



**City Council Questions and Answers for  
Thursday, April 10, 2014**

These questions and answers are related to the  
Austin City Council meeting that will convene at 10:00 AM on  
Thursday, April 10, 2014 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 5:00 p.m. the Tuesday before the Council meeting. The final report is distributed at noon to City Council the Wednesday before the council meeting.*

## QUESTIONS FROM COUNCIL

1. Agenda Items #9 and #10 - Item #9 Authorize negotiation and execution of an encroachment agreement with GW APARTMENTS LLC, A DELAWARE LIMITED LIABILITY COMPANY, for the retention of the six foot encroachment of a section of a retaining wall in a 451 square foot section of the right-of-way of Cesar Chavez and the extension of a section of decking improvements up to the retaining wall adjacent to and abutting that portion of Block 1 of the Green Water Treatment Plant Redevelopment Project, at the request of the City Arborist in order to preserve the arboreal integrity of designated heritage trees. Related to Item #10. Item #10. Approve an ordinance waiving the requirements of an appraisal and the payment of appraised value under Section 14-11-52 of the City Code and approving the reimbursement of the \$1,000 encroachment agreement application fee for the retention and maintenance of the encroachment of a section of a retaining wall in a 451 square foot section of the right-of-way of Cesar Chavez and the extension of a section of decking improvements up to the retaining wall at the request of the City of Austin under an Encroachment Agreement with GW APARTMENTS LLC, A DELAWARE LIMITED LIABILITY COMPANY in connection with the Green Water Treatment Plant Block 1 Redevelopment Project. Related to Item #9
  - a. QUESTION: Items 9 & 10 indicate GW Apartments LLC will preserve two heritage trees in exchange for ownership of 451 square feet of right-of-way along Cesar Chavez for the extension of a section of deck up to an existing retaining wall. 1) Will the public have access to the proposed deck area? 2) The trees currently receive water from pervious area that exists around the trees. The proposal will cap this area with a deck and significantly reduce the amount of water these trees can receive. What plans will be utilized to ensure trees receive the proper amount of watering under the deck area to provide optimum maintenance and tree health? 3) The attached back up indicates a plan illustrating the number of piers and proposed spacing of deck structure. The piers appear to be unnecessarily close together and to be significantly impacting into the critical root zone area of both trees. Will the applicant consider redesigning the deck structure with larger spans and in a layout that avoids placing piers in the critical root zone of each of these trees? COUNCIL MEMBER MORRISON
  - b. ANSWER: 1) An encroachment agreement does not transfer title or an interest in the land, it simply recognizes the existence of an encroachment. The land will remain City land. In this instance, the encroachment was installed by the City and a portion is proposed to remain to further heritage

tree preservation efforts. The subject deck area will be an extension of the deck planned on the adjoining property. Access will depend on final build-out. 2) Rainwater will be able to reach the trees' root zone through the proposed deck. Additionally, the City Arborist will require the developer to indicate how the trees' watering needs will be met (e.g. irrigation plans and rain catchment devices) as a part of the approval process for the deck. 3) The City Arborist has not approved the deck support structure, and has been working with the design consultant to reduce the piers' impact on the critical root zone. Approval of the Encroachment Agreement is not approval of the originally proposed deck design. Design development will continue until the deck meets the City Arborist's approval.

2. AHFC Agenda Item # 2 - Approve the negotiation and execution of a loan to the University of Texas Inter-Cooperative Council, Inc. in an amount not to exceed \$628,089 to assist with the development of a low-cost, cooperatively managed housing facility for post-secondary students, located at 915 West 22nd Street in the University Neighborhood Overlay District.

a. QUESTION: 1) What are the terms of the loan? 2) Is there a proposed restrictive covenant for duration of affordability on this project? 3) What is the current balance of the University Neighborhood Overlay Trust Fund?  
MAYOR PRO TEM COLE

b. ANSWER: The loan will be a zero percent (0%) interest loan with payments deferred. If the conditions of the loan documents are met, including the 40-year restrictive covenant that will enforce the affordability requirements, the loan will be forgiven at the end of the 40-year term. The current balance of the University Neighborhood Overlay Trust Fund is \$628,089.

**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.*

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