

City Council Questions and Answers

City Council Questions and Answers for
Thursday, November 06, 2014

These questions and answers are related to the
Austin City Council meeting that will convene at 10:00 AM on
Thursday, November 06, 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 # 9 - Approve an ordinance amending City Code Chapter 2-1 relating to boards and commissions.
 - a. QUESTION: Part 3 describes "For an 11 [seven] member board, seven [five] members constitute a two-thirds vote." As per Q&A at the October 23rd meeting there was discussion to clarify "For an 11-member council, it could be seven votes for the plus-one model (the way it is drafted) or eight votes if Council went with the two-thirds model." Please provide background on why these should differ. COUNCIL MEMBER MORRISON
 - b. ANSWER: There was a math error in the draft. A corrected version of the ordinance is attached to this item and will be uploaded as late back-up.
2. Agenda Item # 20 - Authorize negotiation and execution of a Family Business Loan Program, Section 108 loan to 1707 Airport Commerce, LLC, for a new hotel development project located at 1707 Airport Commerce Drive, in an amount not to exceed \$402,000.
 - a. QUESTION: Please provide a list of the four awardees and the loan amounts. COUNCIL MEMBER TOVO
 - b. ANSWER: Pending
3. Agenda Item # 63 - Approve a resolution directing the City Manager to work with the City of Austin's Economic Development Department to designate Travis County U.S. Census Tract 48453002431 as a City of Austin Economic Development Zone. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison)
 - a. QUESTION: Can staff provide a map showing the location and boundaries of this census tract? MAYOR PRO TEM COLE
 - b. ANSWER: See attachment
4. Agenda Item # 82 - C14-2014-0100 – 12008 Pollyanna Avenue – Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 12008 Pollyanna Avenue (Walnut Creek Watershed) from single family residence-large lot (SF-1) district zoning to family residence (SF-3) district zoning. First reading approved on October 2, 2014. Vote: 7-0. Owner/Applicant: Timothy M. Holck. City Staff: Sherri Sirwaitis, 512-974-3057.

- a. QUESTION: Back up material includes several letters from neighboring property owners indicating a narrow steep blind curve occurring in front of the property requesting the zoning change. Please provide whether the road meets current design standards, including information of existing road width and current road width requirements. Additionally, please indicate what is required for the City to install signage indicating no parking and tow away area along both sides of the street along the curve and any additional length beyond as determined by staff to address safety issues at this location. COUNCIL MEMBER MORRISON
 - b. ANSWER: Pending
5. AHFC Agenda Items # 5 and # 6 - 5) Authorize the negotiation and execution of an agreement between the Austin Housing Finance Corporation and the CESAR CHAVEZ FOUNDATION related to a proposal to acquire, rehabilitate, and preserve affordable rental housing at the Timbers Apartments at 1034 Clayton Lane. 6) Approve a resolution authorizing the formation of AHFC 1034 CLAYTON LANE NON-PROFIT CORPORATION, a Texas non-profit corporation and instrumentality of the Austin Housing Finance Corporation, approving its certificate of formation, articles of incorporation, and by-laws, and appointing its board of directors and president.
 - a. QUESTION: We passed a resolution asking for financial transparency on such arrangements, but this posting looks largely the same as previous postings on the agenda. Some of the following information has been requested before and would be the sort of financial transparency being sought by that policy: a.) Please provide this project's pro forma operating budget including sources and uses of funds. b.) The stated plan is to renovate this 16 year old property rather than develop new units, please provide a renovation budget that describes the cost and nature of the intended work. c.) Since this complex is already in operation, does the city have operating financials for the last several years to review? AHFC is promised 30% of cash flow, what is the current and forecasted cash flow? d.) A full property tax exemption represents an off-balance sheet subsidy by the city as well as other taxing agencies. Please provide the net present value of this estimated subsidy over the course of the covenant of affordability so that this can be compared with similar projects. e.) The draft MOU states that CCF is the developer but that AHFC would be paid a developer fee of \$100,000. What is the CCF developer fee for the renovation? f.) What is the Supervisory management Fee and who is the current or proposed manager of the property? Are they subject to any relevant city policies such as living wage floors? g.) Was the CDC provided detailed financial information on this project as a part of their consideration? h.) The RCA indicates that upon acquisition, CCF proposes to enter into a restrictive covenant for 55 years. Does that 55 years start at the time of acquisition and is it inclusive or exclusive of the existing restrictive covenants which end in 2038. i.) What is the current rent for the 26 units without current restrictive covenants and does the pro forma contemplate these being established as

affordable or staying market rate? j.) Is this project in a high opportunity area?
k.) Is there any permanent supportive housing contemplated as a part of this
project? l.) What are the relevant performance measures for this or similar
partnerships, such as the Village on Little Texas, that should be considered as
a part of initial evaluation or ongoing oversight? MAYOR PRO TEM COLE

b. ANSWER: Pending

END OF REPORT - ATTACHMENTS TO FOLLOW

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ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 2-1 OF THE CITY CODE RELATING TO CITY BOARDS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 2-1-6 is amended to read:

§ 2-1-6 QUORUM AND ACTION.

- (A) A majority of the total number of authorized board members constitutes a quorum for the conduct of business. For an 11 [~~a seven~~] member board, six [~~four~~] board members constitute a quorum.
- (B) A board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum. For an 11 [~~a seven~~] member board, a board action must be adopted by an affirmative vote of six [~~four~~] board members.
- (C) All members necessary to provide a quorum must be physically present at a meeting to conduct business.
- (D) An ex officio member of a board that is subject to the requirements of this chapter may participate at board meetings, but may not vote or bring a motion and does not count towards calculation of a quorum or any other minimum vote count required by city code or state law.

PART 2. City Code Section 2-1-22 is amended to read:

§ 2-1-22 MEMBERSHIP TERM AND LIMITATION.

- (A) A board member is appointed for a term of up to four [~~three~~] years beginning March [~~August~~] 1st. The tenure of a board member runs concurrently with the tenure of the city council member who appoints the member.
- (B) Except as provided in Subsection (C), a board member may serve no [~~not~~] longer than eight [~~nine~~] consecutive years on the same board. Service before July 31, 2015 [~~2008~~] is excluded in determining the number of years served.
- (C) A board member who has served eight [~~nine~~] years on the same board is not eligible for reappointment to that board until the expiration of two years after the last date of the member's service on that board.

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PART 3. Subsection (B) of City Code Section 2-1-42 (*Membership Term and Limitation*) is amended to read:

(B) A person may not serve as an officer in a designated position of a board for more than four [~~three~~] consecutive one-year terms. Service before July 31, 2015 [~~2008~~] is excluded in determining the number of years served. A person who has served as an officer in a designated position of a board for four [~~three~~] consecutive terms is not eligible for re- election to that designated office until the expiration of two years after the last date of the person’s service in that office, unless, by a two-thirds vote, the board votes to reelect the person to that designated office for an additional term. For an 11 [~~a seven~~] member board, eight [~~five~~] members constitute a two-thirds vote.

PART 4. City Code Section 2-1-44 (*Meeting Procedures*) is amended by adding a new Subsection (E) to read:

(E) A member of the public may not address a board at a meeting on an item posted as a briefing.

PART 5. Subsection (A) of City Code Section 4-2-46 (*Annual Internal Review and Review Report*) is amended to read:

(A) Each calendar year, a board chair must conduct an internal review of the board and prepare an internal review report using the template provided by the city clerk. The internal review report must be filed with the city clerk and the city department assigned to support the board by July [~~March~~] 31 of each year.

PART 6. Subsection (C)(3) of City Code Section 2-1-49 (*Communications Using Electronic Devices*) is amended to read:

(3) A board member who does not comply with the training requirement prescribed in Subsection (B)(8) of Section 2-1-23(*Training*), or does not accept the terms of the user agreement, may not have access to a City e-mail account. A board member who does not have access to a City e-mail account may not use electronic devices for communications related to board business.

(a) Except as provided by (b), a board member who uses electronic devices for communications related to board business in violation of this subsection automatically vacates the member’s position. A board member who vacates a position under this subsection does not hold over under [~~-, subject to the hold over provision in~~] Section 2-1-27 (*Vacancy and Hold Over Capacity*).

1 (b) This subsection does not prohibit a City employee who is assigned
2 to support a board as a job duty from contacting a board member by
3 telephone or e-mail or prohibit the board member from responding
4 to a communication initiated by the liaison.

5 **PART 7.** Subsection (B) of City Code Section 2-1-102 (*Animal Advisory Commission*) is
6 amended to read:

7 (B) The council shall appoint among the [as] commissioners at least:

8 (1) one licensed veterinarian [~~, nominated by the mayor~~];

9 (2) one city official [~~, nominated by the Place 2 council member~~];

10 (3) one person whose duties include the daily operation of an animal
11 shelter [~~, nominated by the Place 3 council member~~];

12 (4) one animal welfare organization representative [~~, nominated by the
13 Place 6 council member~~]; and

14 (5) one person recommended by the Travis County Commissioners Court,
15 [~~, nominated by the Place 4 council member~~];

16 ~~(6) one person nominated by the Place 1 council member; and~~

17 ~~— (7) one person nominated by the Place 5 council member.]~~

18 **PART 8.** Subsection (B) of City Code Section 2-1-111 (*Board of Adjustment*) is
19 amended to read:

20 (B) The board shall be composed of 11 [~~seven~~] members.

21 **PART 9.** A new Section 2-1-112 is added to the City Code to read:

22 **§ 2-1-112 BOND OVERSIGHT COMMISSION.**

23 (A) The council creates the Bond Oversight Commission to advise the council on the
24 implementation of projects approved by the voters in bond elections.

25 (B) The commission shall consist of 11 members appointed by the council as
26 follows:

27 (1) four members of the Planning Commission;

28 (2) three members of the Zoning and Platting Commission; and

1 (3) four additional members nominated by the Council Audit and Finance
2 Committee.

3 (C) At least one member of the commission must be a professional engineer.

4 (D) The commission shall meet at least once every six months.

5 (E) The commission shall monitor the city manager's plans relating to the issuance
6 of bonds and the implementation of projects approved by the voters, including
7 the annual appropriation of bond funds and changes in the amount of bonds
8 issued or cash commitments made.

9 (F) The city manager shall assign staff as necessary to assist the Bond Oversight
10 Commission in the performance of its duties.

11 **PART 10.** Subsection (A) of City Code Section 2-1-127 (*Community Development*
12 *Commission*) is amended to read:

13 (A) The Community Development Commission is composed of 19 [~~15~~] members
14 appointed by the council, as follows:

- 15 (1) seven members nominated by residents from each of the geographic areas
16 designated in Subsection (B);
17 (2) a member nominated by each member of the city council; and
18 (3) one additional member.

19 **PART 11.** Subsection (B) of City Code Section 2-1-131 (*Commission on Seniors*) is
20 amended to read:

21 (B) The council shall appoint 15 [~~11~~] commission members:

22 (1) the mayor may nominate two commission members and each council
23 member may nominate one commission member;

24 (2) the [~~The~~] Travis County Commissioners Court shall appoint one
25 commission member;

26 (3) the [~~The~~] Area Agency on Aging of the Capital Area shall appoint one
27 commission member;

28 (4) the [~~The~~] Capital Metropolitan Transportation Authority shall appoint
29 one commission member.

30 **PART 12.** City Code Section 2-1-141 (*Downtown Commission*) is renumbered as
31 Section 2-1-140, and Subsection(D) of that section is amended to read:

1 (D) The Downtown Commission is composed of 19 [~~15~~] members appointed by the
2 city council. If no more than the number of members necessary to provide a
3 quorum of the Downtown Commission is present at a meeting, a board action is
4 adopted by an affirmative vote of two-thirds of the quorum. If more than a
5 quorum is present at a meeting, a board action must be adopted by an affirmative
6 vote of the number of members necessary to provide a quorum.

7 **PART 13.** A new section 2-1-141 is added to the City Code to read:

8 **§ 2-1-141 ECONOMIC PROSPERITY COMMISSION.**

9 The council creates the Economic Prosperity Commission to advise the council
10 on matters related to construction and job creation.

11 **PART 14.** Subsection (A) of City Code Section 2-1-170 (*Sustainable Food Policy*
12 *Board*) is amended to read:

13 (A) The Sustainable Food Policy Board is composed of 17 [~~13~~] members. The
14 Board may include representatives from the retail food industry, consumer
15 interest groups, the health care and wellness community, the emergency food
16 program community, the local agriculture industry, soil and compost producers,
17 the food or nutrition education field, the non-profit food organization
18 community, the for-profit food industry, and the food manufacturing industry.
19 Board members need not be city residents.

20 (1) The City Council shall appoint 11[~~7~~] members.

21 (2) The Travis County Commissioners Court shall appoint six [~~6~~] members.

22 **PART 15.** City Code Section 2-1-181(*Sign Review Board*) is repealed, and the section
23 number is reserved for expansion. All references to the Sign Review Board in the City
24 Code are changed to the Board of Adjustment.

25 **PART 16.** Resolution No. 20110127-034, creating the Bond Oversight Committee,
26 expires on the effective date of Part 8 of this ordinance.

27 **PART 17.** Parts 4 and 6 of this ordinance take effect on _____, 2014. The
28 other parts of this ordinance take effect on July 1, 2015.

PASSED AND APPROVED

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_____, 2014

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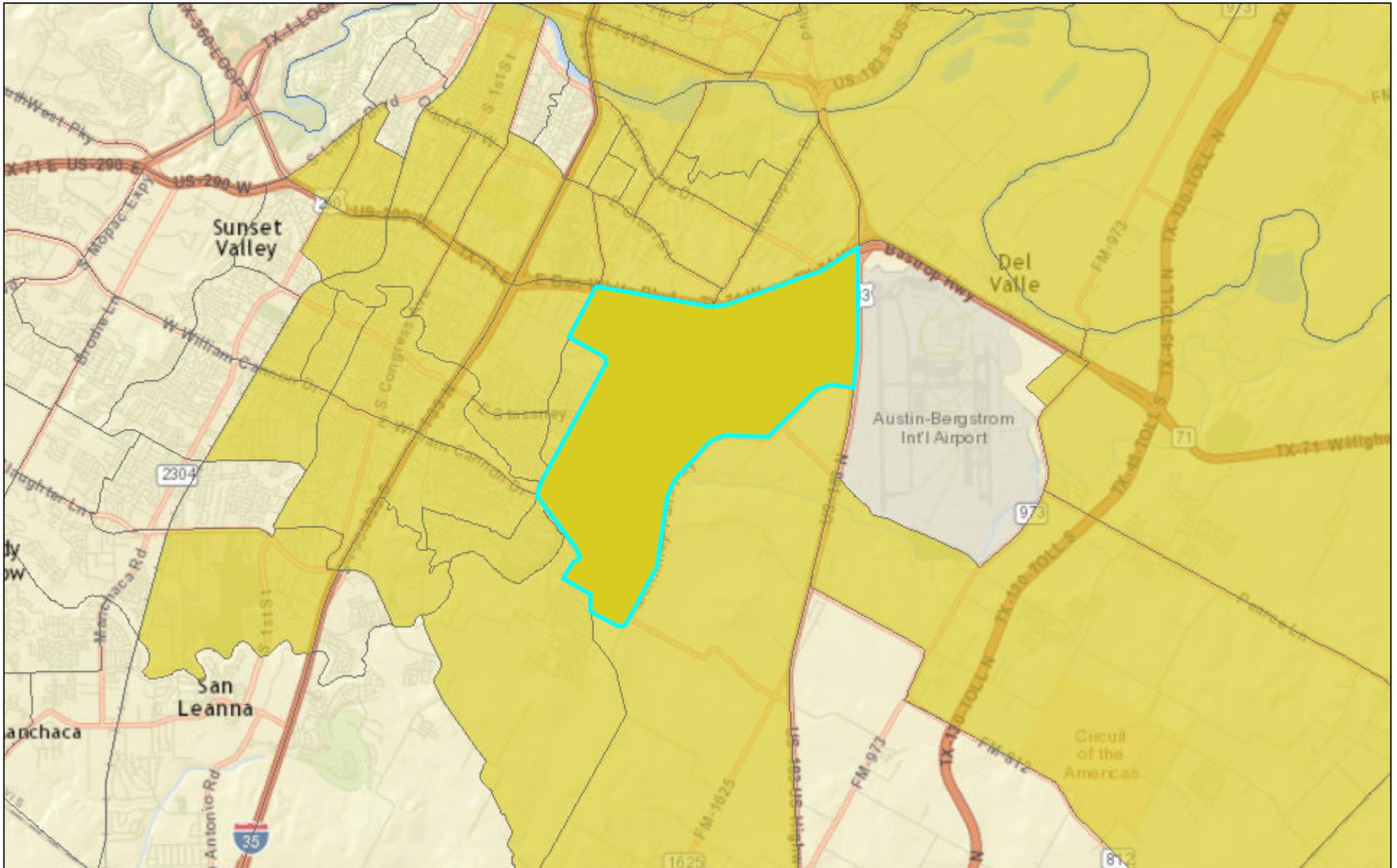
Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk

DRAFT

Census Tract 2431 - COA Economic Development Zone

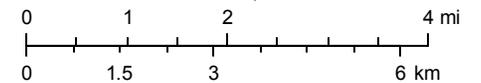


October 29, 2014 7:09:35 PM

-  Yes
-  2010 Census Tract
-  No
-  Yes



1:120,373



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand),