neighborhood Organization for the purpose of awarding points under paragraph (1) of this subsection.

(C) An Application may receive (2 points) for a letter of support from a Special Management District whose boundaries, as of the Full Application Delivery Date as identified in §11.2 of this chapter (relating to Program Calendar for Competitive Housing Tax Credits), include the Development Site and for which there is not a Neighborhood Organization on record with the county or state.

(D) Input that evidences unlawful discrimination against classes of persons protected by Fair Housing law or the scoring of which the Department determines to be contrary to the Department's efforts to affirmatively further fair housing will not be considered. If the Department receives input that could reasonably be suspected to implicate issues of non-compliance under the Fair Housing Act, staff will refer the matter to the Texas Workforce Commission for investigation, but such referral will not, standing alone, cause staff or the Department to terminate the Application. Staff will report all such referrals to the Board and summarize the status of any such referrals in any recommendations.

**(3) Commitment of Development Funding by Unit of General Local Government. (§2306.6710(b)(1)(E))**

An Application may receive up to (13 points) for a commitment of Development funding from the city or county in which the Development is proposed to be located. Development funding from instrumentalities of a city or county will not qualify for points under this scoring item unless such instrumentalities first award the funds to the city or county for their administration, at least 60 percent of the governing board of the instrumentality consists of city council members from the city in which the Development will be located (for Developments located in a city) or county commissioners from the county in which the Development will be located (for Developments not located in a city), or 100 percent of the governing board of the instrumentality is appointed by the elected officials of the city in which the Development is located (if the Development is located within a city) or county in which the Development is located (for Developments not located within a city). The government instrumentality providing Development funding under this scoring item may not be a Related Party to the Applicant. Development funding must be provided in the form of a construction and/or permanent loan with an interest rate no higher than 3 percent per annum and term of at least 5 years, a grant, an in-kind contribution, a contribution which will support the Development, such as vouchers, or combination thereof. Funds cannot have been provided to the Unit of General Local Government by the Applicant or a Related Party. HOME Investment Partnership Program or Community Development Block Grant funds administered by the State of Texas cannot be utilized for points under this scoring item except where the city, county, or instrumentality is an actual

applicant for and subrecipient of such funds for use in providing financial support to the proposed Development. The Applicant must provide evidence in the Application that an application or request for the development funds has been submitted in the form of an acknowledgement from the applicable city or county. The acknowledgement must also state that a decision with regard to the awards of such funding will occur no later than September 1. A firm commitment of funds is required by Commitment or the points will be lost (except for Applicants electing the point under subparagraph (B) of this paragraph).

(A) Applications will qualify for points based on the amount of funds at the levels described in clauses (i) – (v) of this subparagraph. For the purpose of this calculation, the Department will use the population of the Place from which the Development's Rural or Urban Area designation is derived. For Developments located outside a census designated place, the Department will use the population of the nearest Place.

(i) twelve (12) points for a commitment by a Unit of General Local Government of the lesser of the population of the Place multiplied by a factor of 0.15 in funding per Low Income Unit or \$15,000 in funding per Low Income Unit;

(ii) eleven (11) points for a commitment by a Unit of General Local Government of the lesser of the population of the Place multiplied by a factor of 0.10 in funding per Low Income Unit or \$10,000 in funding per Low Income Unit;

(iii) ten (10) points for a commitment by a Unit of General Local Government of the lesser of population of the Place multiplied by a factor of 0.05 in funding per Low Income Unit or \$5,000 in funding per Low Income Unit;

(iv) nine (9) points for a commitment by a Unit of General Local Government of the lesser of the population of the Place multiplied by a factor of 0.025 in funding per Low Income Unit or \$1,000 in funding per Low Income Unit; or

(v) eight (8) points for a commitment by a Unit of General Local Government of the lesser of the population of the Place multiplied by a factor of 0.01 in funding per Low Income Unit or \$500 in funding per Low Income Unit.

(vi) seven (7) points for a resolution of support from the Governing Body of the city (if located in a city) or county (if not located within a city) in which the Development is located stating that the city or county would provide development funding but has no development funding available due to budgetary or fiscal constraints and, despite reasonable efforts, has been unable to identify and secure any such funding. The resolution must be submitted with the Application and dated prior to March 1, 2013. A general letter of support does not qualify.

(B) One (1) point may be added to the points in clauses (i) – (v) of subparagraph (A) if the Applicant provides a firm commitment for funds in the form of a resolution from the Unit of General Local Government in the Application.

(4) Community Support from State Representative or Senator. (§2306.6710(b)(1)(F); §2306.6725(a)(2)) Applications may receive up to (12 points) or have deducted up to (12 points) for this scoring item. To qualify under this paragraph letters must be on the State Representative's or State Senator's letterhead, be signed by the State Representative or State Senator, identify the specific Development and clearly state support for or opposition to the specific Development. This documentation will be accepted with the Application or through delivery to the Department from the Applicant or the State Representative or Senator and must be submitted no later than the Input from State Senator or Representative Delivery Date as identified in §11.2 of this chapter. Once a letter is submitted to the Department it may not be changed or withdrawn. Therefore, it is encouraged that letters not be submitted earlier than the specified deadline in order to facilitate consideration of all constituent comment and other relevant input on the proposed Development. State Representatives or Senators to be considered are those in office at the time the letter is submitted and whose district boundaries include the proposed Development Site. Neutral letters or letters that do not specifically refer to the Development or specifically express support or opposition will receive (0 points). Points under this scoring item will be averaged. If one letter is

received in support and one letter is received in opposition the score would be (0 points). A letter that does not directly express support but expresses it indirectly by inference (e.g. "the local jurisdiction supports the Development and I support the local jurisdiction") will be treated as a neutral letter.

(5) Declared Disaster Area. (§2306.6710(b)(1)) An Application may qualify to receive up to (8 points) for this scoring item. An Application will receive (7 points) if at the time the complete Application is submitted or at any time within the two-year period preceding the date of submission, the proposed Development Site is located in an area declared to be a disaster area under the Texas Government Code, §418.014 (this excludes disaster declarations that are pre-emptive in nature). An Application will receive eight (8) points if the disaster declaration, within the two-year period preceding the date of submission, is localized, in other words, if the disaster declaration does not apply to the entire state.

(6) Community Revitalization Plan.

(A) For Developments located in an Urban Area of Region 3.

(i) An Application may qualify to receive up to (6 points) if the proposed Development is located in an area targeted for revitalization by a community revitalization plan and meets the criteria described in subclauses (I) – (VII) of this clause:

(I) The community revitalization plan must have been adopted by the municipality or county in which the Development is proposed to be located.

(II) The adopting municipality or county must have performed, in a process providing for public input, an assessment of the factors in need of being addressed as a part of such community revitalization plan. Factors to be considered may include:

(-a-) adverse environmental conditions, natural or manmade, that are material in nature and are inconsistent with the general quality of life in typical average income neighborhoods. By way of example, such conditions might include significant and recurring flooding, presence of hazardous waste sites or ongoing localized emissions not under appropriate remediation, nearby heavy industrial uses, or uses presenting significant safety or noise concerns such as major thoroughfares, nearby active railways (other than commuter trains), or landing strips; significant and widespread (e.g., not localized to a small number of businesses or other buildings) rodent or vermin infestation acknowledged to present health risks requiring a concerted effort; or fire hazards;

(-b-) presence of blighted structures;

(-c-) presence of inadequate transportation;

(-d-) lack of accessibility to and/or presence of inadequate health care facilities, law enforcement and fire fighting facilities, social and recreational facilities, and other public facilities comparable to those typically found in neighborhoods containing comparable but unassisted housing;

(-e-) the presence of significant crime;

(-f-) the presence, condition, and performance of public education; or

(-g-) the presence of local business providing employment opportunities.

(III) A municipality or county is not required to identify and address all of the factors identified in this clause, but it must set forth in its plan those factors that it has identified and determined it will address.

(IV) The adopting municipality or county must have based its plan on the findings of the foregoing assessment and must have afforded the public an opportunity to provide input and comment on the proposed plan and the factors that it would address. To the extent that issues identified require coordination with other authorities, jurisdictions, or the like, such as school boards or hospitals, the adopting municipality should include coordination with such bodies in its plan and, to the extent feasible, secure their cooperation.



(V) The adopted plan, taken as a whole, must be a plan that can reasonably be expected to revitalize the neighborhood and address in a substantive and meaningful way the material factors identified. Generally, because revitalization must identify specific matters needing to be addressed by revitalization and provide a plan and budget specifically directed to those identified issues, revitalization will be considered distinct and separate from broader economic development efforts. For example, staff will review the neighborhood for the presence of existing aging structures and infrastructure, and staff will review plans for evidence that the local government endeavors to address the aging nature of the structures and area through a deliberate and substantive revitalization effort. The adopted plan must specifically address how providing affordable rental housing fits into the overall plan and is a necessary component thereof. The target areas should be limited in size along the lines of specific neighborhoods rather than encompassing large areas of a city or county.

(VI) The adopted plan must describe the planned sources and uses of funds to accomplish its purposes.

(VII) To be eligible for points under this item, the community revitalization plan must already be in place as of the Pre-Application Final Delivery Date pursuant to §11.2 of this chapter (relating to Program Calendar for Competitive Housing Tax Credits) evidenced by a certification that:

- (-a-) the plan was duly adopted with the required public comment processes followed;
- (-b-) the funding and activity under the plan has already commenced; and
- (-c-) the adopting municipality or county has no reason to believe that the overall funding for the full and timely implementation of the plan will be unavailable.

(ii) Points will be awarded based on:

(I) Applications will receive (4 points) if the community revitalization plan has a total budget or projected economic value of \$6,000,000 or greater; or,

(II-) Applications will receive (2 points) if the community revitalization plan has a total budget or projected economic value of at least \$4,000,000; and,

(III) Applications may receive (2 points) in addition to those under subclauses (I) or (II) if the Development is explicitly identified by the city or county as contributing most significantly to the concerted revitalization efforts of the city or county (as applicable). A city or county may only identify one single Development during each Application Round for the additional points under this subclause. A resolution from the Governing Body of the city or county that approved the plan is required to be submitted in the Application (this resolution is not required at pre-application). If multiple Applications submit resolutions under this subclause from the same Governing Body, none of the Applications shall be eligible for the additional points. A city or county may, but is not required, to identify a particular Application as contributing most significantly to concerted revitalization efforts.

(iii) At the time of the tax credit award the site and neighborhood of any Development must conform to the Department's rules regarding unacceptable sites.

(iv) It is recognized that municipalities and counties will need to devote time and effort to adopt a concerted revitalization plan that complies with the requirements of this scoring item. Therefore, for purposes of the 2013 Application Round only, the Department's Board may, in a public meeting, determine whether a revitalization plan substantively and meaningfully satisfies a revitalization effort, notwithstanding a failure to fulfill one or more of the factors in this subparagraph. Such pre-clearance shall be prompted by a request from the Applicant pursuant to the waiver provisions in §10.207 of this title (relating to Waiver of Rules for Applications).

(B) For Developments located in Urban Areas outside of Region 3.

(i) An Application may qualify for up to (6 points) for meeting the criteria under subparagraph (A) of this paragraph (with the exception of being located in Region 3); or

(ii) An Application will qualify for (6 points) if the city or county has an existing plan for Community Development Block Grant - Disaster Relief Program (CDBG-DR) funds that meets the requirements of subclauses (I) - (V) of this clause. To qualify for points, the Development Site must be located in the target area defined by the plan, and the Application must have a commitment of CDBG-DR funds:

(I) the plan defines specific target areas for redevelopment of housing that do not encompass the entire jurisdiction;

(II) the plan affirmatively addresses Fair Housing demonstrated through an approved Fair Housing Activity Statement-Texas (FHA<sup>ST</sup>);

(III) the plan is subject to administration in a manner consistent with the findings of an Analysis of Impediments approved or accepted by HUD within the last three (3) calendar years or an approved Fair Housing Activity Statement-Texas (FHA<sup>ST</sup>), approved by the Texas General Land Office;

(IV) the plan is in place prior to the Pre-Application Final Delivery Date; and

(V) the plan (in its entirety) and a letter from a local government official with specific knowledge and oversight of implementing the plan are included in the pre-application.

(C) For Developments located in a Rural Area.

(i) An Application may qualify for up to (6 points) if the city, county, state, or federal government has approved expansion of any of the basic infrastructure or projects to the Development Site described in subclauses (I) - (V) of this clause, or improvements to areas within a quarter mile of the Development Site, unless a different distance is otherwise identified in subclauses (I) - (V) of this clause. Approval cannot be conditioned upon the award of tax credits or on any other event (zoning, permitting, construction start of another development, etc.) not directly associated with the particular infrastructure expansion. The Applicant or Related Party cannot contribute funds for or finance the project or infrastructure, except through the normal and customary payment of property taxes, franchise taxes, sales taxes, impact fees and/or any other taxes or fees traditionally used to pay for or finance such infrastructure by cities, counties, state or federal governments or their related subsidiaries. The project or infrastructure must have been completed no more than twelve (12) months prior to the beginning of the Application Acceptance Period or be approved and projected to be completed within twelve (12) months from the beginning of the Application Acceptance Period. An Application is eligible for four (4) points for one of the items described in subclauses (I) - (V) of this clause or (6 points) for at least two (2) of the items described in subclauses (I) - (V) of this clause:

(I) Paved roadways or expansion of paved roadways by at least one lane;

(II) Water;

(III) Wastewater service;

(IV) Construction of a new police or fire station within one (1) mile of the Development Site that has a service area that includes the Development Site; and

(V) Construction of a new hospital or expansion of an existing hospital's capacity by at least 25 percent within a five (5) mile radius of the Development Site and ambulance service to and from the hospital is available at the Development Site. Capacity is defined as total number of beds, total number of rooms or total square footage of the hospital.

(ii) The Applicant must provide a letter from a government official with specific knowledge of the project. However, Department staff may rely on other documentation that reasonably documents that the substance of this clause is met, in Department staff's sole determination. A letter must include:

- (I) the nature and scope of the project;
- (II) the date completed or projected completion;
- (III) source of funding for the project;
- (IV) proximity to the Development Site; and
- (V) the date of any applicable city, county, state, or federal approvals, if not already completed.

(e) Criteria promoting the efficient use of limited resources and applicant accountability.

(1) **Financial Feasibility.** (§2306.6710(b)(1)(A)) An Application may qualify to receive a maximum of eighteen (18) points for this item. To qualify for points, a 15-year pro forma itemizing all projected income, operating expenses and debt service, and specifying the underlying growth assumptions and reflecting a minimum must-pay debt coverage ratio of 1.15 for each year must be submitted. The pro forma must include the signature and contact information evidencing that it has been reviewed and found to be acceptable by an authorized representative of a proposed Third Party construction or permanent lender. An acceptable form of lender approval letter is found in the application. If the letter evidences review of the Development alone it will receive (16 points). If the letter evidences review of the Development and the Principals, it will receive (18 points).

(2) **Cost of Development per Square Foot.** (§2306.6710(b)(1)(H); §42(m)(1)(C)(iii)) An Application may qualify to receive up to (10 points) based on the Building Cost (less any structured parking cost that is not included in Eligible Basis) per square foot of the Application, as originally submitted and certified to by the General Contractor, relative to the mean cost per square foot for all similar development types. Structured parking costs must be supported by a cost estimate from a Third Party General Contractor or subcontractor with experience in structured parking. The square footage used will be the Net Rentable Area (NRA). For the purposes of this paragraph only, if a building is in a Qualified Elderly Development with an elevator or a Development with one or more buildings any of which have elevators serving four or more floors (elevator served Development) the NRA will include elevator served interior corridors. If the proposed Development is a Supportive Housing Development, the NRA will include elevator served interior corridors and 50 square feet of common area per Unit. As it relates to this paragraph, an interior corridor is a corridor that is enclosed, heated and/or cooled and otherwise finished space. The calculations will be based on the cost listed in the Development Cost Schedule and NRA shown in the Rent Schedule.

(A) Each Application will be categorized as:

- (i) Applications proposing Rehabilitation; or
- (ii) If not proposing Rehabilitation, elevator served Development, more than 75 percent single family design, and Supportive Housing Developments; or
- (iii) All other Applications proposing New Construction, Reconstruction, or Adaptive Reuse.

(B) Within each category listed in subparagraph (A) of this paragraph, (10 points) will be awarded if the cost per square foot is within 10 percent of the mean cost per square foot.

(C) The mean will be fixed based on the exhibits as submitted in the original Applications received by the Department on or before March 1, 2013. Changes to a specific Application as a result of an Administrative Deficiency to be within the mean parameters in subparagraph (B) of this paragraph will be allowed but the Application will not receive additional points for such changes. Program or underwriting Application reviews that result in an Applicant making corrections such that the Application's revised costs fall outside of the mean parameters in subparagraph (B) of this paragraph will have the points reevaluated. Where costs change after completion of underwriting or award (whichever occurs later), the points attributed to an Application under this scoring item will not be reassessed unless there is clear evidence that the information in the Application was intentionally misleading or incorrect.

(D) Developments with Building Costs of less than \$80 per square foot shall receive no less than (8 points). Points under this subparagraph are not in addition to the points achieved under subparagraph (B) of this paragraph.

(E) Developments with Building Costs of less than \$80 per square foot shall receive ten (10) points if the application also receives (5 or 7 points) under subsection (c)(4) of this section, related to Opportunity Index. Points under this subparagraph are not in addition to the points achieved under subparagraph (B) of this paragraph.

(3) Pre-application Participation. (§2306.6704) An Application may qualify to receive up to (6 points) provided a pre-application was submitted during the Pre-Application Acceptance Period and meets the requirements described in subparagraphs (A) – (I) of this paragraph:

(A) The total number of Units does not increase by more than 10 percent from pre-application to Application;

(B) The designation of the proposed Development as Rural or Urban remains the same;

(C) The proposed Development serves the same Target Population;

(D) The pre-application and Application are participating in the same set-asides (At-Risk, USDA, Non-Profit, and/or Rural);

(E) The Application final score (inclusive of only scoring items reflected on the self score form) does not vary by more than (6 points) from what was reflected in the pre-application self score;

(F) All necessary waivers and pre-clearance were requested in the pre-application;

(G) The Development Site at Application is at least in part the Development Site at pre-application, and the census tract number listed at pre-application is the same at Application;

(H) The pre-application met all applicable requirements; and

(I) The community revitalization plan the Applicant used for points under subsections (d)(6)(A) and (B)(i) of this section was submitted at the time of pre-application.

(4) Leveraging of Private, State, and Federal Resources. (§2306.6725(a)(3))

(A) An Application may qualify to receive up to (3 points) if at least 5 percent of the total Units are restricted to serve households at or below 30 percent of AMGI (restrictions elected under other point items may count) and the Housing Tax Credit funding request for the proposed Development meet one of the levels described in clauses (i) – (iv) of this subparagraph:

(i) the Development leverages CDBG Disaster Recovery, HOPE VI, or Choice Neighborhoods funding and the Housing Tax Credit Funding Request is less than 8 percent of the Total Housing Development Cost (3 points); or

(ii) If the Housing Tax Credit funding request is less than 7 percent of the Total Housing Development Cost (3 points); or

(iii) If the Housing Tax Credit funding request is less than 8 percent of the Total Housing Development Cost (2 points); or

(iv) If the Housing Tax Credit funding request is less than 9 percent of the Total Housing Development Cost (1 point).

(B) The calculation of the percentages stated in subparagraph (A) of this paragraph will be based strictly on the figures listed in the Funding Request and Development Cost Schedule and will be rounded to the nearest hundredth. Should staff issue an Administrative Deficiency that requires a change in either form, then the calculation will be performed again and the score adjusted, as necessary. However, points may not increase based on changes to the Application. In order to be eligible for points, no more than 50 percent of the developer fee can be deferred. Where costs or financing change after completion of underwriting or award (whichever occurs later), the points

attributed to an Application under this scoring item will not be reassessed unless there is clear evidence that the information in the Application was intentionally misleading or incorrect.

(5) **Extended Affordability or Historic Preservation.** (§§2306.6725(a)(5); 2306.111(g)(3)(C); 2306.185(a)(1) and (c); 2306.6710(e)(2); and 42(m)(1)(B)(ii)(II)) An Application may qualify to receive (2 points) for this scoring item.

(A) In accordance with the Code, each Development is required to maintain its affordability for a 15-year compliance period and, subject to certain exceptions, an additional 15-year extended use period. Development Owners that agree to extend the affordability period for a Development to thirty-five (35) years total may receive the (2 points); or

(B) An Application proposing the use of historic (rehabilitation) tax credits and providing documentation that an existing building that will be part of the Development will reasonably be able to qualify to receive and document receipt of historic tax credits by issuance of Forms 8609 may qualify to receive (2 points).

(6) **Right of First Refusal.** (§2306.6725(b)(1); §42(m)(1)(C)(viii)) An Application may qualify to receive (1 point) for Development Owners that will agree to provide a right of first refusal to purchase the Development upon or following the end of the Compliance Period in accordance with Texas Government Code, §2306.6726 and the Department's rules including §10.407 of this title (relating to Right of First Refusal) and §10.408 of this title (relating to Qualified Contract Requirements).

(7) **Development Size.** An Application may qualify to receive (1 point) if the Development is proposed to be fifty (50) total HTC Units or less and the Application reflects a Funding Request of Housing Tax Credits, as identified in the original Application submission, of \$500,000 or less.

**(f) Point Deductions.**

(1) Any Applicant that elects points for a scoring item on their self score form and is unable to provide sufficient documentation for Department staff to award those points will receive a (1 point) deduction per scoring item in their final score. This deduction shall not be applied to these scoring items regardless of points elected: §11.9(d)(1), (4), and (6) and §11.9(e)(2) and (3).

(2) Staff will recommend to the Board a deduction of up to (5 points) for any of the items listed in subparagraph (A) of this paragraph, unless the person approving the extension (the Board or Executive Director, as applicable) makes an affirmative finding setting forth that the facts which gave rise to the need for the extension were beyond the reasonable control of the Applicant and could not have been reasonably anticipated. Any such matter to be presented for final determination of deduction by the Board must include notice from the Department to the affected party not less than fourteen (14) days prior to the scheduled Board meeting. The Executive Director may, but is not required, to issue a formal notice after disclosure if it is determined that the matter does not warrant point deductions. (§2306.6710(b)(2))

(A) If the Applicant or Affiliate failed to meet the original Carryover submission or 10 percent Test deadline(s) or has requested an extension of the Carryover submission deadline, the 10 percent Test deadline (relating to either submission or expenditure).

(B) If the Developer or Principal of the Applicant violates the Adherence to Obligations.

(C) No points will be deducted for extensions that were requested on Developments that involved Rehabilitation when the Department is the primary lender, or for Developments that involve USDA as a lender if the Applicant is not determined to be at fault for not meeting the deadline.

(D) Any deductions assessed by the Board for subparagraph (A) or (B) of this paragraph based on a Housing Tax Credit Commitment from the preceding Application Round will be attributable to the Applicant or Affiliate of an Application submitted in the current Application Round.

**§11.10. Challenges of Competitive HTC Applications.**

Challenges. The Department will address challenges received from unrelated entities to a specific active Application. The Department will utilize a preponderance of the evidence standard and determinations made by the Department concerning challenges cannot be appealed by a party unrelated to the Applicant that is the subject of the challenge. The challenge process shall be as stated in paragraphs (1) - (12) of this section. A matter, even if raised as a challenge, that staff chooses to treat as an Administrative Deficiency will be treated and handled as an Administrative Deficiency, not as a challenge.

(1) The challenge must be received by the Department no later than the Application Challenges Deadline as identified in §11.2 of this chapter (relating to Program Calendar for Competitive Housing Tax Credits) and must be accompanied by the corresponding non-refundable challenge processing fee as described in §10.901 of this title (relating to Fee Schedule). Unless the required fee is received with the challenge, no challenge will be deemed to have been submitted, and the challenge fee must be paid for each Application challenged by a challenger.

(2) A challenge must be clearly identified as such, using that word in all capital letters at the top of the page, and it must state the specific identity of and contact information for the person making the challenge.

(3) Challengers must provide, at the time of filing the challenge, any briefing, documentation or other information that the challenger offers in support of the challenge. Challengers must provide sufficient credible evidence that, if confirmed, would substantiate the challenge.

(4) Challenges to the financial feasibility of the proposed Development are premature and will not be accepted; as such issues will be addressed during the underwriting phase of the process.

(5) Challenges relating to undesirable area features as described in §10.101(a)(4) of this title (relating to Site and Development Requirements and Restrictions) will not be accepted unless they relate to a failure to disclose substantive issues not already disclosed.

(6) Challengers are encouraged to be prudent in identifying issues to challenge, realizing that most issues will be identified and addressed through the routine review and Administrative Deficiency process;

(7) Once a challenge on an Application has been submitted, subsequent challenges on the same Application from the same challenger will not be accepted;

(8) The Department shall promptly post all items received and purporting to be challenges and any pertinent information to its website;

(9) The Department shall notify the Applicant that a challenge was received within seven (7) business days of the challenge deadline;

(10) The Applicant must provide a response regarding the challenge within fifteen (15) business days of their receipt of the challenge; and

(11) The Department shall promptly post its determinations of all matters submitted as challenges. Because of statutory requirements regarding the posting of materials to be considered by the Board, staff may be required to provide information on late received items relating to challenges as handouts at a Board meeting.

(12) Staff determinations regarding all challenges will be reported to the Board as report items.



# Travis County Commissioners Court Agenda Request

**Meeting Date:** March 19, 2013

**Prepared By/Phone Number:** Gary D. Martin, Assistant County Attorney, 854-9510

**Elected Official:** Danny Hobby, Executive Manager, Emergency Services, 4-4416  
Hershel Lee, Fire Marshal, 4-4621

**Commissioners Court Sponsor:** Ron Davis, Precinct 1 Commissioner

**AGENDA LANGUAGE: For Executive Session**

Receive briefing from the County Attorney and take appropriate action regarding violations of the Travis County Fire Code at 9608 Brown Lane, Austin, TX 78754. (Commissioner Davis)

**Executive Session pursuant to:**

TEX. GOV'T. CODE, SECTION 551.071; CONSULTATION WITH ATTORNEY

**BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

For Executive Session

**STAFF RECOMMENDATIONS:** Approval

**ISSUES AND OPPORTUNITIES:** N/A

**FISCAL IMPACT AND SOURCE OF FUNDING:** Project funds

**REQUIRED AUTHORIZATIONS:**

Officials and departments affected or involved:

- Ron Davis Pct. 1, Commissioner 4-9111
- Danny Hobby Executive Manager, Emergency Services 4-4416
- Hershel Lee Fire Marshal 4-4621
- Sharon Talley Assistant County Attorney 4-3127
- Gary Martin Assistant County Attorney 4-9513
- Felicitas Chaves Commissioner Davis Office 4-9108
- Sue Spears Commissioner Davis Office 4-4857
- Deone Wilhite Commissioner Davis Office 4-9111



# Travis County Commissioners Court Agenda Request

**Meeting Date:** March 19, 2013

**Prepared By:** Paul Scoggins **Phone #:** 854-7619

**Division Director/Manager:** Anna Bowlin, Division Director of Development Services and Long Range Planning

AB

**Department Head:** Steven M. Manilla, P.E., County Executive-TNR

**Sponsoring Court Member:** Commissioner Daugherty, Precinct Three

**AGENDA LANGUAGE:** Approve setting a public hearing on Tuesday, April 9, 2013 to receive comments regarding a request to authorize the filing of an instrument to vacate a 25 foot wide drainage easement located over and across Lots 2 thru 6, Block A of The Estates at Commanders Point – Precinct Three.

## **BACKGROUND/SUMMARY OF REQUEST:**

TNR staff has received a request to authorize the filing of an instrument to vacate a 25' wide drainage easement (DE) located over and across Lots 2 thru 6, Block A of The Estates at Commanders Point. The easement is schematically shown on the resubdivided lot of Lot 6A and are dedicated by plat note on the original plat. The subject lots front on an ingress/egress easement, an easement which is not maintained by Travis County.

Professional engineer Alex Clark has stated and sealed that:

"The aforementioned drainage easement was designed for a specific construction plan, The Estates at Commanders Point (Travis County Development Permit #08-1916; City of Austin Case #C8J-2009-0136.0B). We have taken over the project from the previous engineer and are in the process of obtaining a permit under the same application with the City and the County. This site requires a differently shaped drainage easement of 0.205-acres, which we are offering for recordation in exchange for the release of the existing drainage easement. The vacating of the current drainage easement and the proposed drainage easement that will replace it will not cause any adverse affects to any of the surrounding property."

Staff foresees no opposition to this request.

## **STAFF RECOMMENDATIONS:**

The request has been reviewed by TNR staff and staff finds the vacation request meets all Travis County standards. As such, TNR staff recommends setting the public hearing.



**ISSUES AND OPPORTUNITIES:**

According to the request letter new plans are being submitted for the subject lots, which include the drainage easement being re-configured. With the vacating and re-dedicating the drainage easement will allow the property owner to move forward with the plans without potentially encroaching on said easement.

**FISCAL IMPACT AND SOURCE OF FUNDING:**

None.

**ATTACHMENTS/EXHIBITS:**

- Order of Vacation
- Field Notes
- Request/Engineer's Letter
- Proposed easement
- Maps

**REQUIRED AUTHORIZATIONS:**

Cynthia McDonald	Financial Manager	TNR	854-4239
Steve Manilla	County Executive	TNR	854-9429
Anna Bowlin	Division Director	Development Services	854-7561

**CC:**

Stacey Scheffel	Program Manager	TNR - Permits	854-7565
Don Grigsby <i>DG</i>	Engineer	Development Services	854-7560

**SM:AB:ps**

**1101 - Development Services Long Range Planning - The Estates at Commanders Point**

**ORDER OF VACATION**

**STATE OF TEXAS                    §**

**COUNTY OF TRAVIS   §**

WHEREAS, the property owners request the vacation of a 25 foot wide drainage easement located over and across Lots 2 thru 6, Block A of The Estates at Commanders Point as recorded in Document No. 201100111 of the Real Property Records of Travis County, Texas;

WHEREAS, an independent professional engineer has submitted a letter recommending the vacation of the subject easement;

WHEREAS, the property owners will re-dedicate the drainage easement in a new location;

WHEREAS, Travis County staff has stated that with a new easement being dedicated in a new location there are no objections to the vacation of the drainage easement as described in the attached field notes and sketch;

WHEREAS, the Travis County Transportation and Natural Resources Department recommends the vacation of the subject drainage easement as described in the attached field notes and sketch;

WHEREAS, the required public notice was posted and the Travis County Commissioners Court held a public hearing on April 9, 2013 to consider the proposed action; and

NOW, THEREFORE, by unanimous vote, the Commissioners Court of Travis County, Texas, orders that the 25 foot wide drainage easement located over and across Lots 2 thru 6, Block A of The Estates at Commanders Point, as shown on the attached sketch and described in the attached field notes and sketch, is hereby vacated.

ORDERED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013.

\_\_\_\_\_  
SAMUEL T. BISCOE, COUNTY JUDGE

\_\_\_\_\_  
COMMISSIONER RON DAVIS  
PRECINCT ONE

\_\_\_\_\_  
COMMISSIONER SARAH ECKHARDT  
PRECINCT TWO

\_\_\_\_\_  
COMMISSIONER GERALD DAUGHERTY  
PRECINCT THREE

\_\_\_\_\_  
COMMISSIONER MARGARET GOMEZ  
PRECINCT FOUR

**VACATION OF DRAINAGE EASEMENT  
15,013 SQ. FT., 0.345 ACRE  
THE ESTATES OF COMMANDERS POINT**

**BEING 15,013 SQUARE FEET, 0.345 ACRE OF LAND LOCATED IN THE WILLIAM P. MOORE SURVEY NO. 530 AND THE C.B.Y. TOWNSEND SURVEY NO. 192 IN TRAVIS COUNTY, TEXAS AND BEING A PORTION OF LOTS 2, 3, 4, 5 AND 6, BLOCK A, OF THE ESTATES AT COMMANDERS POINT A SUBDIVISION OF RECORD IN DOCUMENT NO. 201100111 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 15,013 SQUARE FEET, 0.345 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a ½-inch iron rod at the northwest corner of Lot 1, Block A of said subdivision, same being on the westerly line of said Lot 2;

**THENCE**, with the common line of said Lot 1 and Lot 2, S14°06'16"E, 38.00 feet to a calculated point for the **POINT OF BEGINNING** of the herein described tract;

**THENCE**, leaving said common line and crossing said Lots 2, 3, 4, 5 and 6 the following eight (8) courses and distances:

1. N85°04'45"E, 51.75 feet to a calculated point;
2. S76°53'39"E, 56.22 feet to a calculated point;
3. S51°57'45"E, 89.03 feet to a calculated point;
4. S40°58'17"E, 112.99 feet to a calculated point;
5. S17°57'45"E, 57.44 feet to a calculated point;
6. S36°07'25"E, 57.58 feet to a calculated point;
7. S77°00'35"E, 37.32 feet to a calculated point;
8. S49°01'17"E, 154.16 feet to a calculated point on the southeasterly line of said Lot 6, same being the northwesterly line of Lot 1, First Resub of Lot A, Silent Ridge, a subdivision of record in Book 90, Page 117 of the Plat Records of Travis County, Texas;

**THENCE**, with the common line of said Lot 6 and said Lot 1 of Silent Ridge S58°57'36"W, 26.28 feet to a calculated point from which an iron rod at an angle point in said common line bears S58°57'36"W, 198.93 feet;

**THENCE**, once again crossing said Lots 2 thru 6, the following nine (9) courses and distances:

1. N49°01'17"W, 139.82 feet to a calculated point;
2. N77°00'35"W, 40.41 feet to a calculated point;
3. N36°07'25"W, 70.89 feet to a calculated point;
4. N17°57'45"W, 56.35 feet to a calculated point;
5. N40°58'17"W, 105.49 feet to a calculated point;
6. N51°57'45"W, 81.10 feet to a calculated point;

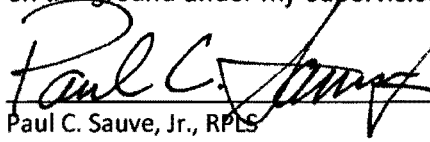
7. N76°53'39"W, 46.73 feet to a calculated point;

8. S85°04'45"W, 43.74 feet to a calculated point on the common line of said Lot 1 and 2;

THENCE, with said common lot line, N14°06'16"W, 25.32 feet to the POINT OF BEGINNING and containing 15,013 square feet, 0.345 of one acre of land, more or less.

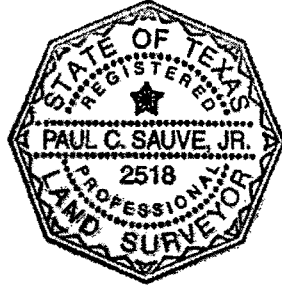
**SURVEYOR'S STATEMENT**

I hereby state that the included field note description was prepared from an actual survey made on the ground under my supervision and is true and correct, to the best of knowledge and belief.

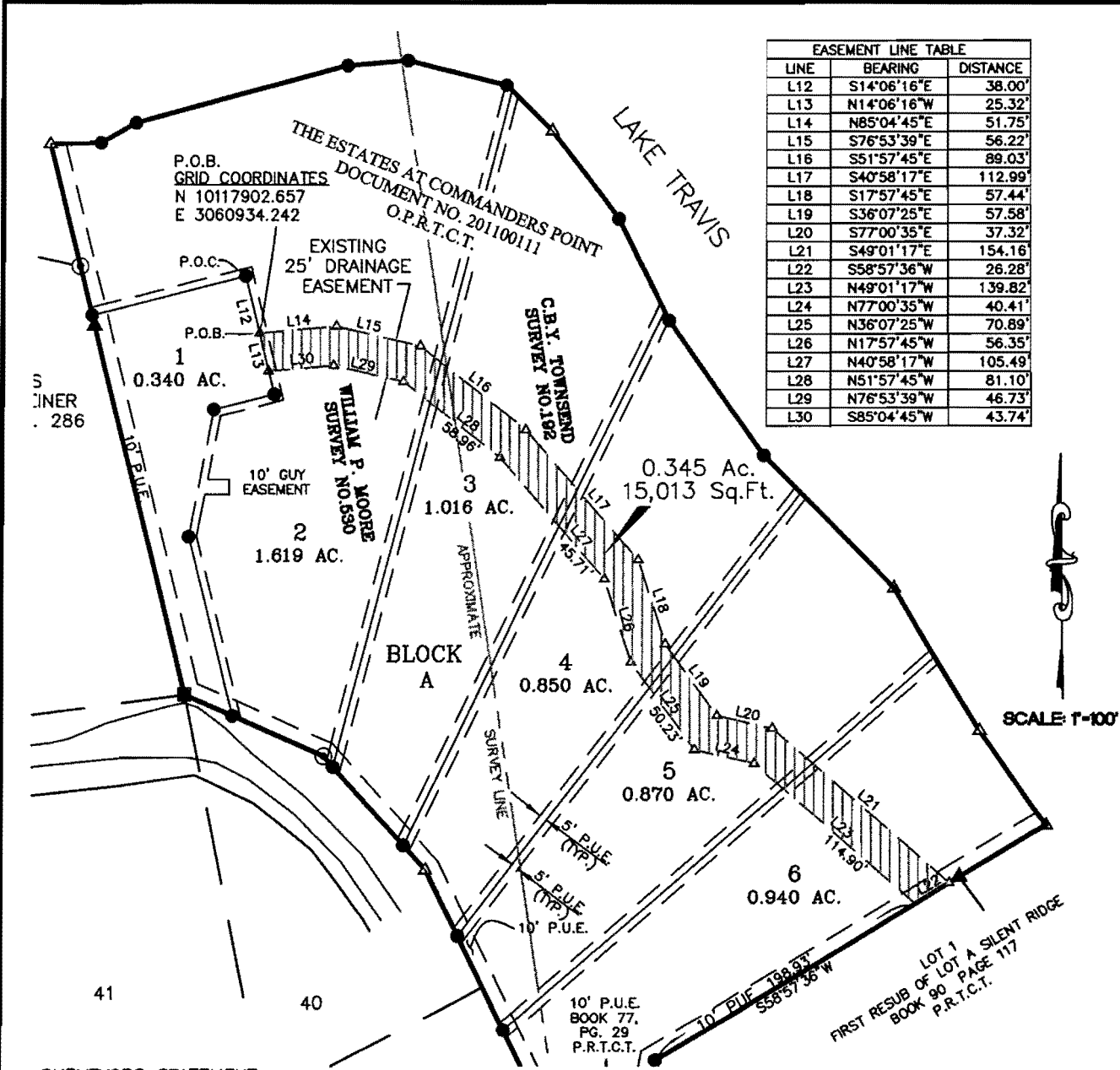


Paul C. Sauve, Jr., RPLS  
Managing Partner,  
Austin Spatial Technologies, LLC

January 4, 2013

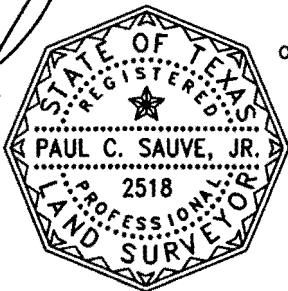


EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
L12	S14°06'16"E	38.00'
L13	N14°06'16"W	25.32'
L14	N85°04'45"E	51.75'
L15	S76°53'39"E	56.22'
L16	S51°57'45"E	89.03'
L17	S40°58'17"E	112.99'
L18	S17°57'45"E	57.44'
L19	S36°07'25"E	57.58'
L20	S77°00'35"E	37.32'
L21	S49°01'17"E	154.16'
L22	S58°57'36"W	26.28'
L23	N49°01'17"W	139.82'
L24	N77°00'35"W	40.41'
L25	N36°07'25"W	70.89'
L26	N17°57'45"W	56.35'
L27	N40°58'17"W	105.49'
L28	N51°57'45"W	81.10'
L29	N76°53'39"W	46.73'
L30	S85°04'45"W	43.74'



**SURVEYORS STATEMENT**  
 I HEREBY STATE THAT THE BOUNDARY DATA SHOWN  
 HEREON IS THE RESULT OF AN ACTUAL SURVEY  
 PERFORMED ON THE GROUND UNDER MY  
 SUPERVISION IN OCTOBER 2012. BEARINGS ARE  
 BASED ON THE TEXAS COORDINATE SYSTEM,  
 NAD83, CENTRAL ZONE 4203.

*Paul C. Sauve, Jr.*  
 PAUL C. SAUVE, JR., BPLS# 2518  
 DATE: DECEMBER 26, 2012



**LEGEND**

- 1/2-INCH IRON ROD FOUND
- △ CALCULATED POINT
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT

**REFERENCES**  
 TCAD PARCEL # 0154530440 THRU 0154530444  
 Austin Grid Map A-33

**EXHIBIT 'A'**

**Sketch to Accompany Property Description**  
 15,013 SQ. FT., 0.345 AC. PORTION OF  
 LOT 2 THRU 6, BLOCK A, THE ESTATES AT COMMANDERS POINT  
 DOCUMENT NO. 201100111  
 OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TX

**AST**  
 AUSTIN SPATIAL TECHNOLOGIES, LLC  
 LAND SURVEYORS - GEOMATIC SPECIALISTS  
 www.austinapotal.com      P.O. 612-975-0780

DATE: 11/24/2012  
 SCALE: 1"=100'  
 CHECKED BY: PC  
 DRAFTED BY: PCS  
 DESIGNED BY:

January 4, 2013

Travis County Commissioners' Court  
c/o Paul Scoggins  
Travis County TNR  
700 Lavaca Street  
Austin, Texas 78701

RE: Vacation of Drainage Easement at 14419 Agarita Road #E, #D, #C, #B, and #A  
A Portion of Lots 2, 3, 4, 5, and 6, Block A of The Estates at Commanders Point  
Travis County Development Permit #08-1916  
Longaro & Clarke, L.P. Project #369-02-83

Dear Paul:

We respectfully request the vacation of a 0.345-acre drainage easement, being a portion of Lots 2, 3, 4, 5, and 6, Block A of The Estates at Commanders Point, a final plat recorded in the Official Public Records of Travis County, Texas as Document No. 201100111.

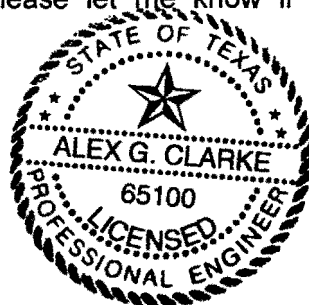
The aforementioned drainage easement was designed for a specific construction plan, The Estates at Commanders Point (Travis County Development Permit #08-1916; City of Austin Case #C8J-2009-0136.0B). We have taken over the project from the previous engineer and are in the process of obtaining a permit under the same application with the City and the County. This site requires a differently shaped drainage easement of 0.205-acres, which we are offering for recordation in exchange for the release of the existing drainage easement. The vacating of the current drainage easement and the proposed drainage easement that will replace it will not cause any adverse affects to any of the surrounding property.

Included with this letter for your review are the survey documents for the release of the 0.345-acre drainage easement, a copy of the plat (The Estates at Commanders Point) on which the easement was granted, the survey documents for the new easement, and a draft of the dedication for the new drainage easement (signed version to be provided prior to the Commissioners' Court date). Please let me know if you have any questions or require additional information.

Very Truly Yours,  
LONGARO & CLARKE, L.P.



Alex G. Clarke, P.E.  
Vice President



cc: Shay Rathbun, The Estate of Fred Purcell  
Cosmo Palmieri, Agarita Ventures

G:\369-02\DOC\Drainage Easement Release Request-County.doc

## DRAINAGE EASEMENT

STATE OF TEXAS     §

COUNTY OF TRAVIS §

That we, Kelly Gray, Fred Purcell, and Agarita Ventures, (GRANTOR), being the owners of Lots 2, 3, 4, 5, and 6, Block A of The Estates at Commanders Point, as recorded at Document #201100111 of the Plat Records of Travis County, Texas and conveyed to us by deed of record in Document #200502471 and Document #2006098070 of the Official Public Records of Travis County, Texas, do hereby grant and convey, to the Public (GRANTEE), the use of a portion of said land, out of the aforementioned tract of land, for drainage easement purposes in, under, upon, and across the following described property, to-wit:

Those certain tracts of land situated in Travis County and being more particularly described by metes and bounds in Exhibit A, which is attached hereto and made a part hereof.

GRANTOR further covenants and agrees to:

1. use said property only in those ways consistent with the drainage easement herein granted and agrees to do nothing which would impair, damage, or destroy said drainage easement, and it is further understood and agreed that the covenants and agreements set forth above shall be considered covenants running with the land, fully binding upon GRANTOR and his/her successors and assigns;
2. no objects including but not limited to, buildings, fences, or landscaping shall be allowed in subject drainage easement except as approved by City of Austin and Travis County;
3. the subject drainage easement shall be maintained by the property owner or his/her assigns; and
4. the property owner or his/her assigns shall provide for access to the subject drainage easement as may be necessary and shall not prohibit access by City of Austin and Travis County for inspection or maintenance of said easement.

TO HAVE AND TO HOLD the above-described easement, together with all and singular the rights and appurtenances thereto in any way belonging, unto the said GRANTEE and assigns forever; and GRANTOR does hereby bind himself/herself, his/her heirs, executors, and administrators to WARRANT AND DEFEND FOREVER all and singular the said easement unto the said GRANTEE and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

**Kelly Gray**

\_\_\_\_\_  
J. Kelly Gray

STATE OF TEXAS           §

COUNTY OF TRAVIS       §

This instrument was acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_.

Notary Public in and for the State of Texas

.....  
Printed Name:

My commission expires:.....

[Remainder of page intentionally left blank]



**Agarita Ventures**

By: Riordian Properties, L.P.

By: F.P. Properties, Inc., its General  
Partner

\_\_\_\_\_  
Shay Rathbun, President

STATE OF TEXAS           §

COUNTY OF TRAVIS       §

This instrument was acknowledged before me on \_\_\_\_\_  
by Shay Rathbun.

Notary Public in and for the State of Texas

\_\_\_\_\_

Printed Name: \_\_\_\_\_

My commission expires: \_\_\_\_\_

[Remainder of page intentionally left blank]

**Fred Purcell**

By: The Estate of Fred Purcell

\_\_\_\_\_  
Shay Rathbun, Executor of the Estate

STATE OF TEXAS           §

COUNTY OF TRAVIS       §

This instrument was acknowledged before me on \_\_\_\_\_  
by Shay Rathbun.

Notary Public in and for the State of Texas

.....  
Printed Name:

My commission expires: .....

## EXHIBIT A

**DRAINAGE EASEMENT  
8,941 SQ. FT., 0.205 ACRE  
THE ESTATES AT COMMANDERS POINT**

**BEING 8,941 SQ. FT., 0.205 ACRE OF LAND LOCATED IN THE WILLIAM P. MOORE SURVEY NO. 530 AND THE C.B.Y. TOWNSEND SURVEY NO. 192 IN TRAVIS COUNTY, TEXAS AND BEING A PORTION OF LOTS 2, 3, 4, 5 AND 6, BLOCK A, OF THE ESTATES AT COMMANDERS POINT A SUBDIVISION OF RECORD IN DOCUMENT NO. 201100111 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 8,941 SQ. FT., 0.205 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a ½-inch iron rod at the northwest corner of Lot 1, Block A of said subdivision, same being on the westerly line of said Lot 2;

**THENCE**, with the common line of said Lot 1 and Lot 2, S14°06'16"E, 38.00 feet to a calculated point for the **POINT OF BEGINNING** of the herein described tract;

**THENCE**, leaving said common line and crossing said Lots 2, 3, 4, 5 and 6 the following eight (8) courses and distances:

1. N85°04'45"E, 51.75 feet to a calculated point;
2. S76°53'39"E, 56.22 feet to a calculated point;
3. S51°57'45"E, 89.03 feet to a calculated point;
4. S40°58'17"E, 112.99 feet to a calculated point;
5. S17°57'45"E, 37.93 feet to a calculated point;
6. S41°45'24"E, 20.78 feet to a calculated point;
7. S64°15'24"E, 30.13 feet to a calculated point;
8. S41°45'24"E, 206.92 feet to a calculated point on the southeasterly line of said Lot 6, same being the northwesterly line of Lot 1, First Resub of Lot A, Silent Ridge, a subdivision of record in Book 90, Page 117 of the Plat Records of Travis County, Texas;

**THENCE**, with the common line of said Lot 6 and said Lot 1 of Silent Ridge S58°57'36"W, 15.27 feet to a calculated point from which an iron rod at an angle point in said common line bears S58°57'36"W, 193.68 feet;

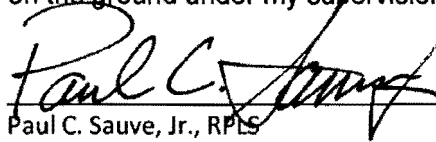
**THENCE**, once again crossing said Lots 2 thru 6, the following eight (8) courses and distances:

1. N41°45'24"W, 201.10 feet to a calculated point;
2. N64°15'24"W, 30.13 feet to a calculated point;
3. N41°45'24"W, 26.92 feet to a calculated point;
4. N17°57'45"W, 38.03 feet to a calculated point;
5. N40°58'17"W, 108.49 feet to a calculated point;
6. N51°57'45"W, 84.27 feet to a calculated point;
7. N76°53'39"W, 50.52 feet to a calculated point;

8. S85°04'45"W, 46.94 feet to a calculated point on the common line of said Lot 1 and 2  
THENCE, with said common lot line, N14°06'16"W, 15.19 feet to the POINT OF BEGINNING and  
containing 8,941 square feet, 0.205 of one acre of land, more or less.

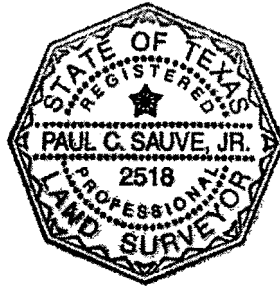
**SURVEYOR'S STATEMENT**

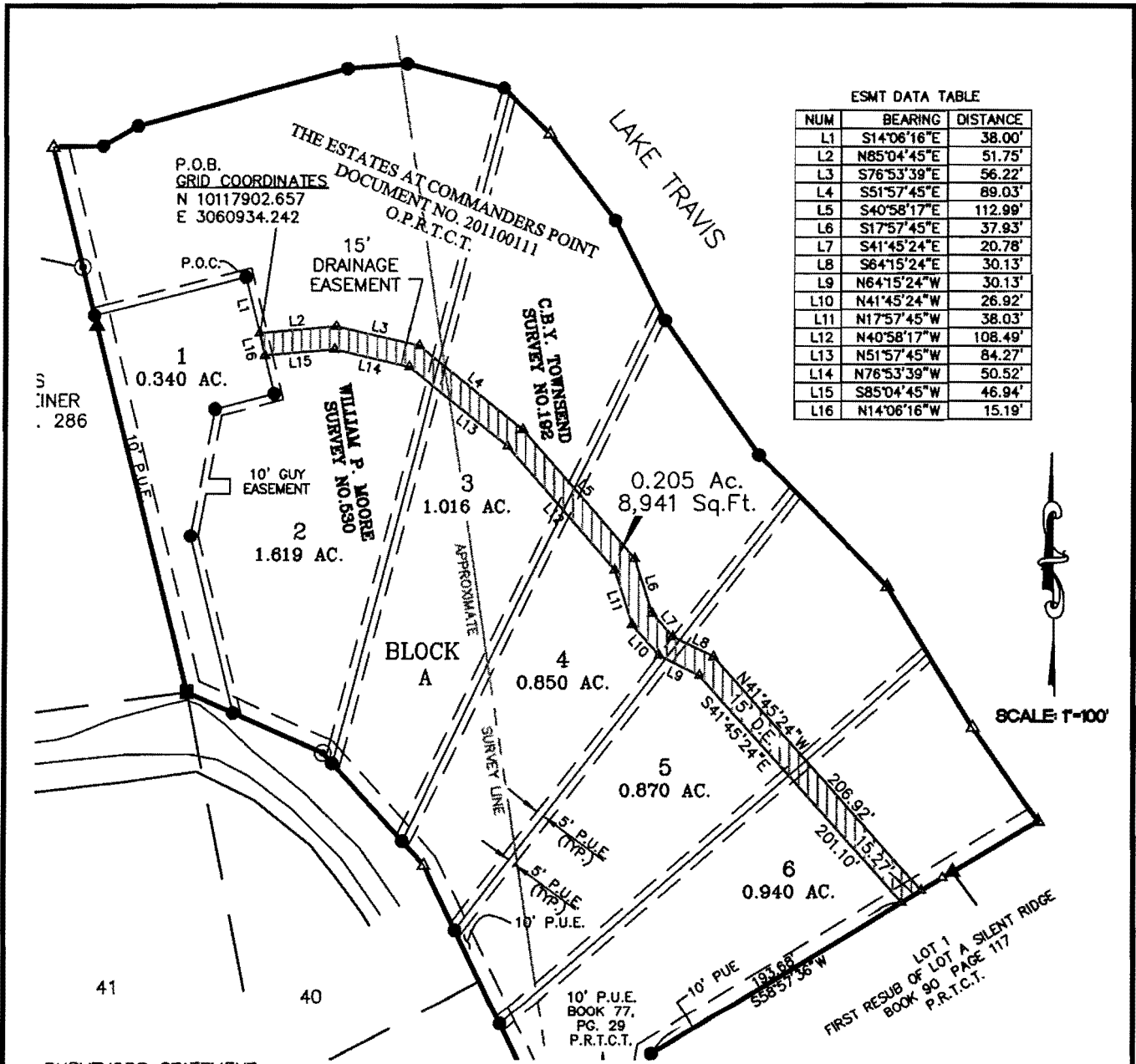
I hereby state that the included field note description was prepared from an actual survey made  
on the ground under my supervision and is true and correct, to the best of knowledge and belief.



Paul C. Sauve, Jr., RPLS  
Managing Partner,  
Austin Spatial Technologies, LLC

January 4, 2013





ESMT DATA TABLE

NUM	BEARING	DISTANCE
L1	S14°06'16"E	38.00'
L2	N85°04'45"E	51.75'
L3	S76°53'39"E	56.22'
L4	S51°57'45"E	89.03'
L5	S40°58'17"E	112.99'
L6	S17°57'45"E	37.93'
L7	S41°45'24"E	20.78'
L8	S64°15'24"E	30.13'
L9	N64°15'24"W	30.13'
L10	N41°45'24"W	26.92'
L11	N17°57'45"W	38.03'
L12	N40°58'17"W	108.49'
L13	N51°57'45"W	84.27'
L14	N76°53'39"W	50.52'
L15	S85°04'45"W	46.94'
L16	N14°06'16"W	15.19'

P.O.B.  
GRID COORDINATES  
N 10117902.657  
E 3060934.242

THE ESTATES AT COMMANDERS POINT  
DOCUMENT NO. 201100111  
O.P.R.T.C.T.

SURVEY  
286

15' DRAINAGE EASEMENT  
1 0.340 AC.  
10' GULLY EASEMENT  
2 1.819 AC.  
WILLIAM P. MOORE  
SURVEY NO. 630

C.B.Y. TOWNSEND  
SURVEY NO. 192  
3 1.016 AC.  
APPROXIMATE

4 0.850 AC.  
5 0.870 AC.  
6 0.940 AC.

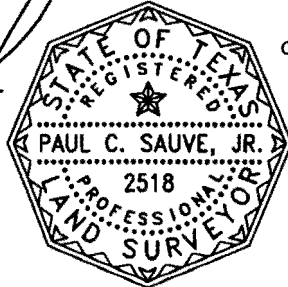
0.205 AC.  
8,941 Sq.Ft.

10' P.U.E.  
BOOK 77,  
PG. 29  
P.R.T.C.T.

LOT 1  
FIRST RESUB OF LOT A SILENT RIDGE  
BOOK 90 PAGE 117  
P.R.T.C.T.

SURVEYORS STATEMENT  
I HEREBY STATE THAT THE BOUNDARY DATA SHOWN  
HEREON IS THE RESULT OF AN ACTUAL SURVEY  
PERFORMED ON THE GROUND UNDER MY  
SUPERVISION IN OCTOBER 2012. BEARINGS ARE  
BASED ON THE TEXAS COORDINATE SYSTEM,  
NAD83, CENTRAL ZONE 4203.

PAUL C. SAUVE, JR. BPLS# 2518  
DATE: DECEMBER 26, 2012



LEGEND

- 1/2-INCH IRON ROD FOUND
- △ CALCULATED POINT
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT

REFERENCES  
TCAD PARCEL # 0154530440 THRU 0154530444  
Austin Grid Map A-33

EXHIBIT 'A'

Sketch to Accompany Property Description  
8,941 SQ. FT., 0.205 AC. PORTION OF  
LOT 2 THRU 6, BLOCK A, THE ESTATES AT COMMANDERS POINT  
DOCUMENT NO. 201100111  
OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TX

DATE: 11/24/2012  
SCALE: 1"=100'  
CHECKED BY: PC  
DRAFTED BY: PCS  
DESIGNED BY:

LCRA RESERVES:  
A 20 FOOT WIDE PASSAGE AND USE EASEMENT STRIP  
ABUTTING THE HIGH WATER LINE OF LAKE TRAVIS;  
THE RIGHT AND PRIVILEGE TO STORE AND IMPOUND  
WATER ON OR INUNDATE WITH WATER;  
PER VOL. 12978 PG. 31 R.P.R.T.C.T.

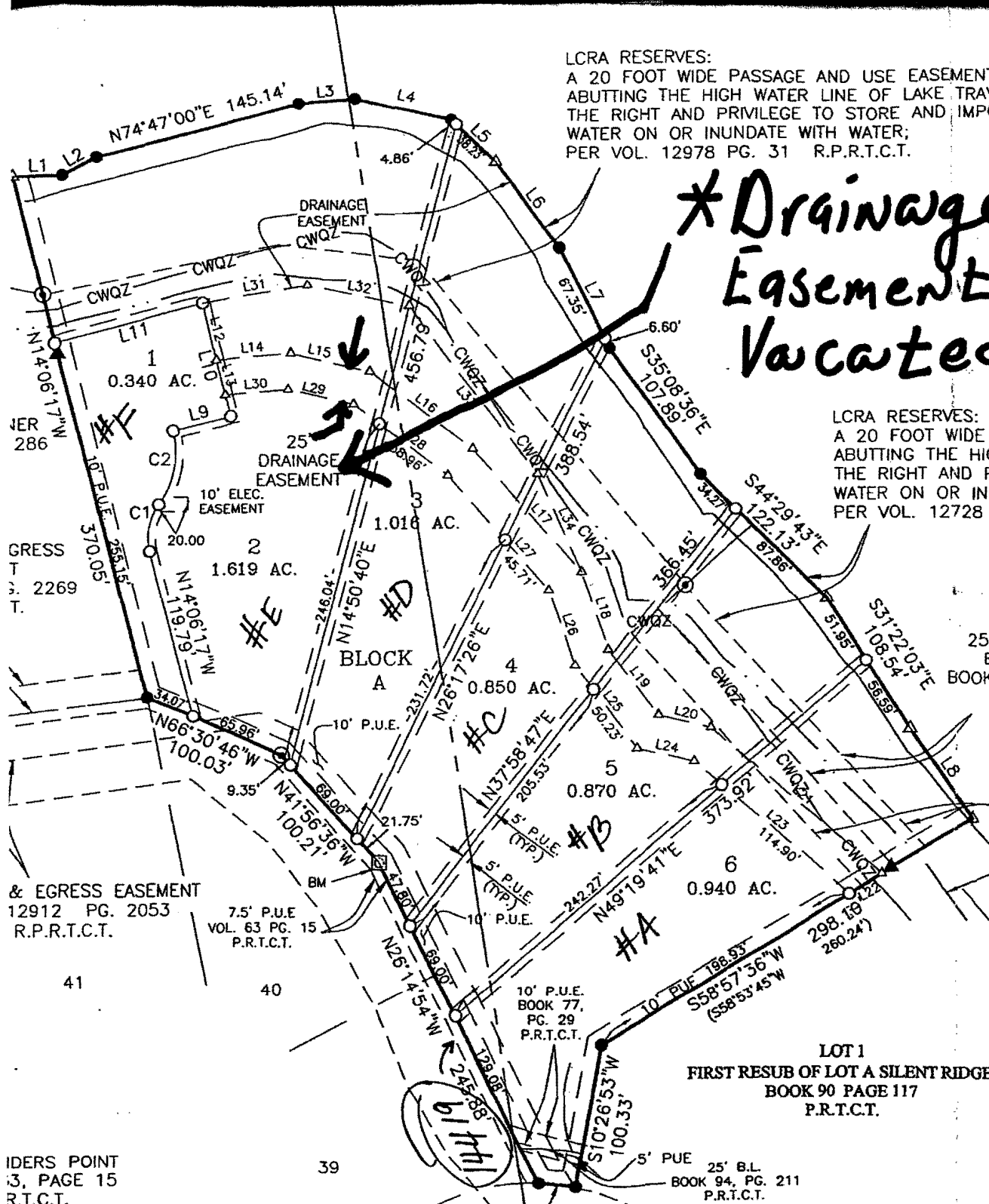
**\*Drainage  
Easement to be  
Vacated**

LCRA RESERVES:  
A 20 FOOT WIDE PASSAGE AND USE EA  
ABUTTING THE HIGH WATER LINE OF LAK  
THE RIGHT AND PRIVILEGE TO STORE AN  
WATER ON OR INUNDATE WITH WATER;  
PER VOL. 12728 PG. 23 R.P.R.T.C.T.

25' DRAINAGE  
EASEMENT  
BOOK 94 PG. 211  
P.R.T.C.T.

CRITICAL WATER  
QUALITY ZONE  
BOOK 94 PG. 211  
P.R.T.C.T.

APPROX  
THE 100



NER 286  
GRESS T 3 2269 T.

& EGRESS EASEMENT  
12912 PG. 2053  
R.P.R.T.C.T.

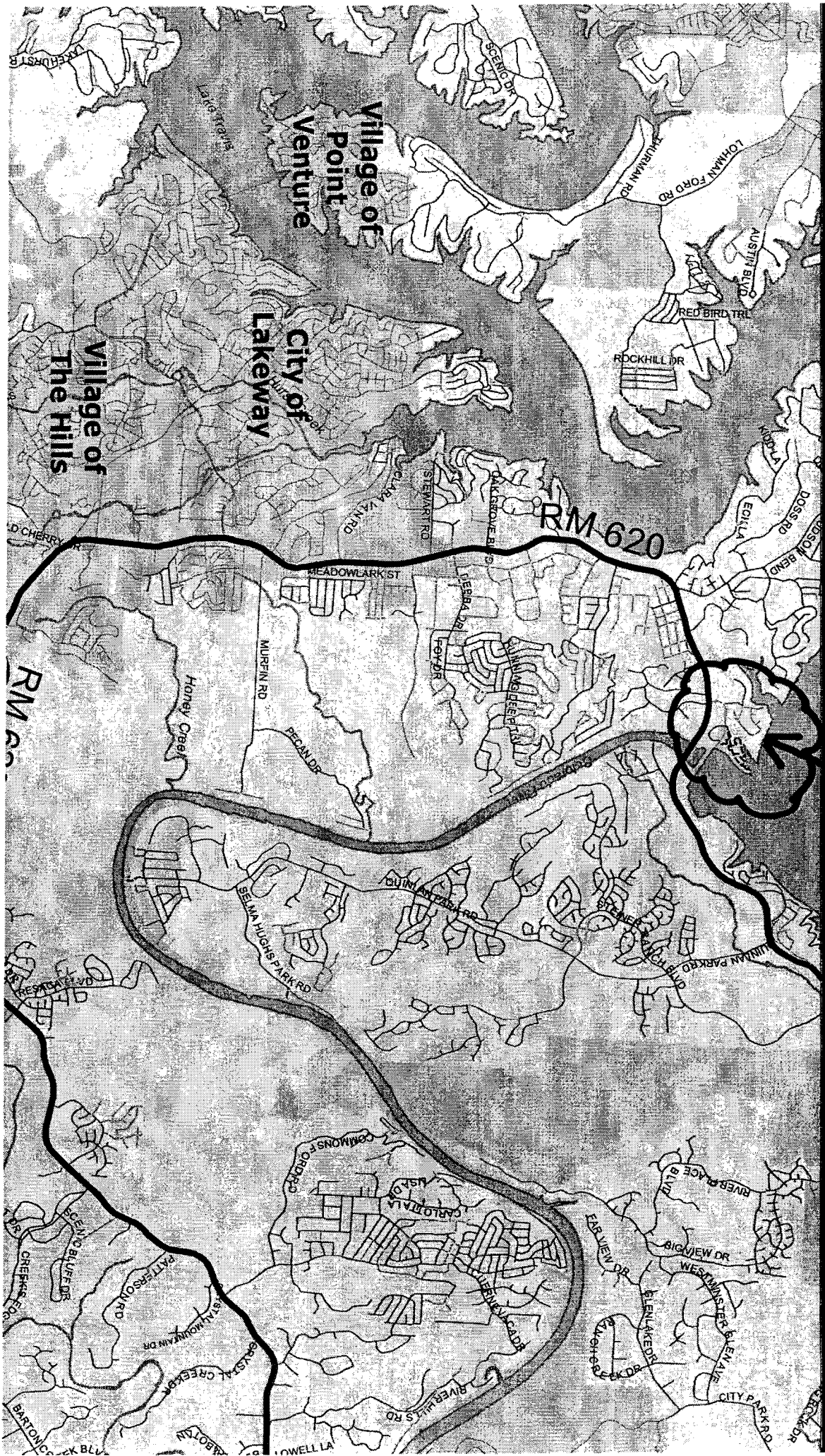
IDERS POINT  
3, PAGE 15  
R.T.C.T.

AGARITA ROAD  
(60' R.O.W.)

R=142.53'  
Δ=10°03'15"  
L=25.01'  
CB=N83°18'59"W  
CH=24.98

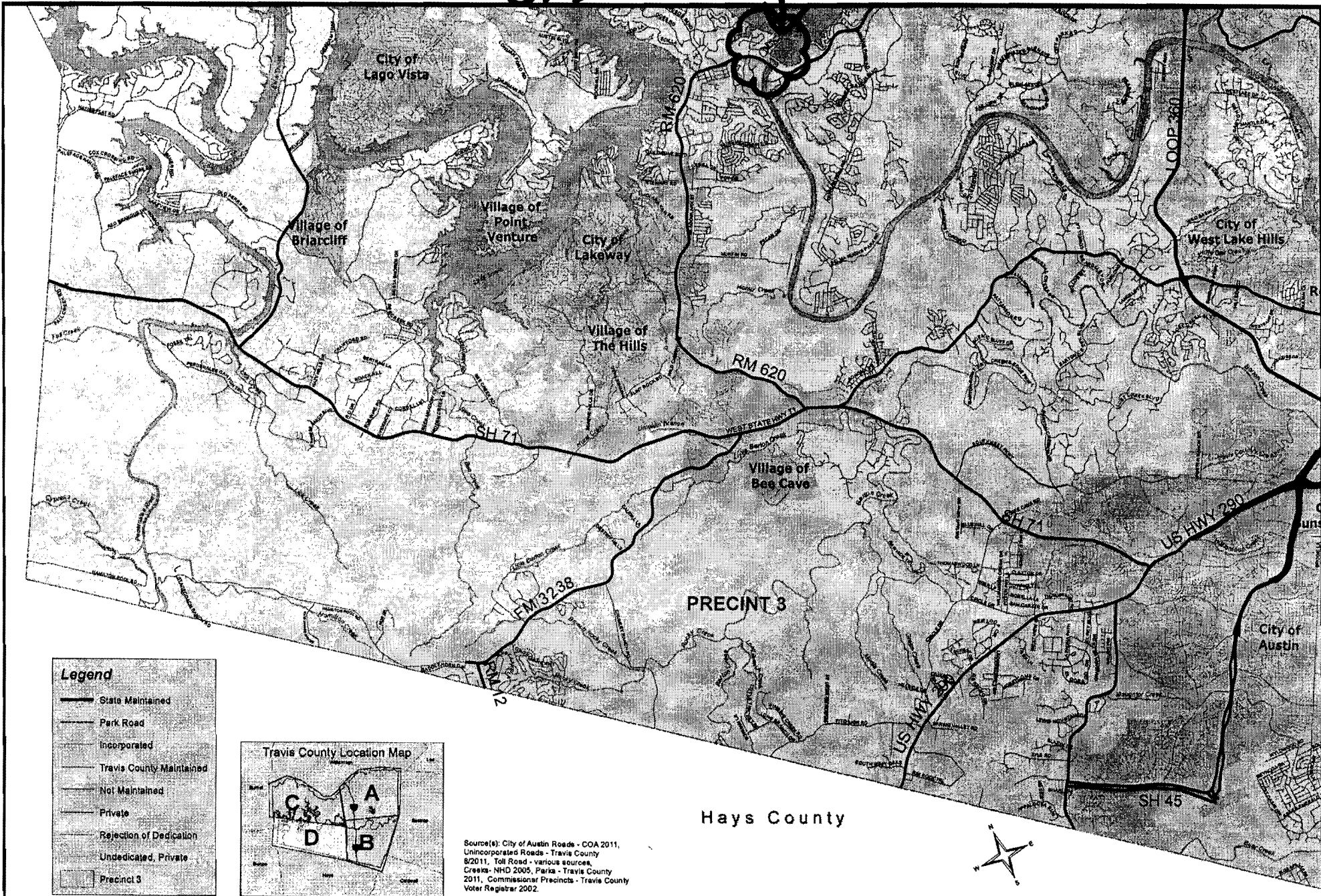
LOT 1  
FIRST RESUB OF LOT A SILENT RIDGE  
BOOK 90 PAGE 117  
P.R.T.C.T.

EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
L12	S14°06'16"E	38.00'
L13	S14°06'16"E	25.32'
L14	N85°04'45"E	51.75'
L15	S76°53'39"E	56.22'
L16	S51°57'45"E	89.03'
L17	S40°58'17"E	112.99'
L18	S17°57'45"E	57.44'
L19	S36°07'25"E	57.58'
L20	S77°00'35"E	37.32'
L21	S49°01'17"E	154.16'
L22	S58°57'36"W	26.28'



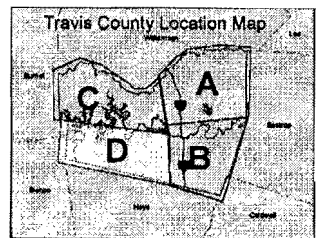
Site

Site



**Legend**

- State Maintained
- Park Road
- Incorporated
- Travis County Maintained
- Not Maintained
- Private
- Rejection of Dedication
- Undedicated, Private
- ▭ Precinct 3

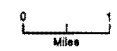


Source(s): City of Austin Roads - COA 2011,  
 Unincorporated Roads - Travis County  
 8/2011, Toll Road - various sources,  
 Creeks - NHD 2005, Parks - Travis County  
 2011, Commissioner Precincts - Travis County  
 Voter Registrar 2002.



Map Disclaimer: The data is provided  
 "as is" with no warranties of any kind.

# Travis County Roadways, Map D



Map Prepared by: Travis County,  
 Dept. of Transportation & Natural  
 Resources. Date: 8/9/2011





# Travis County Commissioners Court Agenda Request

**Meeting Date:** March 19, 2013

**Prepared By:** Paul Scoggins **Phone #:** 854-7619

**Division Director/Manager:** Anna Bowlin, Division Director of Development Services and Long Range Planning

**Department Head:** Steven M. Manilla, P.E., County Executive-TNR

**Sponsoring Court Member:** Commissioner Daugherty, Precinct Three

**AGENDA LANGUAGE:** Approve setting a public hearing on Tuesday, April 9, 2013 to receive comments regarding a request to authorize the filing of an instrument to vacate a ten foot wide public utility easement located along the southern side lot line of Lot 6 of the 1626 Park Addition subdivision – Precinct Three.

## **BACKGROUND/SUMMARY OF REQUEST:**

TNR staff has received a request to authorize the filing of an instrument to vacate a ten foot wide public utility easement (PUE) more specifically described as an electric easement located along the southern side lot line of Lot 6 of the 1626 Park Addition subdivision. The easement is schematically shown on the original plat. The subject lot fronts on Old Austin-San Antonio Road, a street maintained by Travis County.

The electric company operating in the area has stated they have no objection to vacating the subject easement. Staff foresees no opposition to this request.

## **STAFF RECOMMENDATIONS:**

The request has been reviewed by TNR staff and staff finds the vacation request meets all Travis County standards. As such, TNR staff recommends setting the public hearing.

## **ISSUES AND OPPORTUNITIES:**

According to the request letter the property owner requests the vacation of the easement for redeveloping this lot with the property to the south. A permit for the project has been applied for (permit #12-2335). Vacating the subject easement will allow the property owner to move forward with the plans without potentially encroaching on said easement.

## **FISCAL IMPACT AND SOURCE OF FUNDING:**

None.

**ATTACHMENTS/EXHIBITS:**

Order of Vacation  
Field Notes  
Request Letter  
Utility Statements  
Maps

**REQUIRED AUTHORIZATIONS:**

Cynthia McDonald	Financial Manager	TNR	854-4239
Steve Manilla	County Executive	TNR	854-9429
Anna Bowlin	Division Director	Development Services	854-7561

**CC:**

Stacey Scheffel	Program Manager	TNR - Permits	854-7565

**SM:AB:ps**

**1101 - Development Services Long Range Planning - 1626 Park Addition**

**ORDER OF VACATION**

**STATE OF TEXAS                    §**

**COUNTY OF TRAVIS   §**

WHEREAS, the property owner requests the vacation of a ten foot wide public utility easement more specifically described as an electric easement located along the southern lot line of Lot 6 of the 1626 Park Addition subdivision as recorded at Volume 99, Page 291 of the Real Property Records of Travis County, Texas;

WHEREAS, the electric company known to be operating in the area has indicated they have no need for the public utility (electric) easement as described in the attached field notes and sketch;

WHEREAS, the Travis County Transportation and Natural Resources Department recommends the vacation of the subject public utility (electric) easement as described in the attached field notes and sketch;

WHEREAS, the required public notice was posted and the Travis County Commissioners Court held a public hearing on April 9, 2013 to consider the proposed action; and

NOW, THEREFORE, by unanimous vote, the Commissioners Court of Travis County, Texas, orders that the ten foot wide public utility (electric) easement located along the southern lot line of Lot 6 of the 1626 Park Addition subdivision, as shown on the attached sketch and described in the attached field notes and sketch, is hereby vacated.

ORDERED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013.

\_\_\_\_\_  
SAMUEL T. BISCOE, COUNTY JUDGE

\_\_\_\_\_  
COMMISSIONER RON DAVIS  
PRECINCT ONE

\_\_\_\_\_  
COMMISSIONER SARAH ECKHARDT  
PRECINCT TWO

\_\_\_\_\_  
COMMISSIONER GERALD DAUGHERTY  
PRECINCT THREE

\_\_\_\_\_  
COMMISSIONER MARGARET GOMEZ  
PRECINCT FOUR



**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

EXHIBIT " \_\_\_\_\_ "

**PORTION OF LOT 6,  
1626 PARK ADDITION  
(ELECTRIC EASEMENT RELEASE)**

**0.069 ACRES  
STEPHEN F. SLAUGHTER LEAGUE,  
SURVEY NO. 1, ABSTRACT NO. 20  
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 0.069 ACRES (APPROX. 3,007 SQ. FT.) IN THE STEPHEN F. SLAUGHTER LEAGUE, SURVEY NO. 1, ABSTRACT NO. 20, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 10' ELECTRIC EASEMENT OUT OF LOT 6, 1626 PARK ADDITION A SUBDIVISION OF RECORD IN VOLUME 99, PAGE 290 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO SOUTH AUSTIN WHITE HOUSE, LLC, BY SPECIAL WARRANTY DEEDS DATED OCTOBER 14, 2011 AND RECORDED IN DOCUMENT NOS. 2011153659 AND 2011153660 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.069 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" rebar found for the southwest corner of said Lot 6, same being the southeast corner of Lot 5, said 1626 Park Addition, and also being in the north line of an 11.284 acre tract described in Document No. 2005059457 of the Official Public Records of Travis County, Texas:

**THENCE** North 27°33'15" East, with the west line of said Lot 6, same being the east line of said Lot 5, a distance of 10.02 feet to a calculated point, from which a 1/2" rebar found for the northwest corner of Lot 6, same being an angle point in the east line of said Lot 5, bears North 27°33'15" East, a distance of 265.51 feet;

**THENCE** crossing said Lot 6, the following two (2) courses and distances:

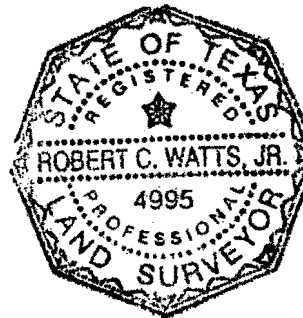
1. South 66°27'43" East, a distance of 300.39 feet to a calculated point in the west line of the said electric easement;
2. South 23°32'17" West, crossing said electric easement, a distance of 10.00 feet to a calculated point in the south line of said Lot 6, same being the north line of a 0.076 acre tract described in Document No. 2005059457 of the Official Public Records of Travis County, Texas, from which a 1/2" rebar found for an angle point in the west right-of-way line of Old Austin-San Antonio Road (right-of-way width varies), same

being the southeast corner of said Lot 6, bears South 66°27'43" East, a distance of 9.67 feet;

**THENCE** North 66°27'43" West, with the south line of said Lot 6, same being the north line of said 0.076 acre tract, and continuing with the south line of said 11.284 acre tract, a distance of 301.09 feet to the **POINT OF BEGINNING**, containing 0.069 acres of land, more or less.

Surveyed on the ground May 7, 2012. Bearing Basis: Grid azimuth for Texas Central Zone state plane coordinates, 1983/93 HARN, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Drawing 236-033-RELEASE.

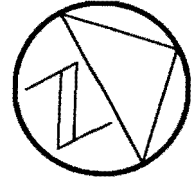
*rcw* 1-30-13  
Robert C. Watts, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 4995



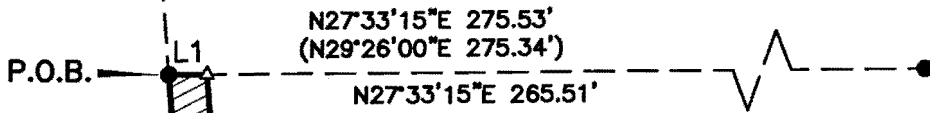
REFERENCES  
TCAD Parcel #04-4818-0130  
Austin Grid map F-11

SKETCH TO ACCOMPANY A DESCRIPTION OF 0.069 ACRES (APPROX. 3,007 SQ. FT.) IN THE STEPHEN F. SLAUGHTER LEAGUE, SURVEY NO. 1, ABSTRACT NO. 20, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 10' ELECTRIC EASEMENT AND A PORTION OF LOT 6, 1626 PARK ADDITION A SUBDIVISION OF RECORD IN VOLUME 99, PAGE 290 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

LOT 5  
1626 PARK ADDITION  
(99/290)



1" = 50'



**LEGEND**

- 1/2" REBAR FOUND (OR AS NOTED)
- △ CALCULATED POINT
- ( ) RECORD INFORMATION

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N27°33'15"E	10.02'
L2	S23°32'17"W	10.00'

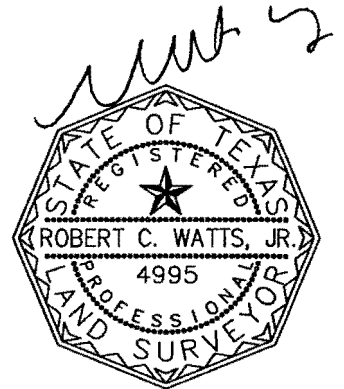
11.284 ACRES  
SOUTH AUSTIN  
WHITE HOUSE, LLC  
(2011153660)  
(2005059457)

PORTION OF  
10' E.E. (99/290)  
TO BE RELEASED

0.076 AC.  
(2011153660)  
(2005059457)

N66°27'43"W 301.09'  
S66°27'43"E 300.39'

LOT 6  
1626 PARK ADDITION  
(99/290)



**ELECTRIC EASEMENT  
RELEASE  
0.069 ACRES  
APPROX. 3,007 SQ. FT.**

PORTION OF  
10' E.E. (99/290)  
TO REMAIN

S66°27'43"E  
9.67'

OLD AUSTIN-SAN ANTONIO RD.  
(R.O.W. WIDTH VARIES)

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983, TEXAS CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 236-033-RELEASE

DATE OF SURVEY: 05/07/12  
PLOT DATE: 01/28/13  
DRAWING NO.: 236-033-RELEASE  
PROJECT NO.: 236-033  
DRAWN BY: JDB



February 22, 2013

Travis County Commissioners' Court  
c/o Paul Scoggins  
Travis County TNR  
700 Lavaca  
6<sup>th</sup> Floor  
Austin, Texas 78701

RE: Vacation of Electric Easement  
Whitehouse Tract (Travis County Development Permit #12-2335)  
Longaro & Clarke, L.P. Project #214-41-83

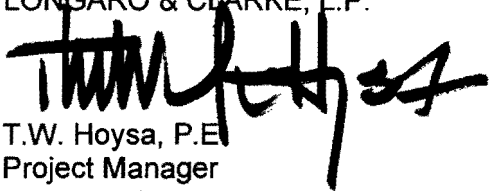
Dear Paul:

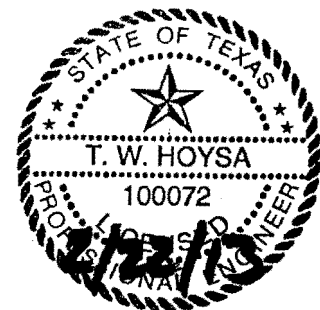
We respectfully request the partial vacation of an electric easement that was dedicated by plat, 1626 Park Addition, a subdivision of record in Volume 99, Page 290 of the plat records of the Travis County, Texas.

The portion of the aforementioned easement is located on the southern boundary of Lot 6 of the plat. We want to vacate this 0.069 acre portion of the easement because this lot is part of a larger development (Whitehouse Tract, City of Austin Site Development Permit #SP-2012-0369D, Travis County Development Permit #12-2335) and will be redeveloped with the property to the south of it. The house currently on the property will be demolished as part of the proposed development, and the easement will no longer be needed.

Included with this letter are the metes and bounds for the portion of the easement we are requesting be vacated, a copy of the plat (1626 Park Addition) on which the easement was granted with the portion of the easement to be vacated delineated, a copy of the statement from Austin Water Utility and Austin Energy, and a \$315 check for the fee. Please let me know if you have any questions or require additional information.

Very Truly Yours,  
LONGARO & CLARKE, L.P.

  
T.W. Hoysa, P.E.  
Project Manager



TWH/ew

cc: Ralph Reed, South Austin White House, LLC c/o Prime Strategies

G:\214-41\doc\Electric Easement Release Request-County.doc



**TRANSPORTATION AND NATURAL RESOURCES**

**STEVEN M. MANILLA, P.E., COUNTY EXECUTIVE**

411 West 13th Street  
Executive Office Building  
PO Box 1748  
Austin, Texas 78767  
(512) 854-9383  
FAX (512) 854-4649

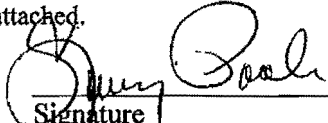
**EASEMENT REQUIREMENT STATEMENT FOR VACATION OF PROPERTY**

An application is being made to Travis County for the vacation of property at 11400 Old San Antonio Rd. (address) and/or Lot 6, BLK A, 1626 Park Addition (legal description) and as described on the enclosed drawing or document. An action of the Commissioners' Court of Travis County is pending your return of this statement. Your prompt reply is requested.

**STATEMENT**

  X   We do not have need for an easement on the property as described in the accompanying document.

       We do have a need for an easement on the property as described in the accompanying document. A description of the required easement is attached.

  
\_\_\_\_\_  
Signature  
Sonny Poole

\_\_\_\_\_  
Printed Name  
Mgr. PIRES

\_\_\_\_\_  
Title  
Austin Energy

\_\_\_\_\_  
Utility Company or District  
February 22, 2013

\_\_\_\_\_  
Date

Please return this completed form to:

\_\_\_\_\_  
Eva Wong

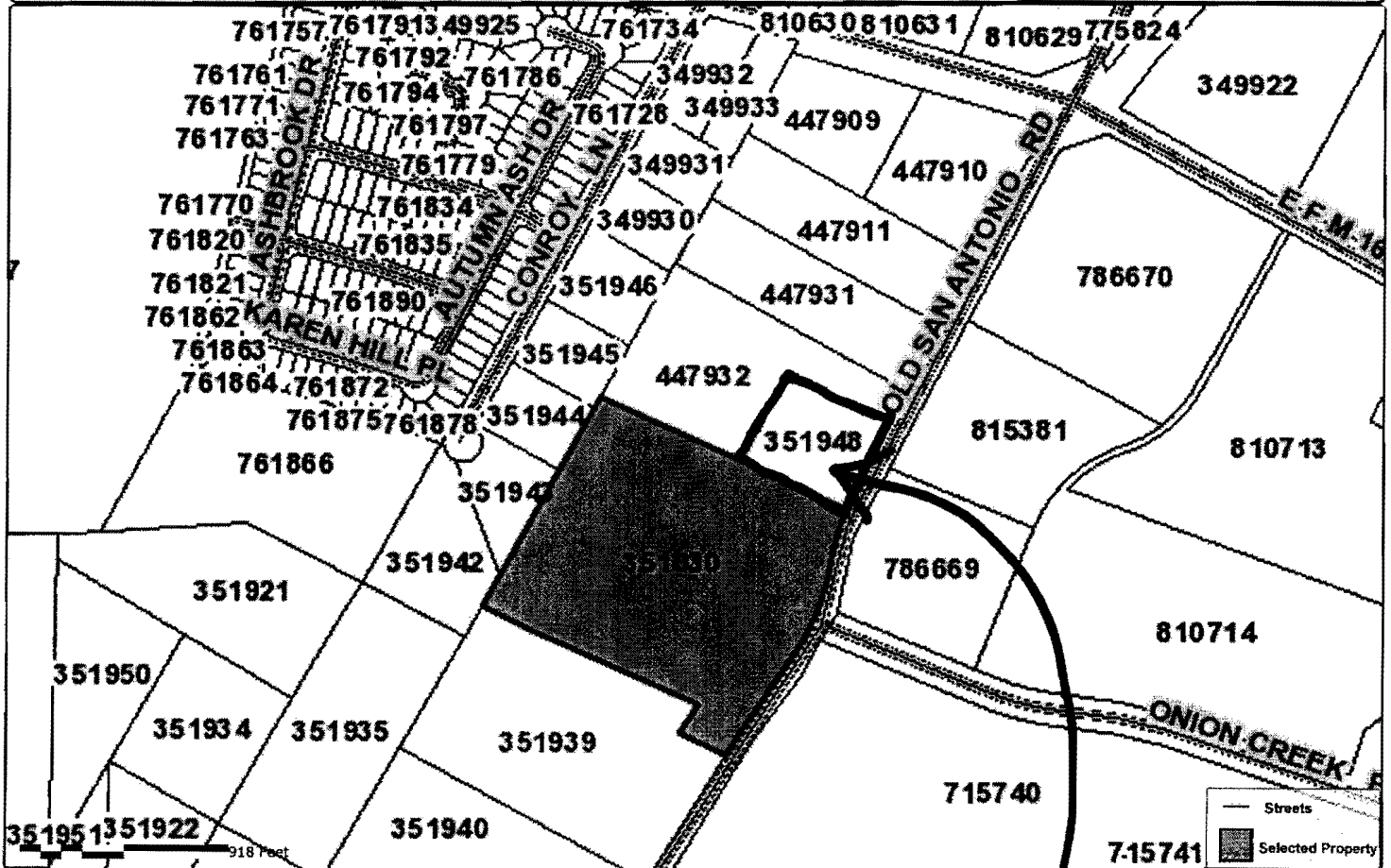
\_\_\_\_\_  
Name  
ewong@longaroclarke.com

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/State/Zip



**Travis CAD - Map of Property ID 351930 for Year 2013**



**Property Details**

**Account**

Property ID: 351930  
 Geo ID: 0448180113  
 Type: Real

Legal Description: ABS 20 SUR 1 SLAUGHTER S F ACR 11.284

**Location**

Situs Address: 11410 OLD SAN ANTONIO RD TX 78652  
 Neighborhood: 59SOU  
 Mapsco: 703Q  
 Jurisdictions: 0A, 01, 03, 2J, 56, 68

**Owner**

Owner Name: SOUTH AUSTIN WHITE HOUSE LLC  
 Mailing Address: ATTN JIM RAY , PO BOX 153100 , AUSTIN...

**Property**

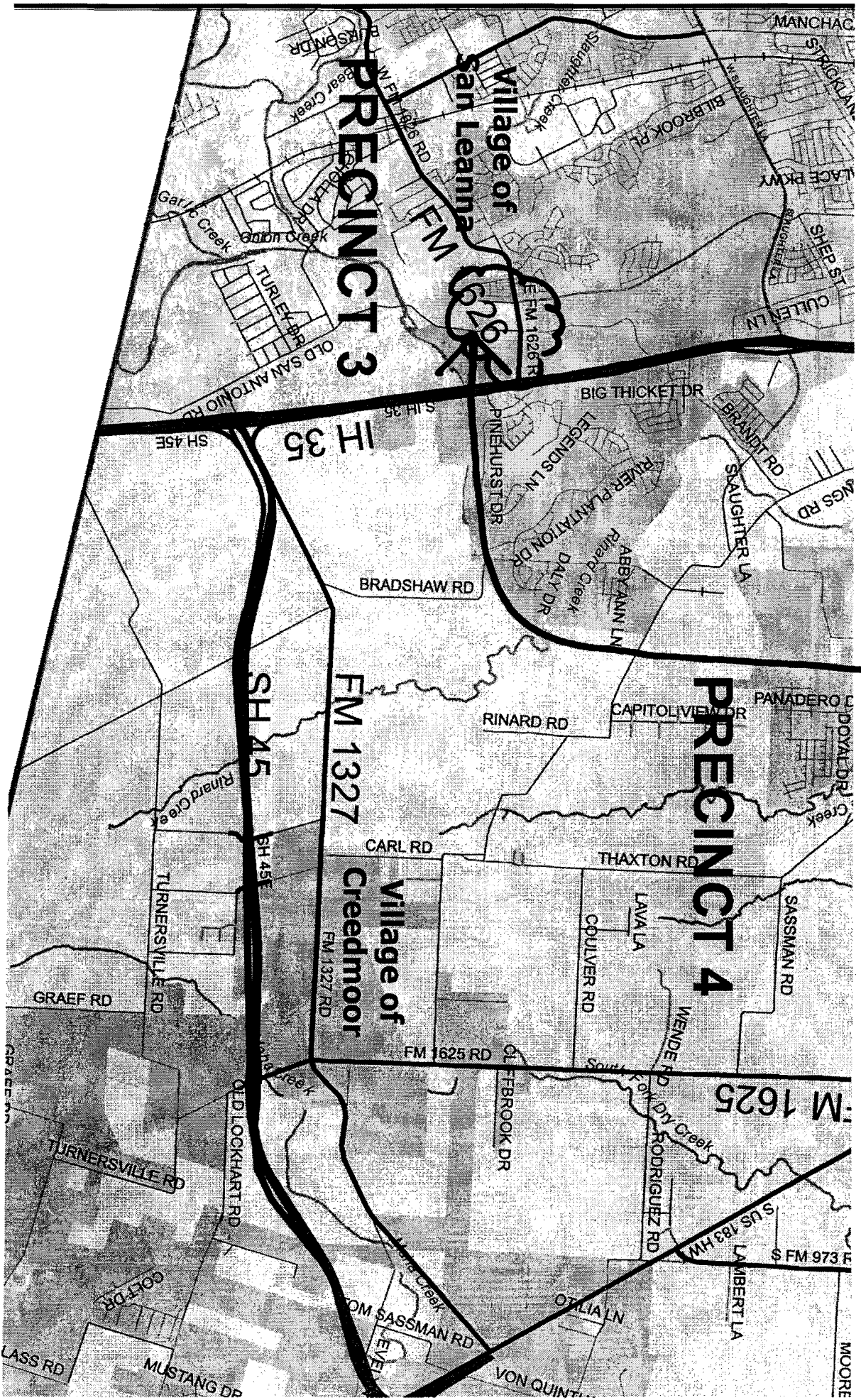
Appraised Value: N/A

*Lot 6*

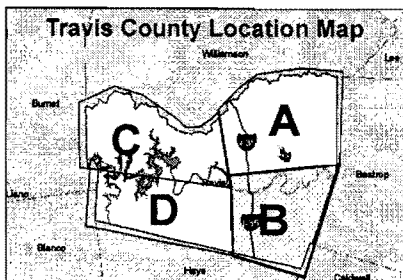
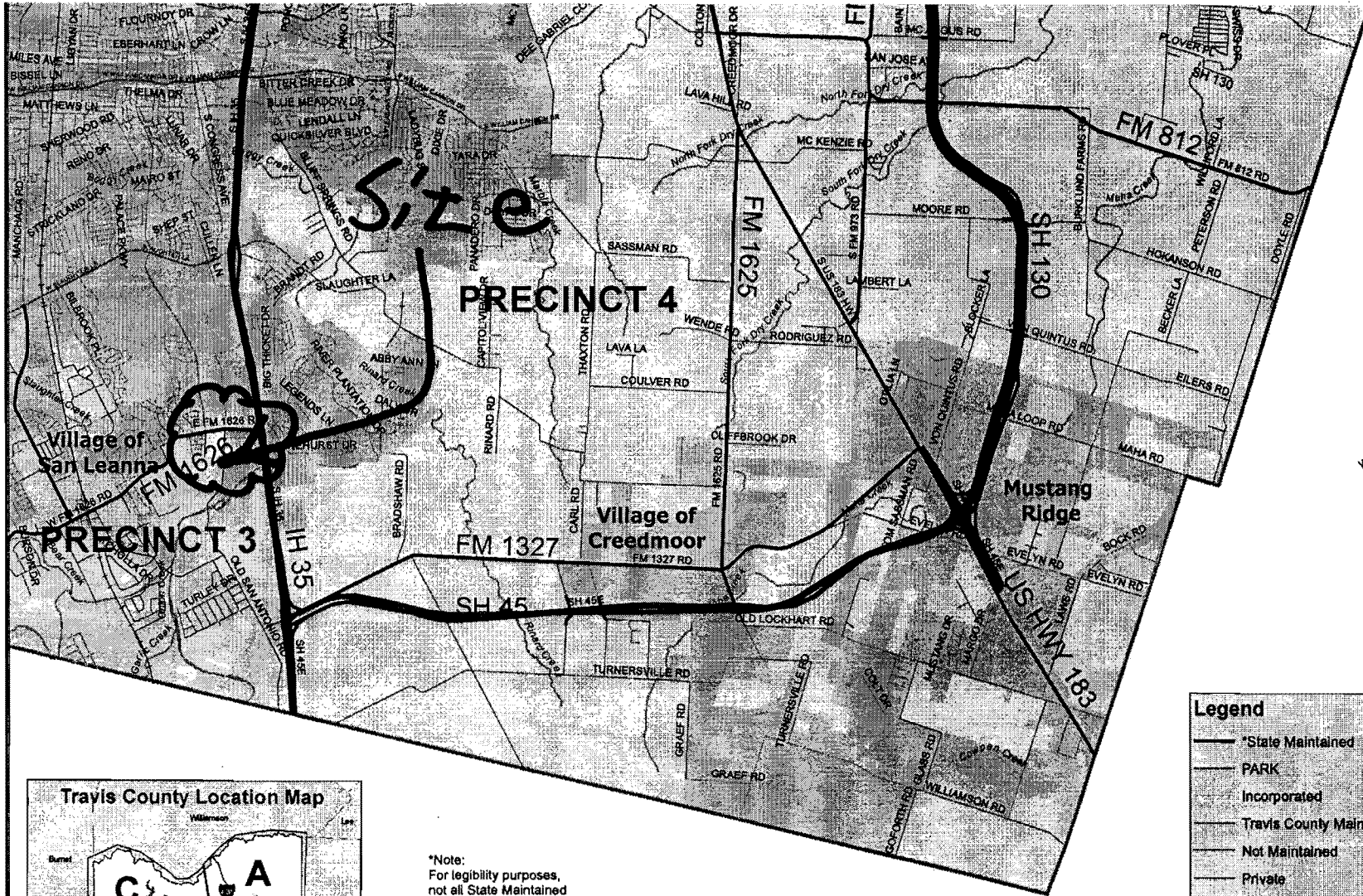
<http://propaccess.traviscad.org/Map/View/Map/1/351930/2013>

powered by:  
**PropertyACCESS**  
 www.trueautomation.com

Map Disclaimer: This tax map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate, and are not necessarily accurate to mapping, surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or adequacy of this information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.



Site Location



\*Note:  
For legibility purposes,  
not all State Maintained  
roadways are shown in red.

Source(s): City of Austin Roads - COA 2011, Unincorporated  
Roads - Travis County 8/2011 Creeks- NHD '05,  
Parks - Travis County 2011, Commissioner  
Precincts-Travis County Voter Registrar 2002.

Legend			
	*State Maintained		Commissioner Precinct
	PARK		Precinct 1
	Incorporated		Precinct 3
	Travis County Maintained		Precinct 4
	Not Maintained		
	Private		
	Rejection of Dedication		
	Undedicated, Private		
	Railroad		
	Travis County Park		
	Water Body		



**Travis County Commissioners Court Agenda Request  
TRAVIS COUNTY HOUSING FINANCE CORPORATION**

**Meeting Date:** March 19, 2013

**Prepared By/Phone Number:** Andrea Shields, Manager/854-9116

**Elected/Appointed Official/Dept. Head:** Leslie Browder, County Executive, Planning and Budget/854-9106

**Commissioners Court Sponsor:** Sarah Eckhardt, Vice President and Margaret Gomez, Secretary

**AGENDA LANGUAGE:**

Consider and take appropriate action on affordable housing funding under the Commitment of Development Funding by Unit of General Local Government provision of housing tax credits by the Texas Department of Housing and Community Affairs (2306.6710(b)(1)(E)).

- A) Receive briefing by staff on implications of prior court and Corporation actions;
- B) Receive public comments on previous actions; and
- C) Direct staff to develop policies and procedures for responding to incoming requests for support.

**BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

- List of projects applying for tax credits from Central Texas
- TDHCA Qualified Allocation Plan for 2013

**ISSUES AND OPPORTUNITIES:** None.

**FISCAL IMPACT AND SOURCE OF FUNDING:** None.

**REQUIRED AUTHORIZATIONS:** Andrea Shields, Manager/854-9116; Leslie Browder, County Executive, Planning and Budget/854-9106

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, [Cheryl.Aker@co.travis.tx.us](mailto:Cheryl.Aker@co.travis.tx.us) by Tuesdays at 5:00 p.m. for the next week's meeting.



**Texas Department of Housing and Community Affairs**  
**2013 Competitive (9%) Housing Tax Credit (HTC) Program**  
**Application Submission Log**

NOTE: The following scoring categories are NOT included in the "Self Score Total" column:  
 \$11.9(1) - Quantifiable Community Participation (QCP)  
 \$11.9(2) - Community Support from State Representative or Senator  
 \$11.9(3) - Cost of Development Per Square Foot  
 \$11.9(4) - Point Deductions

The Application log is organized by region and subregion. Applicants selected the At-Risk/USDA Set-Asides are listed first and are organized by score rather than by region. Where scores indicate a tie between more than one application in a subregion or At-Risk, no representation is made regarding how the applications would be ranked after applying the tie breaker factors in the QAP. The Department plans to post the complete review of each application shortly. The following data was compiled using information submitted by each applicant. This data has not yet been reviewed or verified by the Department and errors may be present. Those reviewing the log are advised to use caution in reaching any definitive conclusions based on this information. Some applicants have indicated they are reviewing the log and will be contacting the staff as soon as possible. Identification of an error early does not guarantee that the error can be addressed administratively.

Version date: March 5, 2013

Application Number	Development Name	Development Address	City	Zip Code	County	Region	Urban/Rural	USDA Set-Aside	At-Risk Set-Aside	Integration Set-Aside	Construction Type	Low Income Units	Market Rate Units	Total Units	Target Population	HTC Requested	Applicant Contact	Second Contact	Self Score Total	Notes*	Basic Demographic Information for Census Tract	Poverty Rate						
13112	Liberty Trails Townhomes	Appr 95 acre; REC of Hwy 29 & Hwy 1869	Liberty Hill	78642	Williamson	7	Urban				New Construction	75	23	100	General	\$1,090,000	Jorge A. Aguirre	Donna Rickbacher	109		4849102022	1st Q   7.6%						
13071	Windy Ridge Apartments	3091D Ranch Rd 620	Austin	78726	Travis	7	Urban				New Construction	120	0	120	General	\$1,080,318	Adrian Ghisla	Rich Dwyer	106		4845300195	3rd Q   6.2%						
13108	Skyway Studios	2800 S Lamar Blvd	Austin	78704	Travis	7	Urban	X			New Construction	109	0	109	Supportive Housing	\$1,072,000	Walter Moreau	Jennifer Hicks	107		4845300190	2nd Q   4.7%						
13109	Nonassisted Apartments	3226 W Saugather Lane	Austin	78748	Travis	7	Urban	X			New Construction	126	14	140	General	\$1,252,000	Walter Moreau	Jennifer Hicks	105		48453001746	2nd Q   5.2%						
13142	The Mills of Phagareville	SMS of "his built" Colorado land Dr. N side of Phagareville Phagareville	Phagareville	78660	Travis	7	Urban				New Construction	137	0	137	Elderly	\$1,500,000	Steve Ford	Carrie Ford	105		48453001858	3rd Q   2.1%						
13159	4800 Bertram	SWC of Bertram Dr. & Barbara Jordan Blvd	Austin	78723	Travis	7	Urban				New Construction	140	50	170	General	\$1,420,000	Janine Slak	Wynne Gierard	105		48453001096	4th Q   10.1%						
13125	Songhai at West Gate	8700 Westgate Boulevard	Austin	78745	Travis	7	Urban				New Construction	140	6	146	General	\$1,320,000	Miguel Hernandez	Charmo M. Riba	104		48453001729	2nd Q   6.2%						
	Estimated Amount Available to Allocate	\$3,398,300													Total HTC Requested	\$4,446,318												
<b>TOTALS</b>																Total HTC Requested	\$38,898,533											

\* The notes included herein are abbreviated in form and are intended to convey the summary result of an Applicant's or Staff's action related to a pre-application or application. Applicants are advised not to rely solely on the notes section for a complete understanding of the circumstances for which the notes relate.

**2013 New Housing Communities Competing for Tax Credits in Central Texas Region**  
 Texas Dept of Housing and Com Affairs Based on TDHCA March 5 log **approx \$3.4 million available**

Project	Developer	Location	County	Base Score	City/County \$ Score	Total Score	Estimated Credit Request
1 Liberty Hill 100 family	J Aguire	Liberty Hill	Williamson	96 points	13 Committed Cash -LH	109	1,090,000
2 RR 620 120 family	Realtex	Austin ETJ	Travis	96 points	12 <b>Applied County Loan</b> \$1.8 million	108	1,080,918
3 Goodwill 109 sup hsg (homeless)	Found Com.	S. Lamar Austin	Travis	94 points	13 Committed Cash Austin \$1.8 million	107	1,002,000
4 Pflugerville 117 elderly	Steve Ford	Pflugerville	Travis	93 points	12 <b>Applied County Loan</b> \$425k	105 (wins tie)	1,500,000
5 Homestead 140 family	Found Com.	Slaughter near Brodie	Travis	92 points	13 Committed Cash Austin \$2.2 million	105	1,252,000
6 Mueller 140 family	Diana McIver	Mueller	Travis	92 points	13 Committed Cash Austin \$2.2 million	105 cannot win tie	1,500,000
7 Westgate 136 family	C Njie	SW Austin	Travis	91 points	13 Committed Cash Austin \$2.2 million	104	1,220,000

# 2013 State of Texas Qualified Allocation Plan



TDHCA will, upon request, provide reasonable accommodations for persons with disabilities and language assistance for persons with limited English proficiency.

**§11.1. General.**

(a) Authority. The rules in this chapter apply to the allocation by the Texas Department of Housing and Community Affairs (the "Department") of Housing Tax Credits authorized by applicable federal income tax laws and whereby the Department is authorized to make such allocations for the State of Texas pursuant to Texas Government Code, Chapter 2306, Subchapter DD. As required by Internal Revenue Code (the "Code"), §42(m)(1), the Department developed this Qualified Allocation Plan (QAP) to establish the procedures and requirements relating to an allocation of Housing Tax Credits. All requirements herein and all those applicable to a Housing Tax Credit Development or Application in Chapter 10 of this title (relating to Uniform Multifamily Rules), or otherwise incorporated by reference herein constitute the QAP required by Texas Government Code, §2306.67022.

(b) Due Diligence and Applicant Responsibility. Department staff may, from time to time, make available for use by Applicants information and informal guidance in the form of reports, frequently asked questions, and responses to specific questions. The Department encourages communication with staff in order to clarify any issues that may not be fully addressed in the QAP or be unclear when applied to specific facts. However, while these resources are offered to help Applicants prepare and submit accurate information, Applicants should also appreciate that this type of guidance is limited by its nature and that staff will apply the rules of the QAP to each specific situation as it is presented in the submitted Application. In addition, although the Department may compile data from outside sources in order to assist Applicants in the Application process, it remains the sole responsibility of the Applicant to independently perform the necessary due diligence to research, confirm and verify any data, opinions, interpretations, or other information upon which an Applicant bases an Application. Notwithstanding the fact that these rules along with other Department resources may not contemplate unforeseen situations that may arise, the Department will apply a reasonableness standard to the evaluation of Applications for Housing Tax Credits.

(c) Competitive Nature of Program. Applying for competitive housing tax credits is a technical process that must be followed completely. As a result of the highly competitive nature of applying for tax credits, an Applicant should proceed on the assumption that deadlines are fixed and firm with respect to both date and time and cannot be waived except where authorized and for truly extraordinary circumstances, such as the occurrence of a significant natural disaster that makes timely adherence impossible. If an Applicant chooses to submit by delivering an item physically to the Department, it is the Applicant's responsibility to be within the Department's doors by the appointed deadline. Applicants should further ensure that all documents are legible, properly organized and tabbed, and that digital media is fully readable. Applicants are strongly encouraged to submit the required items well in advance of established deadlines.

(d) Definitions. The capitalized terms or phrases used herein are defined in §10.3 of this title (relating to Definitions), unless the context clearly indicates otherwise. Any capitalized terms that are defined in Texas Government Code, Chapter 2306, §42 of the Code, or other Department rules have, when capitalized, the meanings ascribed to them therein. Defined terms when not capitalized, are to be read in context and construed according to common usage.

**§11.2. Program Calendar for Competitive Housing Tax Credits.**

Non-statutory deadlines specifically listed in the Program Calendar may be extended for good cause by the Executive Director for a period of not more than five (5) business days provided, however, that the Applicant has requested an extension prior to the date of the original deadline. Extensions relating to Administrative Deficiency deadlines may only be extended if documentation needed to resolve the item is needed from a Third Party.

Deadline	Documentation Required
12/17/2012	Application Acceptance Period Begins.



Deadline	Documentation Required
12/17/2012	Pre-application Neighborhood Organization Request Date.
01/08/2013	Pre-Application Final Delivery Date (including pre-clearance and waiver requests).
01/18/2013	Full Application Neighborhood Organization Request Date.
03/01/2013	Full Application Delivery Date.
03/01/2013	Quantifiable Community Participation (QCP) Delivery Date.
03/01/2013	Third Party Report Delivery Date (Environmental Site Assessment (ESA), Property Condition Assessment (PCA), Appraisal (if applicable)).
04/01/2013	Final Input from State Representative or State Senator Delivery Date.
04/01/2013	Market Analysis and Site Design and Development Feasibility Report Delivery Date.
04/01/2013	Resolutions Delivery Date.
05/01/2013	Challenges to Neighborhood Organization Opposition Delivery Date.
05/15/2013	Application Challenges Deadline.
Mid-May	Final Scoring Notices Issued for Majority of Applications Considered "Competitive."
06/14/2013	Deadline for public comment to be included in a summary to the Board at a posted meeting.
June	Release of Eligible Applications for Consideration for Award in July.
Late July	Final Awards.
Mid-August	Commitments are Issued.
11/01/2013	Carryover Documentation Delivery Date.
07/01/2014	10 percent Test Documentation Delivery Date.

Deadline	Documentation Required
12/31/2015	Placement in Service.
Five (5) business days after the Deficiency Notice date (without incurring point loss)	Administrative Deficiency Response Deadline (unless an extension has been granted).

**§11.3. Housing De-Concentration Factors.**

(a) Two Mile Same Year Rule (Competitive HTC Only). (§2306.6711(f)) Staff will not recommend for award, and the Board will not make an award to an Application that proposes a Development Site located in a county with a population that exceeds one million if the proposed Development Site is also located less than two linear miles from the proposed Development Site of another Application that is awarded in the same calendar year.

(b) Twice the State Average Per Capita. (§2306.6703(a)(4)) If the Development is located in a municipality, or if located completely outside a municipality, a county, that has more than twice the state average of units per capita supported by Housing Tax Credits or private activity bonds at the time the Application Round begins (or for Tax-Exempt Bond Developments at the time the Certificate of Reservation is issued by the Texas Bond Review Board), the Applicant must obtain prior approval of the Development from the Governing Body of the appropriate municipality or county containing the Development. Such approval must include a resolution adopted by the Governing Body of the municipality or county, as applicable, setting forth a written statement of support, referencing Texas Government Code, §2306.6703(a)(4), and authorizing an allocation of Housing Tax Credits for the Development. An acceptable, but not required, form of resolution may be obtained in the Multifamily Programs Procedures Manual.

(c) One Mile Three Year Rule. (§2306.6703(a)(3))

(1) An Application that proposes the New Construction or Adaptive Reuse of a Development that is located one linear mile or less (measured by a straight line on a map) from another Development that meets all of the criteria in subparagraphs (A) – (C) of this paragraph shall be considered ineligible.

(A) The Development serves the same type of household as the proposed Development, regardless of whether the Development serves families, elderly individuals, or another type of household; and

(B) The Development has received an allocation of Housing Tax Credits or private activity bonds for any New Construction at any time during the three-year period preceding the date the Application Round begins (or for Tax-Exempt Bond Developments the three-year period preceding the date the Certificate of Reservation is issued); and

(C) The Development has not been withdrawn or terminated from the Housing Tax Credit Program.

(2) Paragraph (1) of this subsection does not apply to a Development:

(A) that is using federal HOPE VI (or successor program) funds received through HUD;

(B) that is using locally approved funds received from a public improvement district or a tax increment financing district;

(C) that is using funds provided to the state under the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. §§12701 et seq.);

(D) that is using funds provided to the state and participating jurisdictions under the Housing and Community Development Act of 1974 (42 U.S.C. §§5301 et seq.);

(E) that is located in a county with a population of less than one million;

(F) that is located outside of a metropolitan statistical area; or

(G) that the Governing Body of the appropriate municipality or county where the Development is to be located has by vote specifically allowed the construction of a new Development located within one linear mile or less from a Development described under paragraph (1)(A) of this subsection. An acceptable, but not required, form of resolution may be obtained in the Multifamily Programs Procedures Manual.

(3) Where a specific source of funding is referenced in paragraph (2)(A) - (D) of this subsection, a commitment or resolution documenting a commitment of the funds must be provided in the Application or prior to the Resolutions Delivery Date (for Tax Exempt Bond Developments the resolution must be submitted no later than 14 days prior to the Board meeting where the tax credits will be considered).

(d) Limitations on Developments in Certain Census Tracts. An Application that proposes the New Construction or Adaptive Reuse of a Development proposed to be located in a census tract that has more than 30 percent Housing Tax Credit Units per total households as established by the U.S. Census Bureau for the most recent Decennial Census shall be considered ineligible unless:

(1) the Development is in a Place whose population is less than 100,000; or

(2) the Governing Body of the appropriate municipality or county containing the Development has by vote specifically allowed the construction of the new Development and submits to the Department a resolution referencing this rule.

(e) Additional Phase. Applications proposing an additional phase of an existing tax credit Development serving the same Target Population, or Applications proposing Developments that are adjacent to an existing tax credit Development serving the same Target Population, or Applications that are proposing a Development serving the same Target Population on a contiguous site to another Application awarded in the same program year, shall be considered ineligible unless the other Developments or phase(s) of the Development have been completed and have maintained occupancy of at least 90 percent for a minimum six (6) month period as reflected in the submitted rent roll.

#### **§11.4. Tax Credit Request and Award Limits.**

(a) Credit Amount (Competitive HTC Only). (§2306.6711(b)) The Board may not allocate to an Applicant, Developer, Affiliate or Guarantor (unless the Guarantor is also the General Contractor, and is not a Principal of the Applicant, Developer or Affiliate of the Development Owner) Housing Tax Credits in an amount greater than \$3 million in a single Application Round. All entities that share a Principal are Affiliates. For purposes of determining the \$3 million limitation, a Person is not deemed to be an Applicant, Developer, Affiliate or Guarantor solely because it:

(1) raises or provides equity;

(2) provides "qualified commercial financing;"

(3) is a Qualified Nonprofit Organization or other not-for-profit entity that is providing solely loan funds, grant funds or social services; or

(4) receives fees as a Development Consultant or Developer that do not exceed 10 percent of the Developer Fee (or 20 percent for Qualified Nonprofit Developments) to be paid or \$150,000, whichever is greater.

(b) Maximum Request Limit (Competitive HTC Only). For any given Development, an Applicant may not request more than 150 percent of the credit amount available in the sub-region based on estimates released by the Department on December 1, or \$1,500,000, whichever is less, or \$2,000,000 for Applications under the At-Risk Set-Aside. The Department will consider the amount in the Funding Request of the pre-application and Application to be the amount of Housing Tax Credits requested and will automatically reduce the Applicant's request to the maximum allowable under this subsection if exceeded. Regardless of the credit amount requested or any subsequent changes to the request made by staff, the Board may not award to any individual Development more than \$2 million in a single Application Round. (§2306.6711(b))

(c) Increase in Eligible Basis (30 percent Boost). Applications will be evaluated for an increase of up to but not to exceed 30 percent in Eligible Basis provided they meet the criteria identified in paragraph (1) or (2) of this subsection. Staff will not recommend such an increase in Eligible Basis if it is determined it would cause the Development to be over sourced, as evaluated by the Real Estate Analysis division, in which case a credit amount necessary to fill the gap in financing will be recommended. The criteria in paragraph (2) of this subsection are not applicable to Tax-Exempt Bond Developments.

(1) The Development is located in a Qualified Census Tract (QCT) (as determined by the Secretary of HUD) that has less than 30 percent Housing Tax Credit Units per total households in the tract as established by the U.S. Census Bureau for the most recent Decennial Census. New Construction or Adaptive Reuse Developments located in a QCT that has in excess of 30 percent Housing Tax Credit Units per total households in the tract are not eligible to qualify for a 30 percent increase in Eligible Basis, which would otherwise be available for the Development Site pursuant to §42(d)(5)(C) of the Code. For Tax-Exempt Bond Developments, as a general rule, a QCT designation would have to coincide with the program year the Certificate of Reservation is issued in order for the Department to apply the 30 percent boost in its underwriting evaluation. Applicants must submit a copy of the census map that includes the 11-digit census tract number and clearly shows that the proposed Development is located within a QCT;

(2) The Development meets one of the criteria described in subparagraphs (A) - (D) of this paragraph (pursuant to the authority granted by H.R. 3221):

(A) the Development is located in a Rural Area;

(B) the Development is proposing entirely Supportive Housing and is expected to be debt free or have no foreclosable or non-cash flow debt;

(C) the Development meets the criteria for the Opportunity Index as defined in §11.9(c)(4) of this chapter (relating to Competitive HTC Selection Criteria); or

(D) the Development is a non-Qualified Elderly Development not located in a QCT that is in an area covered by a community revitalization plan. A Development will be considered to be in an area covered by a community revitalization plan if it is eligible for points under §11.9(d)(6) of the chapter.

**§11.5. Competitive HTC Set-Asides. (§2306.111(d))** This section identifies the statutorily-mandated set-asides which the Department is required to allocate. An Applicant may elect to compete in as many of the set-asides described in this section for which the proposed Development qualifies.

(1) Nonprofit Set-Aside. (§2306.6729 and §2306.6706(b)) At least 10 percent of the State Housing Credit Ceiling for each calendar year shall be allocated to Qualified Nonprofit Developments which meet the requirements of §42(h)(5) of the Code and Texas Government Code, §2306.6729 and §2306.6706(b). Qualified Nonprofit Organizations must have the controlling interest in the Development Owner applying for this set-aside (e.g. greater than 50 percent ownership in the General Partner). If the Application is filed on behalf of a limited partnership, the Qualified Nonprofit Organization must be the Managing General Partner. If the Application is filed on behalf of a limited liability company, the Qualified Nonprofit Organization must be the controlling Managing Member. Additionally, a Qualified Nonprofit Development submitting an Application in the Nonprofit Set-Aside must have the nonprofit entity or its nonprofit Affiliate or subsidiary be the Developer or a co-Developer as evidenced in the development agreement. An Applicant that meets the requirements to be in the Qualified Nonprofit Set-Aside is deemed to be applying under that set-aside unless their Application specifically includes an affirmative election to not be treated under that set-aside and a certification that they do not expect to receive a benefit in the allocation of tax credits as a result of being affiliated with a nonprofit. The Department reserves the right to request a change in this determination and/or not recommend credits for those unwilling to switch if insufficient Applications in the Nonprofit Set-Aside are received.

(2) USDA Set-Aside. (§2306.111(d-2)) At least 5 percent of the State Housing Credit Ceiling for each calendar year shall be allocated to Rural Developments which are financed through USDA. If an Application in this set-

aside involves Rehabilitation it will be attributed to and come from the At-Risk Development Set-Aside; if an Application in this set-aside involves New Construction it will be attributed to and come from the applicable Uniform State Service Region. Commitments of Competitive Housing Tax Credits issued by the Board in the current program year will be applied to each set-aside, Rural Regional Allocation, Urban Regional Allocation and/or USDA Set-Aside for the current Application Round as appropriate. Applications must also meet all requirements of Texas Government Code, §2306.111(d-2).

(3) At-Risk Set-Aside. (§2306.6714; §2306.6702)

(A) At least 15 percent of the State Housing Credit Ceiling for each calendar year will be allocated under the At-Risk Development Set-Aside and will be deducted from the State Housing Credit Ceiling prior to the application of the regional allocation formula required under §11.6 of this chapter (relating to Competitive HTC Allocation Process). Through this set-aside, the Department, to the extent possible, shall allocate credits to Applications involving the preservation of Developments identified as At-Risk Developments. (§2306.6714) Up to 5 percent of the State Housing Credit Ceiling associated with this set-aside may be given priority to Rehabilitation Developments funded with USDA.

(B) An At-Risk Development must meet all the requirements of Texas Government Code, §2306.6702(a)(5). For purposes of this paragraph, any stipulation to maintain affordability in the contract granting the subsidy, or any federally insured mortgage will be considered to be nearing expiration or nearing the end of its term if expiration will occur or the term will end within two (2) calendar years of July 31 of the year the Application is submitted.

(C) An Application for a Development that includes the demolition of the existing Units which have received the financial benefit described in Texas Government Code, §2306.6702 will not qualify as an At-Risk Development unless the redevelopment will include at least a portion of the same site.

(D) Developments must be at risk of losing affordability from the financial benefits available to the Development and must retain or renew the existing financial benefits and affordability unless regulatory barriers necessitate elimination of a portion of that benefit for the Development. For Developments retaining public housing operating subsidies to qualify under the At-Risk Set-Aside, only a portion of the subsidy must be retained for the proposed Development, but no less than 25 percent of the proposed Units must be public housing units.

(E) Nearing expiration on a requirement to maintain affordability includes Developments eligible to request a Qualified Contract under §42 of the Code. Evidence must be provided in the form of a copy of the recorded LURA, the first years' IRS Forms 8609 for all buildings showing Part II of the form completed and, if applicable, documentation from the original application regarding the right of first refusal.

(F) An amendment to an Application seeking to enable the Development to qualify as an At-Risk Development, that is submitted to the Department while the Application is under review will not be accepted.

**§11.6. Competitive HTC Allocation Process.** This section identifies the general allocation process and the methodology by which awards are made.

(1) Regional Allocation Formula. The Department shall initially make available in each Rural Area and Urban Area of each Uniform State Service Region ("sub-region") Housing Tax Credits in an amount consistent with the Regional Allocation Formula developed in compliance with Texas Government Code, §2306.1115. The process of awarding the funds made available within each sub-region shall follow the process described in this section. Where a particular situation that is not contemplated and addressed explicitly by the process described herein, Department staff shall formulate a recommendation for the Board's consideration based on the objectives of regional allocation together with other policies and purposes set out in Texas Government Code, Chapter 2306 and the Department shall provide Applicants the opportunity to comment on and propose alternatives to such a recommendation. In general, such a recommendation shall not involve broad reductions in the funding request amounts solely to accommodate regional allocation and shall not involve rearranging the priority of Applications within a particular sub-region or set-aside except as described herein. If the Department determines that an allocation recommendation would cause a violation of the \$3

million credit limit per Applicant, the Department will make its recommendation by selecting the Development(s) that most effectively satisfy the Department's goals in meeting set-aside and regional allocation goals.

(2) Credits Returned and National Pool Allocated After January 1. For any credits returned after January 1 and eligible for reallocation, the Department shall first return the credits to the sub-region or set-aside from which the original allocation was made. The credits will be treated in a manner consistent with the allocation process described in this section and may ultimately flow from the sub-region and be awarded in the collapse process to an Application in another region, sub-region or set-aside. For any credit received from the "national pool" after the initial approval of awards in late July, the credits will be added to and awarded to the next Application on the waiting list for the state collapse.

(3) Award Recommendation Methodology. (§2306.6710(a) - (f); §2306.111) The Department will assign, as described herein, Developments for review by the program and underwriting divisions. In general, Applications will be prioritized for assignment, with highest priority given to those identified as most competitive based upon the Applicant self-score and an initial program review. The procedure identified in subparagraphs (A) - (F) of this paragraph will also be used in making recommendations to the Board.

(A) USDA Set-Aside Application Selection (Step 1). The first level of priority review will be those Applications with the highest scores in the USDA Set-Aside until the minimum requirements stated in §11.5(2) of this chapter (relating to Competitive HTC Set-Asides. (§2306.111(d))) are attained. The minimum requirement may be exceeded in order to award the full credit request or underwritten amount of the last Application selected to meet the At-Risk Set-Aside requirement;

(B) At-Risk Set-Aside Application Selection (Step 2). The second level of priority review will be those Applications with the highest scores in the At-Risk Set-Aside statewide until the minimum requirements stated in §11.5(3) of this chapter are attained. This may require the minimum requirement to be exceeded to award the full credit request or underwritten amount of the last Application selected to meet the At-Risk Set-Aside requirement. This step may leave less than originally anticipated in the 26 sub-regions to award under the remaining steps, but these funds would generally come from the statewide collapse;

(C) Initial Application Selection in Each Sub-Region (Step 3). The highest scoring Applications within each of the 26 sub-regions will then be selected provided there are sufficient funds within the sub-region to fully award the Application. Applications electing the At-Risk or USDA Set-Asides will not be eligible to receive an award from funds made available within each of the sub-regions;

(D) Rural Collapse (Step 4). If there are any tax credits set-aside for Developments in a Rural Area in a specific Uniform State Service Region ("Rural sub-region") that remain after award under subparagraph (C) of this paragraph, those tax credits shall be combined into one "pool" and then be made available in any other Rural Area in the state to the Application in the most underserved Rural sub-region as compared to the sub-region's allocation. This rural redistribution will continue until at least 20 percent of the funds available to the State are allocated to Applications in Rural Areas. (§2306.111(d)(3)) In the event that more than one sub-region is underserved by the same percentage, the priorities described in clauses (i) - (ii) of this subparagraph will be used to select the next most underserved sub-region:

- (i) the sub-region with no recommended At-Risk Applications from the same Application Round; and
- (ii) the sub-region that was the most underserved during the Application Round during the year immediately preceding the current Application Round.

(E) Statewide Collapse (Step 5). Any credits remaining after the Rural Collapse, including those in any sub-region in the State, will be combined into one "pool." The funds will be used to award the highest scoring Application (not selected in a prior step) in the most underserved sub-region in the State compared to the amount originally made available in each sub-region. This process will continue until the funds remaining are insufficient to award the next highest scoring Application in the next most underserved sub-region. In the event that more than one sub-region is underserved by the same percentage, the priorities described in clauses (i) and (ii) of this subparagraph will be used to select the next most underserved sub-region:

- (i) the sub-region with no recommended At-Risk Applications from the same Application Round; and
- (ii) the sub-region that was the most underserved during the Application Round during the year immediately preceding the current Application Round.

(F) Contingent Qualified Nonprofit Set-Aside Step (Step 6). If an insufficient number of Applications participating in the Nonprofit Set-Aside are selected after implementing the criteria described in subparagraphs (A) – (F) of this paragraph to meet the requirements of the 10 percent Nonprofit Set-Aside, action must be taken to modify the criteria described in subparagraphs (A) – (F) of this paragraph to ensure the set-aside requirements are met. Therefore, the criteria described in subparagraphs (C) – (F) of this paragraph will be repeated after selection of the highest scoring Application(s) under the Nonprofit Set-Aside statewide are selected to meet the minimum requirements of the Nonprofit Set-Aside. This step may cause some lower scoring Applications in a sub-region to be selected instead of a higher scoring Application not participating in the Nonprofit Set-Aside.

(4) Waiting List. The Applications that do not receive an award by July 31 and remain active and eligible will be recommended for placement on the waiting list. Applications on the waiting list are selected for an award when the remaining balance of tax credits is sufficient to award the next Application on the waiting list. The waiting list is not static. The allocation process will be used in determining the Application to award. For example, if credits are returned, those credits will first be made available in the set-aside or sub-region from which they were originally awarded. This means that the first Application on the waiting list is in part contingent on the nature of the credits that became available for award. (§2306.6710(a) - (f); §2306.111)

**§11.7. Tie Breaker Factors.** In the event there are Competitive HTC Applications that receive the same number of points in any given set-aside category, rural regional allocation or urban regional allocation, or rural or state collapse, the Department will utilize the factors in this section, in the order they are presented, to determine which Development will receive preference in consideration for an award. The tie breaker factors are not intended to specifically address a tie between equally underserved sub-regions in the rural or statewide collapse.

(1) Applications ranking higher on the Opportunity Index under §11.9(c)(4) of this chapter (relating to Competitive HTC Selection Criteria) as compared to another Application with the same score.

(2) Applications proposed to be located the greatest distance from the nearest Housing Tax Credit assisted Development.

**§11.8. Pre-Application Requirements (Competitive HTC Only).**

(a) General Submission Requirements. The pre-application process allows Applicants interested in pursuing an Application to assess potential competition across the thirteen (13) state service regions, sub-regions and set-asides. Based on an understanding of the potential competition they can make a more informed decision whether they wish to proceed to prepare and submit an Application. A complete pre-application is a pre-application that meets all of the Department's criteria, as outlined in subsections (a) and (b) of this section, with all required information and exhibits provided pursuant to the Multifamily Programs Procedures Manual.

(1) The pre-application must be submitted, along with the required pre-application fee as described in §10.901 of this title (relating to Fee Schedule), no later than the Pre-application Final Delivery Date as identified in §11.2 of this chapter (relating to Program Calendar for Competitive Housing Tax Credits). If such pre-application and corresponding fee is not submitted on or before this deadline the Applicant will be deemed to have not made a pre-application.

(2) The pre-application shall consist of one (1) CD-R containing a PDF copy and Excel copy to the Department in the form of a single file and individually bookmarked as presented in the order as required in the Multifamily Programs Procedures Manual.

(3) Only one pre-application may be submitted by an Applicant for each Development Site.

(4) Department review at this stage is limited, and not all issues of eligibility and threshold are reviewed or addressed at pre-application. Acceptance by staff of a pre-application does not ensure that an Applicant satisfies all Application eligibility, threshold or documentation requirements. While the pre-application is more limited in scope than an Application, pre-applications are subject to the same limitations, restrictions, or causes for disqualification or termination as a full Application, and pre-applications will thus be subject to the same consequences for violation, including but not limited to loss of points and termination of the pre-application.

(b) Pre-Application Threshold Criteria. Pursuant to Texas Government Code, §2306.6704(c) pre-applications will be rejected unless they meet the threshold criteria described in paragraphs (1) and (2) of this subsection:

(1) Submission of the competitive HTC pre-application in the form prescribed by the Department which identifies at a minimum:

(A) Site Control meeting the requirements of §10.204(9) of this title (relating to Required Documentation for Application Submission);

(B) Funding request;

(C) Target Population;

(D) Requested set-asides (At-Risk, USDA, Nonprofit, and/or Rural);

(E) Total Number of Units proposed;

(F) Census tract number in which the Development Site is located;

(G) Expected score for each of the scoring items identified in the pre-application materials;

(H) All issues requiring waivers necessary for the filing of an eligible Application; and

(I) Any community revitalization plan the Applicant anticipates using for points under §11.9(d)(6)(A) and (B)(i) of this chapter (relating to Competitive HTC Selection Criteria).

(2) Evidence in the form of a certification provided in the pre-application, that all of the notifications required under this paragraph have been made. (§2306.6704)

(A) Neighborhood Organization Requests. The Applicant must request a list of Neighborhood Organizations on record with the county and state whose boundaries include the proposed Development Site:

(i) No later than the Pre-application Neighborhood Organization Request Date identified in §11.2 of this chapter, the Applicant must e-mail, fax or mail with registered receipt a completed Neighborhood Organization Request letter as provided in the pre-application to the local elected official, as applicable, based on where the Development is proposed to be located. If the Development is located in an area that has district based locally elected officials, or both at-large and district based locally elected officials, the request must be made to the city council member or county commissioner representing that district; if the Development is located in an area that has only at-large local elected officials, the request must be made to the mayor or county judge for the jurisdiction. If the Development is not located within a city or its Extra Territorial Jurisdiction (ETJ), the county local elected official must be contacted. In the event that local elected officials refer the Applicant to another source, the Applicant must request Neighborhood Organizations from that source in the same format;

(ii) The Applicant must list in the pre-application all Neighborhood Organizations on record with the county or state whose boundaries include the proposed Development Site as provided by the local elected officials, or that the Applicant has knowledge of (regardless of whether the organization is on record with the county or state) as of the date of pre-application submission.

(B) Notification Recipients. No later than the date the pre-application is submitted, notification must be sent to all of the persons or entities prescribed in clauses (i) – (viii) of this subparagraph whose jurisdiction or boundaries include the Development Site. Developments located in an ETJ of a city are required to notify both city and county officials. The notifications may be sent by e-mail, fax or mail



with registered return receipt or similar tracking mechanism in the format required in the Pre-application Notification Template provided in the pre-application. The Applicant is encouraged to retain proof of delivery in the event the Department requires proof of notification. Acceptable evidence of such delivery is demonstrated by signed receipt for mail or courier delivery and confirmation of receipt by the recipient for fax and e-mail. Officials to be notified are those officials in office at the time the pre-application is submitted.

- (i) Neighborhood Organizations on record with the state or county whose boundaries include the proposed Development Site;
- (ii) Superintendent of the school district;
- (iii) Presiding officer of the board of trustees of the school district;
- (iv) Mayor of the municipality;
- (v) All elected members of the Governing Body of the municipality;
- (vi) Presiding officer of the Governing Body of the county;
- (vii) All elected members of the Governing Body of the county; and
- (viii) State Senator and State Representative;

(C) Notice Requirements. The notification must include, at a minimum, all of the information described in clauses (i) – (vi) of this subparagraph:

- (i) the Applicant's name, address, an individual contact name and phone number;
- (ii) the Development name, address, city and county;
- (iii) a statement informing the entity or individual being notified that the Applicant is submitting a request for Housing Tax Credits with the Texas Department of Housing and Community Affairs;
- (iv) whether the Development proposes New Construction, Reconstruction, Adaptive Reuse, or Rehabilitation;
- (v) the type of Development being proposed (single family homes, duplex, apartments, townhomes, high-rise etc.); and
- (vi) the approximate total number of Units and approximate total number of low-income Units.

(c) Pre-application Results. Only pre-applications which have satisfied all of the pre-application requirements, including those in §11.9(e)(3) of this chapter will be eligible for pre-application points. The order and scores of those Developments released on the Pre-application Submission Log do not represent a Commitment on the part of the Department or the Board to allocate tax credits to any Development and the Department bears no liability for decisions made by Applicants based on the results of the Pre-application Submission Log. Inclusion of a Development on the Pre-application Submission Log does not ensure that an Applicant will receive points for a pre-application.

#### **§11.9. Competitive HTC Selection Criteria.**

(a) General Information. This section identifies the scoring criteria used in evaluating and ranking Applications. The criteria identified in subsection (b) of this section include those items required under Texas Government Code, Chapter 2306, §42 of the Code, and other criteria established in a manner consistent with Chapter 2306 and §42 of the Code. There is no rounding of numbers in this section for any of the calculations in order to achieve the desired requirement or limitation, unless rounding is explicitly stated as allowed for that particular calculation or criteria. Due to the highly competitive nature of the program, Applicants that elect points where supporting documentation is required but fail to provide any supporting documentation or fail to submit supporting documentation in good faith will not be allowed to cure the issue through an Administrative Deficiency. However, Department staff may provide the Applicant an opportunity

to explain how they believe the Application, as submitted, meets the requirements for points or otherwise satisfies the requirement to provide supporting documentation in good faith.

(b) Criteria promoting development of high quality housing.

(1) Size and Quality of the Units. (§2306.6710(b)(1)(D); §42(m)(1)(C)(iii)) An Application may qualify for up to fourteen (14) points under subparagraphs (A) and (B) of this paragraph.

(A) Unit Sizes (7 points). The Development must meet the minimum requirements identified in this subparagraph to qualify for points. Points for this item will be automatically granted for Applications involving Rehabilitation (excluding Reconstruction), for Developments receiving funding from USDA, or for Supportive Housing Developments without meeting these square footage minimums only if requested in the Self Scoring Form.

- (i) five-hundred-fifty (550) square feet for an Efficiency Unit;
- (ii) six-hundred-fifty (650) square feet for a one Bedroom Unit;
- (iii) eight-hundred-fifty (850) square feet for a two Bedroom Unit;
- (iv) one-thousand-fifty (1,050) square feet for a three Bedroom Unit; and
- (v) one-thousand, two-hundred-fifty (1,250) square feet for a four Bedroom Unit.

(B) Unit Features (7 points). Applications in which Developments provide specific amenity and quality features in every Unit at no extra charge to the tenant will be awarded points based on the point structure provided in §10.101(b)(6)(B) of this title (relating to Site and Development Requirements and Restrictions) and as certified to in the Application. The amenities will be required to be identified in the LURA. Rehabilitation Developments will start with a base score of three (3) points and Supportive Housing Developments will start with a base score of five (5) points.

(2) Sponsor Characteristics. (§42(m)(1)(C)(iv)) (1 point). An Application may qualify to receive one (1) point provided the ownership structure contains a HUB, as certified by the Texas Comptroller of Public Accounts, or Qualified Nonprofit Organization, provided the Application is under the Nonprofit Set-Aside, has some combination of ownership interest, cash flow from operations, and developer fee which taken together equal at least 80 percent and no less than 5 percent for any category. For example, a HUB or Qualified Nonprofit Organization may have 20 percent ownership interest, 30 percent of the developer fee, and 30 percent of cash flow from operations. The HUB or Qualified Nonprofit Organization must also materially participate in the Development and operation of the Development throughout the Compliance Period and must have experience directly related to the housing industry, which may include experience with property management, construction, development, financing, or compliance. The Principals of the HUB or Qualified Nonprofit Organization cannot be a Related Party to any Principals of the Applicant or Developer unless the Related Party is a wholly-owned subsidiary of the HUB or Qualified Nonprofit Organization.

(c) Criteria to serve and support Texans most in need.

(1) Income Levels of Tenants. (§§2306.111(g)(3)(B) and (E); 2306.6710(b)(1)(C) and (e); and §42(m)(1)(B)(ii)(I)) An Application may qualify for up to fifteen (15) points for rent and income restricting a Development for the entire Affordability Period at the levels identified in subparagraph (A) or (B) of this paragraph.

(A) For any Development located within a non-Rural Area of the Dallas, Fort Worth, Houston, San Antonio, or Austin MSAs:

- (i) At least 40 percent of all low-income Units at 50 percent or less of AMGI (15 points);
- (ii) At least 30 percent of all low income Units at 50 percent or less of AMGI (13 points); or
- (iii) At least 20 percent of all low-income Units at 50 percent or less of AMGI (11 points).

(B) For Developments proposed to be located in areas other than those listed in subparagraph (A) of this paragraph:

- (i) At least 20 percent of all low-income Units at 50 percent or less of AMGI (15 points);
  - (ii) At least 15 percent of all low-income Units at 50 percent or less of AMGI (13 points); or
  - (iii) At least 10 percent of all low-income Units at 50 percent or less of AMGI (11 points).
- (2) Rent Levels of Tenants. (§2306.6710(b)(1)(G)) An Application may qualify to receive up to eleven (11) points for rent and income restrictions of a Development for the entire Affordability Period. These levels are in addition to those committed under paragraph (1) of this subsection.
- (A) At least 20 percent of all low-income Units at 30 percent or less of AMGI for Supportive Housing Developments qualifying under the Nonprofit Set-Aside only (11 points);
  - (B) At least 10 percent of all low income Units at 30 percent or less of AMGI or, for a Development located in a Rural Area, 7.5 percent of all low income Units at 30 percent or less of AMGI (9 points); or
  - (C) At least 5 percent of all low-income Units at 30 percent or less of AMGI (7 points).
- (3) Tenant Services. (§2306.6710(b)(1)(I) and §2306.6725(a)(1)) A Supportive Housing Development qualifying under the Nonprofit Set-Aside may qualify to receive up to nine (9) points and all other Developments may receive up to eight (8) points. By electing points, the Applicant certifies that the Development will provide a combination of supportive services, which are listed in §10.101(b)(7) of this title, appropriate for the proposed tenants and that there is adequate space for the intended services. The provision and complete list of supportive services will be included in the LURA. The Owner may change, from time to time, the services offered; however, the overall points as selected at Application will remain the minimum. No fees may be charged to the tenants for any of the services. Services must be provided on-site or transportation to those off-site services identified on the list must be provided. The same service may not be used for more than one scoring item.
- (4) Opportunity Index.
- (A) For Developments located in an Urban Area, if the proposed Development Site is located within a census tract that has a poverty rate below 15 percent for Individuals (or 35 percent for Developments in Regions 11 and 13), an Application may qualify to receive up to seven (7) points upon meeting the additional requirements in clauses (i) – (v) of this subparagraph. The Department will base poverty rate on data from the most recent five (5) year American Community Survey as available on November 15.
    - (i) Development targets the general population or Supportive Housing; income in the census tract is in the top quartile of median household income for the county or MSA as applicable and the Site is in the attendance zone of an elementary school that is rated exemplary or recognized (7 points);
    - (ii) Development targets the general population or Supportive Housing; income in the census tract is in the top two quartiles of median household income for the county or MSA as applicable and the Site is in the attendance zone of an elementary school that is rated exemplary or recognized (5 points);
    - (iii) any Development, regardless of population served is located in a census tract with income in the top quartile of median household income for the county or MSA as applicable and the Site is in the attendance zone of an elementary school that is rated exemplary or recognized (5 points);
    - (iv) any Development, regardless of population served is located in a census tract with income in the top quartile of median household income for the county or MSA as applicable (3 points); or
    - (v) any Development, regardless of population served is located in a census tract with income in the top two quartiles of median household income for the county or MSA as applicable (1 point).
  - (B) For Developments located in a Rural Area, an Application may qualify to receive up to seven (7) points upon meeting the requirements in clauses (i) – (v) of this subparagraph.

(i) Development targets the general population or Supportive Housing; income in the census tract is in the top quartile of median household income for the county or MSA as applicable and the Site is in the attendance zone of an elementary school that is rated at least acceptable (7 points);

(ii) Development targets the general population or Supportive Housing; income in the census tract is in the top two quartiles of median household income for the county or MSA as applicable and the Site is in the attendance zone of an elementary school that is rated at least acceptable (5 points);

(iii) Any Development, regardless of population served, is located in a census tract with income in the top quartile of median household income for the county or MSA as applicable and the Site is in the attendance zone of an elementary school that is rated at least acceptable (5 points);

(iv) Any Development, regardless of population served, is located in a census tract with income in the top quartile of median household income for the county or MSA as applicable (3 points); or

(v) Any Development, regardless of population served, is located in a census tract with income in the top two quartiles of median household income for the county or MSA as applicable (1 point).

(C) An elementary school attendance zone for the Development Site does not include schools with district-wide possibility of enrollment or no defined attendance zones, sometimes known as magnet schools. However, in districts with district-wide enrollment an Applicant may use the lowest rating of all elementary schools. The applicable school rating will be the 2011 accountability rating assigned by the Texas Education Agency. School ratings will be determined by the school number, so that in the case where a new school is formed or named or consolidated with another school but is considered to have the same number that rating will be used. A school that has never been rated by the Texas Education Agency will use the district rating. If a school is configured to serve grades that do not align with the Texas Education Agency's conventions for defining elementary schools (typically grades K-5 or K-6), the school will be considered to have the lower of the ratings of the schools that would be combined to meet those conventions.

(5) Educational Excellence. An Application may qualify to receive up to (3 points) for a Development Site located within the attendance zone of a public school with an academic rating of recognized or exemplary (or comparable rating) by the Texas Education Agency, as described in subparagraphs (A) and (B) of this paragraph. An attendance zone does not include schools with district-wide possibility of enrollment or no defined attendance zones, sometimes known as magnet schools. However, in districts with district-wide enrollment an Applicant may use the lowest rating of all elementary, middle, or high schools, respectively. The applicable school rating will be the 2011 accountability rating assigned by the Texas Education Agency. School ratings will be determined by the school number, so that in the case where a new school is formed or named or consolidated with another school but is considered to have the same number that rating will be used. A school that has never been rated by the Texas Education Agency will use the district rating. If a school is configured to serve grades that do not align with the Texas Education Agency's conventions for defining elementary schools (typically grades K-5 or K-6), middle schools (typically grades 6-8 or 7-8) and high schools (typically grades 9-12), the school will be considered to have the lower of the ratings of the schools that would be combined to meet those conventions. In determining the ratings for all three levels of schools, ratings for all grades K-12 must be included, meaning that two or more schools' ratings may be combined. For example, in the case of an elementary school which serves grades K-4 and an intermediate school that serves grades 5-6, the elementary school rating will be the lower of those two schools' ratings. Also, in the case of a 9th grade center and a high school that serves grades 10-12, the high school rating will be considered the lower of those two schools' ratings.

(A) Development is within the attendance zone of an elementary school, a middle school and a high school with an academic rating of recognized or exemplary (3 points); or

(B) Development is within the attendance zone of an elementary school and either a middle school or high school with an academic rating of recognized or exemplary (1 point).

(6) Underserved Area. (§§2306.6725(b)(2); 2306.127, 42(m)(1)(C)(ii)) An Application may qualify to receive (2 points) for general or Supportive Housing Developments or (1 point) for Qualified Elderly Developments, if the proposed Development is located in one of the areas described in subparagraphs (A) – (D) of this paragraph.

(A) A Colonia;

(B) An Economically Distressed Area;

(C) A Place, or if outside of the boundaries of any Place, a county that has never received a competitive tax credit allocation or a 4 percent non-competitive tax credit allocation for a Development that remains an active tax credit development; or

(D) For Rural Areas only, a census tract that has never received a competitive tax credit allocation or a 4 percent non-competitive tax credit allocation for a Development that remains an active tax credit development serving the same Target Population.

(7) Tenant Populations with Special Housing Needs. (§42(m)(1)(C)(v)) An Application may qualify to receive up to (2 points) for Developments in which at least 5 percent of the Units are set aside for Persons with Special Needs. For purposes of this scoring item, Persons with Special Needs is defined as persons with alcohol and/or drug addictions, Colonia residents, Persons with Disabilities, victims of domestic violence, persons with HIV/AIDS, homeless populations, veterans, wounded warriors (as defined by the Caring for Wounded Warriors Act of 2008), and migrant farm workers. Throughout the Compliance Period, unless otherwise permitted by the Department, the Development Owner agrees to affirmatively market Units to Persons with Special Needs. In addition, the Department will require a minimum twelve-month period during which Units must either be occupied by Persons with Special Needs or held vacant. After the twelve-month period, the Development Owner will no longer be required to hold Units vacant for households with special needs, but will be required to continue to affirmatively market Units to household with special needs.

(d) Criteria promoting community support and engagement.

(1) Quantifiable Community Participation. (§2306.6710(b)(1)(B); §2306.6725(a)(2)) An Application may qualify for up to (16 points) for written statements from a Neighborhood Organization. In order for the statement to qualify for review, the Neighborhood Organization must have been in existence prior to the Pre-Application Final Delivery Date, and its boundaries must contain the Development Site. In addition, the Neighborhood Organization must be on record with the state (or the Department) or county in which the Neighborhood Organization is located. Neighborhood Organizations may request to be on record for the current application cycle with the Department by submitting documentation (such as evidence of board meetings, bylaws, etc.) by the Quantifiable Community Participation (QCP) Delivery Date. The written statement must meet the requirements in subparagraph (A) of this paragraph.

(A) Statement Requirements.

(i) the Neighborhood Organization's name, a written description and map of the organization's boundaries, signatures and contact information (phone, email and mailing address) for at least two individual members with authority to sign on behalf of the organization;

(ii) certification that the boundaries of the Neighborhood Organization contain the Development Site and that the Neighborhood Organization meets the definition pursuant to Texas Government Code, §2306.004(23-a) and includes at least two separate residential households; and

(iii) an explicit expression of support, opposition, or neutrality. Any expression of opposition must be accompanied with at least one reason forming the basis of that opposition. A Neighborhood Organization is encouraged to be prepared to provide additional information with regard to opposition.

(B) Technical Assistance. For purposes of this section, if there is no Neighborhood Organization already on record, the Applicant, Development Owner, or Developer is allowed to provide technical assistance in the creation of and/or placing on record of a Neighborhood Organization provided that no Neighborhood Organization exists.

(i) Technical assistance is limited to:

(I) the use of a facsimile, copy machine/copying, email and accommodations at public meetings; and

(II) assistance in completing the QCP Neighborhood Information Packet, providing boundary maps and assisting in the Administrative Deficiency process;

(ii) No person required to be listed in accordance with §2306.6707 may participate in any way in the deliberations of a Neighborhood Organization of the Development to which the Application requiring their listing relates. This does not preclude their ability to present information and respond to questions at a duly held meeting where such matter is considered;

(iii) For non-Identity of Interest Applications the seller or their agents could be a member of the Neighborhood Organization if the seller will maintain primary residence within the Neighborhood Organizations boundaries.

(C) Point Values for Quantifiable Community Participation. An Application may receive points based on the values in clauses (i) – (vi) of this subparagraph. Points will not be cumulated. Where more than one written statement is received for an Application, the averaged weight of all statements received in accordance with this subparagraph will be assessed and awarded.

(i) sixteen (16) points for explicit support from a Neighborhood Organization that, during at least one of the three prior Application Rounds, provided a written statement that qualified as Quantifiable Community Participation opposing any Competitive Housing Tax Credit Application and whose boundaries remain unchanged;

(ii) fourteen (14) points for explicitly stated support from a Neighborhood Organization;

(iii) twelve (12) points for explicit neutrality from a Neighborhood Organization that, during at least one of the three prior Application Rounds provided a written statement, that qualified as Quantifiable Community Participation opposing any Competitive Housing Tax Credit Application and whose boundaries remain unchanged;

(iv) ten (10) points for statements of neutrality from a Neighborhood Organization or statements not meeting all the explicit requirements of this section, or an existing Neighborhood Organization provides no statement of either support, opposition or neutrality;

(v) ten (10) points for areas where no Neighborhood Organization is in existence, equating to neutrality; or

(vi) zero (0) points for statements of opposition meeting the requirements of this subsection.

(D) Challenges to opposition. Any written statement from a Neighborhood Organization expressing opposition to an Application may be challenged if it is contrary to findings or determinations, including zoning determinations, of a municipality, county, school district, or other local governmental entity having jurisdiction or oversight over the funding or determination. If any such statement is challenged, the challenger must declare the basis for the challenge. The Neighborhood Organization expressing opposition will be given seven (7) calendar days to provide any support for the accuracy of its assertions. All such materials and the analysis of the Department's staff will be provided to a fact finder, chosen by the Department, for review and a determination. The determination will be final and may not be waived or appealed.

(2) Community Input other than Quantifiable Community Participation. If an Application receives points under paragraph (1)(C)(iv) or (v) of this subsection, then, in order to ascertain if there is community support, an Application may receive up to (4 points) for letters that qualify for points under subparagraphs (A), (B), and/or (C) of this paragraph. No more than (4 points) will be awarded under this

point item under any circumstances. All letters must be submitted within the Application. At no time will the Application receive a score lower than zero (0) for this item.

(A) An Application may receive (2 points) for each letter of support submitted from a community or civic organization that serves the community in which the Development Site is located. Letters of support must identify the specific Development and must state support of the specific Development at the proposed location. To qualify, the organization must be qualified as tax exempt and have as a primary (not ancillary or secondary) purpose of the overall betterment, development, or improvement of the community as a whole or of a major aspect of the community such as improvement of schools, fire protection, law enforcement, city-wide transit, flood mitigation, or the like. The community or civic organization must provide some documentation of its tax exempt status and its existence and participation in the community in which the Development is located including, but not limited to, a listing of services and/or members, brochures, annual reports, etc. Letters of support from organizations that cannot provide reasonable evidence that they are active in the area that includes the location of the Development will not be awarded points. For purposes of this subparagraph, community and civic organizations do not include neighborhood organizations, governmental entities (excluding Special Management Districts), or taxing entities. Should an Applicant elect this option and the Application receives letters in opposition, then (2 points) will be subtracted from the score for each letter in opposition, provided that the letter is from an organization that would otherwise qualify under this subparagraph.

(B) An Application may receive (2 points) for a letter of support, from a property owners association created for a master planned community whose boundaries include the Development Site that does not meet the requirements of a Neighborhood Organization for the purpose of awarding points under paragraph (1) of this subsection.

(C) An Application may receive (2 points) for a letter of support from a Special Management District whose boundaries, as of the Full Application Delivery Date as identified in §11.2 of this chapter (relating to Program Calendar for Competitive Housing Tax Credits), include the Development Site and for which there is not a Neighborhood Organization on record with the county or state.

(D) Input that evidences unlawful discrimination against classes of persons protected by Fair Housing law or the scoring of which the Department determines to be contrary to the Department's efforts to affirmatively further fair housing will not be considered. If the Department receives input that could reasonably be suspected to implicate issues of non-compliance under the Fair Housing Act, staff will refer the matter to the Texas Workforce Commission for investigation, but such referral will not, standing alone, cause staff or the Department to terminate the Application. Staff will report all such referrals to the Board and summarize the status of any such referrals in any recommendations.

**(3) Commitment of Development Funding by Unit of General Local Government. (§2306.6710(b)(1)(E))**

An Application may receive up to (13 points) for a commitment of Development funding from the city or county in which the Development is proposed to be located. Development funding from instrumentalities of a city or county will not qualify for points under this scoring item unless such instrumentalities first award the funds to the city or county for their administration, at least 60 percent of the governing board of the instrumentality consists of city council members from the city in which the Development will be located (for Developments located in a city) or county commissioners from the county in which the Development will be located (for Developments not located in a city), or 100 percent of the governing board of the instrumentality is appointed by the elected officials of the city in which the Development is located (if the Development is located within a city) or county in which the Development is located (for Developments not located within a city). The government instrumentality providing Development funding under this scoring item may not be a Related Party to the Applicant. Development funding must be provided in the form of a construction and/or permanent loan with an interest rate no higher than 3 percent per annum and term of at least 5 years, a grant, an in-kind contribution, a contribution which will support the Development, such as vouchers, or combination thereof. Funds cannot have been provided to the Unit of General Local Government by the Applicant or a Related Party. HOME Investment Partnership Program or Community Development Block Grant funds administered by the State of Texas cannot be utilized for points under this scoring item except where the city, county, or instrumentality is an actual

applicant for and subrecipient of such funds for use in providing financial support to the proposed Development. The Applicant must provide evidence in the Application that an application or request for the development funds has been submitted in the form of an acknowledgement from the applicable city or county. The acknowledgement must also state that a decision with regard to the awards of such funding will occur no later than September 1. A firm commitment of funds is required by Commitment or the points will be lost (except for Applicants electing the point under subparagraph (B) of this paragraph).

(A) Applications will qualify for points based on the amount of funds at the levels described in clauses (i) – (v) of this subparagraph. For the purpose of this calculation, the Department will use the population of the Place from which the Development's Rural or Urban Area designation is derived. For Developments located outside a census designated place, the Department will use the population of the nearest Place.

(i) twelve (12) points for a commitment by a Unit of General Local Government of the lesser of the population of the Place multiplied by a factor of 0.15 in funding per Low Income Unit or \$15,000 in funding per Low Income Unit;

(ii) eleven (11) points for a commitment by a Unit of General Local Government of the lesser of the population of the Place multiplied by a factor of 0.10 in funding per Low Income Unit or \$10,000 in funding per Low Income Unit;

(iii) ten (10) points for a commitment by a Unit of General Local Government of the lesser of population of the Place multiplied by a factor of 0.05 in funding per Low Income Unit or \$5,000 in funding per Low Income Unit;

(iv) nine (9) points for a commitment by a Unit of General Local Government of the lesser of the population of the Place multiplied by a factor of 0.025 in funding per Low Income Unit or \$1,000 in funding per Low Income Unit; or

(v) eight (8) points for a commitment by a Unit of General Local Government of the lesser of the population of the Place multiplied by a factor of 0.01 in funding per Low Income Unit or \$500 in funding per Low Income Unit.

(vi) seven (7) points for a resolution of support from the Governing Body of the city (if located in a city) or county (if not located within a city) in which the Development is located stating that the city or county would provide development funding but has no development funding available due to budgetary or fiscal constraints and, despite reasonable efforts, has been unable to identify and secure any such funding. The resolution must be submitted with the Application and dated prior to March 1, 2013. A general letter of support does not qualify.

(B) One (1) point may be added to the points in clauses (i) – (v) of subparagraph (A) if the Applicant provides a firm commitment for funds in the form of a resolution from the Unit of General Local Government in the Application.

(4) Community Support from State Representative or Senator. (§2306.6710(b)(1)(F); §2306.6725(a)(2)) Applications may receive up to (12 points) or have deducted up to (12 points) for this scoring item. To qualify under this paragraph letters must be on the State Representative's or State Senator's letterhead, be signed by the State Representative or State Senator, identify the specific Development and clearly state support for or opposition to the specific Development. This documentation will be accepted with the Application or through delivery to the Department from the Applicant or the State Representative or Senator and must be submitted no later than the Input from State Senator or Representative Delivery Date as identified in §11.2 of this chapter. Once a letter is submitted to the Department it may not be changed or withdrawn. Therefore, it is encouraged that letters not be submitted earlier than the specified deadline in order to facilitate consideration of all constituent comment and other relevant input on the proposed Development. State Representatives or Senators to be considered are those in office at the time the letter is submitted and whose district boundaries include the proposed Development Site. Neutral letters or letters that do not specifically refer to the Development or specifically express support or opposition will receive (0 points). Points under this scoring item will be averaged. If one letter is



received in support and one letter is received in opposition the score would be (0 points). A letter that does not directly express support but expresses it indirectly by inference (e.g. "the local jurisdiction supports the Development and I support the local jurisdiction") will be treated as a neutral letter.

(5) Declared Disaster Area. (§2306.6710(b)(1)) An Application may qualify to receive up to (8 points) for this scoring item. An Application will receive (7 points) if at the time the complete Application is submitted or at any time within the two-year period preceding the date of submission, the proposed Development Site is located in an area declared to be a disaster area under the Texas Government Code, §418.014 (this excludes disaster declarations that are pre-emptive in nature). An Application will receive eight (8) points if the disaster declaration, within the two-year period preceding the date of submission, is localized, in other words, if the disaster declaration does not apply to the entire state.

(6) Community Revitalization Plan.

(A) For Developments located in an Urban Area of Region 3.

(i) An Application may qualify to receive up to (6 points) if the proposed Development is located in an area targeted for revitalization by a community revitalization plan and meets the criteria described in subclauses (I) – (VII) of this clause:

(I) The community revitalization plan must have been adopted by the municipality or county in which the Development is proposed to be located.

(II) The adopting municipality or county must have performed, in a process providing for public input, an assessment of the factors in need of being addressed as a part of such community revitalization plan. Factors to be considered may include:

(-a-) adverse environmental conditions, natural or manmade, that are material in nature and are inconsistent with the general quality of life in typical average income neighborhoods. By way of example, such conditions might include significant and recurring flooding, presence of hazardous waste sites or ongoing localized emissions not under appropriate remediation, nearby heavy industrial uses, or uses presenting significant safety or noise concerns such as major thoroughfares, nearby active railways (other than commuter trains), or landing strips; significant and widespread (e.g., not localized to a small number of businesses or other buildings) rodent or vermin infestation acknowledged to present health risks requiring a concerted effort; or fire hazards;

(-b-) presence of blighted structures;

(-c-) presence of inadequate transportation;

(-d-) lack of accessibility to and/or presence of inadequate health care facilities, law enforcement and fire fighting facilities, social and recreational facilities, and other public facilities comparable to those typically found in neighborhoods containing comparable but unassisted housing;

(-e-) the presence of significant crime;

(-f-) the presence, condition, and performance of public education; or

(-g-) the presence of local business providing employment opportunities.

(III) A municipality or county is not required to identify and address all of the factors identified in this clause, but it must set forth in its plan those factors that it has identified and determined it will address.

(IV) The adopting municipality or county must have based its plan on the findings of the foregoing assessment and must have afforded the public an opportunity to provide input and comment on the proposed plan and the factors that it would address. To the extent that issues identified require coordination with other authorities, jurisdictions, or the like, such as school boards or hospitals, the adopting municipality should include coordination with such bodies in its plan and, to the extent feasible, secure their cooperation.

(V) The adopted plan, taken as a whole, must be a plan that can reasonably be expected to revitalize the neighborhood and address in a substantive and meaningful way the material factors identified. Generally, because revitalization must identify specific matters needing to be addressed by revitalization and provide a plan and budget specifically directed to those identified issues, revitalization will be considered distinct and separate from broader economic development efforts. For example, staff will review the neighborhood for the presence of existing aging structures and infrastructure, and staff will review plans for evidence that the local government endeavors to address the aging nature of the structures and area through a deliberate and substantive revitalization effort. The adopted plan must specifically address how providing affordable rental housing fits into the overall plan and is a necessary component thereof. The target areas should be limited in size along the lines of specific neighborhoods rather than encompassing large areas of a city or county.

(VI) The adopted plan must describe the planned sources and uses of funds to accomplish its purposes.

(VII) To be eligible for points under this item, the community revitalization plan must already be in place as of the Pre-Application Final Delivery Date pursuant to §11.2 of this chapter (relating to Program Calendar for Competitive Housing Tax Credits) evidenced by a certification that:

- (-a-) the plan was duly adopted with the required public comment processes followed;
- (-b-) the funding and activity under the plan has already commenced; and
- (-c-) the adopting municipality or county has no reason to believe that the overall funding for the full and timely implementation of the plan will be unavailable.

(ii) Points will be awarded based on:

(I) Applications will receive (4 points) if the community revitalization plan has a total budget or projected economic value of \$6,000,000 or greater; or,

(II-) Applications will receive (2 points) if the community revitalization plan has a total budget or projected economic value of at least \$4,000,000; and,

(III) Applications may receive (2 points) in addition to those under subclauses (I) or (II) if the Development is explicitly identified by the city or county as contributing most significantly to the concerted revitalization efforts of the city or county (as applicable). A city or county may only identify one single Development during each Application Round for the additional points under this subclause. A resolution from the Governing Body of the city or county that approved the plan is required to be submitted in the Application (this resolution is not required at pre-application). If multiple Applications submit resolutions under this subclause from the same Governing Body, none of the Applications shall be eligible for the additional points. A city or county may, but is not required, to identify a particular Application as contributing most significantly to concerted revitalization efforts.

(iii) At the time of the tax credit award the site and neighborhood of any Development must conform to the Department's rules regarding unacceptable sites.

(iv) It is recognized that municipalities and counties will need to devote time and effort to adopt a concerted revitalization plan that complies with the requirements of this scoring item. Therefore, for purposes of the 2013 Application Round only, the Department's Board may, in a public meeting, determine whether a revitalization plan substantively and meaningfully satisfies a revitalization effort, notwithstanding a failure to fulfill one or more of the factors in this subparagraph. Such pre-clearance shall be prompted by a request from the Applicant pursuant to the waiver provisions in §10.207 of this title (relating to Waiver of Rules for Applications).

(B) For Developments located in Urban Areas outside of Region 3.

(i) An Application may qualify for up to (6 points) for meeting the criteria under subparagraph (A) of this paragraph (with the exception of being located in Region 3); or

(ii) An Application will qualify for (6 points) if the city or county has an existing plan for Community Development Block Grant - Disaster Relief Program (CDBG-DR) funds that meets the requirements of subclauses (I) - (V) of this clause. To qualify for points, the Development Site must be located in the target area defined by the plan, and the Application must have a commitment of CDBG-DR funds:

(I) the plan defines specific target areas for redevelopment of housing that do not encompass the entire jurisdiction;

(II) the plan affirmatively addresses Fair Housing demonstrated through an approved Fair Housing Activity Statement-Texas (FHA<sup>ST</sup>);

(III) the plan is subject to administration in a manner consistent with the findings of an Analysis of Impediments approved or accepted by HUD within the last three (3) calendar years or an approved Fair Housing Activity Statement-Texas (FHA<sup>ST</sup>), approved by the Texas General Land Office;

(IV) the plan is in place prior to the Pre-Application Final Delivery Date; and

(V) the plan (in its entirety) and a letter from a local government official with specific knowledge and oversight of implementing the plan are included in the pre-application.

(C) For Developments located in a Rural Area.

(i) An Application may qualify for up to (6 points) if the city, county, state, or federal government has approved expansion of any of the basic infrastructure or projects to the Development Site described in subclauses (I) - (V) of this clause, or improvements to areas within a quarter mile of the Development Site, unless a different distance is otherwise identified in subclauses (I) - (V) of this clause. Approval cannot be conditioned upon the award of tax credits or on any other event (zoning, permitting, construction start of another development, etc.) not directly associated with the particular infrastructure expansion. The Applicant or Related Party cannot contribute funds for or finance the project or infrastructure, except through the normal and customary payment of property taxes, franchise taxes, sales taxes, impact fees and/or any other taxes or fees traditionally used to pay for or finance such infrastructure by cities, counties, state or federal governments or their related subsidiaries. The project or infrastructure must have been completed no more than twelve (12) months prior to the beginning of the Application Acceptance Period or be approved and projected to be completed within twelve (12) months from the beginning of the Application Acceptance Period. An Application is eligible for four (4) points for one of the items described in subclauses (I) - (V) of this clause or (6 points) for at least two (2) of the items described in subclauses (I) - (V) of this clause:

(I) Paved roadways or expansion of paved roadways by at least one lane;

(II) Water;

(III) Wastewater service;

(IV) Construction of a new police or fire station within one (1) mile of the Development Site that has a service area that includes the Development Site; and

(V) Construction of a new hospital or expansion of an existing hospital's capacity by at least 25 percent within a five (5) mile radius of the Development Site and ambulance service to and from the hospital is available at the Development Site. Capacity is defined as total number of beds, total number of rooms or total square footage of the hospital.

(ii) The Applicant must provide a letter from a government official with specific knowledge of the project. However, Department staff may rely on other documentation that reasonably documents that the substance of this clause is met, in Department staff's sole determination. A letter must include:

- (I) the nature and scope of the project;
- (II) the date completed or projected completion;
- (III) source of funding for the project;
- (IV) proximity to the Development Site; and
- (V) the date of any applicable city, county, state, or federal approvals, if not already completed.

(e) Criteria promoting the efficient use of limited resources and applicant accountability.

(1) **Financial Feasibility.** (§2306.6710(b)(1)(A)) An Application may qualify to receive a maximum of eighteen (18) points for this item. To qualify for points, a 15-year pro forma itemizing all projected income, operating expenses and debt service, and specifying the underlying growth assumptions and reflecting a minimum must-pay debt coverage ratio of 1.15 for each year must be submitted. The pro forma must include the signature and contact information evidencing that it has been reviewed and found to be acceptable by an authorized representative of a proposed Third Party construction or permanent lender. An acceptable form of lender approval letter is found in the application. If the letter evidences review of the Development alone it will receive (16 points). If the letter evidences review of the Development and the Principals, it will receive (18 points).

(2) **Cost of Development per Square Foot.** (§2306.6710(b)(1)(H); §42(m)(1)(C)(iii)) An Application may qualify to receive up to (10 points) based on the Building Cost (less any structured parking cost that is not included in Eligible Basis) per square foot of the Application, as originally submitted and certified to by the General Contractor, relative to the mean cost per square foot for all similar development types. Structured parking costs must be supported by a cost estimate from a Third Party General Contractor or subcontractor with experience in structured parking. The square footage used will be the Net Rentable Area (NRA). For the purposes of this paragraph only, if a building is in a Qualified Elderly Development with an elevator or a Development with one or more buildings any of which have elevators serving four or more floors (elevator served Development) the NRA will include elevator served interior corridors. If the proposed Development is a Supportive Housing Development, the NRA will include elevator served interior corridors and 50 square feet of common area per Unit. As it relates to this paragraph, an interior corridor is a corridor that is enclosed, heated and/or cooled and otherwise finished space. The calculations will be based on the cost listed in the Development Cost Schedule and NRA shown in the Rent Schedule.

(A) Each Application will be categorized as:

- (i) Applications proposing Rehabilitation; or
- (ii) If not proposing Rehabilitation, elevator served Development, more than 75 percent single family design, and Supportive Housing Developments; or
- (iii) All other Applications proposing New Construction, Reconstruction, or Adaptive Reuse.

(B) Within each category listed in subparagraph (A) of this paragraph, (10 points) will be awarded if the cost per square foot is within 10 percent of the mean cost per square foot.

(C) The mean will be fixed based on the exhibits as submitted in the original Applications received by the Department on or before March 1, 2013. Changes to a specific Application as a result of an Administrative Deficiency to be within the mean parameters in subparagraph (B) of this paragraph will be allowed but the Application will not receive additional points for such changes. Program or underwriting Application reviews that result in an Applicant making corrections such that the Application's revised costs fall outside of the mean parameters in subparagraph (B) of this paragraph will have the points reevaluated. Where costs change after completion of underwriting or award (whichever occurs later), the points attributed to an Application under this scoring item will not be reassessed unless there is clear evidence that the information in the Application was intentionally misleading or incorrect.

(D) Developments with Building Costs of less than \$80 per square foot shall receive no less than (8 points). Points under this subparagraph are not in addition to the points achieved under subparagraph (B) of this paragraph.

(E) Developments with Building Costs of less than \$80 per square foot shall receive ten (10) points if the application also receives (5 or 7 points) under subsection (c)(4) of this section, related to Opportunity Index. Points under this subparagraph are not in addition to the points achieved under subparagraph (B) of this paragraph.

(3) Pre-application Participation. (§2306.6704) An Application may qualify to receive up to (6 points) provided a pre-application was submitted during the Pre-Application Acceptance Period and meets the requirements described in subparagraphs (A) – (I) of this paragraph:

(A) The total number of Units does not increase by more than 10 percent from pre-application to Application;

(B) The designation of the proposed Development as Rural or Urban remains the same;

(C) The proposed Development serves the same Target Population;

(D) The pre-application and Application are participating in the same set-asides (At-Risk, USDA, Non-Profit, and/or Rural);

(E) The Application final score (inclusive of only scoring items reflected on the self score form) does not vary by more than (6 points) from what was reflected in the pre-application self score;

(F) All necessary waivers and pre-clearance were requested in the pre-application;

(G) The Development Site at Application is at least in part the Development Site at pre-application, and the census tract number listed at pre-application is the same at Application;

(H) The pre-application met all applicable requirements; and

(I) The community revitalization plan the Applicant used for points under subsections (d)(6)(A) and (B)(i) of this section was submitted at the time of pre-application.

(4) Leveraging of Private, State, and Federal Resources. (§2306.6725(a)(3))

(A) An Application may qualify to receive up to (3 points) if at least 5 percent of the total Units are restricted to serve households at or below 30 percent of AMGI (restrictions elected under other point items may count) and the Housing Tax Credit funding request for the proposed Development meet one of the levels described in clauses (i) – (iv) of this subparagraph:

(i) the Development leverages CDBG Disaster Recovery, HOPE VI, or Choice Neighborhoods funding and the Housing Tax Credit Funding Request is less than 8 percent of the Total Housing Development Cost (3 points); or

(ii) If the Housing Tax Credit funding request is less than 7 percent of the Total Housing Development Cost (3 points); or

(iii) If the Housing Tax Credit funding request is less than 8 percent of the Total Housing Development Cost (2 points); or

(iv) If the Housing Tax Credit funding request is less than 9 percent of the Total Housing Development Cost (1 point).

(B) The calculation of the percentages stated in subparagraph (A) of this paragraph will be based strictly on the figures listed in the Funding Request and Development Cost Schedule and will be rounded to the nearest hundredth. Should staff issue an Administrative Deficiency that requires a change in either form, then the calculation will be performed again and the score adjusted, as necessary. However, points may not increase based on changes to the Application. In order to be eligible for points, no more than 50 percent of the developer fee can be deferred. Where costs or financing change after completion of underwriting or award (whichever occurs later), the points

attributed to an Application under this scoring item will not be reassessed unless there is clear evidence that the information in the Application was intentionally misleading or incorrect.

(5) Extended Affordability or Historic Preservation. (§§2306.6725(a)(5); 2306.111(g)(3)(C); 2306.185(a)(1) and (c); 2306.6710(e)(2); and 42(m)(1)(B)(ii)(II)) An Application may qualify to receive (2 points) for this scoring item.

(A) In accordance with the Code, each Development is required to maintain its affordability for a 15-year compliance period and, subject to certain exceptions, an additional 15-year extended use period. Development Owners that agree to extend the affordability period for a Development to thirty-five (35) years total may receive the (2 points); or

(B) An Application proposing the use of historic (rehabilitation) tax credits and providing documentation that an existing building that will be part of the Development will reasonably be able to qualify to receive and document receipt of historic tax credits by issuance of Forms 8609 may qualify to receive (2 points).

(6) Right of First Refusal. (§2306.6725(b)(1); §42(m)(1)(C)(viii)) An Application may qualify to receive (1 point) for Development Owners that will agree to provide a right of first refusal to purchase the Development upon or following the end of the Compliance Period in accordance with Texas Government Code, §2306.6726 and the Department's rules including §10.407 of this title (relating to Right of First Refusal) and §10.408 of this title (relating to Qualified Contract Requirements).

(7) Development Size. An Application may qualify to receive (1 point) if the Development is proposed to be fifty (50) total HTC Units or less and the Application reflects a Funding Request of Housing Tax Credits, as identified in the original Application submission, of \$500,000 or less.

(f) Point Deductions.

(1) Any Applicant that elects points for a scoring item on their self score form and is unable to provide sufficient documentation for Department staff to award those points will receive a (1 point) deduction per scoring item in their final score. This deduction shall not be applied to these scoring items regardless of points elected: §11.9(d)(1), (4), and (6) and §11.9(e)(2) and (3).

(2) Staff will recommend to the Board a deduction of up to (5 points) for any of the items listed in subparagraph (A) of this paragraph, unless the person approving the extension (the Board or Executive Director, as applicable) makes an affirmative finding setting forth that the facts which gave rise to the need for the extension were beyond the reasonable control of the Applicant and could not have been reasonably anticipated. Any such matter to be presented for final determination of deduction by the Board must include notice from the Department to the affected party not less than fourteen (14) days prior to the scheduled Board meeting. The Executive Director may, but is not required, to issue a formal notice after disclosure if it is determined that the matter does not warrant point deductions. (§2306.6710(b)(2))

(A) If the Applicant or Affiliate failed to meet the original Carryover submission or 10 percent Test deadline(s) or has requested an extension of the Carryover submission deadline, the 10 percent Test deadline (relating to either submission or expenditure).

(B) If the Developer or Principal of the Applicant violates the Adherence to Obligations.

(C) No points will be deducted for extensions that were requested on Developments that involved Rehabilitation when the Department is the primary lender, or for Developments that involve USDA as a lender if the Applicant is not determined to be at fault for not meeting the deadline.

(D) Any deductions assessed by the Board for subparagraph (A) or (B) of this paragraph based on a Housing Tax Credit Commitment from the preceding Application Round will be attributable to the Applicant or Affiliate of an Application submitted in the current Application Round.

**§11.10. Challenges of Competitive HTC Applications.**

Challenges. The Department will address challenges received from unrelated entities to a specific active Application. The Department will utilize a preponderance of the evidence standard and determinations made by the Department concerning challenges cannot be appealed by a party unrelated to the Applicant that is the subject of the challenge. The challenge process shall be as stated in paragraphs (1) - (12) of this section. A matter, even if raised as a challenge, that staff chooses to treat as an Administrative Deficiency will be treated and handled as an Administrative Deficiency, not as a challenge.

(1) The challenge must be received by the Department no later than the Application Challenges Deadline as identified in §11.2 of this chapter (relating to Program Calendar for Competitive Housing Tax Credits) and must be accompanied by the corresponding non-refundable challenge processing fee as described in §10.901 of this title (relating to Fee Schedule). Unless the required fee is received with the challenge, no challenge will be deemed to have been submitted, and the challenge fee must be paid for each Application challenged by a challenger.

(2) A challenge must be clearly identified as such, using that word in all capital letters at the top of the page, and it must state the specific identity of and contact information for the person making the challenge.

(3) Challengers must provide, at the time of filing the challenge, any briefing, documentation or other information that the challenger offers in support of the challenge. Challengers must provide sufficient credible evidence that, if confirmed, would substantiate the challenge.

(4) Challenges to the financial feasibility of the proposed Development are premature and will not be accepted; as such issues will be addressed during the underwriting phase of the process.

(5) Challenges relating to undesirable area features as described in §10.101(a)(4) of this title (relating to Site and Development Requirements and Restrictions) will not be accepted unless they relate to a failure to disclose substantive issues not already disclosed.

(6) Challengers are encouraged to be prudent in identifying issues to challenge, realizing that most issues will be identified and addressed through the routine review and Administrative Deficiency process;

(7) Once a challenge on an Application has been submitted, subsequent challenges on the same Application from the same challenger will not be accepted;

(8) The Department shall promptly post all items received and purporting to be challenges and any pertinent information to its website;

(9) The Department shall notify the Applicant that a challenge was received within seven (7) business days of the challenge deadline;

(10) The Applicant must provide a response regarding the challenge within fifteen (15) business days of their receipt of the challenge; and

(11) The Department shall promptly post its determinations of all matters submitted as challenges. Because of statutory requirements regarding the posting of materials to be considered by the Board, staff may be required to provide information on late received items relating to challenges as handouts at a Board meeting.

(12) Staff determinations regarding all challenges will be reported to the Board as report items.