

**City Council Questions and Answers for
Thursday, October 23, 2014**

These questions and answers are related to the
Austin City Council meeting that will convene at 10:00 AM on
Thursday, October 23, 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 Item # 6 - Approve an ordinance amending City Code Section 2-5-13 relating to the number of votes necessary to pass an ordinance on more than one reading.
 - a. QUESTION: Has staff considered changing the code to reflect something to the effect of "a number equal to one more than a majority council" rather than the number 7 so that in the future if the number of council members changes, a code change won't be necessary? COUNCIL MEMBER MORRISON
 - b. ANSWER: In conferring with the Law Department, this was established as a two-thirds rule in the 1951 Code. Somewhere along the line it got changed to five votes, which is both two-thirds and one more than a simple majority for a 7 member council. So for an 11-member council, it could be seven votes for the plus-one model (the way it's drafted), or eight votes if Council went with the two-thirds model. Law drafted it the least restrictive way for back-up; council could choose the more restrictive way (the posting would permit either option). Of course, the next council could change it as well. The suggestion to revise the language to read "a number equal to one more than a majority council" rather than the number 7 is another possible drafting option, but Law and OCC believes the City can expect the number of council members to be stable for a while, stating the number makes it clearer.
2. Agenda Item # 8 - Approve an ordinance amending City Code Title 2 (Administration) to create an administrative hearing process for certain City Code violations.
 - a. QUESTION: 1) How will this hearings process coordinate with the work of the Building and Standards Commission? 2) Would this hearings process obviate the need for this commission? COUNCIL MEMBER TOVO
 - b. ANSWER: The Administrative Hearing Process will compliment not eliminate the need for the Building and Standards Commission. The process is intended to address International Property Maintenance Code (IPMC) violations of a lesser egregious nature and where voluntary compliance is viewed as likely for those violations. Cases where violations are egregious, or there are a number of violations, will continue to be forwarded to the Building and Standards Commission. Attached you will find a chart with additional details contrasting the Municipal Court, Building and Standards Commission and Administrative Hearing Process.

3. Agenda Item # 16 - Authorize negotiation and execution of all documents and instruments necessary or desirable to sell two tracts of land totaling approximately 215.436 acres out of and a part of the R.G. Anderson Survey in Williamson and Travis Counties, Texas, known locally as 15700 Anderson Mill Road, to the CITY OF CEDAR PARK, TEXAS, for the amount of \$4,100,000.
 - a. QUESTION: Please explain the differences in development regulations between City of Austin and Cedar Park as it would relate to this tract.
COUNCIL MEMBER MORRISON
 - b. ANSWER: See attachment

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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Enforcement Tool	Burden of Proof	Relief	Appeals	Post-Enforcement
Municipal Court (criminal court – judge or jury)	Beyond a reasonable doubt Burden is on the State (represented by the City Attorneys office).	Fine (or deferral) against the defendant	Right to hearing. Appeal to County Court.	(After trial or no contest/guilty plea) Failure to pay fine: warrant for arrest
Building and Standards Commission (quasi-judicial body)	Preponderance of the evidence. Burden is on City staff.	Repair/ Demolish/ Vacate/ Relocate/ Assess monetary penalties.	Right to a hearing. District Court.	Order is filed in the deed records and runs with the land. Civil suit against owner to collect penalty. Chapter 54 lawsuit.
Administrative Hearing Process (hearing officer)	Preponderance of the evidence. Burden is on individual challenging citation. Presumption that violation occurred.	Assess monetary penalties against the violator.	Right to a hearing. Municipal Court.	Civil suit against violator to collect penalty and to seek an injunction.



Council Question and Answer

Related To	Item # 16	Meeting Date	October 23, 2014
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Additional Answer Information

QUESTION: Please explain the differences in development regulations between City of Austin and Cedar Park as it would relate to this tract. COUNCIL MEMBER MORRISON

ANSWER:

Watershed Protection Department staff did a brief review of current watershed regulations regarding the City property on Lime Creek Rd. The key environmental regulations applicable to this site for future development are impervious cover limitations and water quality treatment requirements. Those requirements are summarized in the table below. Austin also has requirements regarding restoration of quarries. It is important to note that no portion of the site is currently subject to Austin's regulations. Also, important to note is much of the site has been quarried and would require significant backfill with appropriate fill with sufficient compaction to be redeveloped.

Watershed	Watershed Regulation Area	Max IC	WQ Control	Creek Setbacks		Area		Recharge Zone		JPS Drainage Area	
				CWQZ	WQIZ	Acres	% Site Area	Acres	% Site Area	Acres	% Site Area
Lake Travis	WS Rural	20%	Sedimentation/ ^f Filtration	Yes	Yes	82.47	38.14%	81.09	37.50%	0	0%
Buttercup	Suburban N Edwards	65%	Sedimentation/ ^f Filtration	Yes	No	133.76	61.86%	132.13	61.43%	130.20	60.21%
South Brushy											
Total Site						216.23	100.00%	213.27	98.63%	130.20	60.21%

The City of Cedar Park is in the process of preparing a separate response. That information will be transmitted to Council once received. Cedar Park representatives will also be at Council to answer related questions.