

**City Council Questions and Answers for  
Thursday, March 21, 2013**

These questions and answers are related to the  
Austin City Council meeting that will convene at 10:00 AM on  
Thursday, March 21, 2013 at Austin City Hall  
301 W. Second Street, Austin, TX



**Mayor Lee Leffingwell  
Mayor Pro Tem Sheryl Cole  
Council Member Chris Riley, Place 1  
Council Member Mike Martinez, Place 2  
Council Member Kathie Tovo, Place 3  
Council Member Laura Morrison, Place 4  
Council Member William Spelman, Place 5**

*The City Council Questions and Answers Report was derived from a need to provide City Council Members an opportunity to solicit clarifying information from City Departments as it relates to requests for council action. After a City Council Regular Meeting agenda has been published, Council Members will have the opportunity to ask questions of departments via the City Manager's Agenda Office. This process continues until the final report is distributed at noon to City Council the Wednesday before the council meeting.*

## **QUESTIONS FROM COUNCIL**

1. Agenda Item # 2
  - a. QUESTION: Please provide additional information about the background of the two individuals who the Council might be appointing and details regarding the process for how staff ended up with these two potential appointments.  
COUNCIL MEMBER MARTINEZ
  - b. ANSWER: See attachment.
2. Agenda Item # 10
  - a. QUESTION: Did the RFQ specify affordable housing experience?  
COUNCIL MEMBER MARTINEZ
  - b. ANSWER: Yes. In the Land Development Code Revision RFQ, expertise in household affordability is listed as one of the eight subconsultant fields. In addition, the Anticipated Deliverables section states that one of the goals for the code revision process was to "Increase the supply of affordable market rate and subsidized housing" as a means to implement Imagine Austin. In addition, it described the City Charter mandate that Austin's land development regulations be consistent with the comprehensive plan and that the consultant teams needed to have familiarity with the plan. In order to emphasize the importance of affordability, the RFQ made several references to affordability in Imagine Austin. It listed the eight Priority Programs (Priority Program # 6- Develop and maintain household affordability throughout Austin.) In presenting Priority Program # 8, (Revise Austin's development regulations and processes to promote a compact and connected city,) it listed the program's goals; one of which is to "Promote affordability for Austinites at every stage of life and income level."
3. Agenda Item # 10
  - a. QUESTION: a) Does Clarion have a team partner tasked with focusing on issues related to affordability? b) Do more public comments exist than the handful provided in the backup materials? If so, please make those available. c) Did the staff develop an analysis that assesses the relative strengths and weaknesses of the two teams? d) Did the staff members who scored teams on the matrix provide written comments explaining their evaluation? e) Please explain or provide documentation that would offer more detail about the matrix terms "team's project approach," "team structure," and "Team's

Experience with Austin Issues.” f) Please address whether each team has identified a sub-consultant that will pay particular attention to neighborhood preservation. COUNCIL MEMBER TOVO

b. ANSWER: See attachment.

4. Agenda Item # 11

a. QUESTION: Please provide a detailed breakdown of what is being purchased under this item and the associated costs. COUNCIL MEMBER MARTINEZ

b. ANSWER: On November 8, 2012 City Council approved the Austin Downtown Public Improvement District (PID) Service Plan and Budget for 2013-2014. The total projected revenue is \$3,271,980. This estimate was based on the appraisal roll from Travis Central Appraisal District (TCAD) (as of October 10, 2012). Attached is the approved service plan. Page 5 provides a detailed breakdown of costs associated with the service plan and budget.

5. Agenda Item # 18

a. QUESTION: What outstanding legal issues still exist at this point? COUNCIL MEMBER MARTINEZ

b. ANSWER: The outstanding and currently anticipated legal issues associated with the Seaholm transaction include: finalizing the parking garage management and financing structures; memorializing the management structure and financing structure in the closing documents; and amending the TIF if required by the financing structure for the parking garage. Closing the Seaholm transaction will require preparing final closing documents, the closing instruction letter and reviewing the title company closing documents (owner's affidavit, closing statement, etc.), and closing the takedown of each of the three parcels.

6. Agenda Item # 22

a. QUESTION: a) How many projects in the Drinking Water Protection Zone and Barton Springs Zone would be considered “expired projects” under existing ordinances but if this ordinance change passes, would be allowed to continue as grandfathered? For each project described above, please note the total acreage, and the type of development, and the “date of first application” for each of these applications (and any relevant staff decisions related to such claims). b) How many “expired projects” have applied for grandfathering in the last 5 years and what has been the staff decision? How many applications are currently pending? c) Would the proposed change significantly affect development in the Desired Development Zone as well? If so, how? d) Please provide a copy of the City's brief and any other briefs that were filed with the Attorney General's office concerning the “expiration of projects” issues, along with information (if available) about how other cities or local jurisdictions plan

to address these issues. e) What options has staff considered in addition to this proposed ordinance change? COUNCIL MEMBER TOVO

b. ANSWER: See attachment.

7. Agenda Item # 22

a. QUESTION: How many acres in the recharge zone, and separately, in the contributing zones would be affected by the potential changes to project duration/dormancy ordinances? How many acres still have active grandfathering from 1704 (i.e. are undeveloped)? COUNCIL MEMBER SPELMAN

b. ANSWER: See attachment.

8. Agenda Item # 27

a. QUESTION: a) Has the City of Austin used SWCA Environmental Consultants for any past projects? If so, please describe those. b) Identify this group's recent experience in conducting research focused on endangered species in the Central Texas region. c) Describe the process through which this group was selected. d) Please provide additional info on contract awards via the TXMAS process. COUNCIL MEMBER TOVO

b. ANSWER: See attachment

9. Agenda Item # 30

a. QUESTION: Please provide the policy regarding when Spanish translation services are utilized for documentation, forms, mailers, and other correspondence for each of the following departments: Austin Energy, Fire, Police, Emergency Medical Services, Health & Human Services, and Aviation. COUNCIL MEMBER MARTINEZ

b. ANSWER: See attachment.

10. Agenda Item # 36

a. QUESTION: How many cities in our five county region are projected to reach 50,000 in population by the year 2020/2030/2040? COUNCIL MEMBER MORRISON

b. ANSWER: See attachment

11. Agenda Item # 44

a. QUESTION: A table was prepared analyzing past CURE cases, the increased entitlements each received, and what affordable housing benefits would have been provided if those developers had sought increased entitlements through

the Interim Downtown Density Bonus program rather than CURE zoning. The chart includes CURE rezonings that occurred before adoption of the interim density bonus program and does not take into account fee waivers that developers would have received, but it does provide extremely useful information. This chart is being made available through the Council Q&A process. It will also indicate which 2008 cases were approved subsequent to adoption of the Interim Downtown Density Bonus program. COUNCIL MEMBER TOVO

b. ANSWER: See attachments.

12. Agenda Item # 52

a. QUESTION: Per the March 5 Comprehensive Air Quality Program memo, please provide more details concerning the recommendation of Clean Air Coalition as the lead policy organization on air quality. COUNCIL MEMBER MORRISON

b. ANSWER: See attachment.

13. Agenda Item # 65

a. QUESTION: a) How long has the current policy been in place? b) Over the time frame of the current policy, how much has the city spent for the city's portion of the Service Extension Requests? c) How much would the city have spent during that time if we were operating under the proposed policy? COUNCIL MEMBER SPELMAN

b. ANSWER: a) The current policy has been in place since August 2009. b) Per the memo sent March 4, 2012, City Council approved approximately \$22,000,000 in cost reimbursement/cost participation agreements related to service extension requests since October 2009. c) If the proposed ordinance amendment was in place for this same time period, City Council would have been asked to approve approximately \$11,000,000 in cost participation agreements.

14. Agenda Item # 66

a. QUESTION: How much water has the utility lost due to private laterals that did not get repaired in a timely manner? COUNCIL MEMBER SPELMAN

b. ANSWER: A private lateral refers to a wastewater line that connects the private property owner's structure to the City's wastewater system. The proposed Code amendment only addresses wastewater-related issues. Problems with a property owner's private lateral generally are identified through the City's investigation of the cause of a wastewater overflow.

**END OF REPORT - ATTACHMENTS TO FOLLOW**

 *The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.*

 *For assistance please call 974-2210 OR 974-2445 TDD.*



## Council Question and Answer

<b>Related To</b>	Agenda Item # 2	<b>Meeting Date</b>	March 21, 2013
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### Additional Answer Information

The two individuals proposed for appointment are Ned Ross and Clifton Ladd.

Mr. Ross has enjoyed a 29-year career in the energy industry in both the natural gas and electric sectors. He joined Direct Energy in November 2008 to oversee Texas governmental affairs and now leads both government and regulatory affairs for Texas, California and Arizona. He is also responsible for laws and rules pertaining to water supply at three power plants (along the Colorado, Rio Grande and Red Rivers, which are all different sources with very different challenges). Prior to joining Direct Energy, Mr. Ross managed governmental and regulatory affairs at FPL Energy where he advocated for legislation and subsequent rules creating the largest expansion of renewable energy in the country – the “CREZ” (Competitive Renewable Energy Zones) plan. While working on the CREZ docket that led to wind energy development in the West Texas areas, Mr. Ross extensively researched water consumption to demonstrate the higher levels of water conservation that could be achieved from wind energy as opposed to gas or coal-fired energy sources. Previous positions included regulatory work before the Federal Energy Regulatory Commission, serving as counsel for a retail energy company, and energy commodity marketing and trading. He began his career in 1984 at United Gas Pipe Line Company as interstate pipeline monopolies were restructured by the Federal Energy Regulatory Commission from integrated merchants to semi-competitive transporters. Mr. Ross earned his BBA from Southern Methodist University in 1984 and his JD from South Texas College of Law in 1991. He is a member of the State Bar of Texas. He serves on the Board of Directors of the Children’s Advocacy Centers of Texas and is past president of the Westlake Chap Club.

Mr. Ladd is Manager of Bowman Consulting’s (Loomis Partners’) Environmental Group, and the firm’s senior biologist. He holds the professional designation of Certified Wildlife Biologist (C.W.B.). He also holds a B.A. in biology from the University of Texas at Austin and a M.S. in biology from Southwest Texas State University. Mr. Ladd has more than 24 years of experience in ecological projects in the southern United States, including over 20 years in environmental consulting and two years as manager of the Travis County Natural Resources Program. He has assisted numerous private and public clients during that time, helping them navigate through the often complex maze of federal and state environmental planning and permitting requirements. Mr. Ladd is one of the foremost experts in Texas on the science, conservation, and management of endangered species. He has written extensively on the golden-cheeked warbler and helped develop the Balcones Canyonlands Conservation Plan. Because of Mr. Ladd’s experiences, he is highly knowledgeable about issues in high-growth areas.

Both Mr. Ross and Mr. Ladd were identified by LCRA staff because of their previous interest and experience in water issues. Additionally, there was a desire to include representation from the Bastrop area and Mr. Ross’ company operates a natural gas-fired power plant through Bastrop Energy Partners. Because of Mr. Ladd’s experiences, he is highly knowledgeable about issues in high-growth areas. LCRA presented these individuals to City of Austin staff who reviewed their backgrounds and similarly determined that their knowledge and experience would be an asset on the Stakeholder Committee. Their names and backgrounds were then presented to the Executive Management Committee (EMC) of the Water Partnership, who also recommended the two individuals. (The members of the EMC are Assistant City Manager Robert Goode and Austin Water Director Greg Meszaros from the City of Austin, and Executive Manager of External Affairs Kyle Jensen and Executive Manager of Environmental and Regulatory Henry Eby from LCRA.)

Members of the Stakeholder Committee serve on a voluntary basis but meet infrequently given the committee's very specific charge, which is to provide input to the EMC on water supply issues related to obtaining new supply. The EMC was charged with creating the group and establishing "a process for keeping the stakeholder group informed of the [City's and LCRA's] water supply discussions, and for receiving input from the group." Since the City of Austin generally uses only about half of the water that the City has rights and contract to and is not currently seeking new sources of water, there have not been water supply issues to discuss. However, staff at the City and LCRA briefs the committee at least once a year through briefing sessions and sometimes tours of facilities to help ensure that the committee is informed when issues arise.



## Council Question and Answer

<b>Related To</b>	Agenda Item # 10	<b>Meeting Date</b>	March 21, 2013
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### Additional Answer Information

- a) Clarion did not identify a team partner for affordability, but indicated as the lead firm they would address it. Clarion outlines their approach to household affordability on slides 23-26 of their presentation to Council.
- b) No other comments were provided to staff.
- c) The submittal evaluation process as scored in the evaluation matrix serves as the analysis and provides an evaluated and scored comparison of the firm's response to each evaluation item.
- d) This RFQ procurement remains active and it is important to preserve the competitive process until Council makes their final selection and a contract is executed. CMD staff will provide Mayor and Council hard copies of the Evaluator notes.
- e) Provided below is a description for each matrix term that CMD developed in collaboration with the Planning Development and Review Department. These terms were reviewed with the Evaluation Panel for their use during the evaluation of the submittals. The Evaluation Panel is also briefed on the project scope by the Sponsor Department. Combined, these briefings provide the Evaluation Panel guidance as to what to look for in terms of how a firm will meet the requirements listed in the RFQ scope.
  - 1) Team Project Approach: Firm should respond with an overall understanding of the project; significant project issues identified; team's approach is addressing issues; team approach to mitigating issues; team's method to complete the work; team understanding of the techniques and sequences required; how prime firm will interface with the City; and, subconsultant's placement in overall project.
  - 2) Team Structure: Firm was requested to provide an organizational chart and narrative depicting the team's organizational structure, how subconsultants will work within the team structure and describe the roles and responsibilities of all key personnel and all subconsultants. The firm was also asked to identify project leadership, reporting responsibilities, and how prime firm will interface with City's project manager and subconsultants.
  - 3) Team's Experience with Austin Issues: The firms were asked to provide narrative of team (prime and subconsultant's) experience with Austin issues. Describing experience as it relates to City of Austin site development and/or building permit requirements; Austin area construction in the public right-of-way; Austin area construction costs and practices; Austin environmental community, conditions and constraints; public awareness and involvement in project development in the Austin area; Austin area historical, civic and cultural values; Austin environmental community, conditions and constraints; public awareness and involvement in project development in the Austin area; responsiveness due to proximity of projects to local office.
- f) Both teams address neighborhood preservation in their presentation to Council. The Clarion team identifies Karen McGraw Architect as assisting with Architecture and Design, Neighborhoods. The Clarion team outlines their approach to neighborhood preservation in slides 27-29 of their presentation to Council. The Opticos team does not identify a specific sub-consultant but outlines their approach to neighborhood preservation in slides 14-21 of their presentation to Council.



## Council Question and Answer

Related To

Agenda Item # 11

Meeting Date

March 21, 2013

### Additional Answer Information

**Downtown Austin Alliance Preliminary Service Plan and Budget For May 1, 2013**

□ April 30, 2014



#### **Introduction**

The Downtown Austin Alliance's mission is to preserve and enhance the value and vitality of downtown Austin. To advance our collective vision for the future of downtown Austin, the DAA works with key downtown stakeholders:

- property owners
- residents
- business owners
- community organizations
- government officials

The DAA is engaged in dozens of projects and issues that increase the appeal of downtown Austin to residents, employees, and visitors. As a full-time advocate for downtown, the DAA is actively involved in planning decisions that impact the area. We also advance downtown's vision through direct services supporting safety and cleanliness.

#### **DAA's Vision for Downtown**

Downtown Austin is the heart and soul of Central Texas. It is a welcoming community and a vibrant neighborhood for all. Downtown is our area's cultural hub and a thriving business, government, and residential center. The area is easy to reach and enticing to explore – a place where nature's beauty beckons. It is a prosperous place that is both economically and environmentally sustainable.

#### **DAA Strategic Plan**

In 2008, the Downtown Austin Alliance created a strategic plan that articulates the organization's mission, vision, and core values. The plan specifies DAA's six strategic priorities for the next several years, and it sets the stage for the following ten years.

Each year the DAA sets goals in the context of the strategic plan and reports annually on the progress of accomplishments.

#### **Strategic Priorities**

#### ***Impact Areas***

The plan's impact areas rally the downtown community around large, focused projects. These areas are based on downtown needs, momentum of stakeholders, and addressing challenges that are more important than ever to the success of downtown Austin.

***Current Impact Areas:***

1. Congress Avenue
2. Mobility
3. Northeast Quadrant

***Ongoing Priorities***

The plan's ongoing priorities are focused on areas to which the DAA has always applied focus. They call for the DAA to continue to focus its resources to achieve specific incremental advances in these areas. Ongoing priorities reflect the DAA's daily efforts to make downtown safe, vibrant, and prosperous. These are fundamental priorities essential to a healthy downtown.

***Current Ongoing Priorities:***

1. Promoting Economic Vitality
2. Improving Basics and the Public Realm
3. Developing Downtown Leadership Capacity

**Current Impact Areas**

**1. Congress Avenue**

- **Goal:** Develop Congress Avenue into an extraordinary place that is the heart and soul of Austin and "The Main Street of Texas."

**2. Mobility**

- **Goal:** Actively participate in transportation planning to monitor and influence transportation ingress, egress, and circulation in downtown Austin.

**3. Northeast Quadrant**

- **Goal:** Advocate for the transformation of the Northeast Quadrant into a safe, appealing, economically vital, and historically significant asset to downtown including the transformation of the East 6th Street. This is done in keeping with the vision of multiple community partners including, Sixth Street Austin, Waller Creek Conservancy, Texas Facilities Commission, and the potential new medical school and teaching hospital.

**Ongoing Priorities**

***1. Promoting Economic Vitality***

**Economic Development**

- **Goal:** Promote positive growth of downtown's retail, commercial, and residential markets.

**Retail**

- **Goal:** Provide leadership in the implementation of the Downtown Retail Redevelopment Strategy, an initiative to cultivate a mix of local, regional and national retailers downtown.

#### **Music, Culture & Events**

- **Goal:** Foster an environment that is supportive of cultural organizations, music, and events for the region that make downtown the premier destination for cultural events and entertainment.

#### **Parks and Open Spaces**

- **Goal:** Foster public-private partnerships to revitalize and activate downtown squares, plazas and public spaces.

### ***2. Improving Basics and the Public Realm***

#### **Natural Environment**

- **Goal:** Protect and enhance the natural environment through a Downtown Parks Master Plan, Waller Creek Corridor planning and implementation, increased usage and ownership of parks, and maintenance.

#### **Infrastructure**

- **Goal:** Provide leadership to facilitate appropriate aboveground and belowground infrastructure in downtown Austin and to identify funding sources.

#### **Cleanliness**

- **Goal:** Provide leadership and direct services to create an appealing, welcoming, and clean downtown.

#### **Public Safety**

- **Goal:** Facilitate collaborative efforts and engage elected officials, leadership of public and private agencies, and downtown stakeholders to improve public safety and public order and to reduce homelessness.

### ***3. Developing Downtown Leadership Capacity***

#### **Research & Information**

- **Goal:** Identify, collect, maintain, and distribute key data that helps to describe, analyze, and assess the progress of downtown Austin.

#### **Education**

- **Goal:** Provide educational events and communications to downtown property owners, downtown stakeholders, and the community in general.

#### **Developing Funding Sources**

- **Goal:** Explore the potential to fund the DAA's strategic priorities with new sources of revenues if appropriate.

#### **Vision & Planning**

- **Goal:** Clearly articulate the need, advocate for and participate in planning activities for downtown.

**Strong Partnerships**

- **Goal:** Identify and develop effective relationships with key stakeholders and create and sustain liaisons and partnerships that align with and support the DAA's mission and current and future strategic priorities.

**Engaging Leaders**

- **Goal:** Develop and engage downtown leadership.

**Communications**

- **Goal:** Increase knowledge of and interest in downtown Austin and the DAA.

**Advocacy and Policy**

- **Goal:** Monitor and advocate for policy that enhances downtown's economic prosperity and competitive advantage.

**DOWNTOWN AUSTIN ALLIANCE  
MAY 1, 2012 - APRIL 2013  
Preliminary Budget**

PROGRAM	Prelim Budget FY 5/13-	Prelim Budget FY 5/12-	Change Increase(Dec)	Percentage Allocation
Internal Capabilities & System	327,198	284,976	42,222	10%
Public Safety & Security	916,154	797,932	118,222	28%
Cleanliness & Maintenance	556,237	484,459	71,778	17%
Infrastructure	65,440	56,995	8,444	2%
Education	98,159	85,493	12,667	3%
Marketing & Communication	229,039	199,483	29,556	7%
Music, Culture, & Events	327,198	284,976	42,222	10%
Parks & Open Space	130,879	113,990	16,889	4%
Residential, Hotel & Other Re/Dev	130,879	113,990	16,889	4%
Retail Development	163,599	142,488	21,111	5%
Current Impact Areas	327,198	284,976	42,222	10%
<b>TOTAL EXPENDITURE</b>	<b>\$ 3,271,980</b>	<b>\$ 2,849,757</b>	<b>\$ 422,223</b>	<b>100%</b>

Revenue:	2013-2014	2012-2013	Variance	% Change
City Revenue				
PID Assessments	3,039,296	2,695,967	343,329	12.73%
City of Austin Contribution	150,000	150,000	-	0.00%
Prior year revenue & interest	82,684	3,790	78,894	2081.64%
<b>Total City Revenue</b>	<b>3,271,980</b>	<b>2,849,757</b>	<b>422,223</b>	<b>14.82%</b>



## Council Question and Answer

<b>Related To</b>	Agenda Item # 22	<b>Meeting Date</b>	March 21, 2013
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### Additional Answer Information

- a) I am unable to answer the question of how many projects would be considered “expired projects” at this time without a live application requesting grandfathering for a particular development. Projects may expire not only because of project duration, but also because the project may be complete (the project is built), the project changed (ex. from a residential use to a commercial use) or because a project becomes dormant. Project dormancy, a tool provided by State law would apply to a project submitted before or after September 1997, if the project did not show progress towards completion. Project duration, on the other hand only applies to projects initiated after September 1997. Over the past 4 ½ years approximately 312 projects within the Drinking Water Protection Zone (DWPZ) have requested vesting under Chapter 245. Of these DWPZ projects, 209 were located within the Barton Springs Zone (BSZ). Of the total number of vesting requests submitted within the DWPZ 34% (106) projects have would have been subject to project duration (27% or 56 projects within the BSZ) based on the year they were permitted, though that doesn’t necessarily mean they would be expired under project duration or terminated on some other grounds. Please note, the applicant decides the “date of first application” for a project which may also affect its project’s expiration.
- b) Over the past 4 ½ years a total of 802 requests have been submitted for project vesting. Of these, 267 were approved and 535 were denied. Of the total number of projects request project vesting, 51% (411) would have been subject to project duration based on the year they were permitted. It’s not clear, however, what portion of the denials were based on project duration or one of the other grounds that are frequently used to limit grandfathering. Currently, there are less than five Chapter 245 vesting requests pending a staff decision.
- c) Over the past 4 ½ years a majority of project vesting applications 61% (490) were filed in the Desired Development Zone (DDZ). Of these, 105 were approved and 385 were denied. Of the total number of vesting requests submitted within the DDZ 62% (305) would have been subject to project duration based on the year they were permitted. It’s not clear, however, what portion of the denials were based on project duration or one of the other grounds that are frequently used to limit grandfathering, notably: “project complete” or a “change of project.”
- d) The legal responses to the Attorney General’s opinion request have been attached as late Council back-up.
- e) Staff and the Law Department reviewed the Attorney General’s opinion and considered changing the ordinance as recommended and leaving the ordinance unchanged. After reviewing the issued opinion and State law, staff decided to recommend the ordinance change with the added language that would expire a project if no progress towards completion has been made within five years of the date the first permit application for the project was submitted. Staff will be contacting or visiting other municipalities in the near future to investigate other possible changes to our ordinances that would clarify or improve review procedures and criteria for applications requesting a vesting claim.





## Council Question and Answer

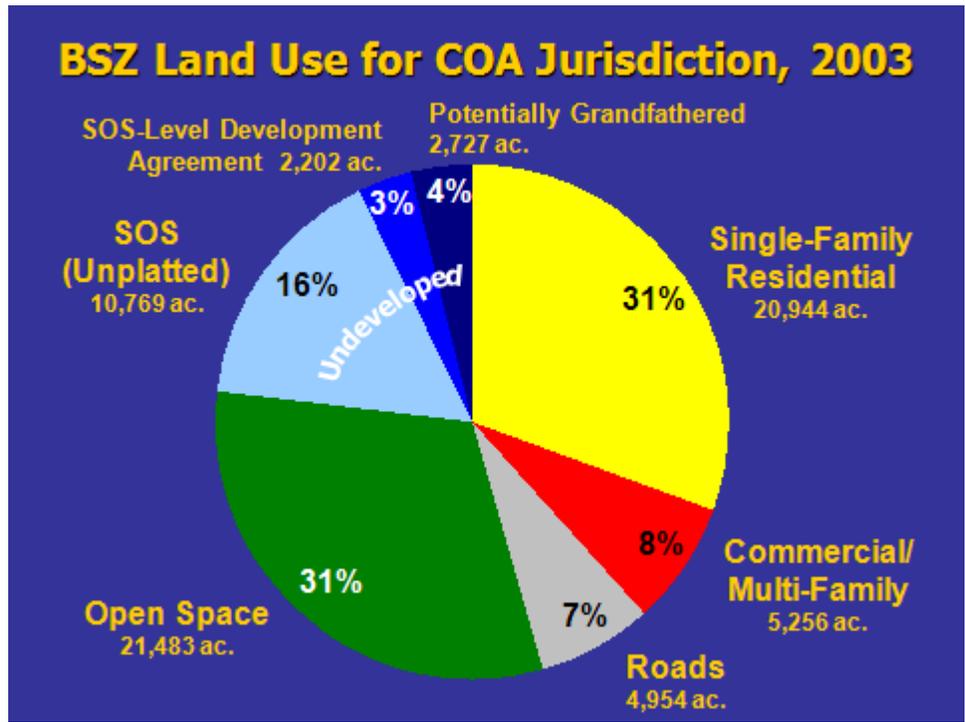
<b>Related To</b>	Agenda Item # 22	<b>Meeting Date</b>	March 21, 2013
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### Additional Answer Information

In 2006, Watershed Protection staff looked at the extent of potentially grandfathered land in in the Barton Springs Zone. The findings were that approximately 23% of all land in the City of Austin’s jurisdiction was undeveloped. These would be the tracts most logically affected by a change in project duration for site and subdivision permitting. Our staff estimate that 4% of the area may be grandfathered with another 16% potentially (but less likely) to be grandfathered as follows:

- About 2,727 acres (4% of COA BSZ jurisdiction) were found to be potentially grandfathered. (Note that all potential grandfathering cases have to be carefully reviewed on a case-by-case basis; this should therefore be considered a planning-level estimate.)
- About 10,769 acres (~16%) of land were estimated to be unplatted and thus presumably subject to the SOS Ordinance. In a very conservative assumption, these lands could potentially have grandfathering claims.
- About 2,202 acres (~3%) were subject to SOS-Level Development Agreements (e.g, Bradley Agreement); these would not be affected by project duration changes.

Figure from 2006 (using 2003 land use data). This information was used by the BSZ Advisory Group to make recommendations for the 2007 BSZ Redevelopment Exception Ordinance:





## Council Question and Answer

**Related To**

Agenda Item # 27

**Meeting Date**

March 21, 2013

### Additional Answer Information

The City has used SWCA for a few projects. In 2003, they were contracted to perform bird survey services very similar to those currently needed. They have also been used for a few low dollar, pro card purchases for permitting and analysis for birds on a smaller piece of AWU land.

SWCA has a contract with the State of Texas (TXMAS) that was competitively awarded and we are cooperatively using that contract, meaning that the solicitation requirements are already met. Quote requests were sent to three TXMAS contractors. SWCA was the lowest and was therefore the recommended contractor.

SWCA's recent experience in Texas includes:

Spring 2012 – LCRA – Surveys for the golden-cheeked warbler and blackcapped vireo on 946.4 acres divided along a proposed transmission line alignment in Tom Green, Schleicher, Sutton, Kimble, Kerr, and Kendall counties, Texas.

Spring 2012 – Williamson County Conservation Foundation – Survey for the golden-cheeked warbler on the approximately 158-acre Twin Springs Preserve, in Georgetown, Texas.



## Council Question and Answer

<b>Related To</b>	Agenda Item # 30	<b>Meeting Date</b>	March 21, 2013
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### Additional Answer Information

There is currently no administrative policy relating to the use of language translation services used by various city departments. In the area of elections, the City is statutorily required to secure translation services for voting ballots and materials. Regarding other city departments, Austin Energy, Fire, Police, Emergency Medical Services, Health & Human Services, and Aviation the practice is used to on an as needed basis to communicate better with the city's customers.

Departments will use specifically the service as follows:

- AE – Austin Energy has traditionally translated materials to meet the needs of the widest possible audience for a specific offering or communication. We have a large and growing Spanish-speaking population in Austin and need to ensure we communicate effectively with them by making relevant information available in their language. Examples include;
  - ads in Spanish language community newspapers;
  - a Spanish version of the Customer Newsletter included in utility bills;
  - general information about Austin Energy such as helpful phone numbers and what to do in case of an outage;
  - billing-related needs and other communications from Customer Care, including materials at the Branch Walk-in Centers;
  - information about the Customer Assistance, Utility Discount and Free Weatherization programs;
  - winter and summer tips on how to save energy;
  - as well as web pages related to any of these offerings.
  
- AFD – Some examples of AFD initiatives that require these flyers include the AFD Smoke Alarm program, Wildfire Preparedness handouts, and other flyers to keep the public informed about Fire related initiatives
  
- APD – Some examples of APD's use of the contract include the translation of alarm permit brochure, alarm cancellation form, alarm permit order form and the application for permit form
  
- EMS – EMS uses this contract to translate billing and patient information forms, paper and online.
  
- Aviation – Aviation uses the contract for HR grievance hearings mostly
  
- HHS –
  - Public flyer on free sterilization services for pets.
  - Information letter to patients regarding changes in their medical benefits under the Medical Assistance Program.
  - Public flyer regarding immunizations available from CCSD's clinic sites.

In order to make the services more relative, the contracts requires the contractor to be capable of translating materials and information into a localized/regional dialect that will be understandable to a wide range of Spanish literate customers residing in the greater Austin area.

# Central Texas Cities

## Places with Populations of 5,000 Plus, Census 2010

Population Projections: when will cities reach populations of at least 50,000?

Municipality	Census 2010 Total Population	July 1, 2011 Total Population Estimate (1)	Annualized Growth Rate 2010 to 2011	April 1, 2013 Total Population Estimate (2)	Projected Annualized Growth Rate	April 1, 2015 Total Population Projection (3)	April 1, 2020 Total Population Projection	April 1, 2030 Total Population Projection	April 1, 2040 Total Population Projection
Austin	790,390	820,611	3.8%	842,750	2.0%	874,648	951,562	1,104,326	1,235,036
Round Rock	99,887	104,664	4.8%	114,914	5.0%	126,693	161,696	263,386	429,027
Cedar Park	48,937	51,283	4.8%	56,318	5.0%	62,090	79,245	129,081	210,260
Georgetown	47,400	49,562	4.6%	54,186	4.5%	59,173	73,740	114,516	177,840
Pflugerville	46,936	48,753	3.9%	52,601	4.0%	56,893	69,219	102,461	151,667
San Marcos	44,894	46,685	4.0%	50,484	4.0%	54,604	66,434	98,338	145,565
Kyle	28,016	29,293	4.6%	32,024	7.0%	36,665	51,424	101,159	198,995
Leander	26,521	27,827	4.9%	30,635	7.5%	35,403	50,825	104,752	215,898
Taylor	15,191	16,000	5.3%	17,750	5.0%	19,569	24,975	40,682	66,267
Hutto	14,698	15,404	4.8%	16,919	5.0%	18,654	23,807	38,779	63,168
Lockhart	12,698	12,821	1.0%	13,071	2.0%	13,599	15,014	18,302	22,310
Lakeway	11,391	11,830	3.9%	12,759	4.0%	13,801	16,791	24,854	36,790
Buda	7,295	7,682	5.3%	8,519	5.0%	9,392	11,987	19,525	31,804
Elgin	8,135	8,262	1.6%	8,522	2.0%	8,866	9,789	11,933	14,546
Bastrop	7,218	7,306	1.2%	7,485	2.0%	7,788	8,598	10,481	12,776
Lago Vista	6,041	6,275	3.9%	6,771	4.0%	7,323	8,910	13,188	19,522
Luling	5,411	5,467	1.0%	5,581	2.0%	5,806	6,411	7,814	9,526
Manor	5,037	5,235	3.9%	5,655	4.0%	6,116	7,441	11,015	16,304

### NOTES:

(1) July 1, 2011 population estimates are from the US Census Bureau.

(2) April 1, 2013 population estimates are generated by applying the annualized growth rate experienced from April 1, 2010 to July 1, 2011.

(3) April 1, 2015 population projections and projections for all subsequent years are generated by applying the Projected Annualized Growth rate, except in the case of the City of Austin's forecast which is taken from the City's official population series updated annually by the City Demographer.

*Data table produced by Ryan Robinson, City Demographer, Department of Planning, City of Austin. March 2013.*



## Council Question and Answer

<b>Related To</b>	Agenda Item # 44	<b>Meeting Date</b>	March 21, 2013
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### Additional Answer Information

The attached spreadsheet is in response to some comments, questions, and discussions that have arisen during recent City Council consideration of CURE (Central Urban Redevelopment) zoning cases. The spreadsheet, which is still in "DRAFT" form, attempts to collect in one place key information about the CURE cases that the City Council has considered in the last 12+ years.

Please note the following:

- The attached spreadsheet attempts to identify all of the CURE cases since 2000, but may not be entirely comprehensive.
- There is a column labeled "Affordable Housing Contribution assuming \$10/sq. ft. of bonused area." This information is provided only to provide the viewer with a sense of the fees that might be generated by increased zoning. That it is not meant to suggest that these fees were foregone as a result of approving the CURE zoning. Only after 2008 was there a program (the "Interim" Downtown Density Bonus Program) that created a mechanism for collecting fees-in-lieu in conjunction with granting additional density/height. Prior to that date, there was no such program. Further, under the Downtown Austin Plan's recommended Density Bonus Program, not all projects would be required to pay a fee for each additional amount of density or height, nor would the fee always be \$10 per square foot.
- Sections of the spreadsheet have been color-coded to indicate:
  - Whether the Council action granting CURE zoning occurred after the effective date of the Interim Downtown Density Bonus Program.
  - Whether the council action granting CURE zoning occurred after the adoption date of the Downtown Austin Plan.
  - Whether the case has not yet been decided by Council.

DRAFT - SUMMARY OF RECENT DOWNTOWN CURE CASES

	Ordinance Number	Case Number	Project Name	Address	Rezoning from	Rezoning to	Site Area in square feet	Entitlements received (FAR = Floor to Area Ratio)	Difference in FAR with additional entitlements from base district	Difference in square footage allowed	Affordable Housing Contribution assuming \$10/sq. ft. of bonused area*	Comments/Remarks
	001130-106	C14-00-2207	4th and Congress (Frost Bank Tower)	4th and Brazos Street	CBD	CBD-CURE	27,878	By Ordinance: Modify the FAR allowed from 8:1 to 12:1.	4.0	111,512	\$1,115,120	Companion case to 001130-107.
2	001130-107	C14-00-2208	4th and Congress (Frost Bank Tower)	401 Congress Ave	CBD	CBD-CURE	44,126	By Ordinance: Modify the FAR allowed from 8:1 to 12:1. Section 25-2-643 of the City Code is modified to allow a building setback of 40 feet (as opposed to 60 feet) from the property line adjacent to Congress Avenue for a structure whose minimum height is 30 feet from ground level and whose maximum height is 90 feet from ground level.	4.0	176,504	\$1,765,040	Companion case to 001130-106. Site area in staff report incorrect. Site area here assumed, based on the same size half-block site in Ordinance No. 010802-13.
3	010802-13	C14-01-0029	Bank of America Tower	501-515 Congress Avenue	CBD	CBD-CURE	44,126	By Ordinance: Modify the FAR allowed from 8:1 to 12:1. Section 25-2-643 of the City Code is modified to allow a building setback of 40 feet (as opposed to 60 feet) from the property line adjacent to Congress Avenue for a structure whose minimum height is 30 feet from ground level and whose maximum height is 90 feet from ground level.	4.0	176,504	\$1,765,040	
4	040212-47	C14-03-0168	The Nokonah	721-729 N. Lamar Ave.	DMU-CURE	DMU-CURE-CO	43,734	By Ordinance and CO: Modify the FAR allowed from 5:1 to 7:1. The maximum FAR for an administrative and business office use and a professional office use, is 1.52:1. The maximum height on the portion of the property is 546 feet mean sea level. A minimum 90 percent of gross floor area beginning 60 feet above ground level is for a condominium residential use. The maximum impervious cover is 97%. The minimum site area is 350 square feet per residential unit. Permitted uses for ground floor along N. Lamar Boulevard specified. Vehicular access from N. Lamar Boulevard is prohibited. Trip limit of 2,535 trips per day. A height variance from Compatibility Standards is prohibited for the first two-thirds of the property beginning at N. Lamar Boulevard and continuing eastward along 9th Street.	2.0	87,468	\$874,680	
5	20051117-Z010	C14-05-0165	Condos at 3rd & Nueces (360 Condos)	300 Nueces St.	CBD	CBD-CURE	56,061	By Ordinance: Modify the FAR allowed from 8:1 to 10:1. Trip limit of 4,127 vehicle trips FAR of 10:1. Development of the Property shall comply with the following setbacks: The maximum building setback from the 3rd street right-of-way is 25 feet. The maximum setback from the 4th Street right-of-way is 20 feet, beginning 70 feet west of the intersection of 4th Street and Nueces Street and continuing west for a distance of 50 feet. The maximum setback from the 4th Street right-of-way for the remainder of the right-of-way along 4th Street, is 75 feet. By Restrictive Covenant: Great Streets.	2.0	112,122	\$1,121,220	
6	20060202-Z007	C14-05-0005	Museum Park Plaza (Gables Park Plaza)	910 W. Cesar Chavez St.	DMU	DMU-CURE	197,065	By Ordinance: The maximum height of a building or structure is 120 feet. A building or structure constructed on the Property may not exceed a height of 195 feet in an area bounded: on the east by the Capitol View Corridor, and on the west by the eastern edge of a through-way easement on the Property. The eastern edge of the easement may not be located more than 150 feet west of the western edge of the Capitol View Corridor. By Restrictive Covenant: Great Streets.	0.0	0	\$0	
7	20060302-009 20051117-Z018	C14-05-0136	Spring Condominiums	918 West 3rd Street (W. 3rd Steet at Bowie St.)	DMU	DMU-CURE	27,299	By Ordinance: Modify the FAR allowed from 5:1 to 12:1. 3,000 vehicle trip limitation per day. For a structure on property adjacent to and oriented toward the south property line a building basewall is required with a maximum height of 60 feet. The building coverage at a height of 60 feet above the finished grade is 8,000 square feet. The maximum height of a structure or building on the property is 400 feet from ground level. By Restrictive Covenant: Great Streets.	7.0	191,093	\$1,910,930	
8	20060608-102	C14-06-0069	Fifth & Congress	120 E. 5th Street	CBD	CBD-CURE	14,719	By Ordinance: Modify the FAR allowed from 8:1 to 30:1. By Restrictive Covenant: Great Streets.	22.0	323,818	\$3,238,180	
9	20060608-103	C14-06-0071	Fifth & Congress	501 Congress Avenue	CBD	CBD-CURE	22,081	By Ordinance: Modify the FAR allowed from 8:1 to 30:1. Section 25-2-643 of the City Code is modified to allow a building setback of 40 feet (as opposed to 60 feet) from the property line adjacent to Congress Avenue for a structure whose minimum height is 30 feet from ground level and whose maximum height may exceed 90 feet. By Restrictive Covenant: Great Streets.	22.0	485,782	\$4,857,820	
10	20060622-106	C14-06-0074	200 N. Congress Avenue (The Austonian)	200, 202, & 208 N. Congress Ave.	CBD	CBD-CURE-CO	29,490	By Ordinance: Modify the FAR allowed from 8:1 to 25:1. Trip limit of 4,850 vehicle trips per day. By Restrictive Covenant: Great Streets.	17.0	501,330	\$5,013,300	

DRAFT - SUMMARY OF RECENT DOWNTOWN CURE CASES

	Ordinance Number	Case Number	Project Name	Address	Rezoning from	Rezoning to	Site Area in square feet	Entitlements received (FAR = Floor to Area Ratio)	Difference in FAR with additional entitlements from base district	Difference in square footage allowed	Affordable Housing Contribution assuming \$10/sq. ft. of bonused area*	Comments/Remarks
11	20070301-055	C14-06-0183	CLB (7th & Rio Grande)	605 and 615 W. 7th St.	GR	CBD-CURE-CO	17,729	By Ordinance: Modify the FAR allowed from 1:1 (GR-zoning) to 11:1. For a building or structure with a height exceeding 60 feet from ground level, 75 percent of its gross floor area shall be for residential uses. For a building or structure with a height exceeding 68 feet from ground level: 15 foot step-back from the West 7E Street right-of-way is required; and a seven foot step-back from the Rio Grande Street right-of-way is required. Two levels of parking spaces shall be underground; and the above-ground floors of a parking structure shall be screened. Loading spaces shall be located in the alley area to the south of the Property. Pedestrian uses shall occupy 75 percent of the building frontage along Rio Grande Street and West 7th Street. A pedestrian use means a use set forth in Section 25-2-691 (C); (Waterfront Overlay(WO) District Uses) of the City Code. A cocktail lounge use is a prohibited use of a building or structure. 2,000 vehicle trip limitation per day. Vehicular access from Rio Grande Street to the parking structure shall be for residential uses only. By Restrictive Covenant: Great Streets; minimum AEGB 2-Star rating; prohibition on live music venue.	10.0	177,290	\$1,772,900	
12	20070322-062	C14-07-0012	Post office Mixed Use Project (Phase I)	506 W. 5th St.	CBD	CBD-CURE-CO	51,444	By Ordinance: Modify the FAR allowed from 8:1 to 10:1. Prior to site plan approval, a traffic impact analysis ("TIA") shall be provided to the Watershed Protection and Development Review Department, or its successor department, of the City of Austin. All development on the Property shall be subject to the requirements of the TIA as set forth in Section 25-6, Article 3 (Traffic Impact Analysis) of the City Code and Section 2 of the Transportation Criteria Manual. Notwithstanding the results of the TIA, the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, shall not generate traffic that exceeds 4,750 trips per day above the trips generated by the existing or approved development. By Restrictive Covenant: Great Streets.	2.0	102,888	\$1,028,880	
13	20070322-063	C14-07-0013	Post office Mixed Use Project (Phase II)	417 W. 6th St.	CBD	CBD-CURE-CO	76,230	By Ordinance: Modify the FAR allowed from 8:1 to 11:1. Prior to site plan approval, a traffic impact analysis ("TIA") shall be provided to the Watershed Protection and Development Review Department, or its successor department, of the City of Austin. All development on the Property shall be subject to the requirements of the TIA as set forth in Section 25-6, Article 3 (Traffic Impact Analysis) of the City Code and Section 2 of the Transportation Criteria Manual. Notwithstanding the results of the TIA, the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, shall not generate traffic that exceeds 6,050 trips per day above the trips generated by the existing or approved development. By Restrictive Covenant: Great Streets.	3.0	228,690	\$2,286,900	
14	20080131-122	C14-2007-0249	Block 21 (Stratus - W Hotel, ACL, etc.)	300 W. 2nd St. & 200 Lavaca St.	CBD-CURE-CO	CBD-CURE-CO	76,661	By Ordinance: Modify the FAR allowed from 11:1 (per prior CURE case) to of 12:1. Section 26-6-591 (Parking Provisions for Development in the Central Business District (CBD) and a Downtown Mixed Use (DMU) Zoning District) is modified to reduce the parking requirements from 502 spaces to 480 spaces. The loading requirements subject to Section 9.3.0 #3 (Loading) of the Transportation Criteria Manual are modified to allow for maneuvering within the public right-of-way. Section 26-6-592 (D)(I) (Loading Facility Provisions for the Central Business District (CBD) and a Downtown Mixed Use (DMU) Zoning District) is modified to allow the width of a curb cut to be increased to a maximum 65 feet in width for loading purposes. May not, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 8,402 trips per day.	1.0	76,661	\$766,610	This case was a successor to C14-06-0190, shown below in the "City-Initiated Project" section.
15	20080605-064	C14-2008-0038	1705 and 1715 Guadalupe Street	1705 and 1715 Guadalupe St.	DMU	DMU-CURE	28,401	By Ordinance: Modify the FAR allowed from 5:1 to 12.5:1. Modify the height allowed from 120' to 350' from ground level. By Restrictive Covenant: Great Streets; All residential and commercial development shall comply with Austin Energy Green Building Program in effect June 1, 2008, to achieve a minimum two-star rating; If a building is constructed to a height that exceeds 170 feet, then 20% of the gross floor area shall be allocated for residential uses.	7.5	213,008	\$2,130,075	

DRAFT - SUMMARY OF RECENT DOWNTOWN CURE CASES

	Ordinance Number	Case Number	Project Name	Address	Rezoning from	Rezoning to	Site Area in square feet	Entitlements received (FAR = Floor to Area Ratio)	Difference in FAR with additional entitlements from base district	Difference in square footage allowed	Affordable Housing Contribution assuming \$10/sq. ft. of bonused area*	Comments/Remarks
16	20080925-108	C14-2008-0143	The Project at 6th and Congress	121 E. 6 <sup>th</sup> St. and 120 E. 5th St.	CBD-CURE	CBD-CURE	44,157	By Ordinance: Modify the FAR allowed from 12:1 to 20:1. By Restrictive Covenant: Great Streets; trip limit (considered cumulatively with all existing or previously authorized development and uses) of 17,193.	8.0	353,256	\$3,532,560	FAR had previously been raised from 8:1 to 12:1 (Ord. No. 010802-13). Companion case to 20080925-110).
17	20080925-110	C14-2008-0144	The Project at 6th and Congress West	501 Congress Avenue	CBD-CURE	CBD-CURE	22,081	By Ordinance: Modify the FAR allowed from 8:1 to 20:1. Allow a building setback of 40 feet (as opposed to 60 feet) from Congress Avenue for a structure with a minimum height of 30 feet and a maximum height of 90 feet. By Restrictive Covenant: Great Streets; trip limit (considered cumulatively with all existing or previously authorized development and uses) of 17,193.	12.0	264,972	\$2,649,720	Companion case to 20080925-108.
18	20090402-044	C14-2008-0159	3rd and Colorado Hotel	301 and 311 Colorado St. and 114 W. 3rd St.	CBD	CBD-CURE	29,442	By Ordinance: For a hotel/motel use: Modify the FAR allowed from 8:1 to 12:1; Section 25-6-592(C)(2) is modified to allow loading and unloading for service deliveries in the existing alley connecting West 3rd Street and West 4th Street that is adjacent to the property; Trip limit of 2,860 trips per day. By Restrictive Covenant: Great Streets; owner agrees to cost participate for traffic improvements; all commercial development shall be designed and built according to USGBC LEED rating system - "Certified" level; above ground parking structures not permitted; building design must include reasonable sound mitigation; balconies on the second floor of the building at the corner must be constructed for outdoor use; a vehicle drop-off area with porte-cochere must be provided along Colorado Street.	4.0	117,768	\$1,177,680	Related to C14-2012-0028, below.
19	20091022-055	C14-2009-0091	3rd and San Jacinto Quarter Block (Hyatt Place Hotel)	213, 215, and 219 E. 3rd St.	CBD	CBD-CURE	17,694	By Ordinance: Modify the FAR allowed from 8:1 to 12:1. Trip limit of 2,462 trips per day. By Restrictive Covenant: Great Streets; owner agrees to cost participate for traffic improvements.	4.0	70,776	\$707,760	
20	20100114-036	C14-2009-0079	Austin Hotel Holdings, LLC	201, 205, and 207 W. 5th St.	CBD	CBD-CURE	23,549	By Ordinance: For a hotel/motel use: modify the FAR allowed from 8:1 to 12:1; Section 25-6-591 is modified to reduce the parking requirements from 60 spaces to 48 spaces; Section 25-6-592(C)(2) is modified to allow loading and unloading within the alley located between Lavaca Street and Colorado Street; the loading requirements subject to Section 9.3.0 #3 of the Transportation Criteria Manual are modified to allow for maneuvering within the public right-of-way. By Restrictive Covenant: Great Streets. The development shall be designed and built according to USGBC LEED "Certified" Level. The following design criteria shall be incorporated into the project: At curb cut areas of the sidewalks, the pedestrian pathway will be clearly indicated; a pool and amenity deck will be located on all or a portion of the southern edge of the project at a maximum height of 60 feet above grade; the northern facade of the project will contain an architectural delineation between the podium and the tower at an approximate height of 40 feet above grade (the architectural delineation may contain columns and extend vertically to approximately 20 feet tall). Above-ground parking structures are not permitted. Bicycle parking shall be provided in the underground parking garage.	4.0	94,196	\$941,960	
21	20100624-125	C14-2010-0053	JW Marriott Hotel	106 E. 2nd St.	CBD	CBD-CURE	44,161	By Ordinance: For a hotel/motel use with a total of at least 700 rooms on this property: Modify the FAR allowed from 8:1 to 16:1; allow loading and unloading within the alley located between 2nd and 3rd Streets. By Restrictive Covenant: Great Streets; service vehicles shall access the property from 3rd Street or alley only.	8.0	353,288	\$3,532,880	Companion case to 20100624-126.
22	20100624-126	C14-2010-0054	JW Marriott Hotel	209 Congress Ave.	CBD	CBD-CURE	31,755	By Ordinance: For a hotel/motel use with a total of at least 700 rooms on this property: Modify the FAR allowed from 8:1 to 16:1; allow loading and unloading within the alley located between 2nd and 3rd Streets; Section 25-2-643 of the City Code is modified to allow a building setback of 40 feet (as opposed to 60 feet) from the property line adjacent to Congress Avenue for a structure whose minimum height is 30 feet from ground level and whose maximum height is 90 feet from ground level. By Restrictive Covenant: Great Streets; service vehicles shall access the property from 3rd Street or alley only.	8.0	254,040	\$2,540,400	Companion case to 20100624-125.
23	20120524-115	C14-2011-0113	The Grand Hotel at Waller Creek (now Fairmont)	608 E. Cesar Chavez Street	CBD	CBD-CURE	75,707	By Ordinance: Subject to the project being a hotel/motel use with a total of at least 1,000 rooms on the property: Modify the FAR allowed from 8:1 to 16:1; a parking facility shall be constructed as underground parking. By Restrictive Covenant: AEGB 2-Star rating; Great Streets.	8.0	605,656	\$6,056,560	





## Council Question and Answer

<b>Related To</b>	Agenda Item # 52	<b>Meeting Date</b>	March 21, 2013
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### Additional Answer Information

Basically the recommendation is that the City of Austin pool its resources at the CAPCOG level. Organizations providing support activities would then go to a single contracting entity (the COG) for project level funding of specific and coordinated activities across the region. Coordination of these efforts would occur as they do now at the CAC (Clean Air Coalition) which is already staffed and facilitated by the CAPCOG. See below for basis of recommendation summarized in the report and stated in the cover memorandum. We are moving forward with contracting for the remaining FY13 funds promised to the Clean Air Force for specific deliverables. After our presentation to Council, we will be moving forward with a series of recommended requests to Council for action.

Staff identifies four factors as the basis for a recommendation that the City of Austin support the Clean Air Coalition (CAC), of the Capital Area Council of Governments (CAPCOG) in taking the lead role in regional air quality planning.

1. Best Practice

After an extensive review of statewide and national best practices staff determines the most widely used and effective model for organizing regional air quality efforts comes from a coordinated regional council of government structure. The COGs in San Antonio, Houston, and Fort Worth join jurisdictions in Cincinnati, Washington, and Colorado in assuming the led coordination role for regional air quality planning, analysis, and implementation efforts.

The state of Texas established COGs to serve as data and planning centers for several counties and to address regional planning issues like air quality in a collective manner (Chapter 391, Local Government Code). CAPCOG's purpose is to advocate, plan, and coordinate initiatives that, when undertaken on regional basis, can be more effective and efficient than individual efforts.

2. Authorization

The Environmental Protection Agency (EPA) and Texas Commission on Environmental Quality (TCEQ) can only convey planning authority to a municipal entity and tribes. This is specified in the ozone advance guidance and state implementation plan process. The CAF is a 501(c)(3) entity and would not be able to obligate jurisdictions or be a signatory on regional air quality plans. This is a function uniquely suited for the Clean Air Coalition facilitated by CAPCOG. An elected official from each jurisdiction in our region serves on the CAC, adding to the accountability and authority of the organization.

3. Transparency

The state requires municipal entities to comply with financial transparency requirements to ensure that taxpayer dollars are spent efficiently. CAPCOG would be held to the same standard because they are also charged with the disbursement of public funds. Furthermore, as a region, we would be better able to track

how regionally pooled funds are being invested in the overall air quality effort for Central Texas.

#### 4. Regionalism

The Clean Air Force recently moved to a non-profit, fee-based membership model. This makes the organization accountable to a defined group of members and more committed to act on their behalf. Recently at least two Central Texas municipalities have elected not to financially support the CAF, potentially limiting the boundaries of the CAF and its ability to serve the entire region. The boundaries of CAPCOG include the entire region, and all jurisdictions participate on the CAC. The large portion of CAF membership comes from private sector business.

Most important, staff has not recommended fully eliminating funding for the CAF, only reducing the City's individual membership fee to the City Council approved fee of \$10,000 which is on par with Travis County. We would recommend that all "product" development for air quality programs be through the single regional CAC organization. The Clean Air Force plays an important role in keeping the private sector involved in air quality issues and a normalized membership fee from the city would make sense. While supporting CAPCOG in taking a regional leadership role we hope to improve the quality of data and information being released. As indicated earlier, this gives organizations one place to go for funding instead of multiple jurisdictions as they do now – saving money in administrative costs. Moving, combining, and centralizing our outreach and marketing contract funding with the other jurisdiction in CAC would produce a more successful air quality campaign for the Austin region.