



August 22, 2019

Questions and Answers Report



Mayor Steve Adler

Mayor Pro Tem Delia Garza, District 2

Council Member Natasha Harper-Madison, District 1

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 Paige Ellis, District 8

Council Member Kathie Tovo, District 9

Council Member Alison Alter, District 10

The City Council Questions and Answers Report was derived from a need to provide City Council Members an opportunity to solicit clarifying information from City Departments as it relates to requests for council action. After a City Council Regular Meeting agenda has been published, Council Members will have the opportunity to ask questions of departments via the City Manager's Agenda Office. This process continues until 5:00 p.m. the Tuesday before the Council meeting. The final report is distributed at noon to City Council the Wednesday before the council meeting.

QUESTIONS FROM COUNCIL

Item #10. Authorize negotiation and execution of a professional services agreement with Kimley-Horn & Associates, Inc. (staff recommendation) for Request for Qualifications Solicitation No. CLMP265 to provide staffing and operation services for the 2020 ATD Mobility Management Center (MMC) Operations in the amount of \$1,750,000 for the initial 1-year term with three 1-year renewal options in the amount of \$1,750,000 each, for a total contract amount not to exceed \$7,000,000.

QUESTION/ANSWER: COUNCIL MEMBER ALTER's OFFICE

1) Why was there only one bidder for the MMC contract?

This is the second time we have issued this Request for Qualifications and both times we only received on submittal that was evaluated by an experienced city staff led panel. We believe the single submission is due to the fact that this is a very specific area of expertise/program services.

2) Please elaborate on what the Mobility Management Center is tasked with. What are its performance metrics? What sorts of data does it use to analyze and actively manage transportation areas of concern? What does active management of the arterial system entail?

The goals of the City of Austin Mobility Management Center (MMC) are to reduce delays experienced by the traveling public and freight delivery vehicles, and to improve the safety of all travelers. The MMC is staffed 7 days a week, and MMC personnel perform a wide range of duties. These duties include addressing citizen requests, deploying resources to address equipment issues, providing incident management, assisting emergency service providers, assisting with traffic management during special events, monitoring day-to-day traffic operations, providing travel information, coordinating with partner agencies, and developing signal timing plans.

For example, on Tuesday night the lower deck of IH-35 was unexpectedly closed after 8:00 pm due to debris falling from the upper deck. Traffic was rerouted to the northbound frontage road of I-35. The MMC team adjusted the signal timing to move more traffic through the signals along the frontage road thus reducing the impact on the traveling public and surrounding community. ATD's Director reached out to the TxDOT District Engineer for Austin to see if the City could assist further. To further improve the speed of communication and coordination during events like this one last night, ATD is coordinating with TxDOT to collocate at the Combined Transportation, Emergency, and Communications Center (CTECC) and work towards operating the transportation system as One System.

Performance Metrics

Each year, the performance of the MMC is assessed according to a variety of metrics, including a benefit-cost analysis which has been positive. The public received benefits through the following services performed by the MMC:

- Special event management (totaled across the 70+ events managed each year)
- Traffic signal adjustments due to lane closures
- Response to signal outages
- Remote investigation and response to Citizen Service Requests
- Traveler information dissemination (e.g., dynamic message signs, Twitter)

Data Used by MMC

The MMC uses a variety of data sources to analyze and actively manage transportation areas of concern. A primary source of data is the “advanced transportation management system” that remotely communicates with over 90% of all traffic signals, feeding information on current and historical timings and status of vehicle/bicycle/pedestrian detection systems. Another primary source of data is visual and comes from the approximately 500 traffic monitoring cameras that are located along City arterials to view traffic conditions. The combination of the cameras and the timing data allow MMC staff to diagnose problems that are reported via CSRs and potentially repair the problem without dispatching a technician to the site. Other data sources include:

- Traffic conditions data from Waze, Google, and Inrix
- Capital Metro’s dashboard of bus locations and status (e.g., on-time, late)
- Emergency services data feeds alerting the MMC about incidents
- Notifications from TxDOT and other agency partners
- CSRs (approximately 1,000 received each month)

Active Management of the Arterial System

Active management of the arterial system means real-time monitoring and actions to improve multimodal flow as issues arise. It includes monitoring cameras and signal timing data to detect and quickly resolve problems (either remotely or by dispatching a field technician). Active management also entails proactively creating signal timing plans and coordinating with agency partners to prepare for planned special events and construction events. MMC staff intake data from a variety of sources (e.g., CSRs, emergency services, Inrix) and prioritize actions in real-time with a focus on safety and efficiency. MMC staff are also responsible for disseminating information about unusual traffic conditions via Twitter and also notifying the appropriate agency partners.

Item #24. Discuss and potentially take action regarding an ordinance creating the Rainey Street District Special Revenue Fund funded with right-of-way fees, alley vacation sales payments, and license agreement fees for developments within the Rainey Street Historic District and Subdistrict for Improvements within the Rainey Street Historic District and Subdistrict.

QUESTION/ANSWER: COUNCIL MEMBER TOVO’s OFFICE

Please describe any restrictions regarding the expenditure of

1) right-of-way fees,

2) alley vacation sales, and

3) license agreements for development projects.

ROW fees are broadly categorized as rental/usage fees and cost of service fees.

The usage fees typically depend on the size of the affected area, the duration, and the type of area affected (e.g. travel lane, parking lane, sidewalk). The larger the area and longer the duration, the higher the usage fee. These are classified in the fee schedule under 'Barricade Permits' and are based on a square footage rate per day, broken into durations of 0-180 days, 181-365 days, 366-546 days, and more than 547 days, with a higher square foot per day cost for each duration 'bucket.'

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Most of the fees are in the nature of rental of public property. Those fees can be used for any lawful city public purpose for which the general fund is used.

Some of the fees within the "right of way" fee category are for the actual services provided by the City for review of permits and such. Those fees need to be used to cover the cost of service.

Attached is a spreadsheet with additional information for the fees identified in the Rainey District analysis.

QUESTION/ANSWER: COUNCIL MEMBER ALTER'S OFFICE

What is staff's recommendation? Do staff have any additional or changed perspective since their memo on June 14th?

Discussed at the August 20, 2019 Work Session.

VERBAL DIRECTION FROM DAIS WHEN ITEM WAS POSTPONED ON JUNE 20, 2019

Can staff come back and tell us exactly all the projects in that area and how much funding from each of those projects was generated?

See attachment.

Item #37. Authorize negotiation and execution of an interlocal agreement with Austin Independent School District to provide training opportunities and internships in the field of public health to high school aged residents of the City.

QUESTION/ANSWER: COUNCIL MEMBER FLANNIGAN'S OFFICE

Is this program being made available to other schools in the city outside of AISD?

At this time it is only offered for AISD students. During the FY 19 budget, funding was approved for this program at East Side Memorial High School. The pilot began this year and will expand out to other AISD schools. This internship will provide credit for a health class. AISD will provide

the transportation to the city locations. The program mirrors the AustinCorps program where students receive class credit for a government class.

Item #51 Authorize award of a contract with Brinkmann Instruments, Inc. D/B/A Metrohm USA, Inc., for portable handheld Raman spectroscopy analyzers, in an amount not to exceed \$83,716.

QUESTION/ANSWER: COUNCIL MEMBER HARPER-MADISON'S OFFICE

1) *Was a scientific consultant involved in the bid selection process?*

APD consulted with multiple law enforcement agencies around the Country that currently use the device to check reliability and accuracy of results.

2) *How will the analyzers be validated?*

This instrument is validated by the manufacturer upon delivery. Additional field evaluation of the instrument was conducted prior to recommendation of award.

3) *How will proper training be ensured?*

The contractor will provide multiple eight hour on-site, hands-on training sessions for individuals assigned to the Organized Crime Division to ensure proper use of the instrument.

4) *What method does the software use to identify an unknown substance (i.e. how does the algorithm match an unknown spectrum against the reference spectrum in its library)?*

The method and algorithm is likely to be proprietary information for which APD would not be privy to.

5) *How well does the device handle mixtures?*

Mixtures were tested during the instrument evaluation process with positive feedback. The instrument is able to differentiate between compounds within a mixture.

6) *Has the accuracy of the device been benchmarked against similar devices?*

Yes, accuracy of the device has been benchmarked against similar devices by Texas Department of Public Safety.

7) *Will the analyzers be used in conjunction with ID kits that require additional handling?*

No. The handheld analyzers will replace the Marquis tests.

8) *If the results are being collected as evidence:*

a. *Will positive results be reflexed to the lab for further testing?*

Yes. This is a presumptive test/initial identification of narcotics only. All results will be required to go to the lab for analysis. No criminal charges will be filed off the device alone.

b. *How will results follow the chain of custody?*

All substances will follow normal chain of custody requirements as it relates to seizing of suspected narcotics as outlined within APD policy. A non-editable report in PDF form of the results are available for download from the device if needed for the investigative folder. The device has an onboard camera that photographs the item being tested for evidentiary purposes and this picture is included on the report.

Item #52 Authorize award of a contract with Shimadzu Scientific Instruments, Inc., for a liquid chromatograph mass spectrometer, in an amount not to exceed \$268,806.

QUESTION/ANSWER: COUNCIL MEMBER HARPER-MADISON'S OFFICE

What substances can a liquid chromatograph mass spectrometer identify that cannot be detected by the gas chromatograph currently used by the Forensic Toxicology Unit?

The gas chromatographs currently used by the Forensic Toxicology section contain a flame-ionization detector, or FID for short. These detectors are primarily used in the identification and quantitation of very volatile substances, like ethyl alcohol, using a technique called headspace analysis. The FID would be unable to accurately quantitate and identify drug compounds commonly found in forensic toxicology casework, like it can with alcohols. Things like opioids, THC, stimulants (cocaine and amphetamines), and benzodiazepines (Xanax and Klonopin) are much more complex molecules than the alcohol we drink, and require a different detector type to correctly differentiate between them.

Additionally, many of the drugs and metabolites found in toxicology samples would not survive the internal conditions and parameters of a gas chromatograph (high temperature), making the liquid chromatograph (low, ambient temperature) and mass spectrometer a much more suitable instrumentation type for forensic toxicology other than alcohol analysis. The gas chromatographs would still be used for alcohol analysis, but the liquid chromatograph would be necessary to perform analysis on any other drug type.

Item #58 Authorize negotiation and execution of multi-term contracts with 12 contractors to provide language interpretation services, each for up to five years, for total contract amounts not to exceed \$1,602,000 divided among the contractors.

QUESTION/ANSWER: COUNCIL MEMBER ALTER'S OFFICE

1) *The RFQS in Section 2.4 states, "All City departments will have access to use the list of contractors selected for interpretation services. The City departments will use the list for interpretation services in order to provide services to Austin residents with limited English proficiency." Will City boards and commissions be able to request interpretation services for their meetings as well?*

Yes, boards and commissions will be able to request language interpretation services. Boards and commissions should work with their supporting department to coordinate interpretation services. Those departments will be responsible for the payment of invoices. If a department needs financial assistance, the staff liaison can contact the Communications and Public Information Office for support.

Items #94-96 and #100-101

QUESTION/ANSWER: COUNCIL MEMBER ALTER'S OFFICE

1) *Does staff have any data on the existing lease turnover rate for the existing multifamily properties on these sites?*

Staff does not have the information to address this question, however, staff has requested that the applicant provide this information if available.

2) *Approximately what percentage of residents do not renew their lease annually?*

Staff does not have the information to address this question, however, staff has requested that the applicant provide this information if available.

3) *Does staff have information on whether all of these leases, or what percentage of leases, for the existing multifamily properties on these parcels are leases for individual bedrooms vs for the entire unit?*

Staff does not have the information to address this question, however, staff has requested that the applicant provide this information if available.

4) *What if any affordability requirements would be in place on these sites were this case denied?*

If the properties are not rezoned, a portion of the rezoning area covered by case C14-2018-0027 (Item 108) will still be eligible for increased height with affordability requirements. The 36.967 portion that has frontage on East Riverside and Crossing Place is the only part of the request that is currently located in the ERC Hub boundary.

We do not have information about the number of units proposed on this tract, but calculations would be made as follows:

- The site is currently entitled to an increase in height from 50 to 65 feet. This would add one story.
- If this story is added, it is considered bonus area. The property would be required to provide 1 square foot of affordable housing for every 4 bonus square feet.
- A minimum of 50% of the bonus area must be earned through the provision of on-site affordable housing.

5) *Can staff provide a summary of the value of any financial investments the development will be required to make in parkland infrastructure, including trails, in addition to the dedication of parkland? Please provide detail on how that value was calculated. Please provide any available detail on how these funds will be used.*

An evaluation of parkland improvements will occur at the time a site plan is submitted.

6) *Will any heritage or protected trees be removed for this development? If so please provide details on this. Will the development be required to follow the standard variance process for tree removal?*

A tree survey is required as part of the site plan application and if any trees are proposed for removal, they will be identified at that time.

7) *What if any enforceable obligation will be codified in these cases to ensure the city receives the value of the estimated parkland investments? Is it accurate that a significant amount of the projections for parkland investments is predicated on the estimate of the amount of residential development that the applicant is proposing and that if the project reduced the amount of residential development the parkland investment would also reduce?*

The applicant will be required to dedicate parkland at the time of subdivision, and develop the parkland using the required development fee. Based on assumptions described below, the park development fee will be between \$1.2 and \$1.3 million. The applicant will develop the dedicated parkland using these monies. Parkland development fee are calculated as follows (from §25-1-606):

Step 1: Determine cost of development per person:

Parkland Cost Factor/Facilities Level of Service = Development Cost Per Person
\$788,321.50 neighborhood park cost / 4,418.4 people per developed park = \$178.42 per person

Step 2: Determine cost of development per unit

High Density: 1.7 persons per household * \$178.42 = \$ 303.31 per unit (fee may increase in Oct 2019).

Step 3: Calculate total cost

The applicant provided an estimate of 4,709 total units, and between 400 and 565 affordable units.

Affordable units, which must be certified by NHCD, are subtracted from the calculations.

Low end, based on 4,709 total units, minus 565 affordable units

\$303.31 * 4,144 units = \$1,256,917

High end, based on 4,709 total units, minus 400 affordable units

\$303.31 * 4309 units = \$1,306,963

These monies will be used by the applicant to build the newly dedicated parks. This may include, but not be limited to, trail improvements and connectivity; active recreation such as playgrounds, ball fields, and tennis courts; as well as dog parks, and community gardens. The exact park amenities will be determined by PARD in discussions with the applicant, and an assessment of the needs and preferences of the community.

- 8) *What if any enforceable obligation will be codified in these cases to ensure this project builds a residential component and doesn't use these increased entitlements to build a project that is solely commercial and retail in nature? Are the density bonus options available for projects that are entirely commercial and retail uses, or do they require a residential component? Please explain what if any constraints the TDM creates to constructing a project on these parcels that is entirely retail or commercial in nature.*

If redevelopment on the property proposes taking advantage of the density bonuses then affordable units must be provided onsite or the owner must pay a fee-in-lieu of onsite units. A residential component is not required.

Any redevelopment will be required to comply with the approved Traffic Impact Analysis (TIA), including trip generation, circulation patterns and more. Since most commercial land uses generate more traffic than multifamily land use and has different circulation and timing patterns, the property would not be able to achieve the same square footage of commercial as multifamily use. Substantial changes to the proposed mix of uses could trigger a TIA amendment. Offsite improvements and other TDM features could be modified based on any change to the mix of uses.

- 9) *Please explain what if any benefits for area water quality controls would be achieved through the approval of these items?*

If they are tearing down what's there and redeveloping the site, they will be required to provide water quality treatment for all new and redeveloped impervious cover at the site plan stage. This is going on the assumption they don't have grandfathering to an ordinance that pre-dates water quality requirements.

10) Which of the parcels are allowed to have commercial uses today and what are the height and FAR limits for those parcels today? How many residential units are estimated to be on those parcels today?

	Zoning case #	Current ERC Subdistrict	1 bed	2 bed	3 bed	4 bed	Units	Beds
Town Lake	C14-2018-0028	UR	36	36	36	108	216	648
Ballpark North	C14-2018-0028	UR	78	24	78	102	282	768
Quad West	C14-2018-0026	NMU	24	144	0	120	288	792
Quad East	C14-2018-0027	UR	30	60	60	120	270	810
Quad South	C14-2018-0027	NMU	48	72	36	96	252	684
Totals							1,308	3,702

Permitted Land Uses in ERC Subdistricts			
	UR	NMU	CMU
Residential, attached	Permitted	Permitted	Permitted
Residential, detached	Not Permitted	Not Permitted	Not Permitted
Smaller-scale Retail (less than 50,000 sq ft)	Not Permitted	Permitted	Permitted
General Retail	Not Permitted	Not Permitted	Permitted
Office	Not Permitted	Permitted	Permitted
Warehousing & Light Manufacturing	Not Permitted	Not Permitted	Not Permitted
Education/Religion	Permitted	Permitted	Permitted
Hospitality (hotels/motels)	Not Permitted	Permitted	Permitted
Civic Uses (public)	Permitted	Permitted	Permitted
Development Standards in ERC Subdistricts			
	UR	NMU	CMU
Maximum Building Height *	40 ft	50 feet	60 feet
Maximum FAR*	0.75 to 1	1 to 1	2 to 1
Desired Minimum FAR	60%	60%	60%
Impervious Cover	65%	80%	90%

11) *Has this project been examined by staff involved in Project Connect to determine whether any of our needs in that area can be realized through this project?*

The applicant is paying a transportation mitigation fee in lieu of about \$1.6 million towards Project Connect BRT Light Rapid Transit along Pleasant Valley Road.

QUESTIONS ASKED AT WORK SESSION

If we were to remain consistent with the Land Development Code rewrite adopted direction, what would staff apply with respect to granting increased entitlements on this site, and to what degree?

The current approach to the LDC Revision is that current regulations for certain districts, including regulating plans, would be carried forward “as is”. This property falls within the East Riverside Corridor Regulating Plan, therefore the LDC Revision would keep current regulations in place, or “as is”.

Item #117 Conduct a public hearing and consider an ordinance amending Title 25 and Title 30 of the Land Development Code relating to approval deadlines and the administration of land development applications as necessary to comply with House Bill 3167 passed in the 86th Texas legislative session, waiving code provisions related to processing land development code amendments; and declaring an emergency.

QUESTION/ANSWER: COUNCIL MEMBER POOL, KITCHEN, AND ALTER'S OFFICES.

Please provide the sponsors and a speakers list for HB 3167.

Bill Sponsor – House

Representative Tom Oliverson
District 130 (Northwest Houston)

Bill Sponsor – Senate

Senator Bryan Hughes
District 1 (Northeast Texas –Texarkana / Tyler)

A speakers list is attached.



Council Question and Answer

Related To

Item #10

Meeting Date

August 22, 2019

Additional Answer Information

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Council Question and Answer

Related To

Item #24

Meeting Date

August 22, 2019

Additional Answer Information

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QUESTION/ANSWER: Council Member Tovo's Office

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Attached is a spreadsheet with additional information for the fees identified in the Rainey District analysis.

QUESTION/ANSWER: Council Member Alter's Office

What is staff's recommendation? Do staff have any additional or changed perspective since their memo on June 14th?

Discussed at the August 20, 2019 Work Session.

VERBAL DIRECTION FROM DAIS WHEN ITEM WAS POSTPONED ON JUNE 20, 2019

Can staff come back and tell us exactly all the projects in that area and how much funding from each of those projects was generated?

See attachment.

**August 22, 2019 Item #24 Rainey Street District Fund
Question re All Fees ToDate**

Fees	Department	Fees Subject to		Grand Total
		Ord. No. 20131024- 010 Ceiling	Fees After Ord. No. 20131024-010	
	Austin			
Right-of-Way	Transportation	\$ 506,775	\$ 1,724,908	\$ 2,231,683
Alley Vacation and License Agreements	Office of Real Estate	\$ 93,225	\$ 54,347	\$ 147,572
		\$ 600,000	\$ 1,779,255	\$ 2,379,255

Austin Transportation (ATD) ROW Fees - Rainey Street Area FY2013 through May 31, 2019

Right-of-Way (ROW) Fee Description	2013	2014	2015	2016	2017	2018	2019	Grand Total
ATD - SCP Annual ROW Rental Fee						707		707
ATD - SCP Network Node Application Fee							500	500
Barricade Inspection Fee					1,500			1,500
Concrete Re-inspection fee - Transportation		5						5
Curb/Gutter Inspection Fee - Transportation		2				32		34
Driveway Inspection Fee - Transportation		8				85		93
Excavation Inspection Fee - Transportation					57	193	63	313
Excavation/Concrete Permit Fee - Transportation	470	990	900	540	720	855	180	4,655
License Agreement 1st Annual Payment			400	600				1,000
License Agreement Processing Fee	1,700	1,375	525	950				4,550
Right-of-Way usage fees	6,453	12,137	47,112	5,829	20,269	5,333	580	97,711
ROW Investigation Fee (Failure to correct Deficiency)			2,000	1,000				3,000
ROW Investigation Fee (Improper Use of Device)			250	250				500
ROW Investigation Fee (Restricting Traffic during Peak Hours)							500	500
ROW Investigation Fee (Violation of permit conditions)			250	250			250	750
Sidewalk Café 1 Annual Payment				1,000			2,000	3,000
Sidewalk Café Processing Fee							100	100
Sidewalk Inspection Fee - Transportation	8	8	15			30		60
TURP Alley		40	1,400			848	11,450	13,738
TURP 1st Traffic Lane	20,843	43,777	2,603	104,144	2,922	6,932	43,694	224,913
TURP 1st Traffic Lane Extension		55,094	19,259	77,280	295,965	51,600		499,198
TURP 2nd Traffic Lane	9,664		3,703	108,000	3,200	7,100	2,011	133,678
TURP 2nd Traffic Lane Extension				69,120	266,760	82,560		418,440
TURP Additional Traffic Lane			4,860		5,400	11,520	756	22,536
TURP Alley Extension			15,450					15,450
TURP Application Fee	1,195	505	540	605	595	1,020	1,005	5,465
TURP Metered Parking Space	23,275	7,590	42,648	-	450	1,854	37,186	113,003
TURP Sidewalk Space Extension	19,680	34,358	183,198	35,950	76,228	180	177	349,770
TURP Sidewalk/Behind Curb Space	4,850	9,490	84	10,688	630	843	6,865	33,451
TURP Unmetered Parking Lane	7,458	6,977	78			192	13	14,717
TURP Unmetered Parking Lane Extension	20,800	31,428	209,114	6,600				267,942
Utility Cut Inspection Fee - Transportation	68	113	45	113	68			405
Total Fees Collected	\$ 116,462	\$ 203,893	\$ 534,433	\$ 422,918	\$ 674,763	\$ 171,885	\$ 107,329	\$ 2,231,683

NOTE: The Total Fees Collected of \$2,231,683 includes \$506,775 in right-of-way fees contributed to the Rainey Street District Fund and if deposits had continued beyond the ceiling set in Ordinance No. 20131024-010, an additional \$1,724,908 from ATD would have been deposited in the Rainey Street District Fund. Amounts are through May 31, 2019 as reported in a memo to Council on **June 14, 2019 MMAC - Resolution No. 20190523-029 Response re: Rainey Street District Fund**.

ROW = Right-of-Way

TURP = Temporary Use of the Right-of-Way

ROW Permit Fee Description	Fee Basis	FY19 Fee	Unit
ATD Small Cell Permit Annual ROW Rental Fee - Rental for small cell use of ATD signal pole	ROW Rental	\$ 250	Per network node per year
ATD Small Cell Application ROW Rental Fee - Rental for small cell use of ATD signal pole	COS	\$ 500	First five nodes
Barricade Inspection Fee	COS	\$0.10 - 0.32	per sq. ft per day
Concrete Re-inspection fee - Transportation	COS - DSD Collects this Fee	\$ 75	
Curb/Gutter Inspection Fee - Transportation	COS - DSD Collects this Fee	\$ 75	
Driveway Inspection Fee - Transportation	COS - DSD Collects this Fee	\$ 75	
Excavation Inspection Fee - Transportation	COS - DSD Collects this Fee	\$ 75	
Excavation/Concrete Permit Fee - Transportation	COS	\$ 225	
License Agreement 1st Annual Payment	ORES	\$ 425	
License Agreement Processing Fee	ORES-COS	\$ 425	
Right-of-Way usage fees	ROW Rental	\$ 200	per year
ROW Investigation Fee (Failure to correct Deficiency)	COS	\$ 500	per occurrence
ROW Investigation Fee (Improper Use of Device)	COS	\$ 250	per occurrence
ROW Investigation Fee (Restricting Traffic during Peak H	COS	\$ 500	per occurrence
ROW Investigation Fee (Violation of permit conditions)	COS	\$ 250	per occurrence
Sidewalk Café 1 Annual Payment	ROW Rental	\$ 2,000	per space per year
Sidewalk Café Processing Fee	COS	\$ 35	per hour per space per day
Sidewalk Inspection Fee - Transportation	COS - DSD Collects this Fee	\$ 200	
Temporary Use of ROW Permit (TURP) - Alley	ROW Rental	\$.10 - \$.22	per sq ft per day
TURP 1st Traffic Lane	ROW Rental	\$.10 - \$.22	per sq ft per day
TURP 1st Traffic Lane Extension	ROW Rental	\$.10 - \$.22	per sq ft per day
TURP 2nd Traffic Lane	ROW Rental	\$0.20-\$0.32	per sq ft per day
TURP 2nd Traffic Lane Extension	ROW Rental	\$0.20-\$0.32	per sq ft per day
TURP Additional Traffic Lane	ROW Rental	\$0.30	per sq ft per day
TURP Alley Extension	ROW Rental	\$.10 - \$.22	per sq ft per day
TURP Application Fee - Long-term	COS	\$ 145	per sq ft per day
TURP Application Fee - Short Term	COS	\$ 45	per sq ft per day
TURP Metered Parking Space	ROW Rental	\$ 2,000	per space per year
TURP Sidewalk Space Extension	ROW Rental	\$.01 - \$.13	per sq ft per day
TURP Sidewalk/Behind Curb Space	ROW Rental	\$.01 - \$.13	per sq ft per day
TURP Unmetered Parking Lane	ROW Rental	\$ 0.02	per sq ft per day
TURP Unmetered Parking Lane Extension	ROW Rental	\$0.02 - \$.14	per sq ft per day
Utility Cut Inspection Fee - Transportation	COS - DSD Collects this Fee	\$ 325	per cut



Council Question and Answer

Related To

Item #37

Meeting Date

August 22, 2019

Additional Answer Information

Authorize negotiation and execution of an interlocal agreement with Austin Independent School District to provide training opportunities and internships in the field of public health to high school aged residents of the City.

QUESTION/ANSWER: Council Member Flannigan's Office

Is this program being made available to other schools in the city outside of AISD?

At this time it is only offered for AISD students. During the FY 19 budget, funding was approved for this program at East Side Memorial High School. The pilot began this year and will expand out to other AISD schools. This internship will provide credit for a health class. AISD will provide the transportation to the city locations. The program mirrors the AustinCorps program where students receive class credit for a government class.



Council Question and Answer

Related To

Item #51

Meeting Date

August 22, 2019

Additional Answer Information

Authorize award of a contract with Brinkmann Instruments, Inc. D/B/A Metrohm USA, Inc., for portable handheld Raman spectroscopy analyzers, in an amount not to exceed \$83,716.

QUESTION/ANSWER: COUNCIL MEMBER HARPER-MADISON'S OFFICE

1) *Was a scientific consultant involved in the bid selection process?*

APD consulted with multiple law enforcement agencies around the Country that currently use the device to check reliability and accuracy of results.

2) *How will the analyzers be validated?*

This instrument is validated by the manufacturer upon delivery. Additional field evaluation of the instrument was conducted prior to recommendation of award.

3) *How will proper training be ensured?*

The contractor will provide multiple eight hour on-site, hands-on training sessions for individuals assigned to the Organized Crime Division to ensure proper use of the instrument.

4) *What method does the software use to identify an unknown substance (i.e. how does the algorithm match an unknown spectrum against the reference spectrum in its library)?*

The method and algorithm is likely to be proprietary information for which APD would not be privy to.

5) *How well does the device handle mixtures?*

Mixtures were tested during the instrument evaluation process with positive feedback. The instrument is able to differentiate between compounds within a mixture.

6) *Has the accuracy of the device been benchmarked against similar devices?*

Yes, accuracy of the device has been benchmarked against similar devices by Texas Department of Public Safety.

7) *Will the analyzers be used in conjunction with ID kits that require additional handling?*

No. The handheld analyzers will replace the Marquis tests.

8) *If the results are being collected as evidence:*

a. *Will positive results be reflexed to the lab for further testing?*

Yes. This is a presumptive test/initial identification of narcotics only. All results will be required to go to the lab for analysis. No criminal charges will be filed off the device alone.

b. *How will results follow the chain of custody?*

All substances will follow normal chain of custody requirements as it relates to seizing of suspected narcotics

as outlined within APD policy. A non-editable report in PDF form of the results are available for download from the device if needed for the investigative folder. The device has an onboard camera that photographs the item being tested for evidentiary purposes and this picture is included on the report.



Council Question and Answer

Related To	Item #52	Meeting Date	August 22, 2019
Additional Answer Information			

Authorize award of a contract with Shimadzu Scientific Instruments, Inc., for a liquid chromatograph mass spectrometer, in an amount not to exceed \$268,806.

QUESTION/ANSWER: COUNCIL MEMBER HARPER-MADISON'S OFFICE

What substances can a liquid chromatograph mass spectrometer identify that cannot be detected by the gas chromatograph currently used by the Forensic Toxicology Unit?

The gas chromatographs currently used by the Forensic Toxicology section contain a flame-ionization detector, or FID for short. These detectors are primarily used in the identification and quantitation of very volatile substances, like ethyl alcohol, using a technique called headspace analysis. The FID would be unable to accurately quantitate and identify drug compounds commonly found in forensic toxicology casework, like it can with alcohols. Things like opioids, THC, stimulants (cocaine and amphetamines), and benzodiazepines (Xanax and Klonopin) are much more complex molecules than the alcohol we drink, and require a different detector type to correctly differentiate between them.

Additionally, many of the drugs and metabolites found in toxicology samples would not survive the internal conditions and parameters of a gas chromatograph (high temperature), making the liquid chromatograph (low, ambient temperature) and mass spectrometer a much more suitable instrumentation type for forensic toxicology other than alcohol analysis. The gas chromatographs would still be used for alcohol analysis, but the liquid chromatograph would be necessary to perform analysis on any other drug type.



Council Question and Answer

Related To	Item #58	Meeting Date	August 22, 2019
Additional Answer Information			

Authorize negotiation and execution of multi-term contracts with 12 contractors to provide language interpretation services, each for up to five years, for total contract amounts not to exceed \$1,602,000 divided among the contractors.

QUESTION/ANSWER: COUNCIL MEMBER ALTER'S OFFICE

- 1) *The RFQS in Section 2.4 states, "All City departments will have access to use the list of contractors selected for interpretation services. The City departments will use the list for interpretation services in order to provide services to Austin residents with limited English proficiency." Will City boards and commissions be able to request interpretation services for their meetings as well?*

Yes, boards and commissions will be able to request language interpretation services. Boards and commissions should work with their supporting department to coordinate interpretation services. Those departments will be responsible for the payment of invoices. If a department needs financial assistance, the staff liaison can contact the Communications and Public Information Office for support.



Council Question and Answer

Related To

Item #94-96, 100-101

Meeting Date

August 22, 2019

Additional Answer Information

East Riverside Drive and South Pleasant Valley Zoning Cases

QUESTION/ANSWER: Council Member Alter's Office

1) Does staff have any data on the existing lease turnover rate for the existing multifamily properties on these sites?

Staff does not have the information to address this question, however, staff has requested that the applicant provide this information if available.

2) Approximately what percentage of residents do not renew their lease annually?

Staff does not have the information to address this question, however, staff has requested that the applicant provide this information if available.

3) Does staff have information on whether all of these leases, or what percentage of leases, for the existing multifamily properties on these parcels are leases for individual bedrooms vs for the entire unit?

Staff does not have the information to address this question, however, staff has requested that the applicant provide this information if available.

4) What if any affordability requirements would be in place on these sites were this case denied?

If the properties are not rezoned, a portion of the rezoning area covered by case C14-2018-0027 (Item 108) will still be eligible for increased height with affordability requirements. The 36.967 portion that has frontage on East Riverside and Crossing Place is the only part of the request that is currently located in the ERC Hub boundary.

We do not have information about the number of units proposed on this tract, but calculations would be made as follows:

- The site is currently entitled to an increase in height from 50 to 65 feet. This would add one story.
- If this story is added, it is considered bonus area. The property would be required to provide 1 square foot of affordable housing for every 4 bonus square feet.
- A minimum of 50% of the bonus area must be earned through the provision of on-site affordable housing.

5) Can staff provide a summary of the value of any financial investments the development will be required to make in parkland infrastructure, including trails, in addition to the dedication of parkland? Please provide detail on how that value was calculated. Please provide any available detail on how these funds will be used.

An evaluation of parkland improvements will occur at the time a site plan is submitted.

6) Will any heritage or protected trees be removed for this development? If so please provide details on this. Will the development be required to follow the standard variance process for tree removal?

A tree survey is required as part of the site plan application and if any trees are proposed for removal, they will be identified at that time.

- 6) *What if any enforceable obligation will be codified in these cases to ensure the city receives the value of the estimated parkland investments? Is it accurate that a significant amount of the projections for parkland investments is predicated on the estimate of the amount of residential development that the applicant is proposing and that if the project reduced the amount of residential development the parkland investment would also reduce?*

The applicant will be required to dedicate parkland at the time of subdivision, and develop the parkland using the required development fee. Based on assumptions described below, the park development fee will be between \$1.2 and \$1.3 million. The applicant will develop the dedicated parkland using these monies. Parkland development fee are calculated as follows (from §25-1-606):

Step 1: Determine cost of development per person:

Parkland Cost Factor/Facilities Level of Service = Development Cost Per Person

\$788,321.50 neighborhood park cost / 4,418.4 people per developed park = \$178.42 per person

Step 2: Determine cost of development per unit

High Density: 1.7 persons per household * \$178.42 = \$ 303.31 per unit (fee may increase in Oct 2019).

Step 3: Calculate total cost

The applicant provided an estimate of 4,709 total units, and between 400 and 565 affordable units.

Affordable units, which must be certified by NHCD, are subtracted from the calculations.

Low end, based on 4,709 total units, minus 565 affordable units

\$303.31 * 4,144 units = \$1,256,917

High end, based on 4,709 total units, minus 400 affordable units

\$303.31 * 4309 units = \$1,306,963

These monies will be used by the applicant to build the newly dedicated parks. This may include, but not be limited to, trail improvements and connectivity; active recreation such as playgrounds, ball fields, and tennis courts; as well as dog parks, and community gardens. The exact park amenities will be determined by PARD in discussions with the applicant, and an assessment of the needs and preferences of the community.

- 7) *What if any enforceable obligation will be codified in these cases to ensure this project builds a residential component and doesn't use these increased entitlements to build a project that is solely commercial and retail in nature? Are the density bonus options available for projects that are entirely commercial and retail uses, or do they require a residential component? Please explain what if any constraints the TDM creates to constructing a project on these parcels that is entirely retail or commercial in nature.*

If redevelopment on the property proposes taking advantage of the density bonuses then affordable units must be provided onsite or the owner must pay a fee-in-lieu of onsite units. A residential component is not required.

Any redevelopment will be required to comply with the approved Traffic Impact Analysis (TIA), including trip generation, circulation patterns and more. Since most commercial land uses generate more traffic than multifamily land use and has different circulation and timing patterns, the property would not be able to achieve the same square footage of commercial as multifamily use. Substantial changes to the proposed mix of uses could trigger a TIA amendment. Offsite improvements and other TDM features could be modified based on any change to the mix of uses.

- 8) *Please explain what if any benefits for area water quality controls would be achieved through the approval of these items?*

If they are tearing down what's there and redeveloping the site, they will be required to provide water quality treatment for all new and redeveloped impervious cover at the site plan stage.

- 9) *Which of the parcels are allowed to have commercial uses today and what are the height and FAR limits for those parcels today? How many residential units are estimated to be on those parcels today?*

	Zoning case #	Current ERC Subdistrict	1 bed	2 bed	3 bed	4 bed	Units	Beds
Town Lake	C14-2018-0028	UR	36	36	36	108	216	648
Ballpark North	C14-2018-0028	UR	78	24	78	102	282	768
Quad West	C14-2018-0026	NMU	24	144	0	120	288	792
Quad East	C14-2018-0027	UR	30	60	60	120	270	810
Quad South	C14-2018-0027	NMU	48	72	36	96	252	684
Totals							1,308	3,702

Permitted Land Uses in ERC Subdistricts			
	UR	NMU	CMU
Residential, attached	Permitted	Permitted	Permitted
Residential, detached	Not Permitted	Not Permitted	Not Permitted
Smaller-scale Retail (less than 50,000 sq ft)	Not Permitted	Permitted	Permitted
General Retail	Not Permitted	Not Permitted	Permitted
Office	Not Permitted	Permitted	Permitted
Warehousing & Light Manufacturing	Not Permitted	Not Permitted	Not Permitted
Education/Religion	Permitted	Permitted	Permitted
Hospitality (hotels/motels)	Not Permitted	Permitted	Permitted
Civic Uses (public)	Permitted	Permitted	Permitted
Development Standards in ERC Subdistricts			
	UR	NMU	CMU
Maximum Building Height *	40 ft	50 feet	60 feet
Maximum FAR*	0.75 to 1	1 to 1	2 to 1
Desired Minimum FAR	60%	60%	60%
Impervious Cover	65%	80%	90%

10) *Has this project been examined by staff involved in Project Connect to determine whether any of our needs in that area can be realized through this project?*

The applicant is paying a transportation mitigation fee in lieu of about \$1.6 million towards Project Connect BRT Light Rapid Transit along Pleasant Valley Road.

QUESTIONS ASKED AT WORK SESSION

If we were to remain consistent with the Land Development Code rewrite adopted direction, what would staff apply with respect to granting increased entitlements on this site, and to what degree?

The current approach to the LDC Revision is that current regulations for certain districts, including regulating plans, would be carried forward “as is”. This property falls within the East Riverside Corridor Regulating Plan, therefore the LDC Revision would keep current regulations in place, or “as is”.



Council Question and Answer

Related To	Item #117	Meeting Date	August 22, 2019
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Additional Answer Information

Conduct a public hearing and consider an ordinance amending Title 25 and Title 30 of the Land Development Code relating to approval deadlines and the administration of land development applications as necessary to comply with House Bill 3167 passed in the 86th Texas legislative session, waiving code provisions related to processing land development code amendments; and declaring an emergency.

QUESTION/ANSWER: Council Member Pool, Kitchen, and Alter's Offices.

Please provide the sponsors and a speakers list for HB 3167.

Bill Sponsor – House

Representative Tom Oliverson
District 130 (Northwest Houston)

Bill Sponsor – Senate

Senator Bryan Hughes
District 1 (Northeast Texas –Texarkana / Tyler)

A speakers list is attached.

WITNESS LIST

HB 2671

Registering, but not testifying:

For:

Cohen, Howard (Richfield Ranch Investments, LP)

HB 3047

For:

De la Maza, Alejandro (Avanti 2854 LLC)

Registering, but not testifying:

For:

Perkins, Val (Avanti 2854 LLC)

HB 3167

For:

Boyda, Mira (Self; Pohl partners)
Campbell, Scot (Self; Texas Land Developers Association)
Ficken, Rainer (Newland)
Ficken, Rainer (Newland)
Fuller, Mitch (Self)
Maier, Richard (Lennar Homes)
Smith, Leonard (Self; Pohl Partners, Texas Land Developers Assn, and investor entities)
Sterling, Shelby (Texas Public Policy Foundation)
Tahuahua, Geoffrey (Real Estate Council of Austin)
Womack, John a (Texas land developers assc.)

Against:

Linseisen, Andrew (City of Austin)

Registering, but not testifying:

For:

Braasch, Jennie (Self; Pohl Partners)
Callaway, Kathleen (Blackburn Communities and RJ Allen)
De Camps, Ricardo (Self)
Enriquez, Francisco (Self)
Garcia, Jesus (Self)
Glenn, David (Home Builders Association of Greater Austin)
Gonzalez, Daniel (Texas REALTORS)
Jackson, Kyle (Texas Apartment Association)
Kirkpatrick, Shawn (KB Home)
Lary, Trey (Allen Boone Humphries Robinson LLP)
Massaro, Vera (Qualico Communities)
Mays, Dan (Lennar)
McNomee, Abigale (BGE)
Meyer, Ernest (Newland Real Estate Group)
Miller, Colleen (Self; Pohl Partners)

WITNESS LIST

For:

Moreno, Alberto (Self)
Muñoz, Ned (Texas Association of Builders)
Nakfoor, Bruce (Self)
Neff, Rick (Hunt Communities)
Opiela, Eric (Self)
Parenteau, Julia (Texas Realtors)
Pepper, Bradley (Greater Houston Builders Association)
Pohl, William (Self; Pohl partners)
Rawls, Christopher (Self)
Rice, Chuck (TLDA)
Satterwhite, Bene (Self; Pohl partners)
Schwartz, Mitchell (Self)
Seifert, Austin (Self)
Sletten, Adam (Self)
Taylor, Kent (Self)
Tingley, Gina (Self; Pohl partners)
Valdez, Jerry (Coats Rose Law Firm)
Vatzlavick, Amy (Self; Pohl Partners)
Vonwolske, Jim (Self)

Against:

Bakko, Sally (City of Galveston)
Cuellar, Guadalupe (City of El Paso)
Kelly, Bill (Mayor's Office, City of Houston)
Kovacs, Michael (City of Fate)
McCarley, James (City of Plano)
Mullins, Chris (Save Our Springs Alliance)
Sparks, Clifford (City of Dallas)
Wright, Christine (City of San Antonio)

On:

Reed, Ender (Harris County Commissioner Court)

HB 3169

For:

Gueringer, Gay (Self)
Martinez, Julio (Self; MR W FIREWORKS)

Against:

Girdley, Lucas (Self; Alamo Fireworks)
Monestier, Christopher (San Antonio Fire Department)

Registering, but not testifying:

Against:

Oliver, Harold (Alamo Fireworks)

WITNESS LIST

Business & Commerce
April 9, 2019 8:00 AM

McCord, John (NFIB), Austin, TX
McCord, Mia (Texas Conservative Coalition), Austin, TX
Meroney, Mike Consultant (Texas Association of Health Underwriters), Austin, TX

AGAINST:

Hansch, Greg (National Alliance on Mental Illness (NAMI) Texas), Austin, TX
Hutson, Blake (AARP Texas), Austin, TX

SB 2370

FOR:

Boyda, Mira (Self; Pohl partners), Cedar park, TX
Daniec, Paul (Self; Texas Land Developers Association), San Antonio, TX
Ficken, Rainer (Newland), Austin, TX
Fuller, Mitch (Self), Cedar Park, TX
Maier, Richard (Self; Lennar Homes), Austin, TX
Smith, Leonard Attorney (Self; Pohl Partners & investor entities; Texas Land Developers Assn), Austin, TX

AGAINST:

Sparks, Chance (Self; American Planning Association Texas Chapter), San Marcos, TX

Registering, but not testifying:

FOR:

Campbell, Scot (Self), Harlingen, TX
Glenn, David Director of Government Relations and Policy (Home Builders Association of Greater Austin), Austin, TX
Gonzalez, Daniel Director of Legislative Affairs (Texas REALTORS), Austin, TX
Kirkpatrick, Shawn Director of Public Affairs (KB Home), Austin, TX
Lewis, John President (Self), Austin, TX
Massaro, Vera Vice President (Qualico), Pflugerville, TX
Meyer, Ernest Sr Vice President (Newland Real Estate Group), Georgetown, TX
Parenteau, Julia Associate Director of Legislative Affairs (Texas Realtors), Austin, TX
Pohl, Bill (Self), Austin, TX
Rice, Chuck (Texas Land Developers Asso.), Austin, TX
Valdez, Jerry (Coats Rose Law Firm), Austin, TX

AGAINST:

Franco, Brie Intergovernmental Relations Officer (City of Austin), Austin, TX
Kelly, Bill Director of Government Relations (Mayor's Office, City of Houston), Houston, TX
McCarley, James (City of Plano), McKinney, TX
Ramirez, Rick Intergovernmental Relations Director (City of Sugar Land), Sugar Land, TX
Tatum, Alexis (Travis County Commissioners Court), Austin, TX

ON:

Reed, Ender Legislative Coordinator (Harris County Commissioners Court), Houston/TX, TX