



**City Council Questions and Answers for  
Thursday, September 17, 2015**

These questions and answers are related to the  
Austin City Council meeting that will convene at 10:00 AM on  
Thursday, September 17, 2015 at Austin City Hall  
301 W. Second Street, Austin, TX



**Mayor Steve Adler**  
**Mayor Pro Tem Kathie Tovo, District 9**  
**Council Member Ora Houston, District 1**  
**Council Member Delia Garza, District 2**  
**Council Member Sabino  Pio  Renteria, District 3**  
**Council Member Gregorio Casar, District 4**  
**Council Member Ann Kitchen, District 5**  
**Council Member Don Zimmerman, District 6**  
**Council Member Leslie Pool, District 7**  
**Council Member Ellen Troxclair, District 8**  
**Council Member Sheri Gallo, District 10**

*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: Authorize negotiation and execution of a 12-month agreement with THE UNIVERSITY OF TEXAS on behalf of the Clean Energy Incubator, a program of the Austin Technology Incubator, for mutual assistance in the clean energy field, in an amount not to exceed \$195,000.

- a. QUESTION: 1) How much longer do we anticipate to continue executing the Clean Energy Incubator agreement with UT? 2) Does Austin Energy have a plan for achieving its "clean energy goals" and what are those goals?  
COUNCIL MEMBER HOUSTON'S OFFICE

- b. ANSWER: 1) The interlocal agreement with the Austin Technology Incubator (ATI) and its Clean Energy Incubator (CEI) has been a long-term (since 2008) and successful engagement with the City of Austin and Austin Energy. Earlier this year, Mayor Adler, ATI, and other leaders from Austin's clean energy community presented the "Economic Impact of The Cleantech Sector" highlighting the significant economic impact this industry has to Austin ([http://cleantx.org/wp-content/uploads/2015/05/Economic-Impact-of-the-Cleantech-Sector\\_05.26.2015-Final\\_COMPLETE.pdf](http://cleantx.org/wp-content/uploads/2015/05/Economic-Impact-of-the-Cleantech-Sector_05.26.2015-Final_COMPLETE.pdf) to include 20,000 jobs and \$2.5B in the region's GDP. Specifically, ATI companies have created more than 6,500 jobs. ATI/CEI is a major force in shaping a vibrant local environment for economic development for clean energy in the region as well as a valuable partner for outreach and helping Austin Energy continue to achieve very aggressive goals for renewable energy, energy efficiency and energy conservation. We see a continuing engagement, validated with specific deliverables from ATI to the city, to be based on ongoing value to the City and Austin Energy. 2) Austin Energy's clean energy goals are established and approved by the Austin City Council. Specifically, the "Austin Energy Resource, Generation and Climate Protection Plan to 2025" sets specific clean energy goals through 2025 to include a 55% renewable energy portfolio with specific targets for Local Storage, Demand Side Management, Solar and Wind Energy. ATI, in conjunction with Austin Energy's input and participation has incubated leading and emerging companies in all of these fields. Developing and validating early clean energy technologies is a key component of being successful in the leading climate protection and clean energy goals as set by the Austin City Council. Supporting emerging, clean energy technologies is

also a key component to support Council Resolution Nos. 20140410-024 and 20150604-048 that adopted a Net-Zero greenhouse gas emission goal by 2050.

2. Agenda Item # 20: Approve a resolution authorizing the City Manager to award cultural arts services contracts for Fiscal Year 2015-2016 in an amount not to exceed \$6,365,587, authorizing the City Manager to negotiate and execute such contracts, and further authorizing payment in the amount of \$60,000 for Zachary Scott Theatre Center maintenance under a separate current operations agreement.
  - a. QUESTION: In the Cultural Arts Funding Program: Guidelines for the Community Initiatives Program, on page 12 it states that awards are limited to "Only one application per organization/individual is allowed per year." Applicants are defined as either individual artists or organizations yet multiple organizations are receiving multiple awards each year. As an example, Austin Creative Alliance will receive more than 30 awards this year and has received more than 20 in years past. 1) Why are individual organizations receiving more than one award per year? 2) The funding source for this item is Hotel Occupancy Taxes. But the item includes maintenance costs of \$60,000 for the Zachary Scott Theatre Center. How is that legal under the State code that regulates the use of Hotel Occupancy Tax Revenue? COUNCIL MEMBER TROXCLAIR'S OFFICE
  - b. ANSWER: 1) The Core Cultural Funding Program allows for organizations to be fiscal sponsors which could result in multiple contracts. Fiscal Sponsors that apply on behalf of unincorporated or incorporated groups or individuals serve as the fiduciary agency, and as a result, must take on the legal responsibilities required by the City to carry out the contract. The City of Austin directly contracts with Fiscal Sponsors. The Fiscal Sponsor is responsible for all administration, financial management, reporting, and any other responsibilities associated with the completion of the project. Failure to comply with fiduciary responsibilities, contract compliance, and/or contract management requirements may result in loss of eligibility to serve as a Fiscal Sponsor.  
[http://www.austintexas.gov/sites/default/files/files/EGRSO/fy15\\_core\\_guidelines\\_v02.pdf](http://www.austintexas.gov/sites/default/files/files/EGRSO/fy15_core_guidelines_v02.pdf).  
2) The City entered into an Operating Agreement with Zach Scott in 1987. The agreement specifies the City's support obligations which include payment from the City's hotel occupancy tax revenue. The Texas Tax Code allows for tax revenue to be used for the "the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms;" (§351.101(a)(4)). Further, subsection 351.101(e) allows for the revenue to be spent for day-to-day operations, supplies, salaries, office rental, travel expenses, and other administrative costs only if those administrative costs are incurred directly in the promotion and servicing expenditures authorized under Section 351.101(a).
3. Agenda Item # 35: Authorize negotiation and execution of a 60-month lease renewal agreement with SIXTH WEST OF 723, L.C. to provide approximately 4,900 square feet of office space, located at 719 and 721 East 6th Street, Austin, Texas, for the Downtown Austin Community Court, in an amount not to exceed

\$729,193.88 for the renewal term (District 9).

a. QUESTION: 1) When was the last time Downtown Community Court (or any "government court") was actually held at City Hall? 2) How many times per year has an actual "court" been conducted in 2010-2015 in city hall? 3) When was this policy of having "court" at city hall instead of at the municipal court house decided? Did the old city council vote on this with a Resolution, and if so when? COUNCIL MEMBER ZIMMERMAN'S OFFICE

b. ANSWER: 1) July 14, 2015. 2) 2010 - 4 times, 2011 - 9 times, 2012 - 6 times, 2013 - 6 times, 2014 - 7 times, 2015 - 2 times to-date. We are currently scheduled to hold trials at City Hall on the following: September 21, 2015 (possible space conflict due to the Planning and Neighborhood Council Committee meeting), October 19, 2015, November 16, 2015, December 21, 2015. 3) The decision to hold court proceedings in City Hall was made in 2004 as part of the planning discussions for the opening of the new City Hall building. The City Council did not adopt a resolution regarding the use of City Hall in this matter. During the planning for what functions should reside in the then new City Hall, the City Manager was made aware of the Downtown Austin Community Court's (DACC) need for additional space to conduct court proceedings. The City Manager, under her City Charter responsibilities related to the administration and operation of the City organization, took into consideration factors such as the availability of space in other facilities, the quality of space appropriate for a court proceeding as well as the security implications of holding court in a different city facility, in making the final decision to provide for the DACC to hold court in City Hall.

4. Agenda Items # 21 and # 22: 21) Approve a resolution authorizing negotiation and execution of federal representative services contracts for a total combined amount not to exceed \$270,000. 22) Approve a resolution authorizing negotiation and execution of state legislative representative services contracts for a total combined amount not to exceed \$860,000.

a. QUESTION: 1) For each of the past 4 years, how much does Dallas, Ft. Worth, San Antonio, Houston, and Austin spend on Federal as well as State Lobbying efforts? 2) For each of the past 4 years, how much Per Capita does Dallas, Ft. Worth, San Antonio, Houston, and Austin spend on Federal as well as State Lobbying efforts? 3) How much of their FY2015-16 operating budget is each department estimating it will spend on Lobbying efforts? COUNCIL MEMBER ZIMMERMAN'S OFFICE

b. ANSWER: Pending

**END OF REPORT - ATTACHMENTS TO FOLLOW**

*Reasonable modifications and equal access to communications will be provided upon request.*

 *For assistance, please call 512-974-2210 or TTY users route through 711.*