



Travis County Commissioners Court Agenda Request

Meeting Date: April 29, 2014
Prepared By/Phone Number: Steven Manilla
TNR
512-854-9429

Elected/Appointed Official/Dept. Head: Samuel T. Biscoe
Travis County Judge

Commissioners Court Sponsor:

AGENDA LANGUAGE:

CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM TRAVIS-AUSTIN RECOVERY GROUP TO PROVIDE INPUT ON ITS DRAFT RECOVERY PLAN FOR THE 2013 ONION CREEK HALLOWEEN FLOOD.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

Please see attached documents.

STAFF RECOMMENDATIONS:

ISSUES AND OPPORTUNITIES:

FISCAL IMPACT AND SOURCE OF FUNDING:

REQUIRED AUTHORIZATIONS:

April 25, 2014

Travis County Response REVISED 4-25-14



To Whom it May Concern:

Travis County has received your request for input on the DRAFT-Recovery Plan prepared by the Travis Austin Recovery Group. We appreciate the opportunity to comment on the actions you expect the County to take to help the community recover fully from the 2013 Halloween flood event.

Regarding Action Item #1, Implement and promote an enhanced early warning system: as a member of the Emergency Services network Travis County will promote and assist with the implementation of efforts to improve the quality and timelines of emergency communications. We will participate with other Emergency Service Providers to address this issue.

We also agree that the community should have a clear evacuation plan that includes removing victims completely out of harm's way. The development of such a plan should involve everyone in the community and we stand ready to participate.

Regarding Action Item #2, Allocate at least \$105 million in the 2014-2015 City Budget to offer a buy out to any residents in the 100 year flood plain: Although this was directed at the City, Travis County has already allocated several million dollars to buy-outs and other recovery activities (see item 4, below) and will consider increasing that amount during our 2015 budget process. The bullet points included under this item in your plan also appear to be directed to the City of Austin Buy-Out Program but could apply in some cases to the County's program as well. For clarification, the County's process is as follows:

The County offers fair market value based upon appraised value of the property, as determined by an independent appraiser retained by the County. If sellers choose to obtain their own appraisal, the county's appraiser will consider any information provided and revise his or her opinion of value according to his or her independent, professional judgment. Any counter offer that is higher than appraised value, as determined by the county's appraiser, is taken to the Commissioner's Court for consideration on a case by case basis.

The County buyout program follows FEMA grant requirements for duplication of benefits. Any insurance claims that are paid as result of the Halloween Flood are deducted from the purchase price. However, any documented repairs that have been made using those funds are credited back to the owner, based upon timely submittal of valid receipts. Transaction documents are routinely shared with the seller at each stage of the process. Any documents that have not been received may be obtained through the County's buyout consultant or the title company that closes the sale.

The closing timeframe for buy-out offers is typically adjusted to meet the sellers' needs. Property owners may continue to occupy their residences until they're ready to close.

However, closing cannot occur until a county inspector verifies that the property is vacant. The County does not lease properties back to sellers after closing.

Any funds due the property owner will be provided at closing. Buy-out offers are sometimes extended at the owners' request. However, when there are more applicants on the waiting list for buyout, the County may place as deadline for acceptance and move on to purchase another property if the offer hasn't been accepted by the established deadline.

Regarding Action Item #3, All residents: The County has been a participant in the National Flood Insurance Program since the 1970's and believes that entirely removing homes from floodplain is a best management practice for protecting the health and safety of its residents and those emergency personnel that respond to flood events. Failure to enforce its regulations, or granting variances, jeopardizes the ability of all Travis County property owners to obtain flood insurance if required by lending institutions, or to get federally backed loans. Travis County residents living in unincorporated areas who decline buy-out offers and choose to rebuild in floodplains must comply with Travis County floodplain regulations. For residential structures this could require removing them from floodplain or elevating them. For commercial structures this could include removing, elevating, or flood proofing. To date, no property owner has been forced to accept a buy-out offer however they are required to obtain permits for reconstruction at which time they are advised of the need to elevate.

Regarding Action Item #4, City/County commits funding or assists in securing funding: As mentioned in Action Item #2, the County has already allocated \$5.59 million for buyouts of properties damaged in the Halloween Flood and will consider increasing that amount during its 2015 budget process. Current funds are expected to cover the purchase of approximately 95% of the residential properties who had major damage in the flood. Major damage is defined by the Flood Plain Administrator as having at least 5 ft. of flood-water in the house. The County has purchased 5 properties since the flood and is in the closing stage on 17 additional properties.

Funds for elevating homes are not being considered. The county does not encourage rebuilding in the flood plain. While elevating homes is an acceptable means of compliance it doesn't entirely eliminate health and safety risks primarily because the floodwaters of creeks and rivers are typically high velocity and debris-laden, which can damage or destroy an elevated structure.

Regarding Action Item #5, Build Affordable Housing: The County's Health and Human Services Department, along with a variety of local partners including the City of Austin, agree there is a tremendous need for affordable housing. Affordability is affected by a variety of issues, including, but not limited to, transportation, utility costs, taxes, etc. Many community partners are working on this issue, but it will require time and attention to complete the supply of affordable housing needed for community.

Regarding Action Item #6, Engineering protections: In November 2000, Travis County and the City of Austin began working with the U.S. Army Corps of Engineers (USACE) to study flood damage reduction in the Onion Creek watershed. USACE identified floodplain buy out as a potential solution to the flooding problem in both

Timber Creek and the Onion Creek Forest/ Yarrabee Bend areas. Structural projects were evaluated, but not found to be economically feasible. In 2005, anticipating a cost shared project with the Federal Government (35% local- 65% federal for flood damage reduction and 50%/-50% for recreational components), County voters approved \$3,900,000 in bond funds towards a \$10 million Federal project in Timber Creek. City voters also approved funds for the City's share of a \$70 million federal project in Onion Creek forest and Yarrabee Bend areas. The study was completed in December 2007 at a cost of approximately \$4 million, nearly \$2 million of which was funded by the City and County. A floodplain buy out/ recreational project in the Timber Creek and Onion Creek Forest/ Yarrabee Bend subdivisions was subsequently authorized by Congress in the 2007 Water Resources Development Act (WRDA). In 2011 County voters approved additional funding toward the Timber Creek buy out project. Early in 2014 USACE announced that it would fund nearly \$12 million for the floodplain buy out project. The remaining issues under this Action Item appear to be directed solely to the City.

An overview of continuing County support activities is as follows:

It is anticipated that the County's Emergency Services Department will be engaged in developing early warning and evacuation plans.

The County's Health and Human Services Department currently has case management services available through the seven County community centers. A listing of those centers and their addresses is available on the Travis County website. Many residents registered with both the city and the county immediately following the flood event.

The County's Transportation and Natural Resources Department will continue buy-out efforts; assist with community debris removal efforts; and, assist property owners with obtaining permits for properties within unincorporated Travis County. TNR estimates it will spend \$1,707,000 for the flood-related costs it has incurred.

The County Attorney's Office will be requested to look into the issue of abandoned houses in unincorporated areas to see what can be done with, or on, private property. If there is a list of these properties already prepared by the Recovery Group, it would be helpful.

Helpful Numbers:

Buy-Out questions: Mickey Roberts or Melinda Mallia 854-6613 or 854-4460

Permit Questions: Stacey Scheffel 854-7565

Community Debris and Household Hazardous Waste removal: Jon White 854-7212

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Travis Austin Recovery Group

Targeting Recovery After the 2013 Onion Creek Halloween Flood

PLEASE FORWARD OR SHARE WITH OTHERS / POR FAVOR hacia adelante o compartir con otros

Dear Flood Affected Residents,

Please review and give input on this draft plan that TARG will present to elected officials on May 3 at a Press Conference at 2:00. All addition, deletions, changes welcome. Send feedback by April 26 to: info@targetingrecovery.org

Sorry in advance for mistakes in Spanish/ Lo sentimos por adelantado por errores en Español

Querido Flood residentes afectados,

Por favor revise y dar su opinión sobre este proyecto de plan que TARG presentará a los funcionarios electos, el 3 de mayo en una Conferencia de prensa a las 2:00. Todas Además, supresiones, cambios bienvenidos. Envía comentarios antes del 26 de abril a: info@targetingrecovery.org

DRAFT - Recovery PLAN

To All City and County Officials,

The Travis Austin Recovery Group presents to you our plan for a full recovery. This plan is not cheap, but morally and ethically it is the right this to do. It will provide some relief to what has already been a disaster within a disaster. We urge you to take immediate action on the following items, recognizing that much of this must be budgeted for in the 2015-2016 budget or resolved through Council or Commissioner actions.

Flood Recovery in Action means:

1. **Implement and promote an enhanced early warning system** including text alert, phone, email, air sirens and clear evacuation plan to Perez Elementary, Church on William Cannon or a designated neighbor's 2-story house. (See ANC resolution below)
2. **Allocate at least \$105 million** in the 2014-2015 City Budget to **offer a buy out to any residents in the 100 year flood plain.**

Other Buy-out issues

- Insure fair buy-out offer, with additional low-cost financing or grants for those with flood insurance, that will allow the purchase of a comparable home in the greater Austin area
- Insure homeowners have independent certified Real Estate agents in buy-out transactions.
- Immediate stoppage of requiring insurance payments be deducted from the final buy-out offer, and reimburse the insurance already deducted from completed buy-outs
- All and all transactions concerning buy-out options on any property, including any changes made by the city, are to be submitted to the property owner in written form.
- Resident is to immediately receive copies of any and all official communication, offers &/or contracts with the city concerning their property.
- Extend buy-out offers from a 30 day 'take it or leave it' mandate to a 12 month time period to allow owners to locate alternative housing.
- Residents who do accept a buy-out proposal from the city to have at least 180 days to obtain alternative housing and make proper moving arrangements.
- All transactions to be completed with the property owner having all monies in their possession before the city require the property to be turned over to them.

3. **All residents** who choose **NOT** to accept the buy-out offer will have the **Right to Rebuild** and stay in their home under the condition that, in the event the owners decide to sell their property in the future, the city will receive the first option to purchase the property under the same rules, regulations and requirements as agreed upon above. In the event that the city does not wish to obtain the property at that time, the owner may sale the property to an outside buyer.

Rebuild issues include:

- COA must inform residents immediately if they are expected to elevate their homes due to the substantially damaged FEMA requirements
- Granting Permits must not be contingent on people accepting a buy-out if it is offered.
- COA is urged to grant variances on safe access and advocate for variances on the elevation of homes.
- Insurance and income requirements should not become an obstacle to accessing the resources needed.

4. City/County **commits funding** for or assists in securing funding for:

- Early Warning System and viable Evacuation Plan(s)
- Additional case managers to work with all those affected on unmet needs including trauma support & any health issues due to the flood.
- Independent (non-COA connected) Real Estate agents to represent residents.
- Ongoing Clean Up for the health and safety of those who continue to live there, including, but not limited to, scheduled upkeep on all individual lots that COA has purchased (frequent mowing, removal of trash, downed trees & abandoned cars)
- Elevating homes should that be necessary to supplement the \$32,000 FEMA will provide.
- Locating owners of any abandoned house. Assist each owner to create a plan for each property to either be cleaned up or bought by the COA within 90 days

5. **Build Affordable housing** within the surrounding area to make re-locations viable. Assist in obtaining financing for those that do not meet requirements from private financial institutions, provide swop housing options, or create a city financial program to finance the alternative housing.

6. **Engineering protections** in the neighborhood and park:

- What can be done to mitigate damage from development upstream in Hays County?
- What can be done to mitigate flooding in the future?
- What security measures are being considered for those homeowners staying in the neighborhood and for the Park itself, such as increased police presence in the both areas?
- What can be done to remove unneeded roads within the park? Blockage of roads between the park and the residential area? Permanent signs explaining the Park Rules, Regulations & times open?

DRAFT: The **Austin Neighborhoods Council Executive Committee** requests that City Council appropriate sufficient resources to:

Expand the Flood Early Warning System (FEWS) and work with other central Texas counties and agencies to include stream level gauges outside of the Austin City limits.

Direct the Watershed Protection Department to determine whether its flood modeling system is best in class and has the capability to adequately and timely manner predict downstream flood conditions given rainfall gauge and stream level gauge information.

Direct the Austin Travis County Emergency Operations Center to be activated by a weather forecast that predicts or is indicative of potential extreme rainfall flood conditions.

Requirements by the City and County that all flood-plain property leases contain a flood warning

Direct the public safety departments to develop a Blue Flag protocol for potential flood conditions. That would include the following items:

- Reallocation of resources to cover neighborhoods with potential flooding threat,
- Accommodation for handicapped (including deaf) and the elderly
- Cell phone reverse 911 calls (including at-risk neighborhoods, in English and Spanish
- At-risk neighborhood training on flood and disaster awareness, in English and Spanish
- Siren warnings
- Weather radio warning
- Include in the protocol requirements for getting early official* assistance to impacted areas to assist residents with evacuations and searches. (*National Guard, police, Fire Department and other professionals trained in assisting in disasters and evacuations).

Direct the Public Safety Departments to develop ongoing training schedules for flood rescue.

Purchase more water rescue equipment for the Public Safety Departments.

Store the water rescue equipment close to the neighborhoods with the most potential for floods.

Presented to ANC Membership: [date]

Membership Approved: [date]

PROYECTO - Plan de Recuperación

Para todos los Funcionarios de la Ciudad y el Condado,

El Grupo de Recuperación Travis Austin, presenta nuestro plan para una recuperación total.

Este plan no es barato, pero moral y éticamente es la cosa correcta que debemos hacer. El plan Proporcionará algo de alivio a lo que ya ha sido un desastre dentro de un desastre. Le instamos a tomar medidas inmediatas en los puntos siguientes, reconociendo que gran parte del plan debe ser presupuestado en el presupuesto de los años 2015-2016 o ser resuelto a través de acciones del Consejo o del Comisionado.

Recuperación de Inundaciones en acción significa:

1. Implementar y promover un sistema mejorado de alerta temprana incluyendo alerta de texto, teléfono, correo electrónico, las sirenas de aire y plan de evacuación a la escuela primaria Pérez, Iglesia de William Cannon o a una casa de dos pisos en el vecindario designada previamente. (Véase ANC resolución en la parte de abajo)
2. Reservar al menos \$105 millones en el presupuesto del 2014-2015 de la ciudad de para ofrecer la compra a cualquier residente que este en el área de inundación de 100 años.

Otros puntos relativos a la compra:

- Asegurar una oferta de compra justa que permitirá la compra de una vivienda comparable en el área metropolitana de Austin.
- Asegurar que los propietarios tienen agentes de bienes raíces certificados e independientes disponibles en las transacciones de compra.
- Cesar el requerimiento de deducir el pago de seguro de la oferta final de compra.
- Todas las transacciones relativas a opciones de compra de cualquier propiedad, incluyendo los cambios realizados por la ciudad, deben ser presentados a los propietarios en forma escrita.
- Los residentes deberán recibir copias de cada una de las comunicaciones oficiales, ofertas y/o contratos con la ciudad concernientes a su propiedad.
- Extender ofertas de compra que van desde un mandato de "tomarlo o dejarlo" en 30 días hasta un periodo de 12 meses para permitir que el propietario localice una propiedad alternativa.

- Los residentes que no acepten la propuesta de compra de la ciudad tendrán ?? días/meses para obtener vivienda alternativa o hacer arreglos para moverse a otro lugar.
- Todas las transacciones serán completadas cuando el dueño de la propiedad tiene posesión de dinero antes de que la Ciudad requiera que la propiedad se le entregue.

3. Todos los residentes que optan por NO aceptar la oferta de compra tendrá el derecho a reconstruir y permanecer en su hogar bajo la condición de que, en caso de que los dueños decidieran vender la propiedad en el futuro, la ciudad recibirá la primera opción para adquirir la propiedad bajo las mismas reglas, normas y requisitos acordados anteriormente. En caso de que la ciudad ya no desee obtener la propiedad en ese momento, el propietario puede vender la propiedad a otros compradores.

Otros asuntos relacionados con la reconstrucción:

- COA debe inmediatamente emitir una carta sobre viviendas dañadas substancialmente.
- Conceder permisos no debe depender de que las personas acepten la oferta de compra si se ofrece
- Se exhorta a COA a conceder variaciones sobre el acceso seguro y abogar por las variaciones en la elevación de las viviendas.
- Los requisitos de ingresos y seguro no deben convertirse en un obstáculo para acceder a los recursos necesarios.

4. La Ciudad o el Condado compromete fondos para asegurar o ayudar en la obtención de lo que se necesita para:

- Sistema de alerta temprana y Plan de evacuación
- Administradores de casos adicionales para trabajar con todos los afectados en necesidades insatisfechas, incluyendo soporte de trauma
- Agentes de bienes raíces para representar a los residentes
- Continuar la limpieza para proteger la salud y seguridad de aquellos que continúan viviendo allí
- Elevación de las viviendas si fuese necesario

5. Construir viviendas con precios accesibles en el área circundante para que relocalizar a las personas sea más viable. Asistencia en la obtención de financiamiento para aquellos que no cumplen con las exigencias de las instituciones financieras privadas, proporcionar la opción de una intercambio opción de vivienda

o crear un programa financiero de la ciudad para financiar la vivienda alternativa.

6. Protecciones de Ingeniería en el parque, asuntos concernientes al desarrollo en áreas altas en el Condado de Hays, etc. ¿Qué puede hacerse para mitigar las inundaciones en el futuro?

BORRADOR:

El Comité Ejecutivo del Consejo de los Vecindarios de Austin solicita que la Ciudad apropie suficiente recursos para:

Ampliar el sistema de alerta temprana de inundaciones (FEWS) y trabajar con otros Condados y agencias para incluir indicadores de nivel de corriente fuera de los límites de la ciudad de Austin y condados de Texas centrales.

Solicitar al Departamento de protección de cuencas que determine si su Sistema para medir las inundaciones es uno de los mejores en su clase y que tiene la capacidad de manera adecuada y oportuna predecir inundaciones río abajo utilizando los instrumentos instalados para medir el indicador de nivel de corriente.

Dirigir el Centro de Operaciones de Emergencia del Condado de Austin Travis Austin ha ser activado por un reporte meteorológico que predice o es indicativo de posibles inundaciones lluvias extremas.

Dirigir los departamentos de seguridad pública para desarrollar un protocolo de la bandera azul de posibles inundaciones. Eso incluye los siguientes elementos:

- Reasignación de recursos para cubrir vecindarios con amenaza potencial de inundaciones
- Habitaciones para minusválidos (incluyendo a sordos) y los ancianos,
- Llamadas de emergencia reversada (911) que incluye entrenamiento en español e inglés para los vecindarios en riesgo.
- Sirenas o Alarmas para alertar a la población
- Alertas de tiempo en el radio
- Requisitos de la ciudad y el condado que toda propiedad en el área de inundación contenga una advertencia de inundación en el contrato de arrendamiento.
- Incluir en los requisitos de protocolo para obtener asistencia oficial* a las zonas afectadas para ayudar a los residentes con evacuaciones y búsquedas. (* Guardia nacional, policía, bomberos y otros profesionales capacitados en la asistencia en desastres y evacuaciones).

Dirigir los departamentos de seguridad pública para desarrollar programas de formación continua para rescate en inundaciones.

Adquirir más equipos de rescate de agua para los departamentos de seguridad pública.

Almacenar el equipo de rescate de agua en áreas cercanas a los vecindarios con

más potencial para inundaciones.

Presentado a ANC Membership: [fecha]

Aprobado: [fecha]

Patrocinador: Malcolm Yeatts, ANC Sector 9 Representative,
myeatts@austin.rr.com

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