



## Travis County Commissioners Court Agenda Request

**Meeting Date:** July 8, 2014

**Prepared By:** Steve Manilla **Phone #:** (512) 854-9429

**Division Director/Manager:** Steven M. Manilla, P.E., County Executive- TNR

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

**Sponsoring Court Member:** County Judge Samuel T. Biscoe

### **AGENDA LANGUAGE:**

Consider and take appropriate action on the following requests:

- A) Receive staff recommended responses to Travis Austin Recovery Group; "Flood Recovery in Action: Moving Toward a Safe and Healthy Future," Dated May 2014; and
- B) Approve TNR to continue buy-outs with available funds and to seek grant funds and submit fund requests during periodic bond referendums for future purchases.

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

In April 2014 Travis County received a Travis Austin Recovery Group (TARG) Recovery Plan for the 2013 Halloween Flood disaster (Exhibit A). At that time TARG was soliciting comments to finalize their plan in time for an early May press conference they had scheduled. TNR worked with Emergency Services and Health and Human Services to provide responses to multiple issues that were raised in their draft plan (Exhibit B). Afterwards TARG completed their Plan (Exhibit C) and submitted it to the City of Austin and Travis County. The final version is noticeably different from the original draft as it delves into the history of development in the disaster area and issues of government responsibilities for regulating development, responding to the event, and aiding recovery efforts. TNR disagrees with some elements of TARG's final report, as discussed below, but agrees with TARG that the focus of all parties involved should now be on completing the recovery effort. Toward that end TARG included six requests to the City and County in their final report. Each of these requests is explained in more detail in TARG's final report. The County's response to many of the issues raised in TARG's six requests was included in the County's original response (Exhibit B) to TARG's original draft report (Exhibit A).

### **STAFF RECOMMENDATIONS:**

Request #1) Implement a disaster preparedness plan;  
No Court action is requested. Emergency Services will continue efforts described below.

Request #2) Provide full funding in the 2014/2015 City and County Budgets for voluntary buy-outs;

Staff recommends directing TNR to continue buy-outs with currently available funds and to seek grant funds and submit fund requests during periodic bond referendums for future purchases. Staff does not recommend acquiring non-residential properties at this time.

Request #3) Allow anyone who chooses so to rebuild;

No Court action is requested. TNR will continue to administer the flood program and assist property owners with obtaining permits to rebuild. In the event a property owner insists upon rebuilding in a non-compliant manner TNR will assist them with submitting a variance request to the Court, but TNR historically has not supported such requests.

Request #4) Bring "Humanity" back into the recovery effort at all levels of government;

No Court action is requested. Family Support Services resources will continue to be available to all residents, five days per week, 8 a.m. – 5 p.m. through the County Community Centers. Residents, who cannot travel to a center, may call and request a home visit to assess their need and eligibility for services.

Request #5) Provide affordable housing:

No Court Action is requested. Many community partners are working on this issue, but it will require time and attention to complete the supply of affordable housing needed for the community. HHS will continue to work with local partners to address this growing need.

Request #6) Provide future protections for the neighborhoods and parks.

No Court action is requested. TNR will increase coordination efforts with other agencies having regulatory authority over development in the area. Areas of interest include consistency with regulations; the uniform application and enforcement of regulations; and, participation in mutually beneficial projects. TNR's Parks Division and Natural Resources and Environmental Quality Division will investigate ways to improve upon the timeliness of the maintenance of acquired properties.

## **ISSUES AND OPPORTUNITIES:**

### **GENERAL:**

The report is critical of City and County efforts to regulate floodplain development and in fact states, "There were conscious decisions made by engineers and developers that put homes and families in harm's way and point to a failure of government to properly regulate those actions". The County has been regulating floodplain development since 1976, although the legal means to do so (Flood Insurance Rate Maps (FIRM), were not published until April 1, 1982 for the County.

A common method of subdivision development in the 1980s and early 90s was to plat lots in the floodplain, but require that homes on the lots be elevated. This is still a legal way to develop property according to the Federal Emergency Management Agency (FEMA). It wasn't until the late 1990s that the County received the legal authority to go beyond FEMA minimums. Now that the County has increase legal authority to regulate floodplain development, new subdivisions are required to have the 100-year floodplain as shown on the current effective FIRMs restricted from development. It is also important to note that the County's floodplain management program is periodically audited by FEMA to ensure compliance with the National Flood Insurance Program (NFIP). All of the audits to date have shown that the County is compliant. The report further states, "nothing was done to protect our homes and families". The City and County have spent millions to ensure that our floodplains are accurately reflected on the FIRMs so that property owners can make informed decisions about their properties. In fact the report acknowledges that Onion Creek has been re-modeled several times. This improves the accuracy of the information provided. 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 such as dikes and channels 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 approved also 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.

1) The following is in response to Section One (Implement a Disaster Preparedness Plan) of the TARG report:

A). TARG REQUEST: Stream level gauges upstream of our neighborhoods with remote telemetry for continuous monitoring:

RESPONSE: Travis County had an initial meeting with the City of Austin's Flood Early Warning System (FEWS) engineers and the United State Geological Service (USGS) to discuss the possibility of installing additional gauges to increase awareness of potential hazardous water levels. The USGS has completed their

hardening of the Twin Creeks and the US 183 sites on Onion Creek. This should prevent the type of damage sustained in the Halloween Flood and provide continuous data back to FEWS. The USGS also plans on installing a gauge on Williamson Creek which feeds into Onion Creek and will allow FEWS engineers to collect additional data on how much water is being added to Onion Creek.

B). TARG REQUEST: Alarms and emergency response protocols in the event of a lost stream level gauge signal:

RESPONSE: Travis County and FEWS met with representative from the Amateur Radio Emergency Services (ARES) to discuss the possibility of using some of the ARES personnel to monitor certain creeks during heavy rain events. Their visual observations would be sent back to the Emergency Operations Center (EOC) where ARES maintains a response office. FEWS is currently looking at specific sites that would provide a safe viewpoint. Once this list is developed it will be sent to ARES to see if their members can accommodate the request. The FEWS engineers and the USGS have discussed procedures in the event a stream gauge is lost. USGS actually sent an individual to the US 183 site to take manual readings and relay them back in to the EOC.

C). TARG REQUEST: Remotely-activated sirens to warn of impending flood conditions:

RESPONSE: There are many considerations that must be given to the installation and use of a siren system. Siren systems typically are expensive to install and require an ongoing maintenance effort. They must be tested regularly and must have a continuous public education effort to new residents and those non-residents traveling through the area. The County Attorney and Risk Management would have to determine what, if any, liability issues are assumed by operating a warning system. Since Onion Creek runs in and out of both the City of Austin and Travis County, discussions will be had between the two and their respective departments.

D). TARG REQUEST: Text alerts to cell phones and reverse 911 calls to landlines:

RESPONSE: Travis County participates in the Regional Notification System (RNS) through the Capital Area Council of Governments (CAPCOG), which covers a 10-county area. RNS uses the public safety database (land lines) and registered cell phones to send out public safety warnings by phone, text and email.

We encourage all residents to register to receive RNS alerts regarding large-scale emergencies and major incidents that occur near them and their loved ones. Anyone living in the CAPCOG area can register their cell phone at no cost. They can also register to receive alerts via email, pager, voice call or text at [wireless.capcog.org](http://wireless.capcog.org). (Contact information, including phone numbers, is only used for emergency and major incident notification.) If the resident does not have Internet access, they can still register to receive alerts by phone. They should call, toll free, 866-484-3264 to register. To learn more about the RNS, residents can download the frequently asked

questions document that is available in English and Spanish, at <http://www.capcog.org/divisions/homeland-security/rns/>.

These links and information about RNS registration are available on the Travis County website. CAPCOG recently spear-headed a public service effort to urge people to register for RNS alerts, and the Travis County Emergency Services Public Information Office participated through a joint press release, postings on the County website and on Facebook and Twitter. The Emergency Services PIO continues to urge registration for RNS alerts through social media and press releases. A May 8, 2014, press release sent by the Emergency Services PIO resulted in a local television station contacting the Emergency Services PIO to begin a joint marketing campaign that will urge residents within Travis County and surrounding counties to register with RNS. The television station and Emergency Services PIO are in the planning stages of this targeted public service campaign, which will include assistance from CAPCOG and participating regional PIOs.

E). TARG REQUEST: Public safety staff and equipment dispatched to assist with evacuations PRIOR to flood events, particularly elderly, children, disabled, or impaired residents:

RESPONSE: Flash floods happen with very little warning, as evidenced by the Halloween flood, so it is imperative that local agencies and residents work together to stay informed of, and prepared for, dangerous conditions. Travis County is working with other local agencies to improve advance warning. (See the above information regarding the hardening of flood gauges and possibility of adding more gauges.) However, it is important for the public to register with the RNS; monitor local weather forecasts and conditions before and during thunderstorms, and prepare for the possibility of flooding and evacuations. Law Enforcement, Fire and EMS do not routinely dispatch personnel prior to an event to assist with evacuations. Public Safety is charged with warning the public of the need to evacuate and help those who indicate they need assistance in evacuating. We urge residents to become familiar with their neighbors and provide that assistance when possible if evacuation is recommended. In large events, public safety personnel and equipment may be stretched thin in responding to an event. Citizens should have a disaster plan that includes a "to go kit", evacuation plan and a reunification plan in the event not all members of a household are at the residence during an evacuation.

F). TARG REQUEST: Adequate emergency equipment, including boats and rescue equipment, stored at a location where it can be quickly dispatched to our neighborhoods:

RESPONSE: It is our understanding the City of Austin Fire Department is developing a plan to satisfy this request.

G). TARG REQUEST: Neighborhood training on flood and disaster readiness:

RESPONSE: The Travis County Office of Emergency Management and the City of Austin's Homeland Security and Emergency Management are prepared to provide this type of information. The City and County are discussing public outreach strategies to get this type of information out to the residents.

H). TARG REQUEST: Development of a viable evacuation plan through a collaboration of residents, school staff, and public safety staff for Travis County and the City of Austin:

RESPONSE: The Travis County Office of Emergency Management is willing to work with the Transportation and Natural Resources Department and the Travis County Sheriff's Department to assist in the development of a viable evacuation plan in conjunction with City of Austin's Law Enforcement and Transportation departments. Any recommendations would be vetted through the School Districts and residents in the affected area.

I). TARG REQUEST: Public safety staff and equipment drills on emergency and flood response procedures for our neighborhoods:

RESPONSE: The public safety agencies that are responsible for still water and swift water rescues train on a regular basis on these procedures. Those agencies responsible for water rescues are Fire Departments, EMS and STAR Flight.

2) The following is in response to Section Two (Provide full funding in the 2014/2015 City and County Budgets for voluntary buy-outs) of the TARG report:

A. TARG REQUEST: "The City of Austin and Travis County must include enough money in their 2014-2015 budgets to offer every homeowner in the 100-year floodplain a fair buyout offer."

RESPONSE: The County's Flood Plain Administrator reports there are approximately 6,700 structures within the 100- year floodplain in unincorporated Travis County alone. Using the average 2013 residential value in Travis County of approximately \$225,000 (per the Chief Appraiser), staff estimates this program would require a budget of \$1.5 billion dollars.

B. TARG REQUEST: "Buyouts should not be limited to homes that experienced major damage."

RESPONSE: The County provided sufficient funding to make offers to all residential properties that sustained major damage in the flood. Grant applications have been submitted to the Federal government requesting additional funds. If received in full, the grants would allow the County to buy the remaining applicants, who experienced minor damage or were affected by the flood. Additionally, funds to purchase minor and affected properties were requested by TNR in its FY15 budget request, to be considered by the Commissioners' Court if Federal grant funds are not awarded.

C. TARG REQUEST: “The buyout process should be transparent and clear to every resident, whether or not they have received a buyout offer.”

RESPONSE: This is standard procedure. County staff shares information about the buyout process through public meetings, media, the County internet site, and a staff point of contact for buyout questions. However, real estate negotiations are confidential and data about individual transactions cannot be shared with the general public until the County has taken ownership.

D. TARG REQUEST: “Every homeowner should be represented by an independent, certified real estate agent in the buyout transaction.”

RESPONSE: Sellers have the option to hire or designate any representative they would like to use to represent them in negotiations with the County. They may use a certified real estate agent, an attorney, a family member or any other trusted representative. A real estate agent’s commission and attorney’s fees are the sole expense of the seller. Many elect not to incur that cost.

E. TARG REQUEST: “Residents must have adequate time, at least 3 months, to consider offer any buyout offer.”

RESPONSE: This is lengthy time frame that the majority of buyout applicants do not require or request. Sellers who need additional time to consider an offer may discuss their particular needs with the County’s buyout representative to reach a mutually-acceptable time frame.

F. TARG REQUEST: Residents “must also have adequate time, at least 1 year, to locate alternative housing and move.”

RESPONSE: This is a standard part of the process. Additionally, the County’s buyout team includes a real estate agent who helps sellers identify potential properties.

G. TARG REQUEST: “Residents should receive all of the buyout funds before they are required to vacate the property. “

RESPONSE: Sellers cannot obtain buyout funds until closing, which cannot occur until a County inspector verifies that the property is vacant. To ease the transition to new housing, the County’s buyout representative works with sellers to choose a convenient closing date and time and assists in resolving relocation issues.

H. TARG REQUEST: “Criteria to determine buyout offers should consider the needs of the people involved not just the location of their home. For example, homeowners should be prioritized, in receiving funds, over those who own rental properties.”

RESPONSE: The County’s goal in flood-plain buyouts is to remove people and property from harm’s way in the floodplain. Renters and homeowners alike can be

flood victims. By removing properties from harm's way, whether they are rentals or owner-occupied, the County acts to prevent further loss of life and property due to flood.

3) The following is in response to Section Three (Allow any who choose so to rebuild) of the TARG report:

**TARG REQUEST:** In the report, TARG asks that residences that choose not to accept a buy-out offer be allowed to rebuild/repair their flood damaged structure. They requested that permits not be contingent on accepting a buyout offer. They also want the County to work with State of Federal agencies to determine the best course of action on homes that were substantially damaged.

**RESPONSE:** A Travis County Flood Hazard Area Development Permit is required to be obtained prior to the repair or reconstruction of any structure damaged in the October 31, 2013 flood in the unincorporated areas of the County. Permit applications are reviewed based on Travis County Regulations for Floodplain Management. If a structure was damaged less than 50% of its value, a permit will be granted for its repair. If a structure was substantially damaged (more than 50% of its value), the applicant will be notified that the structure cannot be repaired at its current elevation. No property owner has been forced by Travis County to accept a buy-out offer as a part of a permit application.

TNR believes that the best alternative for substantially damaged structures is buy-out. Although elevating is a legally acceptable option under our County regulation, staff believes that the nature of flooding, especially on Onion Creek, makes elevating dangerous. Elevated structures are prone to damage by debris flows and may not have emergency access during floods. TNR is working with the State and FEMA in order to obtain grant money for additional buy-out in the areas affected by the October 31, 2013 flood.

4) The following is in response to Section Four (Bring "Humanity" back into the recovery effort at all levels of government) of the TARG report:

**TARG REQUEST:** We urge the County Commissioners to direct the County Executive to commit the resources of the Family Support Services Division, including their Social Workers. Travis County Social Workers could provide case management to flood affected survivors and work with the TARG Case Management Group. Family Support Services through their seven community centers have programs and grants that could help with aspects of affordable housing like utility bill assistance and linkage to other community resources.

**RESPONSE:** Travis County HHS/VS' Family Support Services have been the lead responders alongside the City of Austin during the Recovery. Case Workers, Social

Workers and Social Services Program Administrators were onsite at the Flood Assistance Center during its operation.

The Case Management Coordinator for HHS/VS worked with the City of Austin to receive files and information on flood affected residents in the County. Those residents were contacted by Social Workers and services were provided as requested. Family Support Services resources are available to all residents, five days per week, 8 a.m. – 5 p.m. through the County Community Centers. Residents, who cannot travel to a center, may call and request a home visit to assess their need and eligibility for services.

The City of Austin has hired two Case Managers to work full-time with flood-affected families and those workers can refer families to Travis County services as needed. These services are accessed by calling – 972-Help or 972-4357. Residents may also call 3-1-1.

5) The following is in response to Section Five (Provide affordable housing) of the TARG report:

**TARG REQUEST:** House prices in Austin are rapidly rising and it will be difficult or impossible for residents of the flooded neighborhoods to find and afford comparable housing at a location in or near Austin. Public transportation is essential and a factor that must be taken into consideration. The City should assist with building and/or finding affordable housing to accommodate relocation, including assistance with financing like SBA loans offered earlier in the disaster.

**RESPONSE:** 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 the community.

6) The following is in response to Section Six (Provide future protections for the neighborhoods and parks) of the TARG report:

**TARG REQUEST:** The TARG urges the City, Travis and Hays Counties work together to ensure that every new development within the Onion Creek watershed is designed to prevent increase run off caused by the new development. They also want to ensure that properties purchased for floodplain buyout are maintained and patrolled.

**RESPONSE:** Travis County is a "No Adverse Impact" community, meaning that new development cannot increase the flood risk for existing development anywhere within Travis County. Through the Texas Colorado River Floodplain Coalition,

Travis County TNR will continue to work with Austin and Hays County to ensure the same strict rules apply throughout the Colorado River Basin.

**FISCAL IMPACT AND SOURCE OF FUNDING:**

Request #1: No significant fiscal impact is anticipated at this time. However, if a need arises Emergency Services will submit appropriate fund requests to the court as that need arises.

Request #2: It has been estimated that the cost of acquiring all properties located within the 100-yr flood plains of unincorporated Travis County could exceed \$1.5 billion dollars. Programs of this magnitude would need to be phased over a long period of time. TNR will continue to seek grant funds and bond funds as the opportunity arises.

Request #3: TNR staff indicates there will be no fiscal impact associated with the response to this request,

Request #4: No significant fiscal impact is anticipated at this time. However, if a need arises Health and Human Services will submit appropriate fund requests to the court as that need arises.

Request #5: No significant fiscal impact is anticipated at this time. However, if a need arises Health and Human Services will submit appropriate fund requests to the court as that need arises.

Request #6: TNR staff indicates there will be on-going costs for maintenance and patrol duties that will increase as properties are acquired for floodplain buyout. TNR Park staff will evaluate the cost of increased patrols to discourage undesirable activities and seek additional funding through the annual budget process if needed.

**EXHIBITS/ATTACHMENTS:**

- A. April 2014 TARG Draft Recovery Report
- B. April 2014 TNR Response to TARG Recovery Report
- C May 2014 Final TARG Report

**REQUIRED AUTHORIZATIONS:**

Cynthia McDonald	Financial Manager	TNR	(512) 854-4239
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Danny Hobby	County Executive	Emergency Services	
Sherri Flemming	County Executive	HHS	

**CC:**


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