



City Council Questions and Answers

City Council Questions and Answers for
Thursday, June 20, 2013

These questions and answers are related to the
Austin City Council meeting that will convene at 10:00 AM on
Thursday, June 20, 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: What prompted these changes? COUNCIL MEMBER SPELMAN
 - b. ANSWER: In August 2012, City Council adopted a new Water Conservation Code which allows customers to pursue an Administrative Hearing for violations against this code. The proposed changes to the City Regulation add the reference code violation to the Administrative Hearing Regulations. In addition, Austin Energy recommends the addition of non-prosecutable meter tampering to be eligible for an Administrative Hearing. Austin Energy identified the importance of allowing customers this avenue to dispute non-prosecutable meter tampering charges on their accounts. Staff also made other small administrative clarifications throughout the regulations that are helpful in resolving customer issues.
2. Agenda Items # 3 and # 4
 - a. QUESTION: The backup states that authorization and purchase is subject to further council approval. Please clarify. Are contracts written so that there is no commitment to purchase power with this approval? COUNCIL MEMBER MORRISON
 - b. ANSWER: Per Council Resolution No. 20110310-003, Exhibit C. Information Relating to Generation Resource Acquisitions, Austin Energy will bring forward for consideration at two separate Council meetings any proposed long term purchase power agreements (PPA) or new generation for anything over 10 MW. The RCAs on June 20 will allow Austin Energy to continue negotiating with the proposed entities. On June 27, Austin Energy will request the authorization to proceed with executing the contracts once the negotiations are complete. The sentence in the RCAs referring to "further Council approval" refers to the approval the utility seeks on June 27.
3. Agenda Item # 5
 - a. QUESTION: What is being done to prevent future fires? COUNCIL MEMBER SPELMAN
 - b. ANSWER: Austin Water is taking steps to mitigate the risk and strengthen on site fire suppression capabilities. Action items include reconfiguring the size,

shape, orientation and spacing of compost windrows to improve fire breaks and mitigate wind-induced fire risks. Fire suppression improvements include the purchase of water cannons, densifying the irrigation system network and analyzing specialized fire suppression materials. Austin Water will continue to work closely with the Austin Fire Department through these steps.

4. Agenda Item # 9

- a. QUESTION: Please provide some additional information on the breakdown of the cost for this project. COUNCIL MEMBER SPELMAN
- b. ANSWER: This is a lump sum bid for two separate shower facilities at two different sites – the Waller Creek Center and PARD Headquarters. By packaging the projects under one construction contract, we receive a more economical bid than if they were bid separately. The cost estimate prepared by our consultants last year indicated the Waller Creek Center remodel would constitute 44% (\$249,260) of the total estimated cost and the freestanding PARD facility would constitute 56% (\$317,240) of the total project cost. We did not require a breakdown of the cost for each facility as part of the bid requirements. We received three bids for this project; the two lowest bids were \$1,700.00 apart. The closeness of the two low bids indicates a very competitive bid environment.
- c. FOLLOW-UP QUESTION: Please confirm whether this truly was the only cost to the City straight out of its budget (not covered by any grant). MAYOR LEE LEFFINGWELL
- d. FOLLOW-UP ANSWER: The City received a grant for \$371,740. To date, \$174,740 of the grant has been spent toward the design of the facilities. This includes preparation of construction documents and the bid phase. There is \$197,035.28 remaining in grant funds for the construction of the two showering facilities. The City would be responsible for funding the remainder of the construction cost and the associated contingency, which amounts to \$369,464.28.

5. Agenda Item # 16

- a. QUESTION: How long have these CDCs/properties been tax exempt?
COUNCIL MEMBER SPELMAN
- b. ANSWER: See attachment.

6. Agenda Items # 18 and # 19

- a. QUESTION: a) What departments will be housed in these facilities? b) If that has not been determined yet, when will the plan be finalized? COUNCIL MEMBER SPELMAN

- b. ANSWER: a) We have not determined who will be housed at these facilities.
b) We are looking at critical space needs for One Texas Center and City Hall. The Strategic Facilities Study showed a need to enter into short term leases to vacate space for additional Council members and the revamping of One Texas Center. The space for the new Council members must be ready by the end of 2014 causing us to work backwards to determine deadlines. This Council action will allow us to lock down space in close vicinity to City Hall and One Texas Center while simultaneously space planning.

7. Agenda Item # 18 and # 19

- a. FOLLOW-UP QUESTION: Have any other alternatives been considered, and if so please describe them. COUNCIL MEMBER TOVO
- b. FOLLOW-UP ANSWER: See attachment

8. Agenda Item # 21

- a. FOLLOW-UP QUESTION: Please see attachment for question. COUNCIL MEMBER MORRISON
- b. FOLLOW-UP ANSWER: See attachment.

9. Agenda Item # 24

- a. QUESTION: What can we do to help defray some of the maintenance costs of this program over time (e.g. will there be membership fees, etc)?
COUNCIL MEMBER SPELMAN
- b. ANSWER: Revenues to support the operation, maintenance, and expansion of the system are collected from Bike Share system user fees. These fees include individual and corporate memberships and daily usage fees. Additional revenue sources also include advertising, additional grants, partnerships, and other miscellaneous sources. Revenues will flow through a "waterfall" of accounts: first to pay for operations and maintenance, then into capital repair and replacement, and lastly into a reserve account to be used for system expansion.

10. Agenda Item # 46

- a. QUESTION: a) Is this a fixed price contract with Lockheed Martin? b) Is this an "off the shelf" system we are procuring? c) Is it possible to see a demonstration of the product? COUNCIL MEMBER MORRISON
- b. ANSWER: a) Yes – as long as we do not change the original scope submitted in the RFP. b) Yes, it's their business process management solution, "Intranet Quorum (IQ)." c) Because the vendor is based in Virginia, we are working with them to set up a webinar so that all who are interested would be able to

participate in viewing the product. We will provide dates and times as soon as they are confirmed.

11. Agenda Item # 51

- a. FOLLOW-UP QUESTION: Please provide a matrix that outlines when charter registration will and won't be triggered. COUNCIL MEMBER MORRISON
- b. FOLLOW-UP ANSWER: Pending

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

Related To	Agenda Item #16	Meeting Date	June 20, 2013
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Additional Answer Information

QUESTION: How long have these CDCs/properties been tax exempt? COUNCIL MEMBER SPELMAN

ANSWER: On Agenda Item 16, Exhibit A (attached), with the exception of 1313 Willow Street, the properties listed currently are only exempt from City of Austin property taxes since the City designated them as being part of a Community Land Trust (CLT). The exemption from City ad valorem taxes has only been in effect for one year and the CLT exemption must be renewed each year according to the Texas Property Tax Code.

Other properties owned by these organizations (and not listed on Exhibit A) may already be totally tax-exempt depending on when they were purchased and what the properties are used for. Previous state law allowed non-profit affordable housing providers a total property tax exemption. Effective January 1, 2004, the law changed such that a 50% exemption was granted to these organizations purchasing property to be operated as rental housing. However, the same organizations owning land to be developed for ownership housing still retain the 100% exemption with the idea being that when the new home is sold to a homebuyer, the property will be added to the tax rolls. See following attachment.

EXHIBIT A

List of CLT Organizations and Properties Proposed for Tax Exemption

1. Blackland Community Development Corporation

<u>Address</u>	<u>TCAD ID</u>	<u>Estimated Exemption Amount</u>
1803 East 20 th Street	#202341	\$1,333.69
2106 Chestnut Avenue	#203987	<u>125.73</u>
		\$1,459.42

2. Chestnut Neighborhood Revitalization Corporation

<u>Address</u>	<u>TCAD ID</u>	<u>Estimated Exemption Amount</u>
1807 East 13 th Street	#197289	\$ 197.59
1212 Chicon Street	#197290	197.81
1309 Chicon Street	#198693	427.47
1301 Chicon Street	#198700	213.73
1301 ½ Chicon Street	#198701	213.73
1305 Chicon Street	#198702	<u>137.31</u>
		\$1,387.64

3. Guadalupe Neighborhood Development Corporation

<u>Address</u>	<u>TCAD ID</u>	<u>Estimated Exemption Amount</u>
1313 Willow Street ¹	#188739	<u>\$ 0.00</u>
		\$ 0.00

Total Estimated Exemption Amount: \$2,847.06

¹This property was acquired in 1990 and functioned as a rental property until 2012 when it was demolished and a new home was constructed. The new home was sold as a CLT home to its long-time renter. The former renter owns the improvements and the Guadalupe Neighborhood Development Corporation (GNDC) retains ownership of the land. The property has been exempt from all ad valorem taxes since it was first acquired. It is anticipated that the improvements will be subject to property tax while the land, which is still owned by GNDC, will remain tax exempt.



Council Question and Answer

Related To	Agenda Items # 18 and # 19	Meeting Date	June 20, 2013
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Additional Answer Information

QUESTION: Have any other alternatives been considered, and if so please describe them. COUNCIL MEMBER TOVO

ANSWER: The following downtown office spaces were considered:

300 West Sixth	300 West 6th Street	\$28.00/nnn- \$32.00/nnn per sq. ft.
One Congress Plaza	111 Congress Ave.	\$26/nnn per sq. ft.
Congress Avenue	301 Congress Ave.	\$23.00/nnn per sq. ft.
816 Congress	816 Congress	\$23.00/nnn per sq. ft.
The Star Building	121 West 6th Street	\$23.00/nnn - \$35.00/nnn per sq. ft.
Chase Tower	221 West 6th Street	\$24.00/nnn per sq. ft.

The City staff also considered acquiring either the AMD site located at 5900 E. Ben White Blvd and previously known as Chuck E Cheese located at 502 W. Ben White Blvd.



Council Question and Answer

Related To	Agenda Item # 21	Meeting Date	June 20, 2013
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Additional Answer Information

QUESTION: COUNCIL MEMBER MORRISON It's understood there is a natural design evolution that is moving us from the Waller Creek Master Plan to the current Waller Creek Design Plan of June 2013, and that evolution is meant to provide continued refinement and detail to the overall vision. However, there a few substantive additions and omissions between the Waller Creek Master Plan Design Guidelines and the Exhibit "F" Waller Creek Design Guidelines attached to the proposed agreement.

- Please provide an explanation for the omission of Master Plan recommendations relating to Public Easements, making Cocktail Lounges a conditional use, Ground Level Residential entry height requirement difference and any other omitted differences.
- Please provide explanation of new standards added to the guidelines for:
 - Fencing on properties facing Waller Creek (Where/how frequent is fencing a current occurrence and is there a mechanism to discourage its use along creek as the preference?)
 - Publicly accessible open space (What is the precedent to gauge the validity of 12 square feet bonus area/ 1 SF open space provided and is there any modeling or data that illustrates the potential impact of this bonus?)
- The Refuge Sub district outlines provisions to allow for encroachments within the Creek Corridor if: *1. The encroachment is utilized for outdoor restaurant or café seating and/ or public open space or access-ways, and does not include any habitable or conditions interior space.* To better facilitate and ensure public circulation and access way through Creek Corridor encroachment areas, please provide alternate language for Council consideration that would prioritize access-way through commercial uses and establish generous standards to that right-of-way for public circulation.

Regarding the Joint Agreement:

- Section 8.01 addresses limitations on LGC decisions and states that the LGC may not modify or delete any of the limitations listed in Exhibit B unless specifically referenced in a Phase Plan. In such a case, is City Council approval required?
- Article 12 describes naming rights including naming authority, exceptions to approval requirements and naming parameters. Please provide a summary of how naming decisions will be made. Section 12.01 requires consent of the "City" to grant license agreements for naming rights. Does this authority rest with the City Council? Do the parameters preclude licensing naming rights to e.g. Coke or McDonalds?

ANSWER: Pending



Council Question and Answer

Related To	Agenda Item # 21	Meeting Date	June 20, 2013
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Additional Answer Information

QUESTION: COUNCIL MEMBER MORRISON It's understood there is a natural design evolution that is moving us from the Waller Creek Master Plan to the current Waller Creek Design Plan of June 2013, and that evolution is meant to provide continued refinement and detail to the overall vision. However, there a few substantive additions and omissions between the Waller Creek Master Plan Design Guidelines and the Exhibit "F" Waller Creek Design Guidelines attached to the proposed agreement.

- Please provide an explanation for the omission of Master Plan recommendations relating to Public Easements, making Cocktail Lounges a conditional use, Ground Level Residential entry height requirement difference and any other omitted differences.

These recommendations were deleted for the following reasons:

- 1) Public Easements – there was concern that identifying these easements could inflate the expense of future acquisition.
- 2) Cocktail Lounges as a Conditional Use - this recommendation originated as part of the Downtown Austin Plan. Council did not approve the recommendation as part of the adoption of DAP; therefore, we felt that the Council had provided direction on this issue.
- 3) Ground level entry height – MVVA recommended deleting this provision to lessen the need for ramps or stairs in the right-of-way to access ground level residential units.

One major change not listed above is the recommendation to extend the creek setback an additional 30' beyond the requirement of the Downtown Creeks Overlay in certain section of the creek (The Lattice, The Grove, and The Refuge)

- Please provide explanation of new standards added to the guidelines for:

-Fencing on properties facing Waller Creek (Where/how frequent is fencing a current occurrence and is there a mechanism to discourage its use along creek as the preference?) This was a recommendation of MVVA. I believe it came from a concern over the use of inappropriate materials used for fencing adjacent to the creek. Much of the creek frontage is unfenced but there is some use of fencing, especially in the mid-to-lower portions of the creek.

-Publicly accessible open space (What is the precedent to gauge the validity of 12 square feet bonus area/ 1 SF open space provided and is there any modeling or data that illustrates the potential impact of this bonus?) This was part of the Waller Creek District Master Plan (see page 57 of the plan). The calculation was provided by ROMA Design Group.

- The Refuge Sub district outlines provisions to allow for encroachments within the Creek Corridor if: *1. The encroachment is utilized for outdoor restaurant or café seating and/ or public open space or access-ways, and does not include any habitable or conditions interior space.* To better facilitate and ensure public circulation and access way through Creek Corridor encroachment areas, please provide alternate language for Council consideration that would prioritize access-way through commercial uses and establish generous standards to that right-of-way for public circulation. *Suggest adding a number 4. The encroachment maintains a minimum 8' clear zone to facilitate and ensure public circulation and access way through Creek Corridor encroachment areas*

Regarding the Joint Agreement:

- Section 8.01 addresses limitations on LGC decisions and states that the LGC may not modify or delete any of the limitations listed in Exhibit B unless specifically referenced in a Phase Plan. In such a case, is City Council approval required? *Council approval is required if the modification or deletion is substantially different from the Council-approved Design Plan.*
- Article 12 describes naming rights including naming authority, exceptions to approval requirements and naming parameters. Please provide a summary of how naming decisions will be made. Section 12.01 requires consent of the "City" to grant license agreements for naming rights. Does this authority rest with the City Council? Do the parameters preclude licensing naming rights to e.g. Coke or McDonalds? *The naming recommendations will be made by the Conservancy, and will be reviewed by City staff to make sure that the recommendations are in compliance with the requirements set out in the Agreement at 12.03. The parameters do not preclude naming for a corporation so long as the name does not violate 12.03(B). If something that is being named has been paid for with tax-exempt bond funding, the naming must also not result in the funding being declared taxable. This means that there are limits on naming for corporations or other similar entities. This is an analysis that will be made by City staff in consultation with bond counsel if needed. This is the same process that was used for the Topfer Theatre at Zach Scott and for the Boardwalk at Lady Bird Lake.*



Council Question and Answer

Related To	Agenda Item # 51	Meeting Date	June 20, 2013
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Additional Answer Information

Please provide a matrix that outlines when charter registration will and won't be triggered. COUNCIL MEMBER MORRISON

ANSWER: The Austin Transportation Department (ATD), through discussions with ground transportation stakeholders, has fielded a number of questions related to the proposed Charter Services Code amendment that will be considered by Mayor and Council at its June 20th meeting. Below you will find a question and answer matrix prepared by ATD in an effort to address and clarify questions and concerns expressed during this process. A revised draft ordinance has been uploaded to Sire.

<p>If a company has a Federal and State license and provides point-to-point service in Austin, does the company have to be permitted by the City of Austin?</p>	<p>Yes. Any ground transportation vehicle providing point-to-point transportation services in the City of Austin requires authorization to do so, regardless of other licenses held by the company.</p>
<p>If a company has a Federal and State License and the trip originates in Austin, and takes passengers to another city in Texas and returns the passengers to Austin, does that company have to be permitted by the City of Austin?</p>	<p>No. The City of Austin does not regulate ground transportation service outside the city.</p>
<p>If a company has a Federal and State license and the passenger trip originates in a city outside the City of Austin, comes into Austin and provides point-to-point service within Austin and then returns to the city of origin or other city, does the company have to be permitted by the City of Austin?</p>	<p>No. Any trip that originates outside the City of Austin and includes stops within the city would be considered a "continuous trip" and not subject to City of Austin regulation.</p>
<p>If a hotel contracts with a limousine provider or charter provider and when that hotel has a guest wishing to use those services, does the guest have to wait 30 minutes to get a car?</p>	<p>No. It is presumed the contract is executed in advance and would satisfy the prearrangement criteria.</p>
<p>If a school club wants to charter a vehicle to take a group of students from venue to venue within the City of Austin, do the students need to plan ahead and reserve the charter more than 30</p>	<p>No. Charter services provided by any independent or consolidated school districts are not subject to City of Austin regulation</p>

minutes in advance?

If a shuttle company provides service to the airport, stopping at a pre-set number of hotels in downtown. And, if that company has a reserved passenger at a particular hotel and if a second passenger also wishes to use the shuttle service but is not prearranged can the second customer jump on the shuttle?

Yes. Shuttle vehicles (excluding Airport shuttles) are not required to be prearranged.

If an airport shuttle service has a scheduled passenger at a local hotel but does not usually stop at that location or at least does not have regular stops scheduled and if a second passenger wants to jump on, does that passenger have to wait 30 minutes?

No. The second passenger can jump on without waiting for 30 minutes because the prearrangement requirement has been satisfied for that trip.

A high-roller staying at a hotel wants a ride to the airport and needs to leave right away, what are his/her options?

If the hotel does not have a courtesy vehicle or a standing contract with a limousine or charter company, then they should call him/her a taxi, as this is an on-demand request.

If a hotel has a courtesy vehicle that they take their own guests to the airport in, does the guest have to make a reservation 30 minutes in advance to use the service?

No. As long as the courtesy vehicle does not accept compensation for the service (including tips), there are no prearrangement requirements.

Example #1 Trip originates in Austin (Hilton), delivers passengers to a point in the city (The Domain) and returns to the origin (Hilton).

Permit Required

Example #2 Trip originates in Austin (Dobie Mall), delivers passengers to a point outside of Austin (Dallas Hilton) and returns to origin (Dobie Mall).

Does not require permit

Example #3 Trip originates in Houston (Galleria Mall) and delivers passengers to a point in Austin (Convention Center) and then delivers passengers to another point in Austin (Frank Erwin Center) and finally delivers passengers to origin (Galleria Mall).

Does not require permit

If a City of Austin permitted ground transportation company is chartered by a hotel or a business to provide service, the company can provide on-demand service for the duration of the charter.

According to Chapter 13-2-211(A), Airport shuttles can provide on-demand services *from* the airport. However, service *to* the airport must be prearranged.