



Travis County Commissioners Court Agenda Request

Meeting Date: September 3, 2013

Prepared By: Thomas Weber **Phone #:** (512) 854-4629

Division Director/Manager: Jon A. White, Division Director, Natural Resources & Environmental Quality Division.

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

Sponsoring Court Member: Commissioner Gomez, Precinct Four

AGENDA LANGUAGE: Consider and take appropriate action regarding a request by the Capital Area Rural Transportation System for a variance from fiscal security requirements associated with erosion and sediment controls and site stabilization standards applicable to a proposed vehicle maintenance facility on State Highway 71 East in Precinct Four.

BACKGROUND/SUMMARY OF REQUEST:

Travis County Code, Section 82.401, requires the posting of fiscal security before a construction plan for a commercial development can be approved. The Capital Area Rural Transportation System, (CARTS), is a Rural Transit District formed through interlocal agreement by nine county governments in the 7500 square mile region surrounding Austin. The CARTS District includes all of Bastrop, Burnet, Blanco, Caldwell, Fayette, Hays, and Lee counties and the non-urbanized areas of Travis and Williamson counties. Governed by a board made up of a member from each of the nine Commissioners Courts, CARTS provides regional perspective and planning to the wide variety of community-based passenger transportation services it operates. CARTS is seeking approval of construction plans and a basic development permit for a vehicle maintenance center on SH 71 East at Tucker Hill Lane, on the Travis/Bastrop County line. Fiscal security is required to ensure placement of appropriate erosion and sediment controls (ESCs) and stabilization of disturbed land as a result of the development and construction activities. The project manager has provided an acceptable engineer's cost estimate of \$45,146 for ESCs and stabilization.

CARTS has requested variance from the requirements of fiscal security on the basis of being a Rural Transit District and subdivision of the state. Please see Exhibit A that includes a letter of fiscal responsibility, the afore mentioned cost estimate, and correspondence dated August 23, 2013, from representatives of the applicant affirming their request for the variance.

The main purpose of requiring that fiscal security be posted is to ensure funds are available to complete the required work or remediate environmental damage in the event the developer becomes insolvent or leaves Travis County. CARTS has

certified the funds that are in its budget and there is no possibility that CARTS will leave Travis County, so the risks to Travis County of waiving the fiscal security requirement are negligible.

STAFF RECOMMENDATIONS:

TNR recommends approval of the variance. CARTS is a public transit district with representation on its board from the Travis County Commissioners Court. There is not a significant probability of harmful environmental consequences caused by default on construction completion as sometimes occurs with private developers.

ISSUES AND OPPORTUNITIES:

None Identified

FISCAL IMPACT AND SOURCE OF FUNDING:

Granting of a fiscal security variance is not expected to be a negative fiscal impact since the applicant is a public entity. If the project site is not permanently stabilized, Travis County would need to expend resources to compel CARTS to fulfill their responsibilities.

ATTACHMENTS/EXHIBITS:

Exhibit A

REQUIRED AUTHORIZATIONS:

Cynthia McDonald	Financial Manager	TNR	(512) 854-4239
Steven M. Manilla	County Executive	TNR	(512) 854-9429
Jon White	Division Director	NREQ/TNR	512-854-7212

CC:

Chris Gilmore	Attorney	County Attorney's Office	512-854-9455
Anna Bowlin	Division of Development Service Long Range Plan	Division of Development Service Long Range Plan-TNR	512-854-7561
Teresa Calkins	Senior Engineer	Dev. Srv./TNR	512-854-7569
Thomas Weber	Program Manager	EQP/NREQ	512-854-4629

:TW:jw

1101 - Development Services Long Range Planning - TNR Application #13-1205

EXHIBIT A



CAPITAL AREA RURAL TRANSPORTATION SYSTEM
2010 East Sixth Street, Austin, Texas 78702 / P.O. Box 6050, 78762
512.481.1011 / Fax 512.478.1110 / everyone@ridecarts.com

August 19, 2013

Thomas Weber
Environmental Quality Program Manager, Travis County
Transportation & Natural Resources Department
P.O. Box 1748
Austin, Texas 78767

Re: Capital Area Rural Transportation System (CARTS) Vehicle Maintenance Center,
Tucker Hill & Hwy 71, Cedar Creek, TX 78612 (the "Project")
Letter of Fiscal Responsibility in Lieu of Fiscal Security

Dear Mr. Weber:

CARTS is a rural transit district and political subdivision of the State of Texas under Chapter 458 of the Texas Transportation Code. CARTS originated through an interlocal agreement among nine county governments. The district serviced by CARTS includes all of Bastrop, Burnet, Blanco, Caldwell, Fayette, Hays and Lee counties and the non-urbanized areas of Travis and Williamson counties. One member from the Commissioners Courts of each of the nine participating counties sits on the CARTS Board.

This letter will confirm that, in connection with the referenced Project, CARTS has budgeted for and secured the necessary funds for the construction of temporary erosion and sedimentation controls and for permanent stabilization of the site upon completion of construction of the Project in accordance with the construction plans approved by Travis County under Travis County Basic Development Permit Number 13-1205.

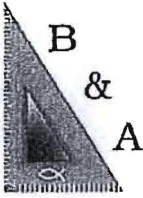
The estimated cost of the erosion/sedimentation controls is \$45,146.00, per the attached estimate dated July 25, 2013 prepared by Bleyl & Associates on behalf of CARTS.

As agreed to by Travis County, this letter is submitted in lieu of posting of any fiscal security in connection with the Project.

If you need anything further or have any questions, please let me know. Thank you for your assistance with this matter.

Sincerely,


David L. Marsh
General Manager, CARTS



Bleyl & Associates
Planning • Engineering • Management

1715 Capital of Texas Hwy South
Suite 109
Austin, Texas 78746
Tex. Reg. No. F-678

July 25, 2013

Travis County Transportation & Natural Resources
700 Lavaca
Austin, Tx. 78701

Re: **Erosion Control Fiscal Estimate**
C.A.R.T.S. Vehicle Maintenance Center
Tucker Hill Ln. @ SH 71
Permit #13-1205

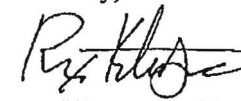
Dear Sirs:

The following estimate of fiscal posting requirements is provided for your review for the referenced site plan:

Item	Quantity	Unit Cost	Total Cost
Silt Fence	1620 LF	\$3	\$4,860
Stabilized Construction Entrance	1 EA	1,000	1,000
Rock Berm	60 LF	14	840
Revegetation	19,223 SY	2	38,446
Total Fiscal Posting			\$45,146

The revegetation quantity is calculated using the entire limits of construction. Please feel free to contact me if you have any questions or comments.

Sincerely,


Rex Klentzman, P.E.
Bleyl and Associates
Project Manager



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Bryan
(979) 268-1125
(979) 260-3849 Fax

Austin
(512) 328-7878
(512) 328-7884 Fax

Conroe
(936) 441-7833
(936) 760-3833 Fax

Thomas Weber

From: Jo Lyn Kallison <jkallison@rwllp.com>
Sent: Friday, August 23, 2013 3:40 PM
To: Christopher Gilmore
Cc: Tom Nuckols; Paul Scoggins; Anna Bowlin; Thomas Weber; David Peyton; Don Grigsby; Edith Moreida; Thomas Weber; 'David Marsh'; Kenny Watkins; Rex Klentzman
Subject: RE: CARTS-Hwy 71 @ Tucker Hill Lane Project -- Letter of Fiscal Responsibility

Chris:

I just spoke with Dave Marsh and that is correct. With the signed letter from CARTS, I assume the County has what it needs for the Agenda Item.

Thanks,
Jo

Jo Kallison
Rogers & Whitley, L.L.P.
2210 San Gabriel
Austin, Texas 78705
Phone: (512) 334-4605
Fax: (512) 334-4615
E-mail: jkallison@rwllp.com

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From: Christopher Gilmore [<mailto:Christopher.Gilmore@co.travis.tx.us>]
Sent: Friday, August 23, 2013 3:32 PM
To: Jo Lyn Kallison
Cc: Tom Nuckols; Paul Scoggins; Anna Bowlin; Thomas Weber; David Peyton; Don Grigsby; Edith Moreida; Thomas Weber
Subject: RE: CARTS-Hwy 71 @ Tucker Hill Lane Project -- Letter of Fiscal Responsibility

Jo,

Pursuant to our conversation, it is my understanding that CARTS wants to request a variance for the attached letter and try to get on the September 3rd agenda.

Thanks,

Chris

Christopher C. Gilmore
Assistant County Attorney
P.O. Box 1748

Austin, Texas 78767

Christopher.Gilmore@co.travis.tx.us

(512) 854-9455

Fax: (512) 854-4808

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From: Jo Lyn Kallison [<mailto:jkallison@rwllp.com>]

Sent: Monday, August 19, 2013 4:16 PM

To: Christopher Gilmore

Cc: 'David Marsh'; Kenny Watkins; Rex Klentzman

Subject: CARTS-Hwy 71 @ Tucker Hill Lane Project -- Letter of Fiscal Responsibility

Chris:

Attached is a final version of the revised letter of fiscal responsibility which I sent to you last Friday pm, signed by Dave Marsh on behalf of CARTS. Bleyl & Associates submitted the letter to Thomas Weber this afternoon.

Thank you for your assistance with this matter.

Regards,
Jo

Jo Kallison
Rogers & Whitley, L.L.P.
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Austin, Texas 78705
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E-mail: jkallison@rwllp.com

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