



City of Austin

301 W. Second Street
Austin, TX

Agenda

Questions and Answers Report

Mayor Steve Adler

Mayor Pro Tem Kathie Tovo, District 9

Council Member Ora Houston, District 1

Council Member Delia Garz, District 2

Council Member Sabino "Pio" Renteria, District 3

Council Member Gregorio Casar, District 4

Council Member Ann Kitchen, District 5

Council Member Jimmy Flannigan, District 6

Council Member Leslie Pool, District 7

Council Member Ellen Troxclair, District 8

Council Member Alison Alter, District 10

Thursday, December 13, 2018

Austin City Hall

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

3. **Agenda Item #3:** Authorize negotiation and execution of an amendment to the cost participation agreement with Desta Three Partnership, Ltd. to increase the amount of the City's participation from \$211,895.00 to an amount not to exceed \$240,155.47 of which the City's total soft cost reimbursement will not exceed \$73,983.48, and approve an ordinance waiving City Code section 25-9-62(D) limiting soft cost reimbursement.

QUESTION:

The RCA states, "This action requires the waiver of Section 25-9-62(D) of the Austin City Code, which limits soft cost reimbursement to only 15% of reimbursable hard costs." What is the legislative intent or rationale behind the 15% soft cost reimbursement section of code, and why should Council waive it in this case?

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

The intent behind the 15% soft cost reimbursement section of code was to ensure that a developer did not try to pass on the entirety of their soft costs to the City. For any given development project, the developer would already be responsible for designing and constructing water and/or wastewater improvements to serve their project. When the City asks a developer to oversize a water or wastewater main, it is generally an incremental increase that does not change the overall scope of the developer's project. Therefore, the developers should

still bear the bulk of the cost associated with engineering and design (i.e. soft costs). At the time this section was added to the code in 2009, the provision was vetted by stakeholders and it was agreed that a 15% reimbursement for soft costs was reasonable.

Section 25-9-62(E) of the Austin City Code allows for higher cost participation at City Council's discretion. Austin Water staff is requesting that Council waive the 15% soft cost limitation in this case due to issues that were out of the developer's control. Those issues included the developer being required by City Staff at a very late stage of design to prepare and submit an Environmental Resource Inventory for a utility project that was constructed within Texas Department of Transportation (TxDOT) right-of-way. This decision combined with a lengthy review time to obtain a Utility Installation Review permit from TxDOT, also resulted in a conflict with a telecommunication fiber line that was installed during the added review period which ultimately required redesign of almost half of the water main after construction had already started.

QUESTION:

From the RCA, "This action requires the waiver of Section 25-9-62(D) of the Austin City Code, which limits soft cost reimbursement to only 15% of reimbursable hard costs." What is the total percentage that will be reimbursed? The total amount of requested soft cost reimbursement is \$147,967.00, so how much over 15% is this?

COUNCIL MEMBER KITCHEN'S OFFICE

ANSWER:

Per section 25-9-62 of the Land Development Code, City Council authorized Austin Water to reimburse Desta Three for 50% of the hard construction costs for the proposed water main (oversizing from an 8-inch water main to a 16-inch water main). Section 25-9-62(D) also specifies that we may reimburse up to 15% of the reimbursable hard cost amount for soft costs. The actual hard construction costs came in at \$337,061.68, of which Austin Water will reimburse \$168,530.84.

Section 25-9-62(E) of the Austin City Code allows for higher cost participation at City Council's discretion. Austin Water staff is recommending, at the request of the developer, that Council waive the 15% soft cost limitation in this case due to issues that were out of the developer's control. Those issues included the developer being required by City Staff at a very late stage of design to prepare and submit an Environmental Resource Inventory for a utility project that was constructed within Texas Department of Transportation (TxDOT) right-of-way. This decision combined with a lengthy review time to obtain a Utility Installation Review permit from TxDOT, also resulted in a subsequent conflict with a telecommunication fiber line that was installed during the added review period which ultimately required redesign of almost half of the water main after construction had already started. As a result, the soft costs reimbursement being requested is \$71,624.63, or an increase of \$46,345.00 over what was previously approved. The resulting soft cost reimbursement is 42.5% of the reimbursable hard costs.

- 8. Agenda Item #8:** Authorize award and execution of a construction contract with Alpha Paving Industries, LLC (DBE) for ADA Ramp & Bus Stop Improvements 2018-2020 Citywide Indefinite Delivery/Indefinite Quantity contract in the amount of \$750,000 for an initial 12 month term, with one 12 month extension option of \$250,000, for a total contract amount not to exceed \$1,000,000.

QUESTION:

Prior Council Action dated December 13, 2012 indicated that the City accepted funds in the amount of \$10,000,000 from Capital Metro and amended the FY 2012-2013 Public Works Department Capital Budget (Ordinance #. 20120910-002) to appropriate \$10,000,000 to construct

bus stop and associated ADA pedestrian improvements through the City. Is this contract being funded by the 2012 funds which Capital Metro appropriated to the Public Works Department for construction of bus stops and ADA improvements? If not, when did this responsibility become a budget item for the City of Austin/Public Works Department?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Yes, the contract is being funded by the 2012 funds from Capital Metro for bus stop and ADA improvements. The Capital Metro funds were appropriated into the Public Works Budget in 2012, and are included in the Public Works' current year budget.

QUESTION:

Please provide a list of projects broken down by Council District.

COUNCIL MEMBER KITCHEN'S OFFICE

ANSWER:

Bus Stop improvements for this contract coincide with the "2018 Cap Remap", which is throughout the City. The improvements are not specific to one area, but are performed on an as needed basis. Capital Metro has provided a partial list of projects which are located in Districts 1, 3, 4, 5, 8, and 9. The list of potential projects provided by Capital Metro are attached. Additional projects will be added as they are coordinated with Capital Metro.

- 10. Agenda Item #10:** Approve an ordinance amending City Code Chapter 2-1 (City Boards) relating to board member conduct.

QUESTION: How will this ordinance be enforced? Who/what body will be responsible for the enforcement?

COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

It would be enforced by Council. Any complaint received for a violation of member conduct would be filed with the Clerk's Office who would then notify the nominating Council Member. The Council Member would be responsible for enforcing the compliance with board member conduct requirements or making a request for Council to remove the Board Member for violation of the section. Alternatively, an anonymous complaint could be filed with the City Auditor's Office who would forward the complaint to the nominating Council Member for enforcement. If council wants to change the process and involve another group, like a council committee or a board/commission, then Council would need to either initiate a request or provide direction to staff on which group should be involved in the enforcement

QUESTION:

Part 2 of the ordinance would prohibit speech or conduct that is "offensive." Is "offensive" defined in the city code or charter?

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

Our personnel policies use similar language to Part 2 of the proposed ordinance: "The City will not tolerate behavior or language that is disruptive, unprofessional, offensive, threatening and/or disrespectful including, but not limited to, horseplay, gossip, profanity, the mishandling of information, or communication that is untrue or inappropriate in a professional work environment."

However, "offensive" is not defined in our Personnel Policies, City Code, or City Charter. When a term in City Code is not specifically defined, Section 1-1-3 of City Code provides: "(A) Words and phrases shall be read in context and construed according to the rules of grammar and common usage".

FOLLOW - UP QUESTION:

This proposed ordinance contains prohibitions on speech and conduct that raise potential First Amendment concerns. For example, terms such as "offensive" and "innuendo," even if interpreted under their ordinary meaning, seem to be so vague that their application in a setting like a City Board or Commission meeting might be constitutionally problematic, if challenged. Is this proposed ordinance constitutionally sound, as written?

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

Law will provide a response to Council separately.

- 13. Agenda Item #13:** Authorize entry of an Agreed Final Judgment and Order in Austin Country Club v. City of Austin, cause No. D-1-GN-17-006525, relating to land use and environmental regulations applicable to Austin Country Club's 179-acre tract located in Northwest Austin, at 4408 Long Champ Drive. Related to Item 100.

QUESTION/ANSWER: COUNCIL MEMBER ALTER'S OFFICE

- 1) *What did staff originally determine were the impervious cover limits for this site under current code?*

Under current code, the impervious cover limits are 20% net site area, or approximately 18.8 acres.

- 2) *What is current impervious cover on the site?*

Current impervious cover on the site is estimated to be approximately 18 acres.

- 3) *What are the differences in the entitlements allowed via this agreement with respect to what would have been allowed or prohibited under the Hill Country Roadway ordinance?*

The proposed agreement does provide some modifications to the Hill Country Roadway ordinance. In general, under the Development Terms, the project will comply with the FAR limitations of the current low-intensity zone regulations with density bonus. The agreement includes an exception to increase the height in the Club House District from 40 feet to 50 feet. Additionally, there is an exception to allow a small security building in the Entrance District that might be located closer than 100 feet from the ROW based on site constraints. The landscape and vegetative buffer requirements in Chapter 25-2, Subchapter C, Article 9, Division 3 will not apply in the Club and Marina Districts and has a limited application in the Golf District.

- 4) *What is the slope at the driveway? Is this an expansion of the existing driveway that is a secondary driveway now, or is this an additional driveway? Has the Texas Department of Transportation approved this driveway, or how and when will they be involved in the approval process? Will the driveway on 360 be the primary driveway?*

The proposed driveway to Loop 360 is a new driveway access. It is our understanding from the applicant that this driveway could become a primary entrance for the project. Although City staff have not consulted with TxDOT on this proposed driveway, the applicant has represented that their conversations with TxDOT received a favorable response. The approval of the driveway will be reviewed by TxDOT as a part of the site development permit process. The applicant has not completed a detailed design of the driveway and the slope of the driveway is not known at this point in the process.

- 5) *Regulatory Provisions section G. Please provide additional information about how and why the TIA would be "limited scope"?*

At the time of the 1982 plat, the City did not require contributions to offsite transportation impacts as currently required under Chapter 25-6. The provisions negotiated by staff would require a TIA to assess impacts that affect safe operating conditions, which is a narrower range of potential improvements than developers would be required to fund today. The agreement to a limited scope recognizes that the access to the site is limited to the one point of access at this time.

- 6) *Regulatory Provisions, F, Height. Are structures planned for the Entrance District in the first 100 feet?*

A detailed site development plan has not been provided by the applicant. It is anticipated that the small structure being proposed will be placed as far away from the ROW of Loop 360 near the proposed access gate on the new driveway. Staff has asked for clarification from the applicant on the proposed entrance design.

- 7) *Regulatory Provisions, section I. Is the Marina district subject to the Lake Austin Zone? Is Fire protection required if they provide fuel service? How will that be addressed?*

The site is not Lake Austin zoning or subject to the Lake Austin Overlay. Fire protection requirements would be determined at the time of site development permit application.

- 8) *Please provide additional detail on how staff believe this agreement would "potentially ease traffic in the surrounding neighborhood."*

The agreement has been structured to incentivize the timing of the construction of the proposed entrance driveway to Loop 360. Construction of the driveway to Loop 360 will provide a primary access for the project from a major highway eliminating a significant amount of traffic from Long Champ Drive entrance gate within the neighborhood.

- 9) *Please provide additional detail on the potential commercial and residential uses that would be permitted on this property.*

The regulations established in the "Development Terms & Conditions" would apply to any of the uses listed in the "Land Use Table", provided that they are permitted under the base zoning regulations applicable to the property.

For some of the other commercial and residential uses listed in the table, such as condominium residential, the use would only be permitted if Austin Country Club were to obtain a rezone. The Development Terms specifically provide that, while Austin Country Club can always apply for rezoning, the City has no obligation to approve a rezone.

For further comparison, see the attached table that outlines the current uses allowed under the Property's current zoning and the uses that would be allowed under the Development Terms.

- 10) *Would the new "Entrance District" (new entrance/exit off 360 near the Pennybacker bridge) of the proposed development be possible under current code?*

Under the current Land Development Code, the transportation regulations would permit the driveway subject to approval by TxDOT. However, without specific design documents for review the construction of the entrance driveway would most likely require variances from cut and fill, construction on slopes, critical water quality zones, and floodplain modification prior to approval.

- 11) *How does the construction on slope compare to current code?*

Current code would be more restrictive in terms of development allowed on slopes. Current code restricts construction of a roadway or driveway on slopes more than 15% unless necessary to provide primary access to at least 2 contiguous acres with a gradient of less than 15% or building site with at least 5 residential units. Current code prohibits constructing a parking area on a slope more than 15%, prohibits constructing a building or parking structure on a slope of more than 25%, and provides limitations (see 25-8-302) on constructing a building or parking structure between 15% and 25%. The Development Terms propose restrictions consistent with Ordinance 800103-N.

12) What does the iii Subsurface Parking facility mean in practice?

A parking garage built below the existing grade of the land, with soil and vegetation on top of the garage that would potentially be utilized for a golf driving range. This provision mirrors current code 25-8-63 (C) 11.

13) C ii. B. - is this provision about removal cumulative or just at any given time for the project?

This provision is in addition to the requirements of the protected tree ordinance which are directly incorporated into the Development Terms. In addition, at least 25% of the heritage trees located in the Golf District shall be preserved.

14) Please provide additional detail on the meaning of the Outdoor entertainment clause on I-III.

The inclusion of Outdoor entertainment in the Maria District is intended to allow the applicant the ability to develop a use that may contain an outdoor entertainment use subject to the restrictions of the noise ordinance.

15) Is the sale of alcoholic beverages currently permitted in the golf district?

Yes.

16) Are hotel and bed and breakfast uses currently permitted at this site?

In the portion of the site zoned CR Community Recreational" a hotel is a conditional use and bed and breakfast is a permitted use. In the portion of the site zoned Commercial Liquor Sales, CS-1, a bed and breakfast and hotel are permitted uses.

17) Are commercial uses, congregate living, multi-family residential currently permitted?

In the portion of the site zoned CR Community Recreational" congregate living and multi-family residential are not permitted uses. In the portion of the site zoned Commercial Liquor Sales, CS- 1, congregate living is permitted but multi-family is not a permitted use.

18) Please provide additional detail on the meaning of Part 3 C II.

The Development Terms grant specific entitlements to the Project that supersede any conflicting provisions of the City's Land Development Code. Regulations that are not specifically superseded will be liberally construed by staff to permit the development to occur in a manner consistent with the letter and spirit of the Development Terms. Otherwise, current code will apply.

19) When would a project ever be considered complete? Where is that defined?

Applicable law contemplates that, once a project is complete, further development cannot avail itself of vested rights under Chapter 245. The statute does not define project completion.

20) Please provide additional detail on the meaning of Part 3 E II.

The overall intent of this language is to describe the point at which the project will be deemed complete, such that further development or redevelopment will be subject to current regulations. Construction work in progress would be allowed to be completed in compliance with the permits issued.

- 21) *Please provide additional information as to the method of tracking impervious cover. Who will be responsible for tracking the impervious cover and how will it be tracked? Please indicate where that is codified in the agreement.*

The impervious cover will be tracked through a table on a master site development plan maintained by Development Services Department. The exact location of this provision in the Development Terms is still being negotiated by Staff.

- 22) *Would approval of this item allow for restaurants or restrooms on or near the Colorado River?*

Yes, but any development for these uses would only be located on land and not allowed over the water

- 23) *Provide a comparison between 1982 regulations, current code, and the proposed Development Terms.*

See attached table.

- 24) *Please provide a list of the uses currently permitted or conditional on this site that would be subject to the terms of this agreement.*

See zoning use summary table.

- 25) *Please provide a list of the uses currently permitted or conditional on this site which would not be subject to the terms of this agreement.*

See zoning use summary table.

- 26) *Please provide a list of the uses which are not currently permitted or conditional on this site but would be subject to the terms of this agreement should the property be rezoned in the future.*

See zoning use summary table.

QUESTION:

Did the Austin Country Club request a Chapter 245 ("grandfathering") determination from our city staff? If so, what was staff's determination on the issue of vested rights?

COUNCIL MEMBER POOL'S OFFICE

ANSWER:

The City has stated that the project is "complete" for purposes of Chapter 245 and issued formal findings to that effect. Austin Country Club's lawsuit challenges that determination. The proposed Development Terms & Conditions are intended to find a compromise position.

- 14. Agenda Item #14:** Approve an ordinance amending City Code Chapter 2-7 relating to standards of conduct for City officials and employees.

QUESTION:

Please explain the impetus for amending this part of the ordinance and what kind of challenges the changes are meant to address.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

The impetus for amending this part of City Code is to resolve conflicts between City Code and Administrative Bulletins, to provide clarity for officials and employees, and to align the City of Austin with peer cities and workforces. This part of City Code governs gifts and limited use of City property (including phones, computers, etc.). The current legal interpretation of City Code prohibits both gifts and personal use by City employees including: birthday gifts; small tokens of appreciation for a job well done; appreciation gifts for Administrative Professional's Day, Bosses Day; small personal online tasks like scheduling doctor appointments, checking bank records, or any other small use during the workday. Current administrative policy allows small gifts for appropriate circumstances, which is in conflict with the Code. Human Resources, Communications and Technology Management, and the Office of the City Auditor worked with the Law Department to draft language intended to clear up confusion about the City's gift and personal use policies, and better align with state law. We also wanted to be able to include these Code revisions, if approved by Council, in our Ethics training for early 2019. All city employees participate in a city-developed ethics training each year. The City initiated its Ethics training program in 2004.

- 16. Agenda Item #16:** Authorize negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple approximately 3.325 acres and improvements located at the northeast corner of Philomena Street and Mueller Blvd. in the Mueller Development in Austin, Travis County, Texas from Mueller Aldrich SW L1B5, LP in an amount not to exceed \$150,000,000 including closing costs.

QUESTION:

How many daily trips on the surrounding major roadways? (E. 51st St./Philomena St./Berkman Dr./Aldrich St./etc.) What is the capacity of these roadways? What is the anticipated increase in vehicular traffic in the area once developed and in use?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

The Mueller Redevelopment project is subject to Planned Unit Development Ordinance #C814-04-0055 which set trip generation by use for the entire development. The site plan for this project is currently under review by City of Austin Transportation reviewers. The full comments have not been released yet but the draft Transportation comments reference the Traffic Impact Analysis for that zoning case and requests the specifics for this project (see below).

"TR1. The site is subject to the approved TIA with zoning case # C814-04-0055. Provide a TIA Waiver letter from a Certified Engineer (Traffic Engineer) indicating how many trips have been used, how many trips are left, etc. Additionally, provide a copy of fiscal receipts to ensure the site complies with the required mitigations. If you have any questions please contact this reviewer or the DSD Transportation Engineer (Scott.James@austintexas.gov). FYI - the TIA may need to be revised upon further review."

The Purchase and Sale Agreement for this property will require the site plan comply with all City of Austin site development regulations, including traffic.

- 18. Agenda Item #18:** Approve a resolution accepting the 2019 list of proposed events and the maximum number of days requiring full closure of Republic Square Park to the general public, as required under the Parkland Improvement, Management, and Operations Agreement, and authorize negotiation and execution of an amendment to the Parkland Improvement, Management, and Operations Agreement allowing the City Manager to maintain and approve the list of proposed events annually and establishing an annual limit.

QUESTION:

If this item is approved, would the annual list of event closures continue to come to council for approval if the number of closed days remains below the 20 day cap? Or, would approval only come to council in the event that the number of event closures were to exceed 20 days?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

This item requests City Council to authorize twenty (20) or fewer closed event days per year and seeks to administratively maintain the cap in any given programming year. Two (2) of the 20 closed event days authorized were utilized in the first year of programming. The Downtown Austin Alliance estimated that four (4) closed event days will be utilized in the upcoming programming season. Approval of this item would allow PARD Director to authorize programming with up to twenty (20) closed event days per year. City Council would be required to authorize programming for any year in which the proposed closed events would exceed twenty (20) days.

An annual report to be provided to City Council each year, intends to highlight accomplishments, including events and attendance, as well as a programming/event plan for the upcoming year provided by the Downtown Austin Alliance.

- 25. Agenda Item #25:** Authorize negotiation and execution of a cooperative contract with United Parcel Service D/B/A UPS, for shipping services, for up to 39 months in an amount not to exceed \$309,000.

QUESTION:

What other service providers bid on this contract with Sourcewell Cooperative and how did they compare?

COUNCIL MEMBER KITCHEN'S OFFICE

ANSWER:

Sourcewell notified a number of couriers regarding this solicitation. See attached for the list. United Parcel Services (UPS) was the only courier that responded to the solicitation. UPS's proposal was evaluated for compliance with the solicitation's requirements.

- 29. Agenda Item #29:** Authorize negotiation and execution of a contract with ZirMed, Inc., to provide a revenue cycle management solution, for a term of five years, in an amount not to exceed \$950,000.

QUESTION:

What are the languages that will be used in the generated documents?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

The languages that will be primarily used by the ZirMed revenue cycle management system are English and Spanish. The following additional languages are available: Vietnamese, Chinese, French and Tagalog. However, as the need for additional languages are identified they can be added upon request.

QUESTION:

Why wasn't this contract put out for bid?

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

Originally, a solicitation (RFP 5600 PAX0145) was done for this service. None of the respondents met the minimum requirements outlined in the RFP. The City reached out to ZirMed, the current clearinghouse contractor. ZirMed is capable of providing a viable system, that includes printing services of patient statement files in multiple languages, including but not limited to English, Spanish, Vietnamese, Chinese, French and Taglog.

- 36. Agenda Item #36:** Authorize negotiation and execution of a multi-term contract with Downtown Austin Transportation Management Association D/B/A Movability, to provide management services for the Mobility Challenge Program, for up to three years in an amount not to exceed \$450,000.

QUESTION/ANSWER

COUNCIL MEMBER HOUSTON'S OFFICE

- 1)) *Please list all the board members, who they are and what agency they represent.*

Movability Board Members:

- Ashby Johnson, Capital Area Metropolitan Planning Organization (CAMPO)
- Blanca Gamez, University of Texas at Austin
- Brian Butterfield, Cushman & Wakefield
- Dale Weisman, Silicon Laboratories
- Glenn Lewis, Maxwell Locke & Ritter
- Greg Buford, Capital Metro
- Jim Pledger, Jackson Walker LLP
- Joe Cantalupo, K Frieze + Associates
- Rob Spillar, City of Austin
- Roger Cauvin, FourLeaf
- Sandy Guzman, Office of State Senator Kirk Watson
- Will Wheeler, Gray Engineering

- 2) *Also, please list any other Movability members, who they are and what agency they represent.*

While the Mobility Challenge program focuses on larger employers (50+ employees) with an office in the Austin city limits, membership allows employers of all sizes throughout the 6- county Central Texas region to get involved and gain commute assistance by paying membership dues. Partner memberships start are available to transportation and related service providers. Anyone is welcome to join as an individual member if they wish to support the non-profits mission and gain admittance to member-exclusive events.

Movability Corporate Members:

- 3M
- Amplify Credit Union
- Atlassian
- Box
- Certain Affinity
- Cirrus Logic
- Cushman & Wakefield
- Endeavor Real Estate
- Flex
- Four Seasons Hotel
- Google

- Gray Engineering
- HPI
- IBM
- Jackson Walker
- K. Friese + Associates
- Lone Star Circle of Care
- Maxwell Locke & Ritter
- McLean & Howard, LLP
- Merck & Co., Inc.
- Samsung
- Silicon Laboratories
- St. Edward's University
- Statesman Media
- Stitch Fix
- Stream Realty
- SXSW
- Texas Gas Service
- Texas State University
- The Thrival Company
- Tokyo Electron
- Whole Foods
- Winstead PC

Movability Partner Members:

- B-Cycle
- Bird
- Capital Area Metropolitan Planning Organization (CAMPO)
- Car2Go
- Chariot
- Electric Cab or North America
- Lyft
- Pace
- Premier Parking
- R&R Limo & Bus
- Rocket Electrics
- Scoop
- Tiny Transit Strategies
- Tripshot
- University of Texas at Austin
- Waze Carpool
- WeDriveU
- ZipCar

Movability Individual Members (note that these individuals have joined the association as private citizens and do not represent an organization):

- Jeff Flanagan
- Roger Cauvin
- Sandy Guzman

- Veda Montalbano

2015/2016 Mobility Challenge Participants

- Advanced Micro Devices
- Austin American Statesman
- Austin Community College
- Austin Independent School District
- Avison Young
- BazaarVoice
- Cushman Wakefield
- Dell
- Endeavor
- Goodwill
- Hanger
- HNTB
- HomeAway
- Jackson Walker
- NetSpend
- NFP
- NXP
- Samsung
- Seton Healthcare Family
- Silicon Labs
- St. David's HealthCare
- Texas Mutual Insurance
- TxDOT
- Travis County
- University Federal Credit Union
- University of Texas
- WP Engine

2017 Mobility Challenge Participants

- Accruent
- AECOM
- American Bank of Commerce
- Amplify Credit Union
- Box
- Capital Metro
- CBRE
- Concordia University
- Eanes Independent School District
- Facebook
- Google
- Hilton Austin
- Holtzman Partners
- K. Friese and Associates

- Lonestar Circle of Care
- Maxwell Locke and Ritter
- McGarrah Jessee
- Outbound Engine
- St. Edward's University
- Texas Dept. of Insurance
- Texas Gas Service
- YMCA of Austin

2018 Mobility Challenge Participants

- 3M
- Flextronics
- Kasasa
- Stephen F. Austin
- Whole Foods
- Winstead PC
- SXSW
- IBM
- Applied Material
- GM
- Toyko Electronics
- Austin Hispanic Chamber
- Austin LGBT Chamber
- Austin Asian Chamber
- Austin Black Chamber
- Austin Chamber
- Four Seasons
- Texas Facilities Commission
- Texas Medical Association
- Texas State Preservation.

3) Please provide data that indicates the results of the program over the last four years?

A total of 69 companies representing over 140,000 employees have participated in the Mobility Challenge between 2015-2018.

After participating in the Mobility Challenge, companies were surveyed on how they had changed their transportation related benefits for employees.

- 75% of companies have provided free, discounted or at-cost Capital Metro transit passes
- 40% of companies gave cash to employees to give up their parking spot
- 25% of companies increased the cost of parking to each employee
- 93% of companies stated that they plan to begin offering commuter benefits as a result of participating in the Mobility Challenge

Please see attached infographics for additional details.

4) How are goals established?

The Mobility Challenge creates three to five-year strategic plans for new participant companies. Specific goals are tailored to each company and identified in their strategic plan. Goals will vary based on company values, budgets, employee commute habits, and

desired outcomes. High level goals are established first and can be followed up with a combination of 30-day, first quarter, one year, and three to five goals and action plans.

An example of goals have been:

- “Employees will identify their preferred mobility alternative(s) (Flex Schedule, Mobile Work, etc.)” (Avison Young)
- “Develop a rideshare program that will allow employees who want to share a ride the ability to find other riders in their area.” (AECOM)
- “SXSX will attract and retain the best employees by providing flexible commuting options and supporting work/life balance through a carpool/vanpool program.” (SXSX)

Returning Mobility Challenge companies will have established goals in their strategic plans completed during the first phase of the Mobility Challenge. They will receive assistance from Movability to put their strategic plans into action. Depending on when companies initially participated in Challenge, goals may be modified.

5) *How is success determined?*

Success for the 5 new companies that Movability works with each year will be delivering a 3- 5-year strategic plan that the company can implement either with, or without, the assistance of a TMA.

For the returning companies, success will differ based on the goals that were established during the planning process:

- Success for one company may be reducing their demand for parking and decreasing the amount of free or subsidized parking that they offer to their employees, thus reducing the company’s facilities costs.
- Another company may measure success by increasing their retention rate and employee levels of health and satisfaction. Mobility benefits are viewed by many as important as health and retirement benefits. These benefits could include the ability to flex their work schedules, telework, being provided with dedicated carpool parking or free or reduced-rate transit passes.

These tools are all important to changing behavior to reduce the number of single occupancy vehicles (SOVs) in our community. All new Mobility Challenge companies are required to conduct an employee commute survey to identify commute behaviors and opportunities. Moving forward, we will be conducting pre- and post- surveys to each participating company to identify commuting changes. For returning companies, we will conduct another employee commute survey. Surveys will occur on an annual basis for each year the company participates.

6) *Please identify how this contract will address the Mobility Outcome in the Austin Strategic Plan.*

Movability implements Transportation Demand Management (TDM) programs that promote the efficient movement of people work within the current infrastructure to ultimately reduce congestion. By providing alternatives to driving alone, if only by one day each week, congestion can be decreased by 20%, resulting in a more efficient system. It is more cost effective to reduce the amount of traffic on our current roads than to build additional roads. By encouraging the use of ride sharing, whether by Capital Metro, a private company, carpooling, or by encouraging private employers to offer benefits and policy’s that provide their employees with options (flex time, condensed work schedules, teleworking), the City can help move more people instead of moving more single occupancy cars.

Additionally, working with emerging technology solutions such as autonomous vehicles and shared mobility options will improve first and last mile mobility options thereby making it easier for residents of all economic levels to commute differently. These options will not only reduce the transportation cost of individuals but of the City could reduce their costs in building new roads and maintaining the existing roads. Through the Mobility Challenge, Movability strives to ensure convenient, affordable, and safe commuting options for commuters in the City of Austin.

QUESTION:

Please provide details to illustrate the impact of this program. For example, how many employees at the 49/60 companies have participated, what has been the extent of their participation, and how is their participation measured? If participation is measured in car trips saved, please provide that information.

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

A total of 69 companies representing over 140,000 employees have participated in the Mobility Challenge between 2015-2018. The data collection efforts for these companies were not conducted on the individual employee level. Company representatives (Executives and HR level) were surveyed on how they had changed their transportation related benefits for employees.

- 75% of companies have provided free, discounted or at-cost Capital Metro transit passes
- 40% of companies gave cash to employees to give up their parking spot
- 25% of companies increased the cost of parking to each employee
- 93% of companies stated that they plan to begin offering commuter benefits as a result of participating in the Mobility Challenge

Moving forward, company participation will require survey collection at the beginning and end of the challenge year, allowing more data to be collected, including employee participation metrics. The Austin Transportation Department will work closely with returning participants who have been provided strategies to put their plans into action. This will allow us to collect better data on what companies are currently doing and help them implement programs to decrease single occupancy car trips during peak travel times.

QUESTION:

Please describe in detail what assistance the contract holder will provide to employers in the coming phases.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

The contractor will work with up to 20 companies to continue to implement specific strategies within their mobility plans. In addition, over the three-year contract, the contractor will work to add up to fifteen new companies to participate in the Mobility Challenge and develop new mobility plans.

The contractor will work to implement Transportation Demand Management strategies for the added employers, that include, but are not limited to:

- Employee commute survey design
- Employee base-line mode split
- Average miles traveled

- Provide easy to use commuter trip reduction tools (HR policies, marketing and communication, etc.)

The contractor will work to implement Transportation Demand Management strategies for the existing participating employers, which include, but are not limited to:

- Analyze existing mobility plans and suggestions necessary for improvement
- Assess with continuing commuter surveys
- Negotiate services (shared parking spots, shared rides, first/last mile solutions)
- Coordinate mobility training with partner members.

- 39. Agenda Item #39:** Authorize negotiation and execution of a multi-term contract with Colette Holt & Associates, to conduct an availability and disparity study of minority owned and women owned business enterprises and disadvantaged business enterprises, for up to two years in an amount not to exceed \$1,000,000.

QUESTION: Will the disparity study of minority owned, women owned business enterprises and disadvantaged business enterprises include, minority, women and/or disadvantaged businesses owned by veterans?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

The disparity study will not directly include minority, women and/or disadvantaged businesses owned by veterans. The proposed disparity study will review the availability and City utilization of minority-owned and women-owned business (MBE/WBE) enterprises. Federal constitutional law requires a disparity study because Austin's MBE/WBE program considers race and gender classifications to certify firms and provide equal opportunity to firms to participate in the City's contracting process; using categories like race and gender are subject to the highest scrutiny by the courts. Because veterans are not a protected class under the law, any preferences for veteran owned businesses does not legally require a disparity study and in order to ensure the integrity of the MBE/WBE program, the consultant has recommended veteran owned businesses not be included in the disparity study.

The City does have an interim Service Disabled Veteran Business Enterprise (SDVBE) program which was launched in November 2017. The program provides preference points to SDVBES when submitting a response to Request for Proposals (RFP) solicitations. The interim program is a result of Resolution No. 20160303-016 that City Council passed on March 3, 2016. The Resolution directed the City Manager to enhance contracting opportunities for ready, willing and able Service Disabled Veteran Owned Businesses on City Contracts.

QUESTION:

Please provide a copy of the last disparity study (2015) referenced in the RCA.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

The Study is online at

http://www.austintexas.gov/sites/default/files/files/Small_Minority_Business/disparity/NER_A_COA_Disparity_FINAL_151217.pdf.

All of the documents can also be found at : <http://www.austintexas.gov/page/disparity-study>.

- 43. Agenda Item #43:** Approve a resolution affirming and concurring with the City Manager's intent of incorporating the police chief's staffing plan in fiscal year 2020 and subsequent budget

proposals.

QUESTION:

- 1) Council Resolution No. 20180322-047 directed the City Manager to consult with other law enforcement agencies, various city commissions, and interested community organizations to “consider community policing needs in developing an evidence-based staffing plan.” Please provide the feedback from those consultations on community policing and evidence-based police staffing planning.
 - 2) Please provide the baseline data for the performance measures requested in Council Resolution No. 20180322-047 and the anticipated results of the staffing plan on these measures:
 - Percent reduction in overall use of force and deadly force;
 - Percent and number of interactions leading to critical incidents;
 - Percent of officer suspensions for misconduct where suspension is not overturned or reduced upon appeal;
 - Percent of officers with history of misconduct - or conversely percentage with no history of misconduct;
 - Percent case clearance rates by type of offense;
 - Number of citizen complaints;
 - Number of police misconduct complaints, regardless of source (includes complaints based on statement by other officers or initiated by OPM);
 - Resident satisfaction through consistent annual survey protocol (disaggregated by neighborhood and demographic characteristics); and
 - Police officer and staff job satisfaction through survey protocol (disaggregated).
 - 3) Please provide the department proposals that respond to Council Resolution 20180412-027 and are referenced in a Memo to Council on May 10, 2018. Please also indicate which proposals were included in the adopted FY19 budget.
- MAYOR ADLER’S OFFICE

ANSWER:

- 1) The 5-year staffing needs assessment prepared by APD incorporated recommendations from the Matrix Consulting Group’s Final Report on Community Policing (the “Matrix Report”), published in 2016 , and the MGT of America, Inc. Public Safety Police Operations 2008 assessment (“MGT”). In addition to studying the extensive staffing analysis completed by the City-funded Matrix report, APD focused research efforts on community policing and evidence-based practices, hiring a consultant to provide guidance and training. APD concluded - in line with the International Association of Chiefs of Police (IACP) - that ready-made, universally applicable staffing standards do not exist and that staffing decisions must be framed around the needs of the local community and the capacities of local government and stakeholders. With a wealth of staffing knowledge and following two years of collaborative meetings with local, regional and state law enforcement counterparts and stakeholder groups, as well as national experts, APD arrived at data-driven staffing methodologies and an evidence-based implementation plan. The Department’s recently released community policing report provides a lengthy overview of our advancements and upcoming implementation activities.
- 2) The Austin Police Department is currently coordinating with the City’s Office of Performance Management to refine performance measure language and provide the requested baseline data. We anticipate that this information will be available for review on or before January 11, 2019. The Department expects that the new staffing plan will result in positive impacts that will be reflected in performance measure reports over the coming years. Members of the public interested in historically collected measures may view nine years of annual reports on the Department website: <http://www.austintexas.gov/department/apd-reports>.

3) The attached table provides a list of the public safety budget proposals that were distributed to Council through memo on July 3, 2018, "Subject: FY 2018-2019 Budget Process Update". The proposals highlighted in blue are funded in the FY2019 budget.

QUESTION:

Can City Staff please provide an estimate on the impact to City resources, including City Staff time, required to accomplish the task(s) required in this resolution if approved?

COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

The estimated cumulative cost over the five year period is \$44.4 million. The 123 new sworn staff will require recruiting, background investigations, on-boarding, classroom training, and field training. The cost associated with these items will be covered with existing resources and has not been specifically calculated. Due to on-going attrition within the department, these functions are a fundamental part of police operations. APD civilian staff are not included in the sworn staffing plan and will continue to be addressed in the regular budget process.

- 44. Agenda Item #44:** Approve a resolution directing the City Manager to develop recommendations regarding the creation of a pilot program that would address shifting modes of transportation by incentivizing transit use.

QUESTION:

Please explain the reasoning for the City of Austin/City Manager to identify funding options to fund the incentive pilot program(s) for the Transit Authority? Is this pilot meant only for the City of Austin employees?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Pending.

QUESTION:

Can City Staff please provide an estimate on the impact to City resources, including City Staff time, required to accomplish the task(s) required in this resolution if approved?

COUNCIL MEMBER FLANNIGAN'S OFFICE/COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

This is a focus area for the Austin Transportation Department and considered part of our Transportation Demand Management program (TDM) program. However, at this time we do not have a work plan or an estimate required to accomplish this pilot program.

- 45. Agenda Item #45:** Approve an ordinance requiring four-person staffing for all Austin Fire Department emergency response apparatus.

QUESTION: Can City Staff please provide an estimate on the impact to City resources, including City Staff time, required to accomplish the task(s) required in this resolution if approved?

COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

There is no impact to City resources required to implement four-person staffing as the department already staffs its apparatus at this level. Should there be a significant, long term impairment to General Fund revenues, options to revise staffing on Fire apparatus would require Council action to amend this ordinance. Otherwise, the negative budget impact would

be largely allocated to other General Fund departments.

- 96. Agenda Item #96:** Conduct a public hearing and consider a resolution to expand the Austin Downtown Public Improvement District by adding one parcel of land at 208 Nueces Street, as requested by the property owner.

QUESTION: If additional properties (such as those in the Rainey District) are interested in exploring the option of being included in the PID, what process would they use? What is the timeframe under which this interest can be expressed and that these decisions are made?
MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

A property owner interested in joining the Austin Downtown Public Improvement District may contact Economic Development Department (EDD) staff via the website (<http://www.austintexas.gov/departments/maintenance-and-operations-m-o-public-improvement-districts-pids>) or, as in the case of 208 Nueces owner, contact staff of the Downtown Austin Alliance (DAA) who notified EDD staff of the request. The property owner submits a notarized Request for Inclusion in the Austin Downtown Public Improvement District to the City Clerk. Once the City Clerk certifies the petition as valid, EDD staff follow the statutory requirements of conducting a public hearing and notifying the public outlined in TX Local Government Code Chapter 372.

A petition may be submitted at any time and will be acted upon immediately. The entire process, starting when the owner submits the petition to City Clerk to Council action on the request, takes approximately eight weeks. To ensure the property is included in the roll during the annual consideration of assessment rate and DAA's Service Plan, City and DAA staff encourage owners to submit their Requests for Inclusion to the City by December 31st, so that Council can consider it no later than March 1st. The property will not begin paying its DPID assessment until the following year.

- 97. Agenda Item #97:** Conduct a public hearing and consider a resolution for use of dedicated parkland, known as Quail Creek Neighborhood Park, for approximately 69,970 square feet of permanent storm water detention pond and 20,083 square feet for a temporary staging area, to construct, use, maintain, repair, and expand the existing drainage pond for the Little Walnut Creek Flood Risk Reduction Project, in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code.

QUESTION:

There are currently soccer fields in the detention pond. During construction, will there be a soccer field created at Brownie Park? Will the soccer fields be replaced at Quail Creek after construction is complete?

COUNCIL MEMBER CASAR'S OFFICE

ANSWER:

A soccer field will permanently be constructed at Brownie Park prior to the closing of the existing field at Quail Creek Neighborhood Park. According to WPD, construction for the Flood Risk Reduction Project is anticipated to start in late 2019. That means that construction of the soccer field at Brownie Park can occur any time after Council approves the Chapter 26 item (scheduled for December 13, 2018) and WPD pays \$88,181 mitigation amount. (The mitigation fee will be used as a funding source for the new soccer field at Brownie Park.) PARD Facilities Construction will construct the soccer field or PARD will use a contractor from our Master Contractor List to complete the project. Once the construction within Quail Creek Park is complete, the soccer field in Quail Creek Parks will be restored in its current location.

- 101. Agenda Item #101:** Conduct a public hearing and consider an ordinance that extends the expiration date for the East 11th and 12th Streets Urban Renewal Plan and Redevelopment Project Controls.

QUESTION:

Please provide a written rationale for staff's recommendation on this item.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

See memo attached.

QUESTION/ANSWER: COUNCIL MEMBER HOUSTON'S OFFICE

1. *The Urban Renewal Plan is set to expire at the end of this year. However, in August 2018, the Urban Renewal Board took action to recommend to Council extension for ten years, through 2028, to include a reassessment after five years. In response to the URB's Request for Council Action, NHCD Staff opposed the board's recommendation, supporting an extension only through September 30, 2019. NHCD Staff recommendation appears to flow from its interpretation that URB oversight is limited to disposition of the two remaining East 11th Street parcels owned by the Urban Renewal Agency rather than to ensuring implementation and compliance across the entire Urban Renewal Plan area, as stated on the Urban Renewal Board City website.*

Please describe the total scope of work the Urban Renewal Board is tasked with including the development, redevelopment of public and private parcels, implementation of the Urban Renewal Plan, and the disposal of public properties.

The Urban Renewal Board's (URB) powers are defined in Chapter 374 of the Texas Local Government Code. State law authorizes the URB to: prepare property under its control for sale or transfer; conduct preliminary surveys to determine if undertaking an urban renewal project is feasible; conduct urban renewal projects described in an urban renewal plan; develop, test, and report methods and techniques for the prevention of slums and urban blight and conduct demonstrations and other activities in connection with those methods and techniques, and apply for, accept, and use federal grants made for those purposes. These activities do not include the authority to (i) determine if an area is, due to being blighted or a slum, appropriate for a project; (ii) approve, amend or hold public hearings related to urban renewal plans; (iii) establish general plans for the locality as a whole; (iv) make findings related to slum or blighted areas; (v) formulate programs, exercise zoning power, or enforce other land use regulations; or (vi) cause the relocation of persons displaced as a result of redevelopment undertaken pursuant to a plan

2. *Please describe who defines or may define the scope/role of the Urban Renewal Board.*
State law and City Council define the scope and role of the URB.
3. *How many individual lots along East 12th Street from IH-35 to Poquito Street are currently vacant or contain vacant structures?*
NHCD is unable to provide responsive information as this information is not actively tracked.
4. *Are owners of East 11th Street and East 12th Street properties required to adhere to the Urban Renewal Plan when developing or redeveloping their properties?*
Yes, property owners of East 11th and 12th Streets are required to adhere to the Urban

Renewal Plan when they redevelop their property.

5. *How does the Urban Renewal Agency ensure that properties sold to nonprofit or private developers with the intention of being affordable housing or other uses with community benefits are developed in keeping with the intended use?*

After Council approves the price and conditions of sale of a URB-held property, the transfer will include deed restrictions or a restrictive covenant that requires the agreed upon provisions for affordable housing and other community benefits. If the provisions are included in a restrictive covenant, it will be recorded in the real property records.

6. *Please describe all new construction that has occurred on privately held East 12th Street tracts from 1999 to present.*

NHCD is unable to provide responsive information as this information is not actively tracked.

7. *How much total funding over the Urban Renewal project span [1999 to present] has the City expended within the project boundaries along East 11th Street and how much along East 12th Street? Please include all City funds expended for infrastructure improvements, construction, historic preservation, affordable housing initiatives and support for local businesses.*

Since 1999, the City of Austin has invested an estimated \$25 million dollars in the area for activities such as acquisition and relocation, streetscape and infrastructure improvements, historic renovation, small business loans, affordable housing development and commercial development.

8. *How many minority businesses were located on East 11th Street from IH-35 to Navasota Street and on East 12th Street from IH-35 to Poquito Street when the Plan was adopted and how many are currently located there?*

NHCD is unable to provide responsive information as this information is not actively tracked.

9. *Please quantify NHCD Staff time dedicated to the URB and Urban Renewal Agency activities.*

Over the past 6 months staff has spent an average of 20 hours a month, however staff time is contingent upon the items on the Urban Renewal Board agenda. Staff will be spending more time on URB and Urban Renewal activities to prepare the Request for Proposal for Blocks 16 and 18 of East 11th Street.

QUESTION:

The Economic Development Department is responsible for economic development programs in the community and oversees the portfolio of strategic city-owned property to be repositioned in the private market; what action would be required to assign EDD staff to the URB as it carries out implementation of the Urban Renewal Plan for East 11th and 12th Streets?

COUNCIL MEMBER POOL'S OFFICE

ANSWER:

Currently NHCD has the budget and staff assigned to the Urban Renewal Board. While it is possible to move the activity, NHCD has been staffing this activity with the same staff for the last 20 years. There is valuable institutional memory frequently relied upon to implement the plan effectively. Because there are only two blocks remaining for disposition, NHCD does not recommend moving the activity to EDD. NHCD will however be collaborating with EDD and the Office of Real Estate Services to deploy the RFPs and complete these transactions.

- 106. Agenda Item #106:** Approve an ordinance waiving or reimbursing fees for right-of-way, encroachments, easements, or licenses, and permit deposits in an amount not to exceed \$14,021,548.45 related to the Capital Metropolitan Transit Authority Downtown Station, generally located on 4th Street from Trinity Street to IH-35.

QUESTION:

With regard to the placement of a restroom in Brush Square to serve Metro riders as well as other users, please provide the following information:

- (A) the estimated cost of maintenance, cleaning, and supplies
- (B) rationale for not locating restroom on or near the platform
- (C) rational for the City taking on cost of maintenance, cleaning, and supplies

Why have estimated costs of restroom maintenance, cleaning, and supplies not been included on Exhibit A?

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

- (A) the estimated cost of maintenance, cleaning, and supplies
From the pilot program cost data, we estimate the operating costs for the Brush Square permanent public restroom to be approximately \$3,400 per month to cover cleaning, supplies (toilet paper and hand sanitizer), maintenance/repairs, including emergency repairs and a contingency for large special events. The Downtown Austin Alliance 2019 Service Plan (approved by Council in August 2018) includes \$150,000 for restroom maintenance.
- (B) rationale for not locating restroom on or near the platform
The restroom was not located on or near the platform as the restroom is intended for use by not only Metro Rail patrons, but also those using Capital Metro buses, the general public and those using and attending events in Brush Square Park. Additionally, locating the restroom on or near the platform would require waiting until such time as the Metro Rail station was completed. The current location is out of the construction zone and will allow for the restroom to be installed and in use during the station construction period.
- (C) rational for the City taking on cost of maintenance, cleaning, and supplies
The City is not responsible for maintenance, cleaning, and supplies, as mentioned in (A) above, this will be undertaken by the Downtown Austin Alliance (DAA) with the City reimbursing via the annual contract.

As mentioned in (A) above, the responsibility for maintenance and cleaning the restroom is with the Downtown Austin Alliance and the 2019 Service Plan (approved by Council in August 2018) includes \$150,000 for restroom maintenance.

- 107. Agenda Item #107:** Approve a resolution directing the City Manager to limit the areas included in the Trails Pilot Program regarding the use of electric bikes and electric scooters on specific trails maintained by the Parks and Recreation Department.

QUESTION: Can City Staff please provide an estimate on the impact to City resources, including City Staff time, required to accomplish the task(s) required in this resolution if approved?

COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

The current resolution is to exclude the Shoal Creek Trail from the electric bike and scooter pilot

program. As a result of this exclusion, an increase in public information awareness and enforcement would be necessary. The trails identified for the pilot are those for which the surface materials are conducive to supporting mobility needs (see attachment with information on included trails). Shoal Creek Trail is partially paved and serves north south mobility needs. As this resolution will be excluding a trail that meets the identified pilot priorities, additional outreach will be needed in order to educate the public.

This effort would require a reallocation of Park Ranger staff time to conduct trail pop-ups and patrols in the Shoal Creek Trail area. It is expected expense associated with staff time reallocations. However, the staff time used to perform these pop-up patrols will remove time available for other priorities for ranger staff, such as addressing off-leash dog concerns.

Signage will need to be placed at the 16 trailheads along the Shoal Creek Trail to help address the new park rules and inform users of trail etiquette at an estimated print cost of \$1,500. There would be no added cost for installation of the signage, as it would be a matter of reallocating existing staff time. Signage would not be placed along 5.25 miles of trails.

AHFC **Agenda Item AHFC #001:** Consent to the transfer of a regulatory and land use restriction agreement (dated August 1, 2001) to Avanath Blunn Creek, LLC, or an affiliated entity, for the property located at 701 Woodward Street.

QUESTION:

1. Did any of the terms, covenants, conditions, and obligations within the LURA include tenant protections? If so, will those terms still be in place under this transfer?
2. Please detail the "Excluded Obligations" referenced in the back-up material.

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

1. The 2001 Bond Regulatory Agreement and LURA did not include additional tenant protections. However, the property remains subject to the Low Income Housing Tax Credits (LIHTC) LURA through 2032.
2. The bonds are being redeemed and paid off on the transaction closing date. Upon pay off, all payments and liabilities related to the loan will no longer be applicable except for the 2001 Bond Regulatory Agreement and LURA, which is being transferred to the new owner. Because the assignment document includes the "excluded obligations" language and out of an abundance of caution, the Board may want to make a motion that explicitly requires the bonds to be paid off as a condition to consenting to the transfer. When considering this item, a Board member may move that it consents to the transfer if the bonds are paid off at closing.



Recommendation for Action

File #: 18-3994, Agenda Item #: 3.

12/13/2018

Agenda Item

Agenda Item #3: Authorize negotiation and execution of an amendment to the cost participation agreement with Desta Three Partnership, Ltd. to increase the amount of the City's participation from \$211,895.00 to an amount not to exceed \$240,155.47 of which the City's total soft cost reimbursement will not exceed \$73,983.48, and approve an ordinance waiving City Code section 25-9-62(D) limiting soft cost reimbursement.

QUESTION:

The RCA states, "This action requires the waiver of Section 25-9-62(D) of the Austin City Code, which limits soft cost reimbursement to only 15% of reimbursable hard costs." What is the legislative intent or rationale behind the 15% soft cost reimbursement section of code, and why should Council waive it in this case?

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

The intent behind the 15% soft cost reimbursement section of code was to ensure that a developer did not try to pass on the entirety of their soft costs to the City. For any given development project, the developer would already be responsible for designing and constructing water and/or wastewater improvements to serve their project. When the City asks a developer to oversize a water or wastewater main, it is generally an incremental increase that does not change the overall scope of the developer's project. Therefore, the developers should still bear the bulk of the cost associated with engineering and design (i.e. soft costs). At the time this section was added to the code in 2009, the provision was vetted by stakeholders and it was agreed that a 15% reimbursement for soft costs was reasonable.

Section 25-9-62(E) of the Austin City Code allows for higher cost participation at City Council's discretion. Austin Water staff is requesting that Council waive the 15% soft cost limitation in this case due to issues that were out of the developer's control. Those issues included the developer being required by City Staff at a very late stage of design to prepare and submit an Environmental Resource Inventory for a utility project that was constructed within Texas Department of Transportation (TxDOT) right-of-way. This decision combined with a lengthy review time to obtain a Utility Installation Review permit from TxDOT, also resulted in a conflict with a telecommunication fiber line that was installed during the added review period which ultimately required redesign of almost half of the water main after construction had already started.

QUESTION:

From the RCA, "This action requires the waiver of Section 25-9-62(D) of the Austin City Code, which limits soft cost reimbursement to only 15% of reimbursable hard costs." What is the total percentage that will be reimbursed? The total amount of requested soft cost reimbursement is \$147,967.00, so how much over 15% is this?

COUNCIL MEMBER KITCHEN'S OFFICE

ANSWER:

Per section 25-9-62 of the Land Development Code, City Council authorized Austin Water to reimburse Desta Three for 50% of the hard construction costs for the proposed water main (oversizing from an 8-inch water main to a 16-inch water main). Section 25-9-62(D) also specifies that we may reimburse up to 15% of the reimbursable hard cost amount

for soft costs. The actual hard construction costs came in at \$337,061.68, of which Austin Water will reimburse \$168,530.84.

Section 25-9-62(E) of the Austin City Code allows for higher cost participation at City Council's discretion. Austin Water staff is recommending, at the request of the developer, that Council waive the 15% soft cost limitation in this case due to issues that were out of the developer's control. Those issues included the developer being required by City Staff at a very late stage of design to prepare and submit an Environmental Resource Inventory for a utility project that was constructed within Texas Department of Transportation (TxDOT) right-of-way. This decision combined with a lengthy review time to obtain a Utility Installation Review permit from TxDOT, also resulted in a subsequent conflict with a telecommunication fiber line that was installed during the added review period which ultimately required redesign of almost half of the water main after construction had already started. As a result, the soft costs reimbursement being requested is \$71,624.63, or an increase of \$46,345.00 over what was previously approved. The resulting soft cost reimbursement is 42.5% of the reimbursable hard costs.



Recommendation for Action

File #: 18-3964, Agenda Item #: 8.

12/13/2018

Agenda Item

Agenda Item #8: Authorize award and execution of a construction contract with Alpha Paving Industries, LLC (DBE) for ADA Ramp & Bus Stop Improvements 2018-2020 Citywide Indefinite Delivery/Indefinite Quantity contract in the amount of \$750,000 for an initial 12 month term, with one 12 month extension option of \$250,000, for a total contract amount not to exceed \$1,000,000.

QUESTION:

Prior Council Action dated December 13, 2012 indicated that the City accepted funds in the amount of \$10,000,000 from Capital Metro and amended the FY 2012-2013 Public Works Department Capital Budget (Ordinance #. 20120910-002) to appropriate \$10,000,000 to construct bus stop and associated ADA pedestrian improvements through the City. Is this contract being funded by the 2012 funds which Capital Metro appropriated to the Public Works Department for construction of bus stops and ADA improvements? If not, when did this responsibility become a budget item for the City of Austin/Public Works Department?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Yes, the contract is being funded by the 2012 funds from Capital Metro for bus stop and ADA improvements. The Capital Metro funds were appropriated into the Public Works Budget in 2012, and are included in the Public Works' current year budget.

QUESTION:

Please provide a list of projects broken down by Council District.

COUNCIL MEMBER KITCHEN'S OFFICE

ANSWER:

Bus Stop improvements for this contract coincide with the "2018 Cap Remap", which is throughout the City. The improvements are not specific to one area, but are performed on an as needed basis. Capital Metro has provided a partial list of projects which are located in Districts 1, 3, 4, 5, 8, and 9. The list of potential projects provided by Capital Metro are attached. Additional projects will be added as they are coordinated with Capital Metro.

Council District	Bus Stop Location – Street Intersections	
1	7TH	San Marcos
1	ML King	Congress
1	Berkman	Briarcliff
3	Cesar Chavez	Tillery
4	51st	Waterbrook
4	Rundberg	Georgian
4	Highland Mall Blvd	Airport
5	Slaughter	Riddle
5	West Gate	Aftonshire
5	West Gate	Nesbit
8	Hwy290	William Cannon
8	William Cannon	Escarpment
8	Convict Hill	Poncha Pass
8	Convict Hill	Brodie
8	Convict Hill	Reaburn
9	Trinity	17TH
9	8th	APD Head Quarters
9	38th 1/2	Guadalupe
9	Met Center (COA Municipal Court, Food Bank)	
Outside limits	Slaughter	Orchard Ridge



Recommendation for Action

File #: 18-3962, Agenda Item #: 10.

12/13/2018

Agenda Item

Agenda Item #10: Approve an ordinance amending City Code Chapter 2-1 (City Boards) relating to board member conduct.

QUESTION: How will this ordinance be enforced? Who/what body will be responsible for the enforcement?
COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

It would be enforced by Council. Any complaint received for a violation of member conduct would be filed with the Clerk's Office who would then notify the nominating Council Member. The Council Member would be responsible for enforcing the compliance with board member conduct requirements or making a request for Council to remove the Board Member for violation of the section. Alternatively, an anonymous complaint could be filed with the City Auditor's Office who would forward the complaint to the nominating Council Member for enforcement. If council wants to change the process and involve another group, like a council committee or a board/commission, then Council would need to either initiate a request or provide direction to staff on which group should be involved in the enforcement

QUESTION:

Part 2 of the ordinance would prohibit speech or conduct that is "offensive." Is "offensive" defined in the city code or charter?

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

Our personnel policies use similar language to Part 2 of the proposed ordinance: "The City will not tolerate behavior or language that is disruptive, unprofessional, offensive, threatening and/or disrespectful including, but not limited to, horseplay, gossip, profanity, the mishandling of information, or communication that is untrue or inappropriate in a professional work environment."

However, "offensive" is not defined in our Personnel Policies, City Code, or City Charter. When a term in City Code is not specifically defined, Section 1-1-3 of City Code provides: "(A) Words and phrases shall be read in context and construed according to the rules of grammar and common usage".

FOLLOW - UP QUESTION:

This proposed ordinance contains prohibitions on speech and conduct that raise potential First Amendment concerns. For example, terms such as "offensive" and "innuendo," even if interpreted under their ordinary meaning, seem to be so vague that their application in a setting like a City Board or Commission meeting might be constitutionally problematic, if challenged. Is this proposed ordinance constitutionally sound, as written?

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

Law will provide a response to Council separately.



Recommendation for Action

File #: 18-3963, Agenda Item #: 13.

12/13/2018

Agenda Item

Agenda Item #13: Authorize entry of an Agreed Final Judgment and Order in Austin Country Club v. City of Austin, cause No. D-1-GN-17-006525, relating to land use and environmental regulations applicable to Austin Country Club's 179-acre tract located in Northwest Austin, at 4408 Long Champ Drive. Related to Item 100.

QUESTION/ANSWER: COUNCIL MEMBER ALTER'S OFFICE

- 1) *What did staff originally determine were the impervious cover limits for this site under current code?*
Under current code, the impervious cover limits are 20% net site area, or approximately 18.8 acres.
- 2) *What is current impervious cover on the site?*
Current impervious cover on the site is estimated to be approximately 18 acres.
- 3) *What are the differences in the entitlements allowed via this agreement with respect to what would have been allowed or prohibited under the Hill Country Roadway ordinance?*
The proposed agreement does provide some modifications to the Hill Country Roadway ordinance. In general, under the Development Terms, the project will comply with the FAR limitations of the current low-intensity zone regulations with density bonus. The agreement includes an exception to increase the height in the Club House District from 40 feet to 50 feet. Additionally, there is an exception to allow a small security building in the Entrance District that might be located closer than 100 feet from the ROW based on site constraints. The landscape and vegetative buffer requirements in Chapter 25-2, Subchapter C, Article 9, Division 3 will not apply in the Club and Marina Districts and has a limited application in the Golf District.
- 4) *What is the slope at the driveway? Is this an expansion of the existing driveway that is a secondary driveway now, or is this an additional driveway? Has the Texas Department of Transportation approved this driveway, or how and when will they be involved in the approval process? Will the driveway on 360 be the primary driveway?*
The proposed driveway to Loop 360 is a new driveway access. It is our understanding from the applicant that this driveway could become a primary entrance for the project. Although City staff have not consulted with TxDOT on this proposed driveway, the applicant has represented that their conversations with TxDOT received a favorable response. The approval of the driveway will be reviewed by TxDOT as a part of the site development permit process. The applicant has not completed a detailed design of the driveway and the slope of the driveway is not known at this point in the process.
- 5) *Regulatory Provisions section G. Please provide additional information about how and why the TIA would be "limited scope"?*
At the time of the 1982 plat, the City did not require contributions to offsite transportation impacts as currently required under Chapter 25-6. The provisions negotiated by staff would require a TIA to assess impacts that affect safe operating conditions, which is a narrower range of potential improvements than developers would be required to fund today. The agreement to a limited scope recognizes that the access to the site is limited to the one point of access at this time.
- 6) *Regulatory Provisions, F, Height. Are structures planned for the Entrance District in the first 100 feet?*

A detailed site development plan has not been provided by the applicant. It is anticipated that the small structure being proposed will be placed as far away from the ROW of Loop 360 near the proposed access gate on the new driveway. Staff has asked for clarification from the applicant on the proposed entrance design.

- 7) *Regulatory Provisions, section I. Is the Marina district subject to the Lake Austin Zone? Is Fire protection required if they provide fuel service? How will that be addressed?*

The site is not Lake Austin zoning or subject to the Lake Austin Overlay. Fire protection requirements would be determined at the time of site development permit application.

- 8) *Please provide additional detail on how staff believe this agreement would "potentially ease traffic in the surrounding neighborhood."*

The agreement has been structured to incentivize the timing of the construction of the proposed entrance driveway to Loop 360. Construction of the driveway to Loop 360 will provide a primary access for the project from a major highway eliminating a significant amount of traffic from Long Champ Drive entrance gate within the neighborhood.

- 9) *Please provide additional detail on the potential commercial and residential uses that would be permitted on this property.*

The regulations established in the "Development Terms & Conditions" would apply to any of the uses listed in the "Land Use Table", provided that they are permitted under the base zoning regulations applicable to the property.

For some of the other commercial and residential uses listed in the table, such as condominium residential, the use would only be permitted if Austin Country Club were to obtain a rezone. The Development Terms specifically provide that, while Austin Country Club can always apply for rezoning, the City has no obligation to approve a rezone.

For further comparison, see the attached table that outlines the current uses allowed under the Property's current zoning and the uses that would be allowed under the Development Terms.

- 10) *Would the new "Entrance District" (new entrance/exit off 360 near the Pennybacker bridge) of the proposed development be possible under current code?*

Under the current Land Development Code, the transportation regulations would permit the driveway subject to approval by TxDOT. However, without specific design documents for review the construction of the entrance driveway would most likely require variances from cut and fill, construction on slopes, critical water quality zones, and floodplain modification prior to approval.

- 11) *How does the construction on slope compare to current code?*

Current code would be more restrictive in terms of development allowed on slopes. Current code restricts construction of a roadway or driveway on slopes more than 15% unless necessary to provide primary access to at least 2 contiguous acres with a gradient of less than 15% or building site with at least 5 residential units. Current code prohibits constructing a parking area on a slope more than 15%, prohibits constructing a building or parking structure on a slope of more than 25%, and provides limitations (see 25-8-302) on constructing a building or parking structure between 15% and 25%. The Development Terms propose restrictions consistent with Ordinance 800103-N.

- 12) *What does the iii Subsurface Parking facility mean in practice?*

A parking garage built below the existing grade of the land, with soil and vegetation on top of the garage that would potentially be utilized for a golf driving range. This provision mirrors current code 25-8-63 (C) 11.

- 13) *C ii. B. - is this provision about removal cumulative or just at any given time for the project?*
This provision is in addition to the requirements of the protected tree ordinance which are directly incorporated into the Development Terms. In addition, at least 25% of the heritage trees located in the Golf District shall be preserved.
- 14) *Please provide additional detail on the meaning of the Outdoor entertainment clause on I-III.*
The inclusion of Outdoor entertainment in the Maria District is intended to allow the applicant the ability to develop a use that may contain an outdoor entertainment use subject to the restrictions of the noise ordinance.
- 15) *Is the sale of alcoholic beverages currently permitted in the golf district?*
Yes.
- 16) *Are hotel and bed and breakfast uses currently permitted at this site?*
In the portion of the site zoned CR Community Recreational" a hotel is a conditional use and bed and breakfast is a permitted use. In the portion of the site zoned Commercial Liquor Sales, CS-1, a bed and breakfast and hotel are permitted uses.
- 17) *Are commercial uses, congregate living, multi-family residential currently permitted?*
In the portion of the site zoned CR Community Recreational" congregate living and multi-family residential are not permitted uses. In the portion of the site zoned Commercial Liquor Sales, CS- 1, congregate living is permitted but multi-family is not a permitted use.
- 18) *Please provide additional detail on the meaning of Part 3 C II.*
The Development Terms grant specific entitlements to the Project that supersede any conflicting provisions of the City's Land Development Code. Regulations that are not specifically superseded will be liberally construed by staff to permit the development to occur in a manner consistent with the letter and spirit of the Development Terms. Otherwise, current code will apply.
- 19) *When would a project ever be considered complete? Where is that defined?*
Applicable law contemplates that, once a project is complete, further development cannot avail itself of vested rights under Chapter 245. The statute does not define project completion.
- 20) *Please provide additional detail on the meaning of Part 3 E II.*
The overall intent of this language is to describe the point at which the project will be deemed complete, such that further development or redevelopment will be subject to current regulations. Construction work in progress would be allowed to be completed in compliance with the permits issued.
- 21) *Please provide additional information as to the method of tracking impervious cover. Who will be responsible for tracking the impervious cover and how will it be tracked? Please indicate where that is codified in the agreement.*
The impervious cover will be tracked through a table on a master site development plan maintained by Development Services Department. The exact location of this provision in the Development Terms is still being negotiated by Staff.
- 22) *Would approval of this item allow for restaurants or restrooms on or near the Colorado River?*
Yes, but any development for these uses would only be located on land and not allowed over the water
- 23) *Provide a comparison between 1982 regulations, current code, and the proposed Development*

Terms.

See attached table.

- 24) *Please provide a list of the uses currently permitted or conditional on this site that would be subject to the terms of this agreement.*
See zoning use summary table.
- 25) *Please provide a list of the uses currently permitted or conditional on this site which would not be subject to the terms of this agreement.*
See zoning use summary table.
- 26) *Please provide a list of the uses which are not currently permitted or conditional on this site but would be subject to the terms of this agreement should the property be rezoned in the future.*
See zoning use summary table.

QUESTION:

Did the Austin Country Club request a Chapter 245 ("grandfathering") determination from our city staff? If so, what was staff's determination on the issue of vested rights?

COUNCIL MEMBER POOL'S OFFICE

ANSWER:

The City has stated that the project is "complete" for purposes of Chapter 245 and issued formal findings to that effect. Austin Country Club's lawsuit challenges that determination. The proposed Development Terms & Conditions are intended to find a compromise position.

ZONING USE SUMMARY TABLE (LAND DEVELOPMENT CODE)			
P = Permitted Use C = Conditional Use Permit -- = Not Permitted			
RESIDENTIAL USES	CR	CS-1	Agreement
Bed & Breakfast (Group 1)	P	P	Y
Bed & Breakfast (Group 2)	P	P	Y
Condominium Residential	--	--	Y
Multifamily Residential	--	--	Y
Townhouse Residential	--	--	Y
COMMERCIAL USES	CR	CS-1	Agreement
Administrative and Business Offices	--	P	N
Agricultural Sales and Services	--	P	N
Art Gallery	P	P	N
Art Workshop	P	P	N
Automotive Rentals	--	P	N
Automotive Repair Services	--	P	N
Automotive Sales	--	P	N
Automotive Washing (of any type)	--	P	N
Bail Bond Services ¹⁰	--	PC	N
Building Maintenance Services	--	P	N
Business or Trade School	--	P	N
Business Support Services	--	P	N
Campground	C	P	N
Cocktail Lounge	--	C	Y
Commercial Blood Plasma Center	--	P5	N
Commercial Off-Street Parking	--	P	N
Communications Services	--	P	N
Construction Sales and Services	--	P	N
Consumer Convenience Services	C	P	N
Consumer Repair Services	--	P	N
Convenience Storage	--	P	N
Drop-Off Recycling Collection Facility	--	P	N
Electronic Prototype Assembly ¹⁵	--	P	N
Equipment Repair Services	--	P	N

ZONING USE SUMMARY TABLE (LAND DEVELOPMENT CODE)			
P = Permitted Use C = Conditional Use Permit -- = Not Permitted			
Equipment Sales	--	P	N
Exterminating Services	--	P	N
Financial Services	--	P	N
Food Preparation	--	P	N
Food Sales	--	P	N
Funeral Services	--	P	N
General Retail Sales (Convenience)	--	P	N
General Retail Sales (General)	--	P	N
Hotel-Motel	C	P	Y
Indoor Entertainment	C	P	N
Indoor Sports and Recreation	C	P	Y
COMMERCIAL USES continued	CR	CS-1	Agreement
Kennels	--	P	N
Laundry Services	--	P	N
Liquor Sales	--	P	N
Marina	P	--	Y
Medical Offices -- exceeding 5000 sq. ft. gross floor area	--	P	N
Medical Offices -- not exceeding 5000 sq. ft. gross floor area	--	P	N
Off-Site Accessory Parking ¹⁴	--	P	N
Outdoor Entertainment	C	C	Y
Outdoor Sports and Recreation	P	P	Y
Pawn Shop Services	--	P	N
Pedicab Storage and Dispatch	--	P	N
Personal Improvement Services	P	P	Y
Personal Services	--	P	N
Pet Services	--	P	N
Plant Nursery	--	P	N
Printing and Publishing	--	P	N
Professional Office	--	P	N
Recreational Equipment Maint. & Stor.	P	--	N
Recreational Equipment Sales	P	--	N

ZONING USE SUMMARY TABLE (LAND DEVELOPMENT CODE)			
P = Permitted Use C = Conditional Use Permit -- = Not Permitted			
Research Services	--	P	N
Restaurant (General)	C	P	Y
Restaurant (Limited)	--	P	Y
Service Station	C	P	N
Software Development	--	P	N
Special Use Historic	C	--	N
Theater	C	P	N
Vehicle Storage	--	P	N
Veterinary Services	--	P	N
INDUSTRIAL USES	CR	CS-1	Agreement
Custom Manufacturing	--	P	N
Limited Warehousing and Distribution	--	P	N
AGRICULTURAL USES	CR	CS-1	Agreement
Community Garden	P	P	N
Urban Farm	P	P	N
CIVIC USES	CR	CS-1	Agreement
Club or Lodge	--	C	Y
College and University Facilities	C	P	N
Communication Service Facilities	C	P	N
Community Events	8	8	N
Community Recreation (Private)	P	P	Y
Community Recreation (Public)	P	P	Y
Congregate Living	--	P	Y
Counseling Services	P	P	N
Cultural Services	P	P	N
Day Care Services (Commercial)	C	P	N
Day Care Services (General)	--	P	N
Day Care Services (Limited)	--	P	N
Family Home	--	P	N
Group Home, Class I (General)	--	P	N
Group Home, Class I (Limited)	--	P	N

ZONING USE SUMMARY TABLE (LAND DEVELOPMENT CODE)

P = Permitted Use C = Conditional Use Permit -- = Not Permitted

Group Home, Class II	--	P	N
Guidance Services	--	P	N
Hospital Services (General)	--	C	N
Hospital Services (Limited)	C	P	N
Local Utility Services	C	P	N
Maintenance and Service Facilities	--	P	N
Private Primary Educational Facilities	C	P	N
Private Secondary Educational Facilities	C	P	N
Public Primary Educational Facilities	C	P	N
Public Secondary Educational Facilities	C	P	N
Religious Assembly	C	P	N
Residential Treatment	--	P	N
Safety Services	--	P	N
Telecommunication Tower ⁷	PC	PC	N
Transitional Housing	--	C	N
Transportation Terminal	--	C	N

1-Refers to 25-2-602 (13-2-225); 2-Refers to 25-2-622 (13-2-226); 3-Refers to Subchapter B, Art. 2, Div 5; 4 Refers to 25-2-624 (13-2-227); 5-Refers to 25-2-803 (13-2-233); 6-Subject to 25-2-805 (13-2-224); 7-Subject to 25-2-839 (13-2-235 & 13-2-273); 8-Refers to 25-2-842; 9-Refers to 25-2-863; 10-Subject to 25-2-177 & 25-2-650; 11-Subject to 25-2-587 (D); 12-Subject to 25-2-816; 13-Permitted in MU and V combining districts, subject to 25-2, Subchapter E, Art. 4, Subsec. 4.2.1.C; 14-Refers to 25-6-501; 15-Refers to 25-2-817; 16-Refers to 25-2-811.

PC - Permitted in the district, but under some circumstances may be conditional; CP - Conditional in the district, but under some circumstances may be permitted

Austin Country Club

Comparison of 1982 regulations, proposed Development Terms, and current regulations

Issue	1982 Regulations	Development Terms	Current Code
Impervious cover limitations	Approximately 25.5% gross site area (45.82 ac)	20% gross site area (35.93 ac)	20% net site area (18.83 ac)
Water quality treatment	None	78% of equivalent impervious cover treated	All new and redeveloped impervious cover would require treatment
Tree protections	None	Protected Tree Ordinance, but removal cannot be prohibited and 25% of Heritage Trees in the Golf District must be preserved	Protected Tree Ordinance, Heritage Tree Ordinance
Critical water quality zone buffers	None	None	Buffers apply
Critical environmental feature buffers	None	None	Buffers apply
Construction on slope limitations	20% impervious cover on slopes 15-25%; 10% impervious cover on slopes >25%	20% impervious cover on slopes 15-25%; 10% impervious cover on slopes >25%	10% impervious cover on slopes 15-25%; 0% impervious cover on slopes > 25%
Cut/Fill limitations	Limited to 4 feet with certain exceptions	Limited to 4 feet with certain exceptions	Limited to 4 feet with certain exceptions
Sign regulations	1982 sign regulations	Current sign regulations	Current sign regulations
Drainage regulations	No floodplain modification, erosion hazard zone	Current code except that floodplain natural and traditional character and erosion hazard zone requirements do not apply	Floodplain modification, erosion hazard zone apply
Hill Country Roadway height limitations	None	Height may not exceed 25 feet in Entrance District, 28 feet in Golf/Marina District, 50 feet in Club	Height may not exceed 28 feet, although with bonus height may not exceed 40 feet
Hill Country Roadway floor-to-area ratio requirements	None	0.25 on slope <15%; 0.08 on slopes 15-25%; 0.04 on slopes 25-35%	0.20 on slope <15% (development bonus up to 0.25); 0.08% on slopes 15-25%;
Hill Country Roadway buffer requirements	None	Does not apply to Club and Marina districts, but visual screening and native tree requirements apply to Golf District	Buffers, visual screening, native tree

Austin Country Club

Comparison of 1982 regulations, proposed Development Terms, and current regulations

Issue	1982 Regulations	Development Terms	Current Code
Transportation impact analysis requirements	Safety analysis only, mitigation of offsite impacts not required at site development permit	TIA required for before Loop 360 access constructed if new trips exceed 2000 per day; No TIA required after Loop 360 access constructed unless required to address safe operating conditions	Not required if new trips do not exceed 2,000 trips per day
New access driveway from Loop 360 restrictions	Allowed	Allowed in the entrance district with limitations on width	Not allowed without variances to floodplain modification and critical water quality zone requirements
Land uses allowed	Limited to uses associated with a country club	Limited to uses specified by district in the agreement	All uses allowed under CR and CS-1 zoning



Recommendation for Action

File #: 18-4002, **Agenda Item #:** 14.

12/13/2018

Agenda Item

Agenda Item #14: Approve an ordinance amending City Code Chapter 2-7 relating to standards of conduct for City officials and employees.

QUESTION:

Please explain the impetus for amending this part of the ordinance and what kind of challenges the changes are meant to address.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

The impetus for amending this part of City Code is to resolve conflicts between City Code and Administrative Bulletins, to provide clarity for officials and employees, and to align the City of Austin with peer cities and workforces. This part of City Code governs gifts and limited use of City property (including phones, computers, etc.). The current legal interpretation of City Code prohibits both gifts and personal use by City employees including: birthday gifts; small tokens of appreciation for a job well done; appreciation gifts for Administrative Professional's Day, Bosses Day; small personal online tasks like scheduling doctor appointments, checking bank records, or any other small use during the workday. Current administrative policy allows small gifts for appropriate circumstances, which is in conflict with the Code. Human Resources, Communications and Technology Management, and the Office of the City Auditor worked with the Law Department to draft language intended to clear up confusion about the City's gift and personal use policies, and better align with state law. We also wanted to be able to include these Code revisions, if approved by Council, in our Ethics training for early 2019. All city employees participate in a city-developed ethics training each year. The City initiated its Ethics training program in 2004.



Recommendation for Action

File #: 18-3999, Agenda Item #: 16.

12/13/2018

Agenda Item

Agenda Item #16: Authorize negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple approximately 3.325 acres and improvements located at the northeast corner of Philomena Street and Mueller Blvd. in the Mueller Development in Austin, Travis County, Texas from Mueller Aldrich SW L1B5, LP in an amount not to exceed \$150,000,000 including closing costs.

QUESTION:

How many daily trips on the surrounding major roadways? (E. 51st St./Philomena St./Berkman Dr./Aldrich St./etc.) What is the capacity of these roadways? What is the anticipated increase in vehicular traffic in the area once developed and in use?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

The Mueller Redevelopment project is subject to Planned Unit Development Ordinance #C814-04-0055 which set trip generation by use for the entire development. The site plan for this project is currently under review by City of Austin Transportation reviewers. The full comments have not been released yet but the draft Transportation comments reference the Traffic Impact Analysis for that zoning case and requests the specifics for this project (see below).

"TR1. The site is subject to the approved TIA with zoning case # C814-04-0055. Provide a TIA Waiver letter from a Certified Engineer (Traffic Engineer) indicating how many trips have been used, how many trips are left, etc. Additionally, provide a copy of fiscal receipts to ensure the site complies with the required mitigations. If you have any questions please contact this reviewer or the DSD Transportation Engineer (Scott.James@austintexas.gov). FYI - the TIA may need to be revised upon further review."

The Purchase and Sale Agreement for this property will require the site plan comply with all City of Austin site development regulations, including traffic.

Mueller - AE Site

Daily Traffic Projections & Design Roadway Volumes

All volumes are in vehicles per day (vpd)

Roadway	Segment	Roadway Classification	Existing Volume ¹	Projected Volume ²	Design Roadway Volume ³	Austin Energy Site Traffic ⁴
E 51st St	IH 35 to Berkman Dr	4 Lane Major Arterial Divided	22,700	35,000	35,500	570
Berkman Dr	51st St to Manor Rd	2 Lane Major Arterial Divided	10,536	15,000	17,750	475
Mueller Blvd	51st St to Aldrich St ⁵	4 Lane Major Arterial Divided	7,743	21,500	35,500	1,235
Barbara Jordan Blvd	IH 35 to Berkman Dr	4 Lane Minor Arterial Divided	9,644	20,000	20,000	475
Aldrich St	51st St to Mueller Blvd	Neighborhood Collector	N/A	4,500	6,000	475
Philomena St	Mueller Blvd to Berkman Dr	Neighborhood Collector	N/A	3,000	6,000	665
Garcia St	Mueller Blvd to Berkman Dr	Neighborhood Collector	N/A	4,500	6,000	665

¹ From City of Austin Count Data and HDR Collected Data (most recent available data - dates range from 2010 to 2017)

² Traffic projections developed from TIA data and include existing, site, and background growth traffic, including Austin Energy site traffic

³ From Transportation Criteria Manual - Numbers represent max typical ADT; Roadway Capacity can be significantly higher than design volume

⁴ AE Site Traffic Estimated for 275,000 SF General Office based on approved PHT Rates - K Factor of 0.11 used to convert to daily estimate of 1,900 VPD

- AE site volumes represent maximum traffic load anticipated for each roadway based on expected trip distributions through Mueller network.

⁵ Existing volume on Mueller Blvd from count on 4 lane section between Mueller Blvd and Airport Blvd listed as Aldrich St, 2010



Recommendation for Action

File #: 18-3996, Agenda Item #: 18.

12/13/2018

Agenda Item

Agenda Item #18: Approve a resolution accepting the 2019 list of proposed events and the maximum number of days requiring full closure of Republic Square Park to the general public, as required under the Parkland Improvement, Management, and Operations Agreement, and authorize negotiation and execution of an amendment to the Parkland Improvement, Management, and Operations Agreement allowing the City Manager to maintain and approve the list of proposed events annually and establishing an annual limit.

QUESTION:

If this item is approved, would the annual list of event closures continue to come to council for approval if the number of closed days remains below the 20 day cap? Or, would approval only come to council in the event that the number of event closures were to exceed 20 days?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

This item requests City Council to authorize twenty (20) or fewer closed event days per year and seeks to administratively maintain the cap in any given programming year. Two (2) of the 20 closed event days authorized were utilized in the first year of programming. The Downtown Austin Alliance estimated that four (4) closed event days will be utilized in the upcoming programming season. Approval of this item would allow PARD Director to authorize programming with up to twenty (20) closed event days per year. City Council would be required to authorize programming for any year in which the proposed closed events would exceed twenty (20) days.

An annual report to be provided to City Council each year, intends to highlight accomplishments, including events and attendance, as well as a programming/event plan for the upcoming year provided by the Downtown Austin Alliance.



Recommendation for Action

File #: 18-4005, **Agenda Item #:** 25.

12/13/2018

Agenda Item

Agenda Item #25: Authorize negotiation and execution of a cooperative contract with United Parcel Service D/B/A UPS, for shipping services, for up to 39 months in an amount not to exceed \$309,000.

QUESTION:

What other service providers bid on this contract with Sourcewell Cooperative and how did they compare?

COUNCIL MEMBER KITCHEN'S OFFICE

ANSWER:

Sourcewell notified a number of couriers regarding this solicitation. See attached for the list. United Parcel Services (UPS) was the only courier that responded to the solicitation. UPS's proposal was evaluated for compliance with the solicitation's requirements.



COMMENT AND REVIEW

To the
REQUEST FOR PROPOSAL (RFP) #091416
Entitled

EXPRESS COURIER, OVERNIGHT, GROUND DELIVERY LOGISTICS SERVICES

The following advertisement was placed in Oregon's *Daily Journal of Commerce* on August 5, 2016, in South Carolina's *The State* on August 4, 2016, in Utah's *The Salt Lake Tribune* on August 4, 2016, in *USA Today* on August 4, 2016, and on the NJPA website www.njpacoop.org, Onvia website www.onvia.com, Notice to Bidders website www.noticetobidders.com, PublicPurchase.com, Merx, and Biddingo:

The National Joint Powers Alliance® (NJPA), on behalf of NJPA and its current and potential member agencies, which includes all governmental, higher education, K-12 education, not-for-profit, tribal government, and all other public agencies located in all fifty states, Canada, and internationally, issues this Request For Proposal (RFP) to result in a national contract solution for the procurement of #090416 EXPRESS COURIER, OVERNIGHT, GROUND DELIVERY LOGISTICS SERVICES. Details of this RFP are available beginning August 4, 2016. Details may be obtained by letter of request to Jonathan Yahn, NJPA, 202 12th Street Northeast, P.O. Box 219, Staples, MN 56479, or by e-mail at RFP@njpacoop.org. Proposals will be received until September 14, 2016 at 4:30 p.m. Central Time at the above address and opened September 15, 2016 at 8:00 a.m. Central Time.

RFPs were requested from and distributed to:

All Canadian Courier	NPCR
ATP Courier	NY Office of General Services
Bronson Courier	Parkland Courier Services Ltd.
Canada Cartage	Paul Bunyan Trucking
City Express Inc.	Prince William County
Commonwealth of MA	Rig Logistics Inc.
Courier Express, Inc.	RTD Logistics, LLC dba Skycom Courier
Department of General Services	Shay Enterprise
Expedite Direct	The Transportation Initiative
FedEx	Timax
Fleet Couriers	United Parcel Services, Inc. (UPS)
IMEX Cargo LLC	USA Couriers
Mississippi Airways	V4U Logistic Inc.
NJ Division of Purchase and Property	William Funk

Proposals were opened on September 15, 2016 at the NJPA offices located at 202 12th Street Northeast in Staples, Minnesota 56479.

United Parcel Services, Inc. (UPS)

Proposals were reviewed by the Proposal Evaluation Committee:

Ginger Line, CPPB, NJPA Senior Contract Procurement Analyst
Gregg Meierhofer, CPPO, NJPA Senior Contract Products and Price Analyst
Keith Hanson, CPA, NJPA Accounting Manager
Jonathan Yahn, JD, NJPA Contracts and Compliance Manager
Kim Austin, NJPA Contract Procurement Analyst
Chris Robinson, JD, NJPA Lead Analyst

The findings of the Proposal Evaluation Committee are summarized as follows:

The Proposal Evaluation Committee used the established NJPA RFP evaluation criteria and determined that the proposal response met Level-One and Level-Two Responsiveness and was evaluated.

Although several prospective vendors requested the RFP, United Parcel Services, Inc. (UPS) was the sole respondent. UPS submitted an exemplary proposal, which supported its demonstrated commitment to NJPA members during the course of its current contract. UPS delivers express courier service globally, with integrated ground and air operations. UPS supports these operations with a multitude of drop off and pickup locations and fleet vehicles. In addition to offering express courier service, UPS proposes numerous ancillary solutions, including packaging and shipping assistance as well as integrated business logistics.


For these reasons, the NJPA Proposal Review Committee recommends award of NJPA Contract #091416 to
United Parcel Services, Inc. 091416-UPS


The preceding recommendations were approved on September 30, 2016.



Ginger Line, CPPB, Senior Contract Procurement Analyst


Gregg Meierhofer, CPPO, Senior Contract Product & Price Analyst


Keith Hanson, CPA, NJPA Accounting Manager


Jonathan Yahn, JD, Contracts and Compliance Manager


Kim Austin, Contract Procurement Analyst


Chris Robinson, JD, Lead Analyst



Recommendation for Action

File #: 18-3993, Agenda Item #: 29.

12/13/2018

Agenda Item

Agenda Item #29: Authorize negotiation and execution of a contract with ZirMed, Inc., to provide a revenue cycle management solution, for a term of five years, in an amount not to exceed \$950,000.

QUESTION:

What are the languages that will be used in the generated documents?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

The languages that will be primarily used by the ZirMed revenue cycle management system are English and Spanish. The following additional languages are available: Vietnamese, Chinese, French and Tagalog. However, as the need for additional languages are identified they can be added upon request.

QUESTION:

Why wasn't this contract put out for bid?

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

Originally, a solicitation (RFP 5600 PAX0145) was done for this service. None of the respondents met the minimum requirements outlined in the RFP. The City reached out to ZirMed, the current clearinghouse contractor. ZirMed is capable of providing a viable system, that includes printing services of patient statement files in multiple languages, including but not limited to English, Spanish, Vietnamese, Chinese, French and Tagalog.



Recommendation for Action

File #: 18-3956, Agenda Item #: 36.

12/13/2018

Agenda Item

Agenda Item #36: Authorize negotiation and execution of a multi-term contract with Downtown Austin Transportation Management Association D/B/A Movability, to provide management services for the Mobility Challenge Program, for up to three years in an amount not to exceed \$450,000.

QUESTION/ANSWER

COUNCIL MEMBER HOUSTON'S OFFICE

1)) *Please list all the board members, who they are and what agency they represent.*

Movability Board Members:

- Ashby Johnson, Capital Area Metropolitan Planning Organization (CAMPO)
- Blanca Gamez, University of Texas at Austin
- Brian Butterfield, Cushman & Wakefield
- Dale Weisman, Silicon Laboratories
- Glenn Lewis, Maxwell Locke & Ritter
- Greg Buford, Capital Metro
- Jim Pledger, Jackson Walker LLP
- Joe Cantalupo, K Frieze + Associates
- Rob Spillar, City of Austin
- Roger Cauvin, FourLeaf
- Sandy Guzman, Office of State Senator Kirk Watson
- Will Wheeler, Gray Engineering

2) *Also, please list any other Movability members, who they are and what agency they represent.*

While the Mobility Challenge program focuses on larger employers (50+ employees) with an office in the Austin city limits, membership allows employers of all sizes throughout the 6- county Central Texas region to get involved and gain commute assistance by paying membership dues. Partner memberships start are available to transportation and related service providers. Anyone is welcome to join as an individual member if they wish to support the non-profits mission and gain admittance to member-exclusive events.

Movability Corporate Members:

- 3M
- Amplify Credit Union
- Atlassian
- Box
- Certain Affinity
- Cirrus Logic

- Cushman & Wakefield
- Endeavor Real Estate
- Flex
- Four Seasons Hotel
- Google
- Gray Engineering
- HPI
- IBM
- Jackson Walker
- K. Friese + Associates
- Lone Star Circle of Care
- Maxwell Locke & Ritter
- McLean & Howard, LLP
- Merck & Co., Inc.
- Samsung
- Silicon Laboratories
- St. Edward's University
- Statesman Media
- Stitch Fix
- Stream Realty
- SXSW
- Texas Gas Service
- Texas State University
- The Thrival Company
- Tokyo Electron
- Whole Foods
- Winstead PC

Movability Partner Members:

- B-Cycle
- Bird
- Capital Area Metropolitan Planning Organization (CAMPO)
- Car2Go
- Chariot
- Electric Cab or North America
- Lyft
- Pace
- Premier Parking
- R&R Limo & Bus
- Rocket Electrics
- Scoop
- Tiny Transit Strategies
- Tripshot
- University of Texas at Austin
- Waze Carpool

- WeDriveU
- ZipCar

Movability Individual Members (note that these individuals have joined the association as private citizens and do not represent an organization):

- Jeff Flanagan
- Roger Cauvin
- Sandy Guzman
- Veda Montalbano

2015/2016 Mobility Challenge Participants

- Advanced Micro Devices
- Austin American Statesman
- Austin Community College
- Austin Independent School District
- Avison Young
- BazaarVoice
- Cushman Wakefield
- Dell
- Endeavor
- Goodwill
- Hanger
- HNTB
- HomeAway
- Jackson Walker
- NetSpend
- NFP
- NXP
- Samsung
- Seton Healthcare Family
- Silicon Labs
- St. David's HealthCare
- Texas Mutual Insurance
- TxDOT
- Travis County
- University Federal Credit Union
- University of Texas
- WP Engine

2017 Mobility Challenge Participants

- Accruent

- AECOM
- American Bank of Commerce
- Amplify Credit Union
- Box
- Capital Metro
- CBRE
- Concordia University
- Eanes Independent School District
- Facebook
- Google
- Hilton Austin
- Holtzman Partners
- K. Frieze and Associates
- Lonestar Circle of Care
- Maxwell Locke and Ritter
- McGarrah Jessee
- Outbound Engine
- St. Edward's University
- Texas Dept. of Insurance
- Texas Gas Service
- YMCA of Austin

2018 Mobility Challenge Participants

- 3M
- Flextronics
- Kasasa
- Stephen F. Austin
- Whole Foods
- Winstead PC
- SXSW
- IBM
- Applied Material
- GM
- Toyko Electronics
- Austin Hispanic Chamber
- Austin LGBT Chamber
- Austin Asian Chamber
- Austin Black Chamber
- Austin Chamber
- Four Seasons
- Texas Facilities Commission
- Texas Medical Association
- Texas State Preservation.

3) *Please provide data that indicates the results of the program over the last four years?*

A total of 69 companies representing over 140,000 employees have participated in the Mobility Challenge

between 2015-2018.

After participating in the Mobility Challenge, companies were surveyed on how they had changed their transportation related benefits for employees.

- 75% of companies have provided free, discounted or at-cost Capital Metro transit passes
- 40% of companies gave cash to employees to give up their parking spot
- 25% of companies increased the cost of parking to each employee
- 93% of companies stated that they plan to begin offering commuter benefits as a result of participating in the Mobility Challenge

Please see attached infographics for additional details.

4) How are goals established?

The Mobility Challenge creates three to five-year strategic plans for new participant companies. Specific goals are tailored to each company and identified in their strategic plan. Goals will vary based on company values, budgets, employee commute habits, and desired outcomes. High level goals are established first and can be followed up with a combination of 30-day, first quarter, one year, and three to five goals and action plans. An example of goals have been:

- “Employees will identify their preferred mobility alternative(s) (Flex Schedule, Mobile Work, etc.)” (Avison Young)
- “Develop a rideshare program that will allow employees who want to share a ride the ability to find other riders in their area.” (AECOM)
- “SXSW will attract and retain the best employees by providing flexible commuting options and supporting work/life balance through a carpool/vanpool program.” (SXSW)

Returning Mobility Challenge companies will have established goals in their strategic plans completed during the first phase of the Mobility Challenge. They will receive assistance from Movability to put their strategic plans into action. Depending on when companies initially participated in Challenge, goals may be modified.

5) How is success determined?

Success for the 5 new companies that Movability works with each year will be delivering a 3- 5-year strategic plan that the company can implement either with, or without, the assistance of a TMA.

For the returning companies, success will differ based on the goals that were established during the planning process:

- Success for one company may be reducing their demand for parking and decreasing the amount of free or subsidized parking that they offer to their employees, thus reducing the company’s facilities costs.
- Another company may measure success by increasing their retention rate and employee levels of health and satisfaction. Mobility benefits are viewed by many as important as health and retirement benefits. These benefits could include the ability to flex their work schedules, telework, being provided with dedicated carpool parking or free or reduced-rate transit passes.

These tools are all important to changing behavior to reduce the number of single occupancy vehicles (SOVs) in our community. All new Mobility Challenge companies are required to conduct an employee commute survey to identify commute behaviors and opportunities. Moving forward, we will be conducting pre- and post- surveys to each participating company to identify commuting changes. For returning companies, we will conduct another

employee commute survey. Surveys will occur on an annual basis for each year the company participates.

6) Please identify how this contract will address the Mobility Outcome in the Austin Strategic Plan.

Movability implements Transportation Demand Management (TDM) programs that promote the efficient movement of people work within the current infrastructure to ultimately reduce congestion. By providing alternatives to driving alone, if only by one day each week, congestion can be decreased by 20%, resulting in a more efficient system. It is more cost effective to reduce the amount of traffic on our current roads than to build additional roads. By encouraging the use of ride sharing, whether by Capital Metro, a private company, carpooling, or by encouraging private employers to offer benefits and policy's that provide their employees with options (flex time, condensed work schedules, teleworking), the City can help move more people instead of moving more single occupancy cars.

Additionally, working with emerging technology solutions such as autonomous vehicles and shared mobility options will improve first and last mile mobility options thereby making it easier for residents of all economic levels to commute differently. These options will not only reduce the transportation cost of individuals but of the City could reduce their costs in building new roads and maintaining the existing roads. Through the Mobility Challenge, Movability strives to ensure convenient, affordable, and safe commuting options for commuters in the City of Austin.

QUESTION:

Please provide details to illustrate the impact of this program. For example, how many employees at the 49/60 companies have participated, what has been the extent of their participation, and how is their participation measured? If participation is measured in car trips saved, please provide that information.

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

A total of 69 companies representing over 140,000 employees have participated in the Mobility Challenge between 2015 -2018. The data collection efforts for these companies were not conducted on the individual employee level. Company representatives (Executives and HR level) were surveyed on how they had changed their transportation related benefits for employees.

- 75% of companies have provided free, discounted or at-cost Capital Metro transit passes
- 40% of companies gave cash to employees to give up their parking spot
- 25% of companies increased the cost of parking to each employee
- 93% of companies stated that they plan to begin offering commuter benefits as a result of participating in the Mobility Challenge

Moving forward, company participation will require survey collection at the beginning and end of the challenge year, allowing more data to be collected, including employee participation metrics. The Austin Transportation Department will work closely with returning participants who have been provided strategies to put their plans into action. This will allow us to collect better data on what companies are currently doing and help them implement programs to decrease single occupancy car trips during peak travel times.

QUESTION:

Please describe in detail what assistance the contract holder will provide to employers in the coming phases.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

The contractor will work with up to 20 companies to continue to implement specific strategies within their mobility plans. In addition, over the three-year contract, the contractor will work to add up to fifteen new companies to participate in the Mobility Challenge and develop new mobility plans.

The contractor will work to implement Transportation Demand Management strategies for the added employers, that include, but are not limited to:

- Employee commute survey design
- Employee base-line mode split
- Average miles traveled
- Provide easy to use commuter trip reduction tools (HR policies, marketing and communication, etc.)

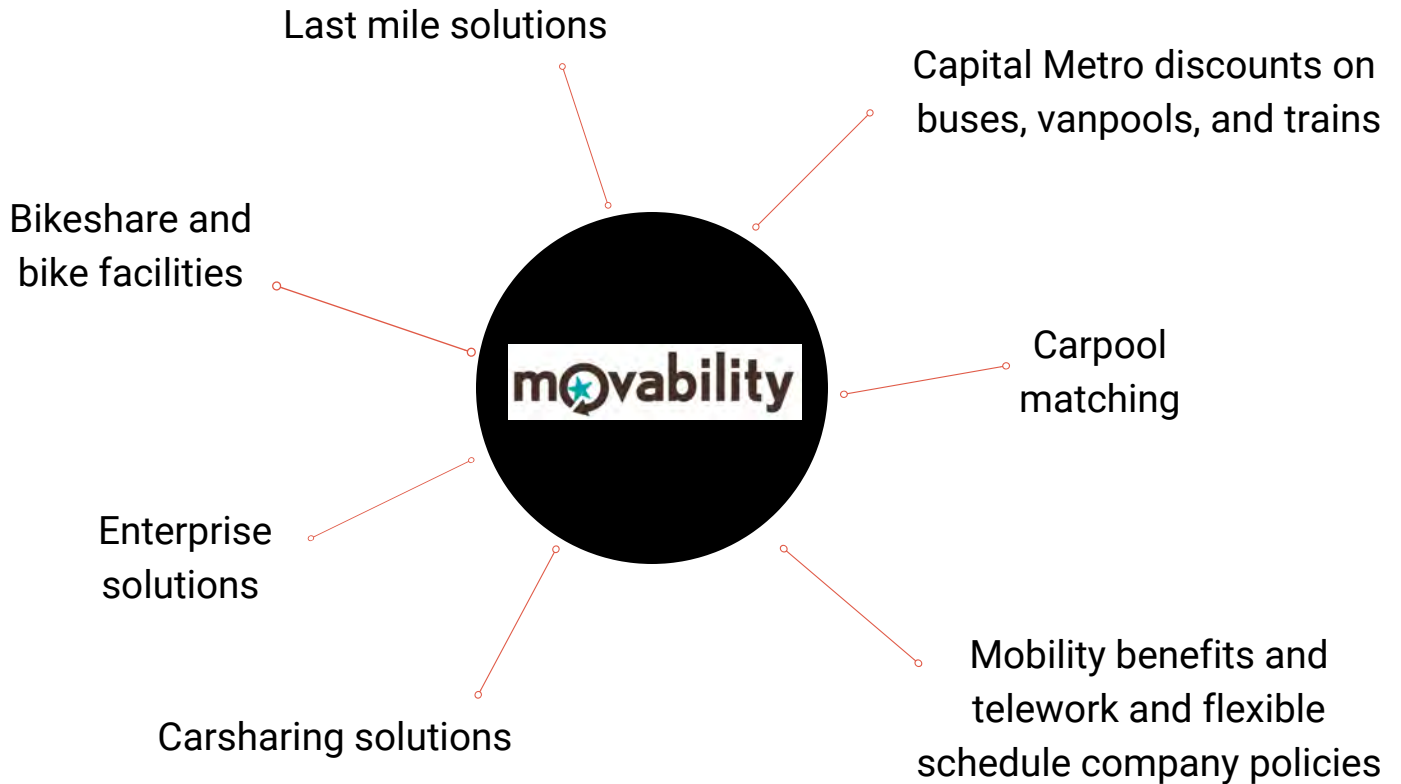
The contractor will work to implement Transportation Demand Management strategies for the existing participating employers, which include, but are not limited to:

- Analyze existing mobility plans and suggestions necessary for improvement
- Assess with continuing commuter surveys
- Negotiate services (shared parking spots, shared rides, first/last mile solutions)
- Coordinate mobility training with partner members.

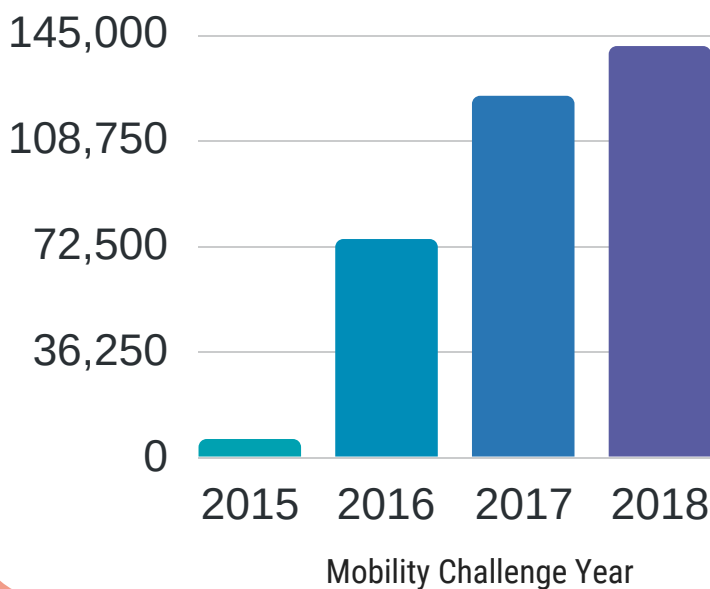
2015-2018 Mayor's Mobility Challenge Summary for Austin City Council

December 2018

WE'RE CONNECTING EMPLOYERS AND EMPLOYEES TO:



Total Number of Employees



69 Companies



**143,000+ Employees
Represented***

*Mobility Challenge Data 2015-2018. Number of employees projected at time of engagement.

EMPOWERED

EMPLOYERS & EMPLOYEES



Silicon Labs created an **employee-led Transportation Committee** and worked through Movability to host quarterly "transit adventures" with CapMetro. The company also developed a parking incentive plan offering **monthly stipends in exchange for their downtown parking space.**



University Federal Credit Union mapped employee addresses to determine best commute options for individuals.

Management envisioned and implemented a robust telework program and envision most employees **teleworking at least part time in the next four years.**



Anticipating a labor market where people seek positions with the greatest amount of flexibility, Texas Mutual worked to develop a customized mobility plan to **improve employee recruitment and retention.** The plan calls for an employee-driven system that helps employees find and use commute options easily.



Mobility Challenge

Experiences



As a major employer, we believe it's our responsibility to be a good corporate citizen and do our part to help reduce traffic congestion. Our downtown location will stop being a work perk if we don't help reduce traffic.

Jackie Padgett, Silicon Labs

We found employees who tried commute options enjoyed the experience and were generally less stressed. Employees were so much happier. I heard that over and over.

Lynda Lerma, NetSpend

Movability brought a lot of knowledge and expertise to the table, and they were able to introduce us to out-of-the-box thinking and solutions that we wouldn't have come up with.

Julie Lewis, Jackson Walker LLP

Movability guided us through two key initiatives - one for our adult Level 1 trauma facility; and the other for our entire Seton family. Their keen attention to our unique needs coupled with their deep knowledge of mobility options yielded great outcomes.

Ashton Cumberbatch, Executive Director, Seton Foundations



Mayor's Mobility Challenge

Survey Summary

- 2015 – 2017 Challenge Participants Surveyed
- 33% Response Rate

How have Mobility Challenge companies changed their employee transportation benefits and programs?

75% of companies
provided free, discounted
or at-cost Capital Metro
transit passes

40% of companies
gave cash to employees
to give up their
parking spot

25% of companies
increased the cost
of parking for each
employee

93% of companies
plan to begin offering
commuter benefits as a
result of participating in
the Mobility Challenge

National Statistics

If a company provides their employee with subsidized parking, that employee is twice as likely to drive alone to work. (2017 Downtown Denver Commuter Survey)

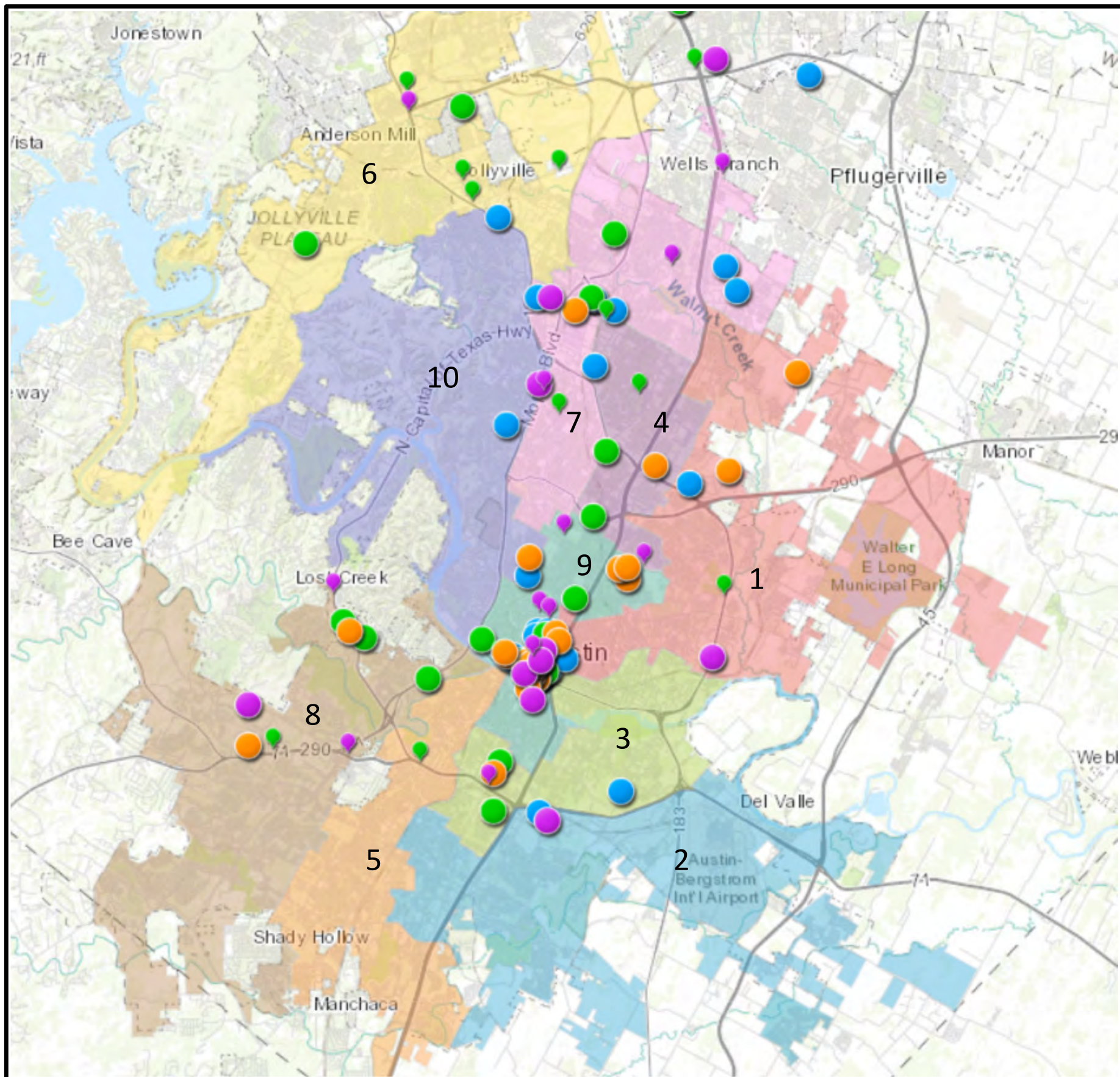
When a company gives employees both free parking and transit benefits, the probability of driving alone to work increases to 83%, compared to 16% for taking transit. (2014 Virginia Tech Study)



2015 – 2018 Mobility Challenge Companies



Mobility Challenge Participant Office Locations By City Council District



Pledge Class

- Class of 2018
- Class of 2017
- Class of 2016
- Class of 2015

City Council Districts

- District 1: **15** participating companies
- District 2: **2** participating companies
- District 3: **5** participating companies
- District 4: **6** participating companies
- District 5: **1** participating companies
- District 6: **8** participating companies
- District 7: **15** participating companies
- District 8: **8** participating companies
- District 9: **40** participating companies
- District 10: **3** participating companies



Recommendation for Action

File #: 18-3959, Agenda Item #: 37.

12/13/2018

Agenda Item

Agenda Item #37: Authorize award and execution of a multi-term contract with Wholesale & MFR PVF Inc., to provide prefabricated public restrooms, for up to five years for a total contract amount not to exceed \$1,350,000.

QUESTION:

1. Per previous Council direction, please confirm that these units will be wheelchair accessible.
2. What other cities have utilized Wholesale & MFR PVF Inc. prefabricated restrooms? Did those cities provide any feedback to Purchasing about the successes or challenges of these restrooms' materials or configurations?
3. Please provide information regarding how the design specifications will discourage illicit activity within the units.
4. The short-term port-a-potties near the ARCH experienced issues with the disposal of improper materials within the units. Will the proposed units include a design solution to deter this activity?

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

1. *Per previous Council direction, please confirm that these units will be wheelchair accessible.*

The Portland Loos are wheelchair and bike accessible. Each unit is built to fully comply with ADA Standards.

- 2a. *What other cities have utilized Wholesale & MFR PVF Inc. prefabricated restrooms?*

Wholesale & MFR PVF Inc. do not manufacture the prefabricated restrooms. The restrooms are prefabricated by Portland Loo and sold to the wholesaler, in this case Wholesale and MFR PVF Inc., who will purchase, deliver, and install them. Portland Loos have been installed in San Antonio, Texas; Galveston, Texas; Portland, Oregon; Victoria, British Columbia, Canada; San Diego, California.

- 2b. *Did those cities provide any feedback to Purchasing about the successes or challenges of these restrooms materials or configurations?*

The materials and configuration requirements of the units were developed by Public Works, based on Resolution No. 20160623-079, which specifically names the Portland Loo. Purchasing facilitated the competition based on these specifications provided by Public Works.

3. *Please provide information regarding how the design specifications will discourage illicit activity within the units.*

(From Portland Loo): "The Portland Loo was designed with the primary intent to prevent problems that are commonly experienced with public toilets, such as crime, vandalism, and deterioration. This freed the Portland Loo from becoming a beaten-down haven for illegal activity, while also enduring wear and use over time. Louver grating at the top and bottom of the bathroom wall create an interior environment that offers complete visual privacy, while remaining as connected with the outside as possible. These louvers are angled in such a way that doesn't compromise privacy, but does allow law enforcement the ability to observe the number of users inside. The unit's hand-washing station is mounted on the exterior, which promotes quicker turnaround time, serving a higher pedestrian population. The restroom was designed with Crime Prevention Through Environmental Design by using high traffic areas and visibility to deter illegal activities and generate high usage rates. Each Loo is built to fully comply with ADA Standards."

4. The short-term port-a-potties near the ARCH experienced issues with the disposal of improper materials within the units. Will the proposed units include a design solution to deter this activity?

The design of the Portland Loo, as mentioned in the response to question 3, is such that illegal and undesirable activity is deterred. The Portland Loo only has a toilet and hand sanitizer inside and does not contain any trash receptacle, and the toilet is connected to the City's sanitary sewer system.

QUESTION:

Have locations been determined for the portable public restrooms to be purchased after the initial 2 are purchased and installed? If not, what are the criteria to determine the locations?

COUNCIL MEMBER KITCHEN'S OFFICE

ANSWER:

Pending

QUESTION:

Do any Portland Loo models include trash receptacles attached outside?

Did Public Works or any other city department seek or receive feedback about experiences other cities have had with the Portland Loo?

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

The Portland Loo model does not have an option for an outside trash receptacle. There are no paper towels provided, the interior has a hand sanitizer dispenser, and water faucet on the exterior, so no trash will be generated. Trash receptacles will be placed as needed, adjacent or near to the restrooms consistent with great streets design standards.

The Public Works Department reached out to other Cities including San Antonio regarding their experience with the Portland Loo prior to requesting authorization for this contract. The response was positive.



Recommendation for Action

File #: 18-3957, Agenda Item #: 39.

12/13/2018

Agenda Item

Agenda Item #39: Authorize negotiation and execution of a multi-term contract with Colette Holt & Associates, to conduct an availability and disparity study of minority owned and women owned business enterprises and disadvantaged business enterprises, for up to two years in an amount not to exceed \$1,000,000.

QUESTION: Will the disparity study of minority owned, women owned business enterprises and disadvantaged business enterprises include, minority, women and/or disadvantaged businesses owned by veterans?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

The disparity study will not directly include minority, women and/or disadvantaged businesses owned by veterans. The proposed disparity study will review the availability and City utilization of minority-owned and women-owned business (MBE/WBE) enterprises. Federal constitutional law requires a disparity study because Austin's MBE/WBE program considers race and gender classifications to certify firms and provide equal opportunity to firms to participate in the City's contracting process; using categories like race and gender are subject to the highest scrutiny by the courts. Because veterans are not a protected class under the law, any preferences for veteran owned businesses does not legally require a disparity study and in order to ensure the integrity of the MBE/WBE program, the consultant has recommended veteran owned businesses not be included in the disparity study.

The City does have an interim Service Disabled Veteran Business Enterprise (SDVBE) program which was launched in November 2017. The program provides preference points to SDVBEs when submitting a response to Request for Proposals (RFP) solicitations. The interim program is a result of Resolution No. 20160303-016 that City Council passed on March 3, 2016. The Resolution directed the City Manager to enhance contracting opportunities for ready, willing and able Service Disabled Veteran Owned Businesses on City Contracts.

QUESTION:

Please provide a copy of the last disparity study (2015) referenced in the RCA.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

The Study is online at

http://www.austintexas.gov/sites/default/files/files/Small_Minority_Business/disparity/NERA_COA_Disparity_FINAL_151217.pdf.

All of the documents can also be found at : <http://www.austintexas.gov/page/disparity-study>.



Recommendation for Action

File #: 18-3998, Agenda Item #: 43.

12/13/2018

Agenda Item

Agenda Item #43: Approve a resolution affirming and concurring with the City Manager's intent of incorporating the police chief's staffing plan in fiscal year 2020 and subsequent budget proposals.

QUESTION:

- 1) Council Resolution No. 20180322-047 directed the City Manager to consult with other law enforcement agencies, various city commissions, and interested community organizations to “consider community policing needs in developing an evidence-based staffing plan.” Please provide the feedback from those consultations on community policing and evidence-based police staffing planning.
 - 2) Please provide the baseline data for the performance measures requested in Council Resolution No. 20180322-047 and the anticipated results of the staffing plan on these measures:
 - Percent reduction in overall use of force and deadly force;
 - Percent and number of interactions leading to critical incidents;
 - Percent of officer suspensions for misconduct where suspension is not overturned or reduced upon appeal;
 - Percent of officers with history of misconduct - or conversely percentage with no history of misconduct;
 - Percent case clearance rates by type of offense;
 - Number of citizen complaints;
 - Number of police misconduct complaints, regardless of source (includes complaints based on statement by other officers or initiated by OPM);
 - Resident satisfaction through consistent annual survey protocol (disaggregated by neighborhood and demographic characteristics); and
 - Police officer and staff job satisfaction through survey protocol (disaggregated).
 - 3) Please provide the department proposals that respond to Council Resolution 20180412-027 and are referenced in a Memo to Council on May 10, 2018. Please also indicate which proposals were included in the adopted FY19 budget.
- MAYOR ADLER’S OFFICE

ANSWER:

- 1) The 5-year staffing needs assessment prepared by APD incorporated recommendations from the Matrix Consulting Group’s Final Report on Community Policing (the “Matrix Report”), published in 2016, and the MGT of America, Inc. Public Safety Police Operations 2008 assessment (“MGT”). In addition to studying the extensive staffing analysis completed by the City-funded Matrix report, APD focused research efforts on community policing and evidence-based practices, hiring a consultant to provide guidance and training. APD concluded - in line with the International Association of Chiefs of Police (IACP) - that ready-made, universally applicable staffing standards do not exist and that staffing decisions must be framed around the needs of the local community and the capacities of local government and stakeholders. With a wealth of staffing knowledge and following two years of collaborative meetings with local, regional and state law enforcement counterparts and stakeholder groups, as well as national experts, APD arrived at data-driven staffing methodologies and an evidence-based implementation plan. The Department’s recently released community policing report provides a lengthy overview of our advancements and upcoming implementation activities.
- 2) The Austin Police Department is currently coordinating with the City’s Office of Performance Management to refine

performance measure language and provide the requested baseline data. We anticipate that this information will be available for review on or before January 11, 2019. The Department expects that the new staffing plan will result in positive impacts that will be reflected in performance measure reports over the coming years. Members of the public interested in historically collected measures may view nine years of annual reports on the Department website:

<http://www.austintexas.gov/department/apd-reports>.

3) The attached table provides a list of the public safety budget proposals that were distributed to Council through memo on July 3, 2018, "Subject: FY 2018-2019 Budget Process Update". The proposals highlighted in blue are funded in the FY2019 budget.

QUESTION:

Can City Staff please provide an estimate on the impact to City resources, including City Staff time, required to accomplish the task(s) required in this resolution if approved?

COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

The estimated cumulative cost over the five year period is \$44.4 million. The 123 new sworn staff will require recruiting, background investigations, on-boarding, classroom training, and field training. The cost associated with these items will be covered with existing resources and has not been specifically calculated. Due to on-going attrition within the department, these functions are a fundamental part of police operations. APD civilian staff are not included in the sworn staffing plan and will continue to be addressed in the regular budget process.

FY2019 Request For Budget Proposals (Public Safety)

			Requested			Approved		
			\$	FTE		\$	FTE	
Dept	Title	Description		Sworn	Civilian		Sworn	Civilian
APD	Safety, Community Compliance with Laws and Regulations	The addition of 15 sworn FTEs and 2 civilian FTEs in FY19 with the goal of improving public safety and achieving compliance with laws, ordinances and statutes.	\$ 3,070,876	15	2	\$ 3,070,876.00	15	2
EMS	RFID for the warehouse	To implement a Radio Frequency Identification(RFID) System in conjunction with MAXIMO to provide end to end inventory and asset management for the department.	\$ 540,950	0	0			
AFD	Climate Change and Resilience - Wildfire	Service contract to assist with wildfire mitigation in the City and in Emergency Service District (ESD) #4 in Travis County.	\$ 50,000	0	0	\$ 50,000.00	0	0
AFD	Infrastructure and Technology - Maintenance	The Fire and EMS departments would like to combine their facility maintenance teams.	\$ 179,550	0	2			
AFD	Infrastructure and Technology - IT Technology	Two FTEs to focus on migrating off end-of-life systems and future management of new software and enterprise programs.	\$ 259,941	0	2			
AFD	Infrastructure and Technology - Knox Box Retention Devices	To upgrade the current Knox key retention devices to a remote key management system to enhance the security of Knox master keys.	\$ 500,000	0	0			
AFD	Reprioritization of Existing Funding - Prevention Division	The Austin Fire Department’s Prevention Division (Fire Marshal’s office) needs additional personnel to become more efficient, meet new demands, and increase the number of fire inspections performed.	\$ 982,884	4	0	\$ 982,884 (1)	0	4
DACC	Skills and Capability of Community Workforce	To address graffiti within the park system and provide employment opportunities to populations that face challenges to being gainfully employed and individuals experiencing homelessness who are panhandling.	\$ 990,960	0	3			
MC	Accessibility to quality parks, trails, and recreational opportunities	funding for a multi-year contract to be competitively bid for the removal of homeless encampments found to be on parkland or within watersheds.	\$ 116,054	0	1			

FY2019 Request For Budget Proposals (Public Safety)

Dept	Title	Description	Requested			Approved		
			\$	FTE		\$	FTE	
				Sworn	Civilian		Sworn	Civilian
EMS	Homelessness - HOST	Full funding for the HOST program, to include staff, rehabilitation funding that will provide HOST referrals access to the creation of a communications center at CTECC and case management software.	\$ 1,222,871	2	2	\$ 1,023,733 (2)		2
DACC	Homelessness - HOST		\$ 1,818,785	0	6			3
APD	Homelessness - HOST		\$ 313,929	2	0			
APH	Homelessness and Social Service Contract Funding	To add additional social service dollars to support Items from Council (IFC) concerning alternatives to panhandling, ARCH redesign, expanding community based homeless services, adding four full-time staff positions to coordinate Homelessness services Citywide, and managing and monitoring social services contracts.	\$ 2,559,003	0	13	\$ 1,869,398	0	13
HSEM	Community Resilience Initiative	To implement a community-based pilot project designed to support Austin neighborhoods experiencing climate resilience issues including: flood risk, wildfire risk, extreme heat risk, drought risk, ingress/egress evacuation risk, temporary food shortage risk, and increased impacts to at-risk populations such as children, the elderly, and the economically disadvantaged	\$ 557,550	0	0			
OMD	Accessibility to Quality Health Care Services –Conversion of part-time FTE for Take10 CPR to full-time	This full-time FTE will be a community liaison that will work with various community leaders to educate them on the risks of cardiovascular disease, the incidence of cardiac arrest and what can be done to improve survival from sudden cardiac arrest. This full-time FTE will replace the added responsibility that the current OMD full-time FTE is performing and be able to focus on primary responsibilities within the OMD.	\$ 83,000	0	0.5			

(1) Offset by revenue
 (2) Includes \$550,000 for rehabilitation services



Recommendation for Action

File #: 18-3997, Agenda Item #: 44.

12/13/2018

Agenda Item

Agenda Item #44: Approve a resolution directing the City Manager to develop recommendations regarding the creation of a pilot program that would address shifting modes of transportation by incentivizing transit use.

QUESTION:

Please explain the reasoning for the City of Austin/City Manager to identify funding options to fund the incentive pilot program(s) for the Transit Authority? Is this pilot meant only for the City of Austin employees?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Pending.

QUESTION:

Can City Staff please provide an estimate on the impact to City resources, including City Staff time, required to accomplish the task(s) required in this resolution if approved?

COUNCIL MEMBER FLANNIGAN'S OFFICE/COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

This is a focus area for the Austin Transportation Department and considered part of our Transportation Demand Management program (TDM) program. However, at this time we do not have a work plan or an estimate required to accomplish this pilot program.



Recommendation for Action

File #: 18-4000, **Agenda Item #:** 45.

12/13/2018

Agenda Item

Agenda Item #45: Approve an ordinance requiring four-person staffing for all Austin Fire Department emergency response apparatus.

QUESTION: Can City Staff please provide an estimate on the impact to City resources, including City Staff time, required to accomplish the task(s) required in this resolution if approved?

COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

There is no impact to City resources required to implement four-person staffing as the department already staffs its apparatus at this level. Should there be a significant, long term impairment to General Fund revenues, options to revise staffing on Fire apparatus would require Council action to amend this ordinance. Otherwise, the negative budget impact would be largely allocated to other General Fund departments.



Recommendation for Action

File #: 18-4003, Agenda Item #: 96.

12/13/2018

Agenda Item

Agenda Item #96: Conduct a public hearing and consider a resolution to expand the Austin Downtown Public Improvement District by adding one parcel of land at 208 Nueces Street, as requested by the property owner.

QUESTION: If additional properties (such as those in the Rainey District) are interested in exploring the option of being included in the PID, what process would they use? What is the timeframe under which this interest can be expressed and that these decisions are made?

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

A property owner interested in joining the Austin Downtown Public Improvement District may contact Economic Development Department (EDD) staff via the website (<http://www.austintexas.gov/departments/maintenance-and-operations-m-o-public-improvement-districts-pids>) or, as in the case of 208 Nueces owner, contact staff of the Downtown Austin Alliance (DAA) who notified EDD staff of the request. The property owner submits a notarized Request for Inclusion in the Austin Downtown Public Improvement District to the City Clerk. Once the City Clerk certifies the petition as valid, EDD staff follow the statutory requirements of conducting a public hearing and notifying the public outlined in TX Local Government Code Chapter 372.

A petition may be submitted at any time and will be acted upon immediately. The entire process, starting when the owner submits the petition to City Clerk to Council action on the request, takes approximately eight weeks. To ensure the property is included in the roll during the annual consideration of assessment rate and DAA's Service Plan, City and DAA staff encourage owners to submit their Requests for Inclusion to the City by December 31st, so that Council can consider it no later than March 1st. The property will not begin paying its DPID assessment until the following year.



Recommendation for Action

File #: 18-3971, Agenda Item #: 97.

12/13/2018

Agenda Item

Agenda Item #97: Conduct a public hearing and consider a resolution for use of dedicated parkland, known as Quail Creek Neighborhood Park, for approximately 69,970 square feet of permanent storm water detention pond and 20,083 square feet for a temporary staging area, to construct, use, maintain, repair, and expand the existing drainage pond for the Little Walnut Creek Flood Risk Reduction Project, in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code.

QUESTION:

There are currently soccer fields in the detention pond. During construction, will there be a soccer field created at Brownie Park? Will the soccer fields be replaced at Quail Creek after construction is complete?

COUNCIL MEMBER CASAR'S OFFICE

ANSWER:

A soccer field will permanently be constructed at Brownie Park prior to the closing of the existing field at Quail Creek Neighborhood Park. According to WPD, construction for the Flood Risk Reduction Project is anticipated to start in late 2019. That means that construction of the soccer field at Brownie Park can occur any time after Council approves the Chapter 26 item (scheduled for December 13, 2018) and WPD pays \$88,181 mitigation amount. (The mitigation fee will be used as a funding source for the new soccer field at Brownie Park.) PARD Facilities Construction will construct the soccer field or PARD will use a contractor from our Master Contractor List to complete the project. Once the construction within Quail Creek Park is complete, the soccer field in Quail Creek Parks will be restored in its current location.



Recommendation for Action

File #: 18-3965, Agenda Item #: 101.

12/13/2018

Agenda Item

Agenda Item #101: Conduct a public hearing and consider an ordinance that extends the expiration date for the East 11th and 12th Streets Urban Renewal Plan and Redevelopment Project Controls.

QUESTION:

Please provide a written rationale for staff's recommendation on this item.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

See memo attached.

QUESTION/ANSWER: COUNCIL MEMBER HOUSTON'S OFFICE

1. *The Urban Renewal Plan is set to expire at the end of this year. However, in August 2018, the Urban Renewal Board took action to recommend to Council extension for ten years, through 2028, to include a reassessment after five years. In response to the URB's Request for Council Action, NHCD Staff opposed the board's recommendation, supporting an extension only through September 30, 2019. NHCD Staff recommendation appears to flow from its interpretation that URB oversight is limited to disposition of the two remaining East 11th Street parcels owned by the Urban Renewal Agency rather than to ensuring implementation and compliance across the entire Urban Renewal Plan area, as stated on the Urban Renewal Board City website.*

Please describe the total scope of work the Urban Renewal Board is tasked with including the development, redevelopment of public and private parcels, implementation of the Urban Renewal Plan, and the disposal of public properties.

The Urban Renewal Board's (URB) powers are defined in Chapter 374 of the Texas Local Government Code. State law authorizes the URB to: prepare property under its control for sale or transfer; conduct preliminary surveys to determine if undertaking an urban renewal project is feasible; conduct urban renewal projects described in an urban renewal plan; develop, test, and report methods and techniques for the prevention of slums and urban blight and conduct demonstrations and other activities in connection with those methods and techniques, and apply for, accept, and use federal grants made for those purposes. These activities do not include the authority to (i) determine if an area is, due to being blighted or a slum, appropriate for a project; (ii) approve, amend or hold public hearings related to urban renewal plans; (iii) establish general plans for the locality as a whole; (iv) make findings related to slum or blighted areas; (v) formulate programs, exercise zoning power, or enforce other land use regulations; or (vi) cause the relocation of persons displaced as a result of redevelopment undertaken pursuant to a plan

2. *Please describe who defines or may define the scope/role of the Urban Renewal Board.*
State law and City Council define the scope and role of the URB.
3. *How many individual lots along East 12th Street from IH-35 to Poquito Street are currently vacant or contain vacant structures?*

NHCD is unable to provide responsive information as this information is not actively tracked.

4. *Are owners of East 11th Street and East 12th Street properties required to adhere to the Urban Renewal Plan when developing or redeveloping their properties?*
Yes, property owners of East 11th and 12th Streets are required to adhere to the Urban Renewal Plan when they redevelop their property.
5. *How does the Urban Renewal Agency ensure that properties sold to nonprofit or private developers with the intention of being affordable housing or other uses with community benefits are developed in keeping with the intended use?*
After Council approves the price and conditions of sale of a URB-held property, the transfer will include deed restrictions or a restrictive covenant that requires the agreed upon provisions for affordable housing and other community benefits. If the provisions are included in a restrictive covenant, it will be recorded in the real property records.
6. *Please describe all new construction that has occurred on privately held East 12th Street tracts from 1999 to present.*
NHCD is unable to provide responsive information as this information is not actively tracked.
7. *How much total funding over the Urban Renewal project span [1999 to present] has the City expended within the project boundaries along East 11th Street and how much along East 12th Street? Please include all City funds expended for infrastructure improvements, construction, historic preservation, affordable housing initiatives and support for local businesses.*
Since 1999, the City of Austin has invested an estimated \$25 million dollars in the area for activities such as acquisition and relocation, streetscape and infrastructure improvements, historic renovation, small business loans, affordable housing development and commercial development.
8. *How many minority businesses were located on East 11th Street from IH-35 to Navasota Street and on East 12th Street from IH-35 to Poquito Street when the Plan was adopted and how many are currently located there?*
NHCD is unable to provide responsive information as this information is not actively tracked.
9. *Please quantify NHCD Staff time dedicated to the URB and Urban Renewal Agency activities.*
Over the past 6 months staff has spent an average of 20 hours a month, however staff time is contingent upon the items on the Urban Renewal Board agenda. Staff will be spending more time on URB and Urban Renewal activities to prepare the Request for Proposal for Blocks 16 and 18 of East 11th Street.

QUESTION:

The Economic Development Department is responsible for economic development programs in the community and oversees the portfolio of strategic city-owned property to be repositioned in the private market; what action would be required to assign EDD staff to the URB as it carries out implementation of the Urban Renewal Plan for East 11th and 12th Streets?

COUNCIL MEMBER POOL'S OFFICE

ANSWER:

Currently NHCD has the budget and staff assigned to the Urban Renewal Board. While it is possible to move the activity, NHCD has been staffing this activity with the same staff for the last 20 years. There is valuable institutional memory

frequently relied upon to implement the plan effectively. Because there are only two blocks remaining for disposition, NHCD does not recommend moving the activity to EDD. NHCD will however be collaborating with EDD and the Office of Real Estate Services to deploy the RFPs and complete these transactions.



MEMORANDUM

TO: Mayor and Council Members

FROM: Rosie Truelove, Director, Neighborhood Housing and Community Development Department

DATE: December 4, 2018

SUBJECT: East 11th and 12th Streets Urban Renewal Plan and Redevelopment Project Controls extension of Termination Date

An item requesting an extension of the termination date of the East 11th and 12th Streets Urban Renewal Plan and Redevelopment Project Controls (Plan) is scheduled for the December 13, 2018, Council Agenda. This memo is to provide additional background and the basis of staff's recommendation to not extend the termination date for an additional 10 years.

The Plan, originally adopted in January 1999 with a termination date of December 31, 2018, is governed under Chapter 374 of the Texas Local Government Code and is filed for record in the Official Public Records of Travis County, Texas. For the past seven years, the City of Austin (City) and Urban Renewal Board (URB) have operated under an agreement (Agreement) which identifies each parties' roles and responsibilities. Pursuant to the Agreement, the City funds legal fees, insurance, and property maintenance through the Neighborhood Housing and Community Development (NHCD) budget. Currently, the URB holds title to 15 parcels of land located in the 900 and 1100 Blocks of East 11th Street, collectively known as Blocks 16 and 18, respectively. These parcels will automatically revert to the City of Austin upon the termination of the Agreement, currently set to expire September 30, 2019.

Urban Renewal Board Recommendation

The URB recommends City Council approve a 10-year extension, including a reassessment after five years, of the Plan. The URB feels this extension is necessary in order to finish their purpose of eliminating slum and blighting influences within the area by: (1) disposing of the remaining agency-owned properties along East 11th Street; (2) establishing clear and enforceable land use restrictions to control development after disposition of these properties; (3) identifying strategies to encourage and monitor timely, compliant development of current undeveloped parcels; and (4) continuing the facilitation of community engagement. The Organization of Central East Austin Neighborhoods (OCEAN) supports the URB recommendation. (See attached letter from OCEAN.)

Staff Recommendation

NHCD staff does not recommend a 10-year extension and instead recommends extending the Plan from December 31, 2018 to September 30, 2019. Staff will work with the URB to ensure important milestones are achieved during this period, including completion of amendments to the 11th Street Neighborhood Conservation Combining District (NCCD), any amendments to the 12th Street NCCD, and solicitation for proposals for development of Blocks 16 and 18. These milestones are discussed in detail below. Staff and URB will provide City Council with an update in early summer 2019 to determine whether the milestones will be achieved within the proposed timeframe. At that point, staff will provide an interim recommendation regarding termination and/or extension of the Plan beyond September 30, 2019.

Basis for staff's recommendation:

- An Urban Renewal Plan's purpose is to eliminate or prevent the development or spread of slum and blighted areas. Since 1999, the City of Austin has invested more than \$25 million dollars in the area for activities such as acquisition and relocation, streetscaping and infrastructure improvements, historic renovation, small business loans, affordable housing development and commercial development. In addition, several private developments on both East 11th and 12th Streets are either complete or under construction. Although some vacant parcels and boarded up structures remain, it is staff's opinion the slum and blighting influence conditions that existed almost 20 years ago have been addressed. As confirmed by the recently-released study [Uprooted: Residential Displacement in Austin's Gentrifying Neighborhoods and What Can Be Done About It](#), the majority of the Plan area is experiencing late-stage gentrification.
- NCCDs are the zoning tools that implement the Plan. NHCD and Planning and Zoning staff are currently working to align the East 11th Street NCCD and Plan. The alignment between the East 12th Street NCCD and Plan has been completed. Alignment of the East 11th Street NCCD and Plan is scheduled to be completed prior to September 30, 2019. When completed, both the East 11th and East 12th Street NCCDs will continue to promote the vision set by the community under the Plan. The alignment of these two documents further implements recommendations in the East 11th and 12th Street Development Strategy that was completed in 2012.
- Staff is committed to working with the URB in order to ensure the disposition of the parcels of land located in Blocks 16 and 18 of East 11th Street, in compliance with the Plan vision. Currently, the URB is able to consider either solicited or unsolicited proposals for development. Staff will work with both the URB and the community to determine desired community benefits, as well as solicitation scoring criteria in early 2019. Both the City's Office of Real Estate Services (ORES) and NHCD staff will work with URB to develop appropriate land use restrictions to ensure compatibility with the Plan vision. Staff will accomplish appropriate due diligence, including site appraisals, by early summer 2019. Assuming that URB does not receive an unsolicited proposal, ORES in partnership with NHCD staff and the URB, will release a Request for Proposal (RFP) in late summer 2019.
- If City Council adopts NHCD's recommendation, the UR Plan and the URB Agreement will have the same termination date (September 30, 2019).

As mentioned previously, staff will monitor progress of the identified milestones and provide City Council with a mid-year update in early summer 2019. Depending on the progress of the NCCD alignment and Block 16 and 18 solicitation, staff may recommend further extension of the Plan. Staff remains committed to working with the URB and community to ensure the collaborative vision articulated in the East 11th and 12th Street Plan is successfully implemented. Please contact Rosie Truelove, Director, at 512-974-

3064, or Sandra Harkins, URB Staff Liaison at 512-974-3128, or Regina Copic, Real Estate Development Manager at 512-974-3180, should you have any questions.

cc: Spencer Cronk, City Manager
Joe Pantalio, Interim Assistant City Manager

Attachment: Organization of Central East Austin Neighborhoods (OCEAN) Letter

A resolution of the Organization of Central East Austin Neighborhoods (OCEAN) to request extension of the Urban Renewal Plan for East 11th and 12th Streets for a period of at least ten years.

WHEREAS the voters of Austin in 1959 elected to create an Urban Renewal Agency (Agency) to carry out Urban Renewal project powers in accordance with Chapter 374 of the Texas Local Government Code; and

WHEREAS the City of Austin adopted the Urban Renewal Plan for East 11th and 12th Streets (Plan) in 1999 to restore the vitality of formerly thriving African-American business corridors by promoting development of retail, residential and commercial uses that would respect and enhance adjacent neighborhoods; and

WHEREAS it tasked the Agency with implementation oversight, including compliance with the Plan's vision and project controls; and

WHEREAS a preponderance of properties within the Plan area remain undeveloped in accordance with the vision and controls; and

WHEREAS, the Plan area is integral to the African American Cultural Heritage District, and significant historic assets within the Plan area have fallen into neglect, including a City of Austin landmark and buildings identified as eligible for landmark status by the 2016 East Austin Historic Survey; and

WHEREAS the Agency retains ownership of several parcels of land on East 11th Street that require dispossession and development; and

WHEREAS, former Agency properties along East 12th Street that were disposed of via Request for Proposal in 2014 remain undeveloped, and one has been sold to a new owner without authorization of the Urban Renewal Agency; and

WHEREAS the Plan is set to expire on December 17, 2018; and

WHEREAS Austin City Council may extend the Plan's expiration date by ordinance; and

WHEREAS, extension will ensure adequate time to foster compliance of all parcels and to fulfill the promise of a twenty-year renewal effort in which thousands of area stakeholders along and nearby East 11th and 12th Streets have invested their time, energy, and resources; and

WHEREAS all but two blocks of the Plan area lay with the Central East Austin Neighborhood Plan Area boundaries and OCEAN serves as the contact team for six neighborhoods directly impacted by successful implementation of the Plan—including Swede Hill, Robertson Hill, Kealing, Davis-Thompson, Guadalupe and Blackshear-Prospect Hill Neighborhoods;

THEREFORE BE IT RESOLVED that the Board of Directors of the Organization of Central East Austin Neighborhoods supports the extension of the Urban Renewal Plan for East 11th and 12th Streets for at least a ten-year period and encourages Austin City Council to adopt in a timely manner an ordinance to such effect, that being prior to the Plan's current expiration date.

Sincerely,

A handwritten signature in black ink, featuring a large, stylized 'N' followed by a long, horizontal, wavy line that extends to the right.

Nathan Jones

President, Organization of Central East Austin Neighborhoods

June 25, 2018



Recommendation for Action

File #: 18-4004, Agenda Item #: 106.

12/13/2018

Agenda Item

Agenda Item #106: Approve an ordinance waiving or reimbursing fees for right-of-way, encroachments, easements, or licenses, and permit deposits in an amount not to exceed \$14,021,548.45 related to the Capital Metropolitan Transit Authority Downtown Station, generally located on 4th Street from Trinity Street to IH-35.

QUESTION:

With regard to the placement of a restroom in Brush Square to serve Metro riders as well as other users, please provide the following information:

- (A) the estimated cost of maintenance, cleaning, and supplies
- (B) rationale for not locating restroom on or near the platform
- (C) rational for the City taking on cost of maintenance, cleaning, and supplies

Why have estimated costs of restroom maintenance, cleaning, and supplies not been included on Exhibit A?

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

- (A) the estimated cost of maintenance, cleaning, and supplies

From the pilot program cost data, we estimate the operating costs for the Brush Square permanent public restroom to be approximately \$3,400 per month to cover cleaning, supplies (toilet paper and hand sanitizer), maintenance/repairs, including emergency repairs and a contingency for large special events. The Downtown Austin Alliance 2019 Service Plan (approved by Council in August 2018) includes \$150,000 for restroom maintenance.

- (B) rationale for not locating restroom on or near the platform

The restroom was not located on or near the platform as the restroom is intended for use by not only Metro Rail patrons, but also those using Capital Metro buses, the general public and those using and attending events in Brush Square Park. Additionally, locating the restroom on or near the platform would require waiting until such time as the Metro Rail station was completed. The current location is out of the construction zone and will allow for the restroom to be installed and in use during the station construction period.

- (C) rational for the City taking on cost of maintenance, cleaning, and supplies

The City is not responsible for maintenance, cleaning, and supplies, as mentioned in (A) above, this will be undertaken by the Downtown Austin Alliance (DAA) with the City reimbursing via the annual contract.

As mentioned in (A) above, the responsibility for maintenance and cleaning the restroom is with the Downtown Austin Alliance and the 2019 Service Plan (approved by Council in August 2018) includes \$150,000 for restroom maintenance.



Recommendation for Action

File #: 18-4001, Agenda Item #: 107.

12/13/2018

Agenda Item

Agenda Item #107: Approve a resolution directing the City Manager to limit the areas included in the Trails Pilot Program regarding the use of electric bikes and electric scooters on specific trails maintained by the Parks and Recreation Department.

QUESTION: Can City Staff please provide an estimate on the impact to City resources, including City Staff time, required to accomplish the task(s) required in this resolution if approved?

COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

The current resolution is to exclude the Shoal Creek Trail from the electric bike and scooter pilot program. As a result of this exclusion, an increase in public information awareness and enforcement would be necessary. The trails identified for the pilot are those for which the surface materials are conducive to supporting mobility needs (see attachment with information on included trails). Shoal Creek Trail is partially paved and serves north south mobility needs. As this resolution will be excluding a trail that meets the identified pilot priorities, additional outreach will be needed in order to educate the public.

This effort would require a reallocation of Park Ranger staff time to conduct trail pop-ups and patrols in the Shoal Creek Trail area. It is expected expense associated with staff time reallocations. However, the staff time used to perform these pop-up patrols will remove time available for other priorities for ranger staff, such as addressing off-leash dog concerns.

Signage will need to be placed at the 16 trailheads along the Shoal Creek Trail to help address the new park rules and inform users of trail etiquette at an estimated print cost of \$1,500. There would be no added cost for installation of the signage, as it would be a matter of reallocating existing staff time. Signage would not be placed along 5.25 miles of trails.



Recommendation for Action

File #: 18-3960, **Agenda Item #:** AHFC001.

12/13/2018

Agenda Item

Agenda Item AHFC #001: Consent to the transfer of a regulatory and land use restriction agreement (dated August 1, 2001) to Avanath Blunn Creek, LLC, or an affiliated entity, for the property located at 701 Woodward Street.

QUESTION:

1. Did any of the terms, covenants, conditions, and obligations within the LURA include tenant protections? If so, will those terms still be in place under this transfer?
2. Please detail the "Excluded Obligations" referenced in the back-up material.

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

1. The 2001 Bond Regulatory Agreement and LURA did not include additional tenant protections. However, the property remains subject to the Low Income Housing Tax Credits (LIHTC) LURA through 2032.
2. The bonds are being redeemed and paid off on the transaction closing date. Upon pay off, all payments and liabilities related to the loan will no longer be applicable except for the 2001 Bond Regulatory Agreement and LURA, which is being transferred to the new owner. Because the assignment document includes the "excluded obligations" language and out of an abundance of caution, the Board may want to make a motion that explicitly requires the bonds to be paid off as a condition to consenting to the transfer. When considering this item, a Board member may move that it consents to the transfer if the bonds are paid off at closing.