March 4, 2021

Questions and Answers Report

Mayor Steve Adler
Council Member Natasha Harper-Madison, District 1
Council Member Vanessa Fuentes, District 2
Council Member Sabino "Pio" Renteria, District 3
Council Member Gregorio Casar, District 4
Council Member Ann Kitchen, District 5
Council Member Mackenzie Kelly, 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 #4: Approve an ordinance amending the fiscal year 2020-2021 operating budgets of Austin Water and Austin Energy in Ordinance No. 20200812-001 to appropriate an additional $5,000,000 for each of the utilities' Plus-One payment assistance programs, for a total additional appropriation of $10,000,000, to help address the ongoing economic effects of the COVID-19 pandemic.

COUNCIL MEMBER ALTER'S OFFICE

How are we assisting Covid-impacted businesses with their utility payments?

Austin Water - The Plus 1 Payment Assistance Program provides utility payment assistance for residential customers experiencing financial hardships. Austin Water is unaware of any utility payment assistance programs for COVID-impacted businesses. However, we are continuing to monitor the applicability of federal relief programs for all of our customers.

Austin Energy - For our commercial customers:
Utility Contact Center Commercial team handles calls from our small business owners

- We offer the most flexible payment arrangements we have ever offered (up to 24 months to pay)
- late fees are currently being waived
- We refer the customer to Economic Development so they can inquire on grants/loans they may offer small businesses
  - Austintexas.gov/department/economic-development
  - Economic Development Contact phone number 512-974-7819 & 512-974-7719

Item #5: Authorize negotiation and execution of ten-year extensions to existing electric service franchise agreements for the use of rights-of-way in other municipalities within the Austin Energy service area, maintaining the payment amount of three percent of gross electric revenues from customers within each municipality.

COUNCIL MEMBER TOVO'S OFFICE

1) When is the last time the percentage for the franchise agreements were updated?

The franchise agreements reflect payments made by Austin Energy to cities in its service area for the use of rights-of-way to provide electric service. The percentage has remained constant for the last ten years. The agreements were first adopted in 2011, and this is the

first renewal.

2) What are the calculations based upon?

The 3% calculation reflects a customary industry number consistent with some of the franchise agreements in place for other utilities in that use rights-of-way within the Austin city limits. The fee is calculated based on gross receipts of money actually received by Austin Energy for electric service provided to customers within each affected city. The calculation excludes bad debt and taxes.

Item #7: Approve an ordinance authorizing waivers of the residential electric service initiation fee and establishing a one-time credit on residential electric bills to offset the customer charge for service during the recent cold weather event and declaring an emergency.

COUNCIL MEMBER ALTER'S OFFICE

Please provide additional clarity on whom is receiving relief from the offset for the customer charge.

All residential customers served by Austin Energy. This includes both CAP and non-CAP customers.

Item #18: Approve a resolution consenting to the annexation by Travis County Water Control and Improvement District No. 10 of 36 properties totaling approximately 115.4 acres currently served by the Camelot Water Supply Corporation, located south of Barton Creek Road off of Canyon Rim Drive, Whippoorwill Trail, Lancelot Way, Cabin Road, and Guinevere Street (Extraterritorial jurisdiction, near Council District 8). This property is located in the Barton Creek Watershed.

COUNCIL MEMBER ALTER'S OFFICE

The back-up states that the annexation would also enable the installation of high-pressure fire hydrants, which would be valuable in mitigating potential damage from wildfires in the area. Can staff please provide additional information on how and from which funds this is budgeted to be funded and whether we have deployed this type of infrastructure in other parts of the city and the timeline and costs associated with future installation?

Any water utility improvements within the service area of the Travis County Water Control and Improvement District 10 are the responsibility of the District. Improvements to the District's water utility infrastructure necessary to serve the former Lower Camelot area would therefore be paid out of District funds (not City funds) and on a timeline at the District's discretion.

The District's planned improvements to the Lower Camelot water infrastructure include:

- 9 new fire hydrants
- System modeled for 1,500 gpm emergency flows
- 5,000 feet of new 8" waterline
- New digital Automatic Meter Readers

According to the District, the planned hydrants significantly exceed the existing hydrants'

capacity as measured by gallons-per-minute flow.

COUNCIL MEMBER KELLY'S OFFICE

Might you provide me some context for the El Buen Samaritano $1.47M grant? How are the providers of these grants chosen, and why are they not administered directly by City of Austin?

The City of Austin received funding from Texas Department of Housing and Community Affairs for their Texas Emergency Rental Assistance and Eviction Diversion Program. Due to capacity issues, we have selected to contract the delivery of these services to a community-based organization with reach in the community and with expertise and experience delivering similar services.

Due to the pandemic and the desire to respond quickly to community needs and priorities, we have not taken the traditional procurement route to identify vendors (this could take 2 - 3 months at minimum). We sent a Statement of Qualifications to approximately 5 nonprofit organizations that we thought might be interested in deploying these funds. We identified the organizations based upon the current services that they provide to the community. El Buen Samaritano also assisted us with the RENT Program and their assistance with program delivery was exceptional.

Finally, they were the only organization that responded to the Statement of Qualifications. Prior to the deadline, we inquired if the invited organizations would be responding to the request and many responded that they did not have the capacity. El Buen Samaritano's statement of qualifications met the qualifications that we were seeking in a vendor to deploy these funds.

Item #20: Authorize negotiation and execution of a 12-month contract with HousingWorks Austin to perform work related to research, data collection, reporting and engagement initiatives in an amount not to exceed $100,000.00.

COUNCIL MEMBER KELLY'S OFFICE

Why can't this $100K contract with HousingWorks be performed by City staff, and a description of the Summit

The contract with HousingWorks Austin augments and supports the capacity of departmental staff to provide data collection for a public search tool, for progress reports called for in resolutions adopting the Strategic Housing Blueprint to analyze and track the community's progress towards reaching the affordable housing goals, and for educational resources related to affordable housing. It's important to note the scope of data collection goes beyond City of Austin accomplishments, but rather at a scale that includes all affordable market rate housing and income restricted units produced by numerous agencies. The department does not have sufficient capacity to complete these activities.

Summit: While the focus of the 2021 Summit has not yet been finalized, the topics of previous summits have included:

- Housing + Access: Rethinking the Built Environment Summary

- Housing + Equitable Communities: Building with Purpose
- Housing + Economic Opportunity: Reimagining the American Dream
- Housing + Health Summit – Building Blocks of Equity and Opportunity

The summits are an opportunity to bring together diverse audiences to better understand challenges and opportunities around creating and investing in vibrant, healthy, mixed-income communities, in support of Strategic Direction 2023 and the Strategic Housing Blueprint. They also provide cost-effective, local training opportunities for staff across a number of Strategic Direction 2023 Outcome areas.

Item #22: Approve an ordinance amending the Fiscal Year 2020-2021 Housing and Planning Department Operating Budget (Ordinance No. 20200812-001) to increase appropriations by $12,350,000 in the Housing Trust Fund, reduce the ending balance by the same amount, and transfer in and appropriate $12,350,000 to the Housing and Planning Department Capital Budget from the Housing Trust Fund for housing and community development activities.

COUNCIL MEMBER ALTER'S OFFICE

1) What specifically led to the unanticipated savings in the Housing Trust Fund and what expenses were originally anticipated to be paid using these funds?

The carry forward funding does not represent unanticipated savings in the Housing Trust Fund (HTF). Because multi-year projects and/or programs are funded with HTF, carry forward funds are "reassigned" each year projects or programs that began in a prior fiscal year for realized program or project completion. This carry forward balance can lead to the perception that funding is available for unplanned activities or projects. For this reason, Housing and Planning Department (HPD) staff has worked with the Controller's Office and Budget Office to present a multi-year fund approach going forward, beginning this fiscal year.

2) Staff response to prior question states that these funds are not "unanticipated savings." The RCA back-up states, "This item amends the Housing Trust Fund Operating Budget by appropriating $12,350,000 from the Housing Trust Fund ending balance, due to unanticipated Fiscal Year 2019-2020 savings." Please clarify and explain. Is the description in the RCA inaccurate? Is it accurate or inaccurate to describe this appropriate as the result of "unanticipated savings"?

The description of the RCA is not inaccurate. However, the memorandum is an attempt to clarify and provide more context regarding "unanticipated" savings. Staff acknowledges that this effort inadvertently posed conflicting language. By summarizing the carry forward as "savings," the RCA language does not indicate that the funds have planned programs and/or projects that are in planning stages. This additional information is supplemented with the memorandum.

Background: As a part of the annual budget development process each May/June timeframe, the Housing and Planning Department must estimate the amount of funds in the HTF that will be either encumbered in a given fiscal year and the amount anticipated to carry forward to the following fiscal year. The carry forward dollar amount along with "new" funds transferred during each budget year equates to the department's available amount to spend. Because the Housing Trust Fund has operated as a single-year fund, the department identifies the estimated carry forward amount by evaluating what contracts, projects, expenses are likely to be encumbered in a given fiscal year. This review takes place roughly 4 months prior to the end of the fiscal year,

which can result in a variance between encumbrances that a planned and what are actuals as the fiscal year ends. Although the amount carried forward can be characterized as "savings" (unspent funds), the dollars are assigned to program areas and are committed to contracts or programs under development from one fiscal year to the next.

Beginning this fiscal year, the Housing Trust Fund will transition to a multi-year accounting fund, allowing for staff to more easily report on programs and projects that require multiple years to spend down. This will provide transparency around the accounting of funds and rely less on mid-year estimates related to what will carry forward from one fiscal year to the next.

3) Please provide an updated spending plan for the Housing Trust Fund and please describe what the funds associated with this specific agenda item will be spent on.

The Fiscal Year 2021 Housing Trust Fund Budget & Spending Plan is attached. The HTF Budget and Spending Plan details the activities that the dollars (to include the amendment) will be spent on.

COUNCIL MEMBER TOVO'S OFFICE

1) If different and/or more specific than the answer provided to FY 20-21 Tovo Budget Question #22, please provide an updated spending plan for the Housing Trust Fund, if available.

The Fiscal Year 2021 Housing Trust Fund Budget & Spending Plan is attached.

2) Please provide a copy of the Housing and Planning Department's Capital Budget spending plan for FY 20-21.

The Fiscal Year 2021 Capital Budget Spending Plan with applicable project detail is attached. The attached reflects information used to prepare the FY 20-21 CIP Budget submission.

Item #23: Authorize negotiation and execution of a 12-month contract with PeopleFund to fund and administer the Micro Enterprise Loans program to provide Displacement Prevention funding to support small businesses in low to moderate income neighborhoods at risk of displacement for a total contract amount not to exceed $150,000.

COUNCIL MEMBER ALTER'S OFFICE

What is the funding source for this program?

Funding Source: General Fund

How much of the $150,000 can be applied towards administrative costs, and how much will be provided in microloans?

This $150,000 contract will cover administrative costs for PeopleFund to issue $1,000,000 in microloans from other funding sources.

COUNCIL MEMBER TOVO'S OFFICE

1) Please provide any specific information that can be provided about this program: the eligibility guidelines for these loans, the estimated amounts for these loans, and the timeframe for repayment, etc.

The City funds will support a portion of PeopleFund's administrative costs in making loans with non-City dollars. These loans will be made to small businesses in areas vulnerable to displacement and/or gentrification, as identified by the Uprooted study. In making loan

decisions, PeopleFund's Underwriting Department reviews many variables, including business plans, credit history, and global cash flow analysis, as well as if the client could obtain credit elsewhere and whether the client's business is a start-up or an existing business. Clients can receive loans of up to $350,000, with a repayment timeline up to 84 months. For SBA loan products, clients must certify that they have not been able to secure "credit elsewhere." This is typically a letter by a bank evidencing denial of funding. PeopleFund will not provide loans to people who have past due Child Support, student loan debt, tax liens, or civil judgments. Those issues must be resolved before credit is extended.

2) Please provide the guidelines as to eligible expenditures for these loans and more generally how these loans are intended to be used by these small businesses in areas that are vulnerable to displacement.

Businesses can use the loans for a variety of uses: real estate, leasehold improvements, equipment purchases, personnel expansion, etc. With existing local economic pressures and new pressures from the COVID-19 pandemic, HPD recognizes a large number of small businesses in Austin as being vulnerable to displacement. HPD's funding, which will support a portion of the administrative cost of PeopleFund's loan program, will be applied to the administration of loans to small businesses that were located in areas vulnerable to displacement even before the pandemic's added economic stresses.

3) In the 2/18 RCA, it stated: "PeopleFund will create or retain six permanent jobs through qualified program participants." From what source will these positions be funded?

The updated RCA for March 4 is based on the total amount of loans made to small businesses ($1 million), not a set number of permanent jobs. Jobs created or retained will be funded by loans from various sources (non-City dollars).

Item #24: Approve second and third readings of an ordinance granting additional floor-to-area entitlements to the project at 82 and 84 North IH-35 Service Road Southbound in accordance with the Downtown Density Bonus Program under City Code Section 25-2-586 (B)(6).

1) When was the last time that the density bonus program calculations were recalibrated?
2) Please provide the number of onsite units provided to date as well as the number of market rate units?
3) Please provide the number of proposed units currently in site plan as well as the proposed number of in site units.
4) Please provide a comparison of the number of units provided under the other density bonus programs.

This item is being postponed to the March 25, 2021 Council Meeting. Responses will be provided on that Q&A Report.

Item #38: Authorize negotiation and execution of Amendment No. 1 to an agreement with Family Eldercare, Inc. to provide mobile hygiene services to people experiencing homelessness in the Austin/Travis County area to extend the term of the agreement through September 30, 2021 and add one-time funding in an amount not to exceed $287,300, for a revised total agreement amount not to exceed $574,600.

COUNCIL MEMBER TOVO'S OFFICE

If different from the schedule listed on the City's Homeless Strategy Office's "COVID-19 Basic Needs" site,

please provide the schedule and list of the locations where these mobile hygiene services will be provided.

Currently the schedule for TOOF is:

- Sunrise Church (Ben White and Menchaca) 8:30AM-11:00AM Monday – Friday
- Downtown (7th and IH35) 9:30 AM-1:30 PM Monday – Friday
- Burnet and Hwy 183 9:30 AM-1:30 PM Monday – Friday
- Esperanza Community (780 Hwy 183 S) 7AM-7PM Monday – Sunday

The new funding is expanding the 6 month contract to a full 12 month contract.

Item #39: Approve an ordinance amending the Fiscal Year 2020-2021 Austin Public Health Department Operating Budget Special Revenue Fund (Ordinance No. 20200812-001) to accept and appropriate $265,628 in grant funds from the Texas Department of State Health Services for the Immunization Outreach Grant Program to increase and enhance logistical and clinical support for the immunization program in its goal to prevent the spread of the COVID-19 virus within Travis County.

COUNCIL MEMBER ALTER'S OFFICE

Please provide information on how much money have we received from state funds in support of COVID health and relief efforts since March 2020.

APH has not received any COVID-related immunizations funding in the last year.

Item #49: Ratify a contract with Workplace Resource LLC D/B/A Workplace Resource, to provide COVID-19 pandemic office upgrades for the Austin Public Health Department, Environmental Health Services Division's public facing offices, in the amount of $76,786.

COUNCIL MEMBER ALTER'S OFFICE

In May of 2019, the COVID Spending Framework originally contemplated that renovations related to COVID-19 would be funded via FEMA dollars, Coronavirus Relief Fund dollars, as well as General Fund dollars. Does Austin Public Health intend to apply for reimbursement from the appropriate federal entity for these renovations?

The original intent for funding this remodeling project was certainly to seek and receive federal or state COVID-19 fund reimbursement. However, Corporate Budget's consultants have determined that this expenditure is not reimbursable by FEMA. Therefore, the City will cover the expense through the General Fund.

Item #59: Authorize award of a multi-term contract with Enterprise Professional Services, Inc. D/B/A EPSI, to provide cleanup services for lands, creeks, electric utility distribution and transmission sites, and related infrastructures, for up to five years for a total contract amount not to exceed $1,232,000.

COUNCIL MEMBER TOVO'S OFFICE

1) In 2018, direction was given in the form of a Budget Rider by Council Member Tovo to read: "Austin Watershed Protection Department - The outside vendor that will be contracted to supplement in-house resources for encampment clean-up shall work in coordination with social service providers. The vendor shall be required to provide regular memorandums on this work to the Health and Human Services Committee.

In 2018, direction was given in the form of a Budget Rider by Council Member Tovo to read: "Austin Watershed Protection Department - The outside vendor that will be contracted to supplement in-house resources for encampment clean-up shall work in coordination with social service providers. The vendor shall be required to provide regular memorandums on this work to the Health and Human Services Committee. It is the intention of the City Council that before an RFP is put out that the City Manager shall give notice and an update to Council on how the City will work to protect the property and rights of residents, especially people experiencing homelessness, with the intention of not seizing property of residents."

See the minutes from the September 11, 2018 meeting on Page 9.
Please provide confirmation that this direction is contained within the proposed contract.
If available, please provide any relevant excerpts from the proposed contract that pertains to this issue.
If appropriate, please update the RCA to reflect this previous Council action.

This contract includes the direction given by Council on September 11, 2018. This direction is conveyed in the contract in several sections including:

Section 5.1 of the scope which states, "City will provide and post "notice of clean-up" signs at the work site a minimum of 72 hours prior to the commencement of each clean-up project."

Section 5.2 of the scope which states, "City will coordinate with service agencies to provide case management services to those experiencing homelessness a minimum of 72 hours prior to the commencement of each clean- up project."

Watershed Protection currently coordinates with The Other Ones Foundation (TOOF) to provide some of these services, and they have been instrumental in this process in the past. Currently, the clean-up notices the City posts prior to a clean-up specifies that any items remaining at the site will be removed as part of the clean-up. The City makes many efforts to reach out to people experiencing homelessness to ensure that their personal property remains safe. One key point of the notices posted is to provide residents an opportunity to gather their personal items, so they are not removed as part of the clean-up.

Item #68: Approve a resolution consenting to a proposed borrowing transaction by Austin Convention Enterprises, Inc. under the terms of the federal Paycheck Protection Program.

COUNCIL MEMBER TOVO'S OFFICE
All responses provided by ACE. Not all questions received responses.

For each of the last 5 years, please provide the following for the Austin Convention Enterprises, Inc.: number of staff positions, name of staff, total salary costs.
Pending

For any staff positions at ACE, please provide job descriptions & dates of employment and indicate whether the positions are full or part time positions.
ACE hired its first employee, Jimmy Flannigan, on January 7, 2021. Mr. Flannigan serves as President of ACE on a part-time basis. The job description can be found

here: https://austinconventionenterprises.lexblogplatform.com/wp-content/uploads/sites/790/2020/10/President-Job-Description-ACE.pdf. Prior to hiring Mr. Flannigan, the responsibility for managing ACE fell mostly on a third-party consultant with some work handled by the unpaid volunteer board members. Mr. Flannigan assumed the duties of the consultant as well as additional duties as defined in the job description.

How does ACE generate money to pay its expenses?

ACE depends solely on hotel operating revenues to pay its expenses. It has no other source of revenue.

Please list members of the ACE board & their dates of appointment.

The current board members were appointed by City Council on February 20, 2020 (agenda item 82): Phillip Schmandt, Jolsna Thomas, and Sherri Greenberg. All took office on March 6, 2020. That represents the full ACE board at this time.

Please describe the relationship between ACE, the City of Austin, and the Hilton Hotel in the context of the following question: is the Hilton Hotel able to apply directly for the federal Paycheck Protection Program? Why or why not?

The City formed ACE in 2000 to finance, own and manage the Hotel. ACE contracts with Hilton as its agent to operate the Hotel on ACE's behalf. Hilton is unable to apply directly for the PPP loan. Federal regulations require that a project owner apply for the loan. However, because it is responsible for Hilton's payroll and other costs related to the Hotel, ACE is permitted to use Hilton's costs when applying for the loan.

The IFC refers to the PPP loan's intended use for "eligible expenses." Are these intended to be eligible expenses for ACE or for the Hilton? If the former, please describe.

ACE intends to use 100% of eligible loan proceeds to pay front-line workers at the hotel. Loan proceeds will not be used to pay Hilton's management fees or ACE's employee salary. Furthermore, the ACE employee salary will not be included in calculations for the PPP application. According to Federal regulation, up to 40% of PPP loans may be used for other eligible expenses beyond payroll, which could include expenses like utility costs or insurance.

Does ACE intend to meet the requirements for loan forgiveness? If not, what is the intended funding mechanism for loan repayment? What entity is liable for repayment of the loan – ACE or the Hilton? What entity and/or staff will be managing the PPP?

ACE intends to meet the requirements for loan forgiveness. ACE is responsible for the loan obligation, which also requires the consent of bondholders. The requirements of PPP forgiveness fall primarily under payroll maintenance which is the responsibility of the Hilton.

For each of the last 3 years, please list for the Hilton the number of employees and the number of positions by category, separating out managerial-level positions from others.

Prior to 2020, the Hilton employed roughly more than 500 employees with the number reduced to slightly less than 200 during the pandemic without PPP loan eligibility. The Hotel is now eligible for PPP and the loan proceeds will help prevent further reductions, as is the intent of the program.

Has the Hilton furloughed or otherwise decreased staffing during the pandemic? If so, please explain whether these staff members would be rehired if a PPP loan is secured?

Pending

Item #90: C14-2009-0151(RCA3) - Shoal Creek Walk - Conduct a public hearing and approve a restrictive covenant amendment on property locally known as 835 West 6th Street (Shoal Creek Watershed). Staff Recommendation and Planning Commission Recommendation: To grant an amendment to the restrictive covenant. Owner and Applicant: Shoal Creek Walk, LTD., (Richard W. Duggan III). Applicant: Armbrust and Brown, PLLC, (Amanda Surman). City Staff: Mark Graham, 512-974-3574.

COUNCIL MEMBER ALTER'S OFFICE

On page 2, the Staff Report states: The proposed contribution would match a City of Austin Neighborhood Partnering Program grant to do the work listed in the attached Shoal Creek Conservancy letter. Please refer to the Applicant's proposed redlines to the Restrictive Covenant.

However, neither the letter from the Shoal Creek Conservancy nor the Restrictive Covenant appear in the staff report or in back-up.

Additionally, on page 8 the Staff Report references these exhibits: Exhibit A: Zoning Map, Exhibit B: Aerial Map, Questions from Planning Commission, Applicant's proposed redlines to the RC, and Correspondence Shoal Creek Conservancy. However, none of these appear in back-up. Please provide this referenced material.

See attachment. The staff report will be updated and posted online.

Item #93: C14-2020-0091 - Johnny Morris Road Light Industrial -Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6215 ½ Johnny Morris Road (Walnut Creek Watershed). Applicant Request: To rezone from limited industrial services-conditional overlay (LI-CO) combining district zoning and warehouse/limited office-conditional overlay (W/LO-CO) combining district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, as amended. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant limited industrial services-conditional overlay (LI-CO) combining district zoning (prior to applicant's amended request). Owner/Applicant: Texas Coldworks, LLC (Christian Garces). Agent: Kimley-Horn (Harrison M. Hudson, P.E.). City Staff: Sherri Sirwaitis, 512-974-3057.

COUNCIL MEMBER ALTER'S OFFICE

The applicant revised their request from LI zoning to GR-MU-CO. Does staff have a recommendation on the revised request?

Staff recommends GR-MU-CO

Item #1 AHFC: Conduct a public hearing and receive public comment regarding Austin Housing Finance Corporation's issuance of up to $22,000,000 of Multi-family Housing Revenue Bonds to finance a proposed housing development at or near 4400 Nuckols Crossing Road, Austin, Texas, 78744, by MHP City Heights, Ltd., or an affiliated entity, and to be known as City Heights.

COUNCIL MEMBER ALTER'S OFFICE

It appears this project will be using "income-averaging" and approximately one-third of the units in this development will be allowed to be rented at 80% MFI levels.
What will the allowable rents be for the 80% units?

Rents will be determined annually by the Texas Department of Housing and Community Affairs (TDHCA). Please note that TDHCA rent limits include utility allowances, so the actual rent paid by the resident will be approximately $50 - $100 lower, unless the developer elects to include utilities in the rent. TDHCA also has very strict rules about not charging residents additional monthly fees for various services. Current rent limits for the Austin area are as follows:

RENT LIMITS

AMFI %	Number of Bedrooms					
	0	1	2	3	4	5
20	$342	$366	$439	$507	$527	$625
30	$513	$549	$659	$761	$849	$937
40	$684	$732	$879	$1,015	$1,133	$1,250
50	$855	$915	$1,098	$1,269	$1,416	$1,562
60	$1,026	$1,098	$1,318	$1,523	$1,699	$1,875
65						
70	$1,197	$1,281	$1,538	$1,777	$1,982	$2,187
80	$1,368	$1,465	$1,758	$2,031	$2,266	$2,500

Have any other 4% projects been advanced by Council using "income-averaging" and how many, if any, of them include as many as one-third of the units being rented at 80% MFI?

LIHTC applicants may elect to use income averaging to meet the definition of a qualified low-income housing project pursuant to the Internal Revenue Code Section 42. TDHCA will monitor for compliance with income averaging pursuant to Chapter 10, Subchapter F of the Texas Administrative Code. The Housing and

Planning Department does not require disclosure of an applicant's election of income averaging. While HPD requests an approximation of the unit AMFI distribution, these resolution requests occur at a very early stage in the development process of a typical 4% tax credit development. Technically the owner of a tax credit development will not officially make what is called an "Average Income Election" until IRS form 8609 is filed, which does not occur until the development has placed in service. For a development seeking a resolution from Council, filing the 8609 would occur approximately 3 years after Council approves the resolution.

What is the current MFI for the census tract this development is located in?
The Median Family Income is determined annually by the U.S. Department of Housing and Urban Development (HUD) and is calculated for the entire Austin-Round Rock area. HUD does not calculate MFIs at the census tract level; however, the American Community Survey provides annual estimates of economic data, including income. The 2019 MFI for the census tract in which City Heights will be located is $42,556, with a margin of error of $18,311 (ACS 2019, Table B19113). The census tract right across the street (St. Elmo Road) consists primarily of single family homes and has a MFI of $63,689, with a margin of error of $2,095.

Can staff please provide some additional information on what the typical mix of income levels is for 4% projects that have been advanced by Council over the last year, including the average percentage of project units that are rented at 80% MFI?

Typically, 4% LIHTC projects have included primarily 60% MFI rents. In 2021, HPD staff established a quarterly intake process of all 4% LIHTC Resolutions of No Objections (RONOs) so that staff could minimize the administrative burden and City Council could more comprehensively assess project attributes. Public hearings for seven of the first quarter RONOs are scheduled for March 25, 2021. Staff is currently working on a comprehensive analysis of all the projects and will provide a detailed memo, map, and data to Mayor and City Council prior to this meeting. It is important to note that, prior to the availability of the Average Income Election, many tax credit deals would include market rate units; now, there is an incentive to convert what would have previously been market rate units to income- and rent-restricted units at 80% AMFI. The Strategic Housing Blueprint sets ambitious goals for affordable units at and below 80% AMFI. Additionally, the ability for developers to now include 70% and 80% AMFI units in the affordable housing developments, and to secure financing through the tax credit program for those 70% and 80% AMFI units, has had a beneficial impact on allowing affordable multifamily housing development in previously inaccessible and expensive areas of our community. The 70% and 80% AMFI units help to cross-subsidize the 30% - 50% AMFI units. Staff also believes that the Average Income Election, along with a recent change to how the 4% tax credit rate is calculated, can take pressure of future RHDA financing requests from AHFC.

Council Question and Answer

Related To	Item #4	**Meeting Date**	March 4, 2021

Additional Answer Information

Approve an ordinance amending the fiscal year 2020-2021 operating budgets of Austin Water and Austin Energy in Ordinance No. 20200812-001 to appropriate an additional $5,000,000 for each of the utilities' Plus-One payment assistance programs, for a total additional appropriation of $10,000,000, to help address the ongoing economic effects of the COVID-19 pandemic.

QUESTION/ANSWER: Council Member Alter's Office

How are we assisting Covid-impacted businesses with their utility payments?

Austin Water - The Plus 1 Payment Assistance Program provides utility payment assistance for residential customers experiencing financial hardships. Austin Water is unaware of any utility payment assistance programs for COVID-impacted businesses. However, we are continuing to monitor the applicability of federal relief programs for all of our customers.

Austin Energy - For our commercial customers:

Utility Contact Center Commercial team handles calls from our small business owners

- We offer the most flexible payment arrangements we have ever offered (up to 24 months to pay)
- late fees are currently being waived
- We refer the customer to Economic Development so they can inquire on grants/loans they may offer small businesses
  - Austintexas.gov/department/economic-development
  - Economic Development Contact phone number 512-974-7819 & 512-974-7719

Council Question and Answer

Related To	Item #5	Meeting Date	March 4, 2021

Additional Answer Information

Authorize negotiation and execution of ten-year extensions to existing electric service franchise agreements for the use of rights-of-way in other municipalities within the Austin Energy service area, maintaining the payment amount of three percent of gross electric revenues from customers within each municipality.

QUESTION/ANSWER: Council Member Tovo's Office

When is the last time the percentage for the franchise agreements were updated?

The franchise agreements reflect payments made by Austin Energy to cities in its service area for the use of rights-of-way to provide electric service. The percentage has remained constant for the last ten years. The agreements were first adopted in 2011, and this is the first renewal.

What are the calculations based upon?

The 3% calculation reflects a customary industry number consistent with some of the franchise agreements in place for other utilities in that use rights-of-way within the Austin city limits. The fee is calculated based on gross receipts of money actually received by Austin Energy for electric service provided to customers within each affected city. The calculation excludes bad debt and taxes.

Council Question and Answer

Related To	Item #7	Meeting Date	March 4, 2021

Additional Answer Information

Approve an ordinance authorizing waivers of the residential electric service initiation fee and establishing a one-time credit on residential electric bills to offset the customer charge for service during the recent cold weather event and declaring an emergency.

QUESTION/ANSWER: Council Member Alter's Office

Please provide additional clarity on whom is receiving relief from the offset for the customer charge.

All residential customers served by Austin Energy. This includes both CAP and non-CAP customers.

Council Question and Answer

Related To	Item #18	Meeting Date	March 4, 2021

Additional Answer Information

Approve a resolution consenting to the annexation by Travis County Water Control and Improvement District No. 10 of 36 properties totaling approximately 115.4 acres currently served by the Camelot Water Supply Corporation, located south of Barton Creek Road off of Canyon Rim Drive, Whippoorwill Trail, Lancelot Way, Cabin Road, and Guinevere Street (Extraterritorial jurisdiction, near Council District 8). This property is located in the Barton Creek Watershed.

QUESTION/ANSWER: COUNCIL MEMBER KELLY'S OFFICE

Might you provide me some context for the El Buen Samaritano $1.47M grant? How are the providers of these grants chosen, and why are they not administered directly by City of Austin?

The City of Austin received funding from Texas Department of Housing and Community Affairs for their Texas Emergency Rental Assistance and Eviction Diversion Program. Due to capacity issues, we have selected to contract the delivery of these services to a community-based organization with reach in the community and with expertise and experience delivering similar services.

Due to the pandemic and the desire to respond quickly to community needs and priorities, we have not taken the traditional procurement route to identify vendors (this could take 2 - 3 months at minimum). We sent a Statement of Qualifications to approximately 5 nonprofit organizations that we thought might be interested in deploying these funds. We identified the organizations based upon the current services that they provide to the community. El Buen Samaritano also assisted us with the RENT Program and their assistance with program delivery was exceptional.

Finally, they were the only organization that responded to the Statement of Qualifications. Prior to the deadline, we inquired if the invited organizations would be responding to the request and many responded that they did not have the capacity. El Buen Samaritano's statement of qualifications met the qualifications that we were seeking in a vendor to deploy these funds.

Council Question and Answer

Related To	Item #18	Meeting Date	March 4, 2021

Additional Answer Information

Approve a resolution consenting to the annexation by Travis County Water Control and Improvement District No. 10 of 36 properties totaling approximately 115.4 acres currently served by the Camelot Water Supply Corporation, located south of Barton Creek Road off of Canyon Rim Drive, Whippoorwill Trail, Lancelot Way, Cabin Road, and Guinevere Street (Extraterritorial jurisdiction, near Council District 8). This property is located in the Barton Creek Watershed.

QUESTION/ANSWER: Council Member Alter's Office

The back-up states that the annexation would also enable the installation of high-pressure fire hydrants, which would be valuable in mitigating potential damage from wildfires in the area. Can staff please provide additional information on how and from which funds this is budgeted to be funded and whether we have deployed this type of infrastructure in other parts of the city and the timeline and costs associated with future installation?

Any water utility improvements within the service area of the Travis County Water Control and Improvement District 10 are the responsibility of the District. Improvements to the District's water utility infrastructure necessary to serve the former Lower Camelot area would therefore be paid out of District funds (not City funds) and on a timeline at the District's discretion.

The District's planned improvements to the Lower Camelot water infrastructure include:

- 9 new fire hydrants
- System modeled for 1,500 gpm emergency flows
- 5,000 feet of new 8" waterline
- New digital Automatic Meter Readers

According to the District, the planned hydrants significantly exceed the existing hydrants' capacity as measured by gallons-per-minute flow.

Council Question and Answer			
Related To	Item #22	**Meeting Date**	March 4, 2021

Additional Answer Information

Approve an ordinance amending the Fiscal Year 2020-2021 Housing and Planning Department Operating Budget (Ordinance No. 20200812-001) to increase appropriations by $12,350,000 in the Housing Trust Fund, reduce the Housing Trust Fund ending balance by the same amount, and transfer in and appropriate $12,350,000 to the Housing and Planning Department Capital Budget (Ordinance No. 20200812-001) from the Housing Trust Fund for the housing and community development purposes of the Housing Trust Fund.

QUESTION/ANSWER: COUNCIL MEMBER ALTER'S OFFICE

1) What specifically led to the unanticipated savings in the Housing Trust Fund and what expenses were originally anticipated to be paid using these funds?

The carry forward funding does not represent unanticipated savings in the Housing Trust Fund (HTF). Because multi-year projects and/or programs are funded with HTF, carry forward funds are "reassigned" each year projects or programs that began in a prior fiscal year for realized program or project completion. This carry forward balance can lead to the perception that funding is available for unplanned activities or projects. For this reason, Housing and Planning Department (HPD) staff has worked with the Controller's Office and Budget Office to present a multi-year fund approach going forward, beginning this fiscal year.

2) Staff response to prior question states that these funds are not "unanticipated savings." The RCA back-up states, "This item amends the Housing Trust Fund Operating Budget by appropriating $12,350,000 from the Housing Trust Fund ending balance, due to unanticipated Fiscal Year 2019-2020 savings." Please clarify and explain. Is the description in the RCA inaccurate? Is it accurate or inaccurate to describe this appropriate as the result of "unanticipated savings"?

The description of the RCA is not inaccurate. However, the memorandum is an attempt to clarify and provide more context regarding "unanticipated" savings. Staff acknowledges that this effort inadvertently posed conflicting language. By summarizing the carry forward as "savings," the RCA language does not indicate that the funds have planned programs and/or projects that are in planning stages. This additional information is supplemented with the memorandum.

Background: As a part of the annual budget development process each May/June timeframe, the Housing and Planning Department must estimate the amount of funds in the HTF that will be either encumbered in a given fiscal year and the amount anticipated to carry forward to the following fiscal year. The carry forward dollar amount along with "new" funds transferred during each budget year equates to the department's available amount to spend. Because the Housing Trust Fund has operated as a single-year fund, the department identifies the estimated carry forward amount by evaluating what contracts, projects, expenses are likely to be encumbered in a given fiscal year. This review takes place roughly 4 months prior to the end of the fiscal year, which can result in a variance between encumbrances that a planned and what are actuals as the fiscal year ends. Although the amount carried forward can be characterized as "savings" (unspent funds), the dollars are assigned to program areas and are committed to contracts or programs under development from one fiscal year to the next.

Beginning this fiscal year, the Housing Trust Fund will transition to a multi-year accounting fund, allowing for staff to more easily report on programs and projects that require multiple years to spend down. This will provide transparency around the accounting of funds and rely less on mid-year estimates related to what will carry forward from one fiscal year to the next.

3) Please provide an updated spending plan for the Housing Trust Fund and please describe what the funds associated with this specific agenda item will be spent on.

The Fiscal Year 2021 Housing Trust Fund Budget & Spending Plan is attached. The HTF Budget and Spending Plan details the activities that the dollars (to include the amendment) will be spent on.

Housing and Planning Department
FY21 CIP Spending Plan
(As Submitted to Budget Office on February 21, 2020)

Funding Source / Project	FY19 Act & SP FY20	SP FY21	SP FY22	SP FY23	Total
2006 GO Bonds P5	**1,250,000**	**-**	**-**	**-**	**1,250,000**
Westgate II Subdivision	1,250,000	-	-	-	1,250,000
2013 GO Bonds P1	**29,770,361**	**2,140,175**	**-**	**-**	**31,910,536**
2019 GO Repair - 2013 Bonds	2,000,000	-	-	-	2,000,000
Aria Grand Apartments	1,510,000	-	-	-	1,510,000
Cambrian East Riverside	2,016,000	-	-	-	2,016,000
Elysium Park	3,330,000	-	-	-	3,330,000
GO Bond Rental Housing - 2013 Bonds	79,967	-	-	-	79,967
Govalle Terrace	1,208,000	-	-	-	1,208,000
Housing First Oak Springs	3,368,112	-	-	-	3,368,112
Rail at MLK Jr. Station	2,700,000	-	-	-	2,700,000
RBJ Center	3,694,270	2,140,175	-	-	5,834,445
The Jordan Apartments	4,020,000	-	-	-	4,020,000
The Nightingale	2,069,000	-	-	-	2,069,000
Travis Flats	138,412	-	-	-	138,412
Waterloo Terrace	3,210,000	-	-	-	3,210,000
Works at Pleasant Valley, Phase II	426,600	-	-	-	426,600
2018 GO Bonds PA - Affordable Housing	**62,042,083**	**100,957,917**	**53,000,000**	**34,000,000**	**250,000,000**
11225 Pecan Park Boulevard PA/2018	4,265,000	-	-	-	4,265,000
1212 West Slaughter Lane PA/2018	10,000,000	-	-	-	10,000,000
4th and Onion PA/2018	-	2,030,000	-	-	2,030,000
AHA! (Accessible Housing Austin) @ Briarcliff PA/2018	1,344,524	-	-	-	1,344,524
Burnet Place PA/2018	1,900,000	1,742,917	-	-	3,642,917
City Heights PA/2018	3,666,667	-	-	-	3,666,667
Govalle Terrace PA/2018	2,000,000	1,950,000	-	-	3,950,000
Home Repair PA/2018 Bonds	7,000,000	6,000,000	7,000,000	8,000,000	28,000,000
Land Acquisition - PA/2018 Bonds	5,000,000	60,735,000	20,000,000	-	85,735,000
Mueller Townhomes PA/2018	555,476	-	-	-	555,476

Housing and Planning Department
FY21 CIP Spending Plan
(As Submitted to Budget Office on February 21, 2020)

Funding Source / Project	FY19 Act & SP FY20	SP FY21	SP FY22	SP FY23	Total
Ownership Housing - PA/2018 Bonds	3,500,000	8,500,000	6,000,000	6,000,000	24,000,000
Rental Housing - PA/2018 Bonds	7,938,883	20,000,000	20,000,000	20,000,000	67,938,883
Roosevelt Gardens PA/2018	4,950,000	-	-	-	4,950,000
Scenic Point PA/2018	1,020,000	-	-	-	1,020,000
Springdale Crossing PA/2018	240,000	-	-	-	240,000
Talavera Lofts PA/2018	797,921	-	-	-	797,921
The Abali PA/2018	1,737,395	-	-	-	1,737,395
Travis Flats PA/2018	500,000	-	-	-	500,000
Vi Collina PA/2018	3,253,525	-	-	-	3,253,525
Waterloo Terrace PA/2018	2,372,692	-	-	-	2,372,692
Developer Participation	**394,998**	**-**	**-**	**-**	**394,998**
Domain Sales Tax	394,998	-	-	-	394,998
General Fund	**560,000**	**-**	**-**	**-**	**560,000**
Housing First Oak Springs	560,000	-	-	-	560,000
WWW Operating Transfer	**-**	**-**	**-**	**-**	**-**
Grand Total	**94,017,442**	**103,098,092**	**53,000,000**	**34,000,000**	**284,115,534**

Fiscal Year 2021 Housing Trust Fund Budget & Spend Plan
Includes Budget Amendment Dollars (in Millions)
Wednesday, March 3, 2021

Description	Budget	Committed Funds	Available Balance for Programming	% Available
Housing Development Assistance	**13.5**	**11.5**	**2.0**	**15%**
Acquisition & Development	3.1	3.1	-	0%
Rental Housing Dev Assistance CoC Subsidy	3.2	3.2	-	0%
Ownership Housing	1.0	1.0	-	0%
Rental Housing	4.2	4.2	-	0%
*Downtown Density Bonus	0.0	-	0.0	100%
Pilot Knob Municipal Utility District	0.1	-	0.1	100%
Plaza Saltillo Transit-Oriented Dev	1.5	-	1.5	100%
The Grove Planned Unit Dev	0.4	-	0.4	100%
Homeless Assistance	**4.8**	**1.9**	**3.0**	**61%**
Local Housing Voucher Program - ongoing	3.6	0.7	3.0	83%
PSH Continuum of Care Consulting	0.3	0.3	0.0	0%
Housing Voucher Contract / ECHO	0.9	0.9	0.0	0%
Renter Assistance	**2.0**	**1.1**	**0.8**	**43%**
Covid-19 Rental Assistance	$1.2	$1.1	$0.1	8%
Tenant Eviction Prevention	$0.8	$0.0	$0.8	100%
Community Development	**5.8**	**3.4**	**2.4**	**41%**
Displacement Prevention	$5.6	$3.3	$2.3	41%
Non Profit Capacity Building	$0.1	$0.1	$0.0	0%
Employer Assisted Housing	$0.1	$0.0	$0.1	100%
Totals	**$26.0**	**$17.8**	**$8.2**	**32%**

**Downtown Density Bonus balance $12,500*

Council Question and Answer

Related To	Item #22	Meeting Date	March 4, 2021

Additional Answer Information

Approve an ordinance amending the Fiscal Year 2020-2021 Housing and Planning Department Operating Budget (Ordinance No. 20200812-001) to increase appropriations by $12,350,000 in the Housing Trust Fund, reduce the Housing Trust Fund ending balance by the same amount, and transfer in and appropriate $12,350,000 to the Housing and Planning Department Capital Budget (Ordinance No. 20200812-001) from the Housing Trust Fund for the housing and community development purposes of the Housing Trust Fund.

QUESTION/ANSWER: Council Member Tovo's Office

1) If different and/or more specific than the answer provided to FY 20-21 Tovo Budget Question #22, please provide an updated spending plan for the Housing Trust Fund, if available.

The Fiscal Year 2021 Housing Trust Fund Budget & Spending Plan is attached.

2) Please provide a copy of the Housing and Planning Department's Capital Budget spending plan for FY 20-21.

The Fiscal Year 2021 Capital Budget Spending Plan with applicable project detail is attached. The attached reflects information used to prepare the FY 20-21 CIP Budget submission.

Housing and Planning Department
FY21 CIP Spending Plan
(As Submitted to Budget Office on February 21, 2020)

Funding Source / Project	FY19 Act & SP FY20	SP FY21	SP FY22	SP FY23	Total
2006 GO Bonds P5	**1,250,000**	**-**	**-**	**-**	**1,250,000**
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2013 GO Bonds P1	**29,770,361**	**2,140,175**	**-**	**-**	**31,910,536**
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The Nightingale	2,069,000	-	-	-	2,069,000
Travis Flats	138,412	-	-	-	138,412
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Housing and Planning Department
FY21 CIP Spending Plan
(As Submitted to Budget Office on February 21, 2020)

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The Abali PA/2018	1,737,395	-	-	-	1,737,395
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Waterloo Terrace PA/2018	2,372,692	-	-	-	2,372,692
Developer Participation	**394,998**	**-**	**-**	**-**	**394,998**
Domain Sales Tax	394,998	-	-	-	394,998
General Fund	**560,000**	**-**	**-**	**-**	**560,000**
Housing First Oak Springs	560,000	-	-	-	560,000
WWW Operating Transfer	**-**	**-**	**-**	**-**	**-**
Grand Total	**94,017,442**	**103,098,092**	**53,000,000**	**34,000,000**	**284,115,534**

Fiscal Year 2021 Housing Trust Fund Budget & Spend Plan
Includes Budget Amendment Dollars (in Millions)
Wednesday, March 3, 2021

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Acquisition & Development	3.1	3.1	-	0%
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Ownership Housing	1.0	1.0	-	0%
Rental Housing	4.2	4.2	-	0%
*Downtown Density Bonus	0.0	-	0.0	100%
Pilot Knob Municipal Utility District	0.1	-	0.1	100%
Plaza Saltillo Transit-Oriented Dev	1.5	-	1.5	100%
The Grove Planned Unit Dev	0.4	-	0.4	100%
Homeless Assistance	**4.8**	**1.9**	**3.0**	**61%**
Local Housing Voucher Program - ongoing	3.6	0.7	3.0	83%
PSH Continuum of Care Consulting	0.3	0.3	0.0	0%
Housing Voucher Contract / ECHO	0.9	0.9	0.0	0%
Renter Assistance	**2.0**	**1.1**	**0.8**	**43%**
Covid-19 Rental Assistance	$1.2	$1.1	$0.1	8%
Tenant Eviction Prevention	$0.8	$0.0	$0.8	100%
Community Development	**5.8**	**3.4**	**2.4**	**41%**
Displacement Prevention	$5.6	$3.3	$2.3	41%
Non Profit Capacity Building	$0.1	$0.1	$0.0	0%
Employer Assisted Housing	$0.1	$0.0	$0.1	100%
Totals	**$26.0**	**$17.8**	**$8.2**	**32%**

**Downtown Density Bonus balance $12,500*

Council Question and Answer			
Related To	Item #22	**Meeting Date**	March 4, 2021

Additional Answer Information

Approve an ordinance amending the Fiscal Year 2020-2021 Housing and Planning Department Operating Budget (Ordinance No. 20200812-001) to increase appropriations by $12,350,000 in the Housing Trust Fund, reduce the ending balance by the same amount, and transfer in and appropriate $12,350,000 to the Housing and Planning Department Capital Budget from the Housing Trust Fund for housing and community development activities.

QUESTION/ANSWER: Council Member Alter's Office

What specifically led to the unanticipated savings in the Housing Trust Fund and what expenses were originally anticipated to be paid using these funds?

The carry forward funding does not represent unanticipated savings in the Housing Trust Fund (HTF). Because multi-year projects and/or programs are funded with HTF, carry forward funds are "reassigned" each year projects or programs that began in a prior fiscal year for realized program or project completion. This carry forward balance can lead to the perception that funding is available for unplanned activities or projects. For this reason, Housing and Planning Department (HPD) staff has worked with the Controller's Office and Budget Office to present a multi-year fund approach going forward, beginning this fiscal year.

Additional Questions:

Staff response to prior question states that these funds are not "unanticipated savings." The RCA back-up states, "This item amends the Housing Trust Fund Operating Budget by appropriating $12,350,000 from the Housing Trust Fund ending balance, due to unanticipated Fiscal Year 2019-2020 savings." Please clarify and explain. Is the description in the RCA inaccurate? Is it accurate or inaccurate to describe this appropriate as the result of "unanticipated savings"?

Pending

Please provide an updated spending plan for the Housing Trust Fund and please describe what the funds associated with this specific agenda item will be spent on.

Pending

Council Question and Answer

Related To	Item #23	Meeting Date	March 4, 2021

Additional Answer Information

Authorize negotiation and execution of a 12-month contract with PeopleFund to fund the administration of the Micro Enterprise Loans program to provide displacement prevention funding to support small businesses at risk of displacement, for a total contract amount not to exceed $150,000.

QUESTION/ANSWER: Council Member Tovo's Office

1) Please provide any specific information that can be provided about this program: the eligibility guidelines for these loans, the estimated amounts for these loans, and the timeframe for repayment, etc.

The City funds will support a portion of PeopleFund's administrative costs in making loans with non-City dollars. These loans will be made to small businesses in areas vulnerable to displacement and/or gentrification, as identified by the Uprooted study. In making loan decisions, PeopleFund's Underwriting Department reviews many variables, including business plans, credit history, and global cash flow analysis, as well as if the client could obtain credit elsewhere and whether the client's business is a start-up or an existing business. Clients can receive loans of up to $350,000, with a repayment timeline up to 84 months. For SBA loan products, clients must certify that they have not been able to secure "credit elsewhere." This is typically a letter by a bank evidencing denial of funding. PeopleFund will not provide loans to people who have past due Child Support, student loan debt, tax liens, or civil judgments. Those issues must be resolved before credit is extended.

2) Please provide the guidelines as to eligible expenditures for these loans and more generally how these loans are intended to be used by these small businesses in areas that are vulnerable to displacement.

Businesses can use the loans for a variety of uses: real estate, leasehold improvements, equipment purchases, personnel expansion, etc. With existing local economic pressures and new pressures from the COVID-19 pandemic, HPD recognizes a large number of small businesses in Austin as being vulnerable to displacement. HPD's funding, which will support a portion of the administrative cost of PeopleFund's loan program, will be applied to the administration of loans to small businesses that were located in areas vulnerable to displacement even before the pandemic's added economic stresses.

3) In the 2/18 RCA, it stated: "PeopleFund will create or retain six permanent jobs through qualified program participants." From what source will these positions be funded?

The updated RCA for March 4 is based on the total amount of loans made to small businesses ($1 million), not a set number of permanent jobs. Jobs created or retained will be funded by loans from various sources (non-City dollars).

Council Question and Answer			
Related To	Item #23	**Meeting Date**	March 4, 2021

Additional Answer Information

Authorize negotiation and execution of a 12-month contract with PeopleFund to fund and administer the Micro Enterprise Loans program to provide Displacement Prevention funding to support small businesses in low to moderate income neighborhoods at risk of displacement for a total contract amount not to exceed $150,000.

QUESTION/ANSWER: Council Member Alter's Office

What is the funding source for this program?

Funding Source: General Fund

How much of the $150,000 can be applied towards administrative costs, and how much will be provided in microloans?

This $150,000 contract will cover administrative costs for PeopleFund to issue $1,000,000 in microloans from other funding sources

Council Question and Answer

Related To	Item #24	**Meeting Date**	March 4, 2021

Additional Answer Information

Approve second and third readings of an ordinance granting additional floor-to-area entitlements to the project at 82 and 84 North IH-35 Service Road Southbound in accordance with the Downtown Density Bonus Program under City Code Section 25-2-586 (B)(6).

QUESTION/ANSWER: Council Member Tovo's Office

1) When was the last time that the density bonus program calculations were recalibrated?

2) Please provide the number of onsite units provided to date as well as the number of market rate units?

3) Please provide the number of proposed units currently in site plan as well as the proposed number of in site units.

4) Please provide a comparison of the number of units provided under the other density bonus programs.

This item is being postponed to the March 25, 2021 Council Meeting. Responses will be provided on that Q&A Report.

Council Question and Answer

Related To	Item #38	Meeting Date	March 4, 2021

Additional Answer Information

Authorize negotiation and execution of Amendment No. 1 to an agreement with Family Eldercare, Inc. to provide mobile hygiene services to people experiencing homelessness in the Austin/Travis County area to extend the term of the agreement through September 30, 2021 and add one-time funding in an amount not to exceed $287,300, for a revised total agreement amount not to exceed $574,600.

QUESTION/ANSWER: Council Member Tovo's Office

If different from the schedule listed on the City's Homeless Strategy Office's "COVID-19 Basic Needs" site, please provide the schedule and list of the locations where these mobile hygiene services will be provided.

Currently the schedule for TOOF is:

- Sunrise Church (Ben White and Menchaca) 8:30AM-11:00AM Monday – Friday
- Downtown (7th and IH35) 9:30 AM-1:30 PM Monday – Friday
- Burnet and Hwy 183 9:30 AM-1:30 PM Monday – Friday
- Esperanza Community (780 Hwy 183 S) 7AM-7PM Monday – Sunday

The new funding is expanding the 6 month contract to a full 12 month contract.

Council Question and Answer

Related To	Item #39	Meeting Date	March 4, 2021

Additional Answer Information

Approve an ordinance amending the Fiscal Year 2020-2021 Austin Public Health Department Operating Budget Special Revenue Fund (Ordinance No. 20200812-001) to accept and appropriate $265,628 in grant funds from the Texas Department of State Health Services for the Immunization Outreach Grant Program to increase and enhance logistical and clinical support for the immunization program in its goal to prevent the spread of the COVID-19 virus within Travis County.

QUESTION/ANSWER: Council Member Alter's Office

Please provide information on how much money have we received from state funds in support of COVID health and relief efforts since March 2020.

APH has not received any COVID-related immunizations funding in the last year.

Council Question and Answer

Related To	Item #49	Meeting Date	March 4, 2021

Additional Answer Information

Ratify a contract with Workplace Resource LLC D/B/A Workplace Resource, to provide COVID-19 pandemic office upgrades for the Austin Public Health Department, Environmental Health Services Division's public facing offices, in the amount of $76,786.

QUESTION/ANSWER: Council Member Tovo's Office

In May of 2019, the COVID Spending Framework originally contemplated that renovations related to COVID-19 would be funded via FEMA dollars, Coronavirus Relief Fund dollars, as well as General Fund dollars. Does Austin Public Health intend to apply for reimbursement from the appropriate federal entity for these renovations?

The original intent for funding this remodeling project was certainly to seek and receive federal or state COVID-19 fund reimbursement. However, Corporate Budget's consultants have determined that this expenditure is not reimbursable by FEMA. Therefore, the City will cover the expense through the General Fund.

Council Question and Answer

Related To	Item #59	Meeting Date	March 4, 2021

Additional Answer Information

Authorize award of a multi-term contract with Enterprise Professional Services, Inc. D/B/A EPSI, to provide cleanup services for lands, creeks, electric utility distribution and transmission sites, and related infrastructures, for up to five years for a total contract amount not to exceed $1,232,000.

QUESTION/ANSWER: Council Member Tovo's Office

1) In 2018, direction was given in the form of a Budget Rider by Council Member Tovo to read:
"Austin Watershed Protection Department - The outside vendor that will be contracted to supplement in-house resources for encampment clean-up shall work in coordination with social service providers. The vendor shall be required to provide regular memorandums on this work to the Health and Human Services Committee.
It is the intention of the City Council that before an RFP is put out that the City Manager shall give notice and an update to Council on how the City will work to protect the property and rights of residents, especially people experiencing homelessness, with the intention of not seizing property of residents."
See the minutes from the September 11, 2018 meeting on Page 9.
Please provide confirmation that this direction is contained within the proposed contract.
If available, please provide any relevant excerpts from the proposed contract that pertains to this issue.
If appropriate, please update the RCA to reflect this previous Council action.

This contract includes the direction given by Council on September 11, 2018. This direction is conveyed in the contract in several sections including:

Section 5.1 of the scope which states, "City will provide and post "notice of clean-up" signs at the work site a minimum of 72 hours prior to the commencement of each clean-up project."

Section 5.2 of the scope which states, "City will coordinate with service agencies to provide case management services to those experiencing homelessness a minimum of 72 hours prior to the commencement of each clean- up project."

Watershed Protection currently coordinates with The Other Ones Foundation (TOOF) to provide some of these services, and they have been instrumental in this process in the past. Currently, the clean-up notices the City posts prior to a clean-up specifies that any items remaining at the site will be removed as part of the clean-up. The City makes many efforts to reach out to people experiencing homelessness to ensure that their personal property remains safe. One key point of the notices posted is to provide residents an opportunity to gather their personal items, so they are not removed as part of the clean-up.

Council Question and Answer			
Related To	Item #68	**Meeting Date**	March 4, 2021

Additional Answer Information

Approve a resolution consenting to a proposed borrowing transaction by Austin Convention Enterprises, Inc. under the terms of the federal Paycheck Protection Program.

QUESTION/ANSWER: Council Member Tovo's Office

All responses provided by ACE. Not all questions received responses.

For each of the last 5 years, please provide the following for the Austin Convention Enterprises, Inc.: number of staff positions, name of staff, total salary costs.

Pending

For any staff positions at ACE, please provide job descriptions & dates of employment and indicate whether the positions are full or part time positions.

ACE hired its first employee, Jimmy Flannigan, on January 7, 2021. Mr. Flannigan serves as President of ACE on a part-time basis. The job description can be found here: https://austinconventionenterprises.lexblogplatform.com/wp-content/uploads/sites/790/2020/10/President-Job-Description-ACE.pdf. Prior to hiring Mr. Flannigan, the responsibility for managing ACE fell mostly on a third-party consultant with some work handled by the unpaid volunteer board members. Mr. Flannigan assumed the duties of the consultant as well as additional duties as defined in the job description.

How does ACE generate money to pay its expenses?

ACE depends solely on hotel operating revenues to pay its expenses. It has no other source of revenue.

Please list members of the ACE board & their dates of appointment.

The current board members were appointed by City Council on February 20, 2020 (agenda item 82): Phillip Schmandt, Jolsna Thomas, and Sherri Greenberg. All took office on March 6, 2020. That represents the full ACE board at this time.

Please describe the relationship between ACE, the City of Austin, and the Hilton Hotel in the context of the following question: is the Hilton Hotel able to apply directly for the federal Paycheck Protection Program? Why or why not?

The City formed ACE in 2000 to finance, own and manage the Hotel. ACE contracts with Hilton as its agent to operate the Hotel on ACE's behalf. Hilton is unable to apply directly for the PPP loan. Federal regulations require that a project owner apply for the loan. However, because it is responsible for Hilton's payroll and other costs related to the Hotel, ACE is permitted to use Hilton's costs when applying for the loan.

The IFC refers to the PPP loan's intended use for "eligible expenses." Are these intended to be eligible expenses for ACE or for the Hilton? If the former, please describe.

ACE intends to use 100% of eligible loan proceeds to pay front-line workers at the hotel. Loan proceeds will not be used to pay Hilton's management fees or ACE's employee salary. Furthermore, the ACE employee salary will not be included in calculations for the PPP application. According to Federal regulation, up to 40% of PPP loans may be used for other eligible expenses beyond payroll, which could include expenses like utility costs or insurance.

Does ACE intend to meet the requirements for loan forgiveness? If not, what is the intended funding mechanism for loan repayment? What entity is liable for repayment of the loan – ACE or the Hilton? What entity and/or staff will be managing the PPP?

ACE intends to meet the requirements for loan forgiveness. ACE is responsible for the loan obligation, which also requires the consent of bondholders. The requirements of PPP forgiveness fall primarily under payroll maintenance which is the responsibility of the Hilton.

For each of the last 3 years, please list for the Hilton the number of employees and the number of positions by category, separating out managerial-level positions from others.

Prior to 2020, the Hilton employed roughly more than 500 employees with the number reduced to slightly less than 200 during the pandemic without PPP loan eligibility. The Hotel is now eligible for PPP and the loan proceeds will help prevent further reductions, as is the intent of the program.

Has the Hilton furloughed or otherwise decreased staffing during the pandemic? If so, please explain whether these staff members would be rehired if a PPP loan is secured?

Pending

Council Question and Answer

Related To	Item #90	Meeting Date	March 4, 2021

Additional Answer Information

C14-2009-0151(RCA3) - Shoal Creek Walk - Conduct a public hearing and approve a restrictive covenant amendment on property locally known as 835 West 6th Street (Shoal Creek Watershed). Staff Recommendation and Planning Commission Recommendation: To grant an amendment to the restrictive covenant. Owner and Applicant: Shoal Creek Walk, LTD., (Richard W. Duggan III). Applicant: Armbrust and Brown, PLLC, (Amanda Surman). City Staff: Mark Graham, 512-974-3574.

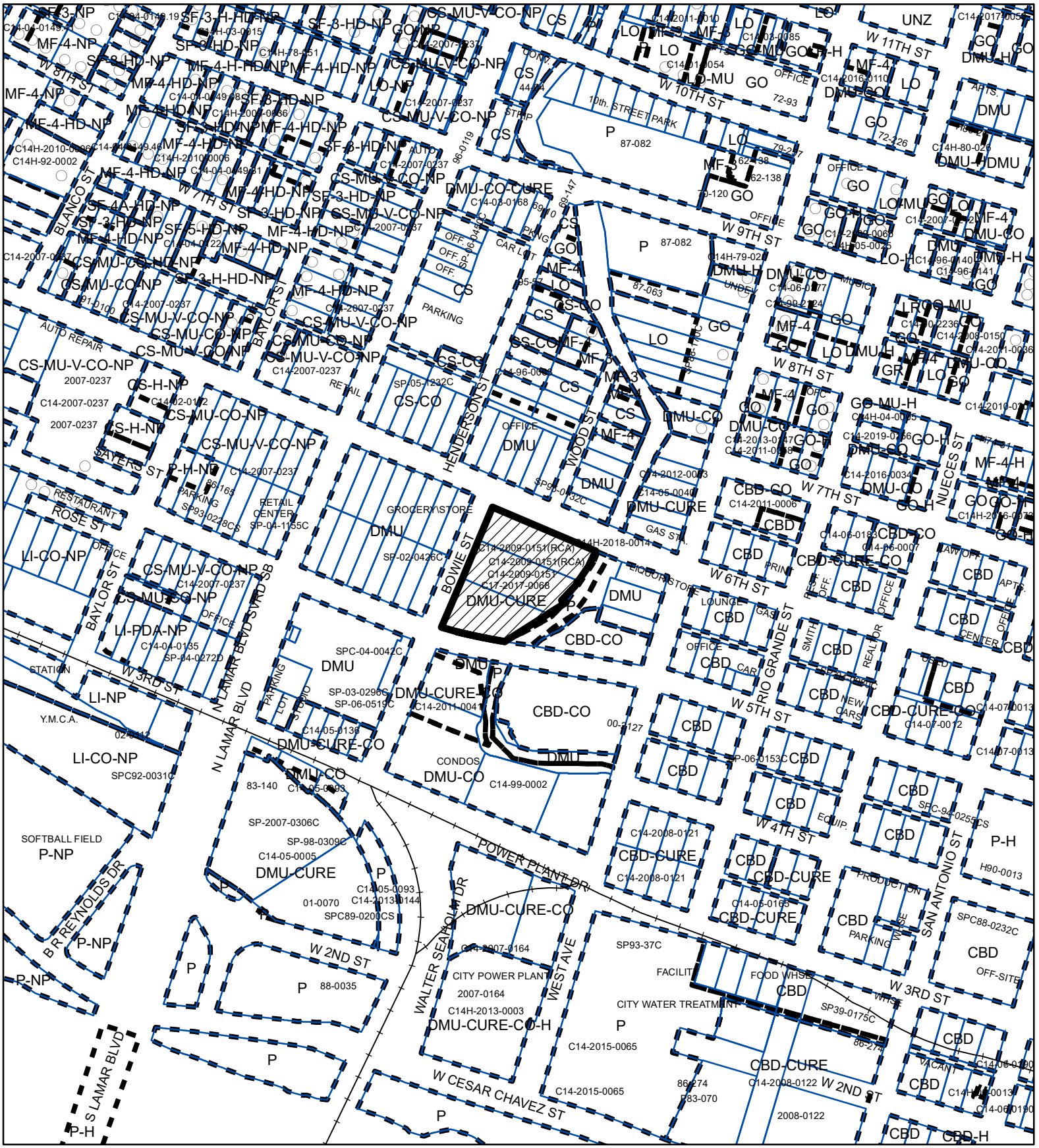
QUESTION/ANSWER: Council Member Alter's Office

On page 2, the Staff Report states: The proposed contribution would match a City of Austin Neighborhood Partnering Program grant to do the work listed in the attached Shoal Creek Conservancy letter. Please refer to the Applicant's proposed redlines to the Restrictive Covenant.

However, neither the letter from the Shoal Creek Conservancy nor the Restrictive Covenant appear in the staff report or in back-up.

Additionally, on page 8 the Staff Report references these exhibits: Exhibit A: Zoning Map, Exhibit B: Aerial Map, Questions from Planning Commission, Applicant's proposed redlines to the RC, and Correspondence Shoal Creek Conservancy. However, none of these appear in back-up. Please provide this referenced material.

See attachment. The staff report will be updated and posted online.



N

SUBJECT TRACT

PENDING CASE

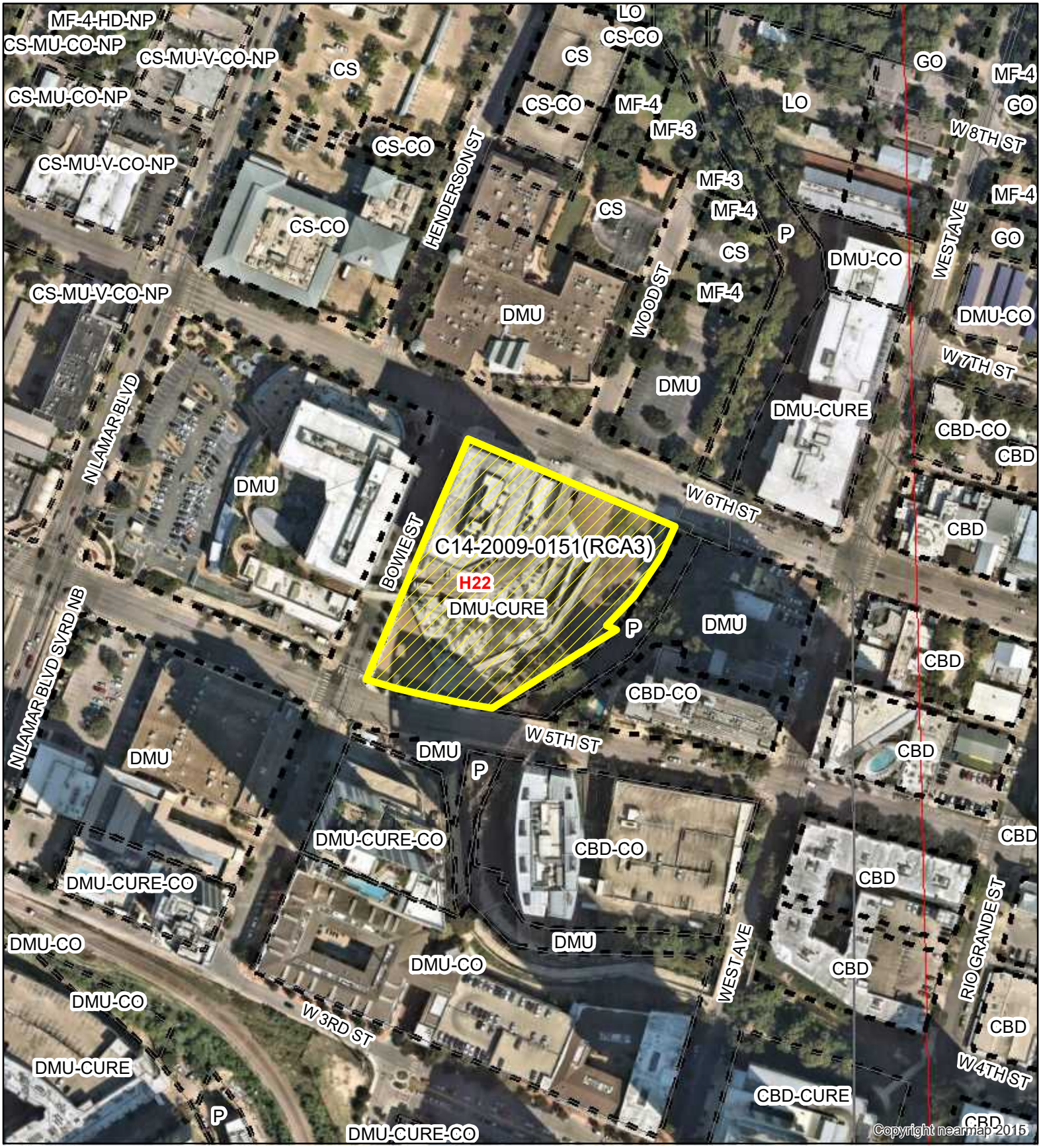
ZONING BOUNDARY

Restrictive Covenant Amendment

CASE#: C14-2009-0151(RCA3)

1 " = 400 '

Created: 12/28/2020



N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

1" = 200'

Shoal Creek Walk

ZONING CASE#: C14-2009-0151(RCA3)
LOCATION: 835 W. 6TH ST.
SUBJECT AREA: 2.60 Acres
GRID: H22
MANAGER: MARK GRAHAM

CITY OF AUSTIN FOUNDED 1839

Planning Commission Questions for 02/09/2021 Meeting

Item B4 - 385 West 6th Street, Shoal Creek Watershed; Downtown Austin Plan

Question: Why was the RC required in the first place? Did applicant get to waive certain regulatory requirements by providing the green roof and rainwater collection?

Staff Response:

When the applicant proposed to rezone the property from DMU to DMU-CURE in (Case # C14-2009-0151 in November 2009), the City negotiated "community benefits" in conjunction with the modification of building height from the DMU maximum of 120' to DMU-CURE height of 350'. The Design Commission outlined several benefits related to project design including building a green roof (please refer to attached memo).

Mark Graham, Case Manager

AUSTIN DESIGN COMMISSION

February 15, 2010

RE: Shoal Creek Walk Project

The Design Commission thanks you for the opportunity to review and comment on the proposed Shoal Creek Walk Project located at 835 W. 6th Street. We understand that the Project Team is seeking a rezoning from Downtown Mixed Use (DMU) to DMU-CURE (Central Urban Redevelopment Combining District) 120 ft to 350 ft.

We recognize and appreciate the Community Benefits that have been committed to by the developers. Those benefits, totaling more than two million dollars, include the following:

- Green Building – 1 Star
- Lance Armstrong Bikeway – dedication of 5' East of Bowie Street
- Coordinate with City on West side of Bowie to include scope of bide lane in the project with City reimbursement
- Green roof on one of the two buildings
- Improvements to Shoal Creek hike and bide trail
- Shoal Creek channelization to reduce flooding
- Compliance with Parkland ordinance ($650 per unit)
- Open Space – 30,000-35,000 sf/70-80% of an acre

As a follow up to our recent subcommittee meeting, we would like to suggest that the Project Team look at pulling back the parking building on the 6th Street pedestrian side in order to provide a secondary use in the future that can be retrofitted if parking is not needed.

The Design Commission respectfully requests the opportunity to review a more detailed layout of the Project as it is developed.

Again, thank you for your presentation to the Design Commission and allowing us the opportunity to comment on the Project.

Sincerely,

Bart Whatley
Chair, City of Austin Design Commission

TRV 2014188351
7 PGS

THIRD ~~SECOND~~ AMENDED RESTRICTIVE COVENANT FOR ZONING CASE NO. C14-2009-0151(RCA~~X~~)3

Owner:	Shoal Creek Walk, Ltd., a Texas limited company
Address:	601 North Lamar, Suite 301, Austin, Texas 78703
City:	The City of Austin, a home-rule city, municipal corporation and political subdivision of the State of Texas, in Travis County, Texas.
City Council:	The City Council of the City of Austin
Consideration:	Ten and No/100 Dollars ($10.00) and other good and valuable consideration paid by the Owner to the City of Austin, the receipt and sufficiency of which is acknowledged.

WHEREAS, Shoal Creek Walk, Ltd., a Texas limited company, as owner of all that certain property described in Zoning File No. C14-2009-0151, consisting of approximately 2.6 acres of land (the "Original Property"), as more particularly described in the restrictive covenant recorded in the Real Property Records of Travis County, Texas, in Document No. 2010083202, (the "Restrictive Covenant") and amended in Document No. 2013085495 imposed certain restrictions and covenants on the Property by the Restrictive Covenant of record.

WHEREAS, the Restrictive Covenant provided that the covenant could be modified, amended, or terminated by joint action of both (a) a majority of the members of the City Council, and (b) the Owner of the Original Property at the time of such modification, amendment or termination.

WHEREAS, Shoal Creek Walk, Ltd., a Texas limited company is the current owner (the "Owner") of the Original Property on the date of this Second Amended Restrictive Covenant ("Second Amended RC") and desires to amend the Restrictive Covenant as to the Original Property.

WHEREAS, the City Council and the Owner agree the Restrictive Covenant should be amended.

NOW, THEREFORE, for and in consideration of the premises and mutual promises, covenants, and agreement hereinafter set forth, the City of Austin and the Owner agree as follows:

1. Paragraph No. 3 of the Restrictive Covenant is deleted in its entirety and the following provision is substituted in its place.

Green Roofs. Green roof development and associated features may be developed in a phased program for site development. The following are minimum standards:

City Council
date: 12-11-14
Item No. 154

A. If the project is constructed in a single phase:

The project will satisfy the provisions of the Restrictive Covenant, as amended, and include a rainwater holding and collection tank of at least 10,000 gallons with the necessary pump and piping to irrigate 10,000 square feet of green roof design and/or other acceptable on-grade planting area(s); and include the construction of an approved water quality pond that treats approximately 93 percent of the site.

B. If the project is constructed in two phases:

(1) The project will include in the first phase: an approved water quality pond that treats approximately 93 percent of the site; and include approximately 20,000 square feet of re-vegetated, and open to the sky area. The re-vegetated area(s) cannot be combined to meet other City standards such as landscaping, etc.; and,

(2) The project will include in the second phase: an approved water quality pond that treats approximately 100% percent of the site; ~~and include a rainwater holding and collection tank of at least 10,000 gallons with the necessary pump and piping to irrigate 10,000 square feet of green roof design. The green roof shall be designed according to City approved requirements and standards.~~

and Owner will provide approximately $150,000.00 in funds to the Shoal Creek Conservancy to install lighting and restore the parapets at the 1887 West 6th Street Bridge over Shoal Creek.

2. Except as expressly provided for in this Second Amended RC, each and every one of the terms, conditions, and provisions of the Restrictive Covenant, as amended as set forth in the Restrictive Covenant, as amended shall continue in full force and effect on and after the effective date of this Second Amended RC.

3. The City Manager, or his designee, shall execute on behalf of the City, this Second Amended RC as authorized by the City Council of the City of Austin. The Second Amended RC shall be filed in the Official Public Records of Travis County, Texas.

EXECUTED to be effective the 9th day of December, 2014.

OWNER:

SHOAL CREEK WALK, LTD.,
a Texas limited partnership

By: **SHOAL CREEK WALK GP, L.L.C.,**
a Texas limited liability company,
its general partner

By: _____
BRADLEY SCHLOSSER
Manager

CITY OF AUSTIN:

By: _____
SUE EDWARDS,
Assistant City Manager,
City of Austin

APPROVED AS TO FORM:

_____
Assistant City Attorney
City of Austin

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 9th day of December, 2014, by Bradley Schlosser, Manager, of Shoal Creek Walk GP, L.L.C., a Texas limited liability company, general partner of Shoal Creek Walk, Ltd., a Texas limited partnership, on behalf of the limited partnership.

LISA R. ROSE
Notary Public, State of Texas
My Commission Expires
March 08, 2017

_____
Notary Public, State of Texas

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 17th day of December, 2014, by Sue Edwards, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation.

JESSICA CORONADO
Notary Public, State of Texas
My Commission expires
January 22, 2017

Notary Public, State of Texas

TRACT 2
FIELD NOTES FOR
2.600 ACRES

DESCRIBING 2.600 ACRES OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS CONSISTING OF THAT CERTAIN 2.05 ACRE TRACT CONVEYED TO LAMAR-SIXTH-AUSTIN I, LIMITED PARTNERSHIP BY DEED OF RECORD IN DOCUMENT #2000117493, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS ("OPRTCT"), AND THAT CERTAIN 0.55 ACRE TRACT CONVEYED TO LAMAR-SIXTH-AUSTIN I, LIMITED PARTNERSHIP BY DEED OF RECORD IN DOCUMENT #2000119070, OPRTCT; SAID 2.600 ACRES BEING A PORTION OF LOTS 1-3, BLOCK 5, SUBDIVISION OF THE RAYMOND PLATEAU, OUTLOT 11, DIVISION Z OF THE CITY OF AUSTIN, TEXAS, RECORDED IN VOLUME V PG. 401, DEED RECORDS OF TRAVIS COUNTY, TEXAS ("DRTCT") AND BOOK 1 PAGE 30, PLAT RECORDS OF TRAVIS COUNTY, TEXAS ("PRTCT"); SAME BEING LOTS 1-6, 9 AND A PORTION OF LOT 7, RESUBDIVISION OF ORIGINAL LOTS ONE AND TWO IN BLOCK NO. 5 OUTLOT 11, DIVISION Z OF THE CITY OF AUSTIN, TEXAS, RECORDED IN BOOK 1 PAGE 19, PRTCT; SAID RESUBDIVISION LEAVING A REMNANT OF THE ORIGINAL LOT 2; SAID 2.600 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 1" square bolt head found at the northeast corner of said 2.05 acre tract in the south r.o.w. line of West 6th Street (80' r.o.w.); said point being the northwest corner of that certain 1703 s.f. tract conveyed to the City of Austin by deed of record in Volume 7439 Page 408, DRTCT; and from said beginning point run the following nine (9) courses and distances:

THENCE along the common line of the said 2.05 acre tract and the said 1703 s.f. tract, by courses 1-3 as follows:

1) S 26°57'22" W - 52.30 feet to a 1/2" iron rod found at an angle point;
2) S 35°56'58" W - 76.23 feet to a round bolt head found at an angle point;
3) S 45°39'37" W - 62.46 feet to a 1/2" iron rod found at the most easterly southeast corner of said 2.05 acre tract and being in the north line of said 0.55 acre tract;

THENCE along the north line of said 0.55 acre tract and the south line of said 1703 s.f. tract by course 4 as follows:

4) S 64°45'52" E - 16.33 feet to a lead plug and tack found in concrete sidewalk at the northeast corner of said 0.55 acre tract and the southeast corner of said 1703 s.f. tract;

THENCE along the east line of said 0.55 acre tract by course 5 as follows:

5) S 59°35'08" W - 230.99 feet to a lead plug and tack found in concrete sidewalk in the north r.o.w. line of West 5th Street (80' r.o.w.) at the southeast corner of said 0.55 acre tract;

THENCE along the south lines of said 0.55 acre and 2.05 acre tracts and the north r.o.w. line of West 5th Street by courses 6 and 7 as follows:

6) N 77°26'35" W - at 60.22 feet pass a 1/2" iron rod found with Wallace Group cap and continuing in all 81.93 feet to a 1/2" iron rod set with Wallace Group cap at a point of curvature;

Description of a 2.600 acre tract (continued)

7) Along a curve to the right whose radius is 899.60 feet with an arc length of 110.49 feet and whose chord bears N 73°57'58" W - 110.42 feet to a 1/2" iron rod found with Accusurve cap at the intersection of the north r.o.w. line of West 5th Street with the east r.o.w. line of Bowie Street (80' r.o.w.);

THENCE along the west line of said 2.05 acre tract and the east r.o.w. line of Bowie Street by course 8 as follows:

8) N 25°02'25" E - 410.76 feet to a headless PK nail found in concrete at the northwest corner of said 2.05 acre tract, same being the intersection of the east r.o.w. line of Bowie Street and the south r.o.w. line of West 6th Street;

THENCE along the north line of said 2.05 acre tract and the south r.o.w. line of West 6th Street by course 9 as follows:

9) S 64°58'55"E - 341.88 feet to the **POINT OF BEGINNING** of the herein described tract, encompassing within the metes recited 2.600 acres of land, more or less, as computed by The Wallace Group, Inc. in July, 2002.

Bearing Basis: Found monuments along east r.o.w. of Lamar Blvd. between West 5th and 6th Streets as shown on July 1998 Accursurve survey (N 24°57'00" E) which was based on monumented centerline of Lamar Blvd.

Daniel M. Flaherty, R.P.L.S. #5004
The Wallace Group, Inc.
One Chisholm Trail, Suite 130
Round Rock, Texas 78681
Phone: (512) 248-0065
Fax: (512) 246-0359
Work Order No. 11790

07-30-2002
Date

AFTER RECORDING RETURN TO:

City of Austin Law Department
P.O. Box 1088
Austin, Texas 78767-1088
Attn: J. Collins, Paralegal

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Dec 18, 2014 03:25 PM 2014188351
BENAVIDESV: $50.00
Dana DeBeauvoir, County Clerk
Travis County TEXAS

7.21.20

To: City of Austin Watershed Protection Department
505 Barton Spring Rd, 11th Floor, Austin, TX 78704

On behalf of Shoal Creek Conservancy (SCC), I write to express support for the Whole Foods Market proposal to provide matching funds to install lighting and restore the parapets at the 1887 West 6th Street Bridge over Shoal Creek as a community benefit project. This contribution will be a widely beneficial alternative to the green roof requirement, as it will impact more Austinites and help the City of Austin and SCC enhance trail user safety and revitalize a unique cultural and historic destination along the Shoal Creek Trail. The proposed contribution would match a City of Austin Neighborhood Partnering Program grant to fund implementation of the following shovel-ready construction work:

Lighting Installation

- Parapet Lighting
  - Lighting along the parapets at street level (similar to lighting on the Lady Bird Lake Boardwalk)
- Vault Lighting
  - Lighting along the top of the tunnel interiors, in all three vaults
  - Pathway lighting along the ground in the westernmost vault where the Shoal Creek Trail passes through
  - Front Door lighting at the entrances to the westernmost vault (where the Trail passes through) to create a pool of light at the tunnel entrances

Parapet Reconstruction

- Restoration of the south parapet and reconstruction of the missing north parapet

Please do not hesitate to reach out, if you have any questions: ivey@shoalcreekconservancy.org, 512-474-2412

Sincerely,

Ivey Kaiser, SCC Executive Director

CC: Will Marsh, Endeavor Real Estate Group
Collin Eicke, Whole Foods Market

P.O. Box 11520, Austin, TX 78711 (512) 474-2412 info@shoalcreekconservancy.org shoalcreekconservancy.org

Project Background & Community Benefit

Matching support from Whole Foods Market will unlock the critical next steps towards restoring a historic landmark along Shoal Creek and adding safety-focused infrastructure to provide comfort to trail users.

About the West 6th Street Bridge

The West Sixth Street Bridge is a three-span limestone arch bridge that holds a special but often unheralded place in Austin and Texas' history. The bridge was constructed by hand in 1887 with local limestone, predating construction of the Texas Capitol building several blocks away. Its wide street dimension was an innovation that allowed for two-way wagon traffic and later, mule-drawn trolleys to the other side of Shoal Creek, leading to the western expansion of the city. Few examples of hand-built stone bridges from this period still exist in Texas, making it one of the state's oldest masonry arches.

While the street surface has been modified over time, the bridge is essentially the same structure built in the 1800s. Remarkably this bridge survived in the heart of Austin and continues to serve as one of the city's principal east-west arteries. The bridge was listed in the National Register of Historic Places in 2014, and a Historic American Engineering Survey (HAER) was conducted in 1996. The bridge was registered as a Local Historic Landmark in 2018.

West 6th Street Bridge Restoration: Project Background

Restoration Study

In 2016, SCC commissioned the *West 6th Street Bridge Restoration Study* from Sparks Engineering, a world-renowned firm who specialize in historic reconstruction. The restoration study was supported by the Texas Historical Commission's Texas Preservation Trust Fund grant program and the Burdine Johnson Foundation. The study provides a restoration roadmap for the bridge, as well as outlining a compatible holistic treatment of the streetscape and creekway. As our partners at the Texas Historical Commission have aptly stated, the report has been "worth its weight in gold" since then.

Importantly, the study revealed a serious public safety concern. Severe loss of mortar had significantly reduced the carrying capacity of the bridge to only about 20% of its original capacity. SCC shared these findings with the City, which resulted in emergency re-grouting of the bridge by the City's Public Works Department. SCC facilitated conversations between the City, Sparks Engineering, and Bat Conservation International to ensure that the repairs both preserved the historic integrity of the bridge and ensured the safe and humane evacuation of the bridge's resident bats. This work was completed in Spring 2016.

Design Schematics & Construction Documents

After completion of the restoration study, the Burdine Johnson Foundation committed funding to support design work by Sparks Engineering targeting the reconstruction of the bridge's parapets and the installation of lighting along the sidewalk and trail. The Foundation's gift matched funds committed by the Texas Historical Commission's Certified Local Government Grant Program. Design schematics have been completed for all elements of the bridge's rehabilitation, and construction documents have been completed for lighting installation and parapet reconstruction.

SCC looks forward to leveraging the proposed contribution to bring these designs to life and provide the Austin community a safer trail and a more beautiful historic destination along the Shoal Creek greenway.

OLD AUSTIN
NEIGHBORHOOD ASSOCIATION

Post Office Box 1282
Austin, TX 78767
www.originalaustin.org

22 February 2021

C14H-2021-0006

Dear Mayor and City Council:

The Old Austin Neighborhood Association (OANA) supports the request to change the zoning of 416 W. 12th Street from General Office (GO) to Downtown Mixed-Use (DMU).

Our support of this zoning change is conditioned on the following DMU uses not being permitted: cocktail lounge, liquor sales, bail bond services, pawn shop services, and outdoor entertainment.

Under the applicant's proposal, this project would provide much-needed housing above activated ground-floor restaurant space – exactly the type of walkable, transit-supportive growth that is needed in our Imagine Austin Downtown Center. And, importantly, it would do so by participating in the Downtown Density Bonus Program, which requires a substantial payment to an affordable housing community benefit and allows for payments for other community benefits.

Austin's downtown is an appropriate place for directing growth to help meet our housing goals, especially when that growth is sought through a density bonus program. The proposed project will provide housing within easy walking distance of parks, jobs, services, shops, restaurants, and other amenities, and will help the City further its affordability goals. Consequently, OANA supports the Planning Commission's DMU-120 recommendation and does not support city staff's recommended height restriction.

If this zoning change request is approved and the applicate applies for participation in the Downtown Density Bonus Program, OANA will be advocating for community benefit contributions in addition to the project's expected affordable housing contribution. One such community benefit, logical due to the project's location on W. 12th Street would support of the downtown 'urban greenbelt' project that is envisioned to connect many of Austin's downtown parks spaces. This key public amenity is already supported by the Downtown Austin Alliance, Shoal Creek Conservancy, Waterloo Greenway, The Trail Foundation, Pease Park Conservancy, Friends of Wooldridge Square, and Austin Parks Foundation.

In summary, with these conditions, OANA supports the applicant's request for DMU at 416 W. 12th Street and urges you to support this zoning change.

Sincerely,

Ted Siff, President

Council Question and Answer

Related To	Item #93	Meeting Date	March 4, 2021

Additional Answer Information

C14-2020-0091 - Johnny Morris Road Light Industrial -Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6215 ½ Johnny Morris Road (Walnut Creek Watershed). Applicant Request: To rezone from limited industrial services-conditional overlay (LI-CO) combining district zoning and warehouse/limited office-conditional overlay (W/LO-CO) combining district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, as amended. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant limited industrial services-conditional overlay (LI-CO) combining district zoning (prior to applicant's amended request). Owner/Applicant: Texas Coldworks, LLC (Christian Garces). Agent: Kimley-Horn (Harrison M. Hudson, P.E.). City Staff: Sherri Sirwaitis, 512-974-3057.

QUESTION/ANSWER: Council Member Alter's Office

The applicant revised their request from LI zoning to GR-MU-CO. Does staff have a recommendation on the revised request?

Staff recommends GR-MU-CO

Council Question and Answer			
Related To	Item #96	**Meeting Date**	March 4, 2021

Additional Answer Information

NPA-2020-0027.01 -Twin Liquors-Maudie's - Conduct a public hearing and approve an ordinance amending Ordinance No. 20100923-102 the Central West Austin Combined Neighborhood Plan (WANG), an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 2602, 2604, 2606, 2608, 2610 W. 7th Street and 701, 703 Newman Dr. (Johnson Creek Watershed) from Neighborhood Commercial to Commercial land use. Staff Recommendation and Planning Commission Recommendation: To grant Commercial land use. Owner/Applicant: TASC Properties, LP (Tracy S. Livingston). Agent: Thrower Design (A. Ron Thrower and Victoria Haase). City Staff: Maureen Meredith, Housing and Planning Department, (512) 974-2695.

QUESTION/ANSWER: Council Member Alter's Office

In past instances when Council has considered a zoning case while also considering an associated Neighborhood Plan Amendment, has a Council ever approved a zoning change on a property without also approving the associated Neighborhood Plan Amendment in a situation like this one?

- In 2019 a plan amendment and zoning application was filed on this property. The proposed zoning C14-2019-0043 was for CS-NP to CS-1-NP and from CS-1-NP to CS-NP on a zoning footprint. The proposed FLUM change NPA-2019-0027.01 was from Neighborhood Commercial to Mixed Use on the entire lot. See maps attached.
- On June 6, 2019 the city Council took no action on the proposed FLUM change but approved the rezoning request. See below for the June 6, 2019 CC Minutes. Approved zoning ordinance is here: https://www.austintexas.gov/edims/document.cfm?id=321815. Other than this instance, staff does not recall City Council approving a zoning change request but denying or taking no action on the associated FLUM change request on any other zoning and NPA cases.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

75. NPA-2019-0027.01- Twin Liquors Maudie's -Conduct a public hearing and approve an ordinance amending Ordinance No. 20100923-102 the Central West Austin Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 2608 West 7th Street (Johnson Creek Watershed) from Neighborhood Commercial to Mixed Use land use. Staff recommendation and Planning Commission recommendation: To grant Mixed Use land use. Owner/Applicant: TASC Properties, LP (Tracy S. Livingston). Agent: Thrower Design (A. Ron Thrower). City Staff: Maureen Meredith, (512) 974-2695). District(s) Affected: District 10.
The public hearing was conducted and a motion to close the public hearing and approve Ordinance 20190606-075 for Mixed Use land use failed on Council Member Flannigan's motion, Council Member Casar's second on a 5-3 vote. Those voting aye were: Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, and Renteria. Those voting nay were: Council Members Kitchen, Pool, and Tovo. Council Member Alter abstained. Mayor Adler was off the dais. Council Member Harper-Madison was absent.

No action was taken on this item.

76. C14-2019-0043 - Twin Liquors Maudie's - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2606, 2608, and 2610 W 7th Street and 703 Newman Drive (Johnson Creek Watershed). Applicant Request: To rezone from general commercial services - neighborhood plan (CS-NP) combining district zoning to commercial liquor sales - neighborhood plan (CS-1-NP) combining district zoning on tract 1 and from commercial liquor sales - neighborhood plan (CS-1-NP) combining district zoning to general commercial services - neighborhood plan (CS-NP) combining district zoning on tract 2 . Staff recommendation and Planning Commission Recommendation: To grant commercial liquor sales - neighborhood plan (CS-1-NP) combining district zoning on tract 1 and general commercial services - neighborhood plan (CS-NP) combining district zoning on tract 2.

Owner/Applicant: TASC Properties LP (Tracy Livingston. Agent: Thrower Design (Ron Thrower). City Staff: Scott Grantham, 512-974-3574. District(s) Affected: District 10.
The public hearing was conducted and a motion to close the public hearing and approve Ordinance 20190606-076 for commercial liquor sales - neighborhood plan (CS-1-NP) combining district zoning on tract 1 and general commercial services - neighborhood plan (CS-NP) combining district zoning on tract 2 was approved on Council Member Alter's motion, Council Member Casar's second on a 9-0 vote. Mayor Adler was off the dais. Council Member Harper-Madison was absent.

What are the consequences of approving the zoning case without approving the associated Neighborhood Plan Amendment?

If needed, future zone change requests on the site would likely trigger a required Neighborhood Plan Amendment. The Law Department will provide a response directly to Council.

The staff report indicates that to be in compliance with the City Charter, to approve this zoning change Council must also adopt the Neighborhood Plan Amendment to the FLUM. What specifically allowed the City the flexibility of adopting a Neighborhood Plan with a FLUM that conflicted with the existing zoning without it creating a conflict with the City Charter?

The Future Land Use map is intended to describe the desired future use for a property, where the zoning describes the uses and development currently allowed. In many locations of the city, NP FLUMs have been adopted that do not match the current zoning on the site, with the intention that the zoning and allowed development on the site would move toward that desired future state over time.

In the staff report, the Neighborhood Plan Contact Team has detailed their perspective on why this case has not met the requirements of LDC 25-1-810(b), can staff please provide their perspective on this matter and whether or how the applicant has met these requirements?

§ 25-1-810 - RECOMMENDATION CRITERIA.

(A) The director may not recommend approval of a neighborhood plan amendment unless the requirements of Subsections (B) and (C) are satisfied.

(B) The applicant must demonstrate that:

(1) the proposed amendment is appropriate because of a mapping or textual error or omission made when the original plan was adopted or during subsequent amendments; [Not applicable]

(2) the denial of the proposed amendment would jeopardize public health, safety, or welfare; [Not applicable.]

(3) the proposed amendment is appropriate:

(a) because of a material change in circumstances since the adoption of the plan; [City Council approved Imagine Austin Comp. Plan in June 2012 after the Central West Austin NP was approved in September 2010. Imagine Austin Comp Plan designated Lake Austin Blvd an Activity Corridor where commercial and Mixed Use are appropriate and compatible in this location. The property is within 150 feet of this activity corridor] and

(b) denial would result in a hardship to the applicant; [Changing the FLUM on the entire tract to Commercial or Mixed Use gives the property owner flexibility to make necessary changes that will help a local business stay in business. The Central West Austin NP says it supports local businesses.

(4) the proposed project:

(a) provides environmental protection that is superior to the protection that would otherwise be achieved under existing zoning and development regulations; [Not applicable] or

(b) promotes the recruitment or retention of an employment center with 100 or more employees; [Not applicable]

(5) the proposed amendment is consistent with the goals and objectives of the neighborhood plan; [See response below] or

(6) the proposed amendment promotes additional S.M.A.R.T. Housing opportunities. [The applicant requested Commercial land use, which staff supports, but staff also supports Mixed Use land use. Mixed Use land use would be compatible with any future zoning change request that includes a residential component. Residential developments can apply for S.M.A.R.T. Housing certification to provide affordable housing. Neighborhood Commercial or Commercial would not allow this opportunity but would require another plan amendment request.

(5) the proposed amendment is consistent with the goals and objectives of the neighborhood plan;

Sections of the plan that staff believes supports the FLUM change to Commercial or Mixed Use: Plan document is here: ftp://ftp.ci.austin.tx.us/npzd/Austingo/cwa-combined-np.pdf.

Action Items C.1.4 Increase the variety, quality & accessibility of neighborhood retail & public services. (page 11)

The proposed FLUM change to Commercial or Mixed Use opens up the options for a variety of neighborhood retail options because Commercial land use is a broader land use than Neighborhood Commercial.

T.1.9 Recreate Lake Austin Boulevard as a gateway to Central West Austin destinations. It should become a real boulevard that provides equitable access between pedestrians, cyclists, transit users, & motorists & promotes recreation & socializing, but without expanding vehicle lanes. Below is a sample commuter boulevard. Should the University redevelop the Brackenridge Tract, recreating Lake Austin Boulevard becomes of greater importance. (page 11)

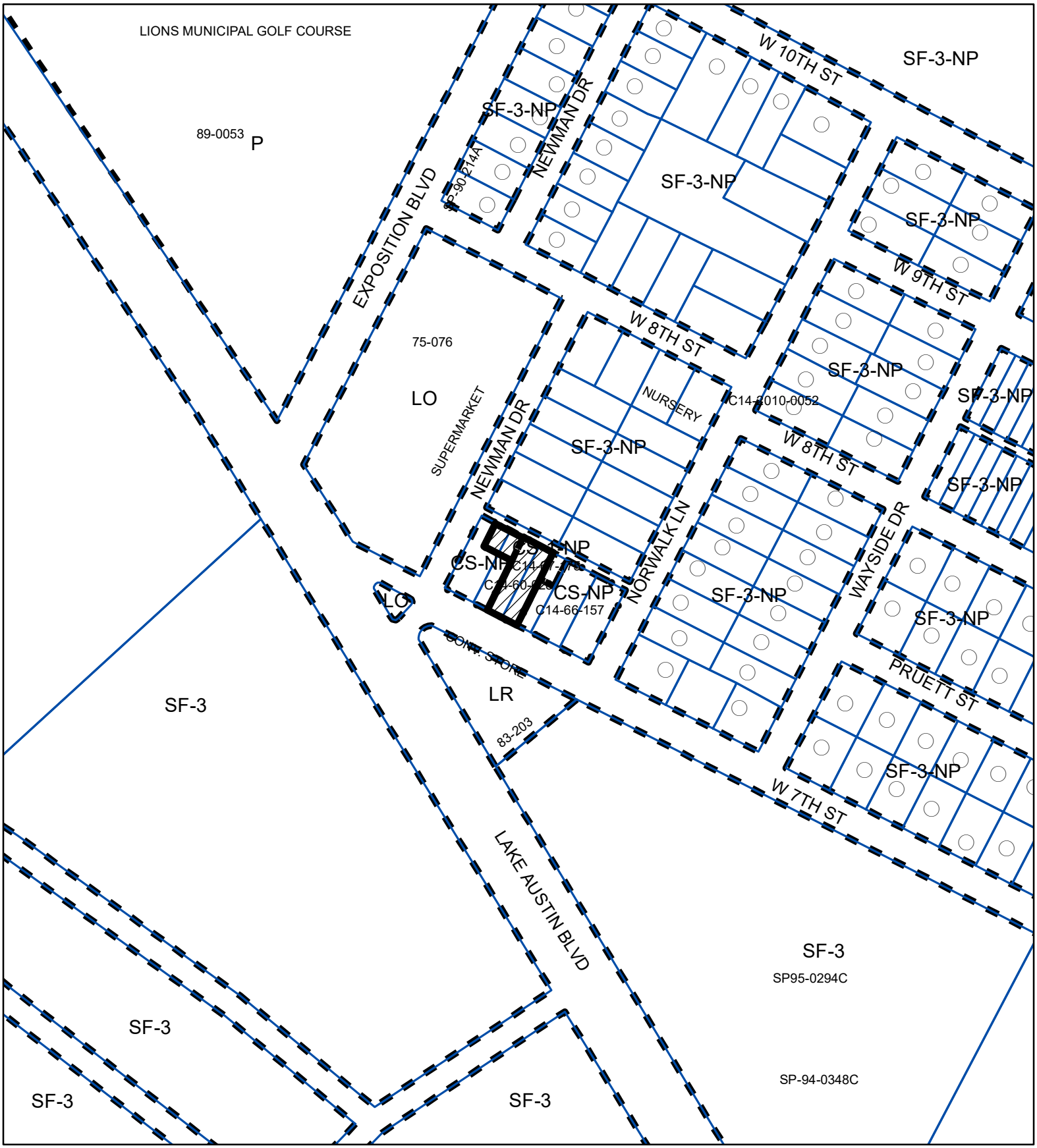
The property is within 150 feet of the Lake Austin Boulevard which is an Imagine Austin Activity Corridor where a wide-range of commercial and residential uses are encouraged and are compatible for this commercial node where the property is located.

L..2.3 Revitalize the Tarrytown Shopping Center by attracting preferably locally-owned neighborhood-serving & pedestrian-oriented businesses such as cafés, restaurants, & a bakery. Height should remain appropriately scaled to the adjacent residential structures. (page 11)

Although this section mentions Tarrytown Shopping Center, it says there is a preference for locally-owned neighborhood-service businesses. Because Commercial land use is a broader land use, it would open up the possibility for wider-range of uses to serve the community and Austin residents who chose to shop in this area.

Central West Austin is served by bus routes that connect it to downtown, the University of Texas, and south and north Austin. Although, over the years, this ser-vice has declined due to low ridership, stakeholders would like to reverse the trend and see an increase and focus on tar-get areas. (page 52)

The plan recognizes a decrease in transit ridership but nevertheless maintains the status quo and doesn't appear to support an increase in residential or commercial density which could attract more people to support public transportation.



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 200 '

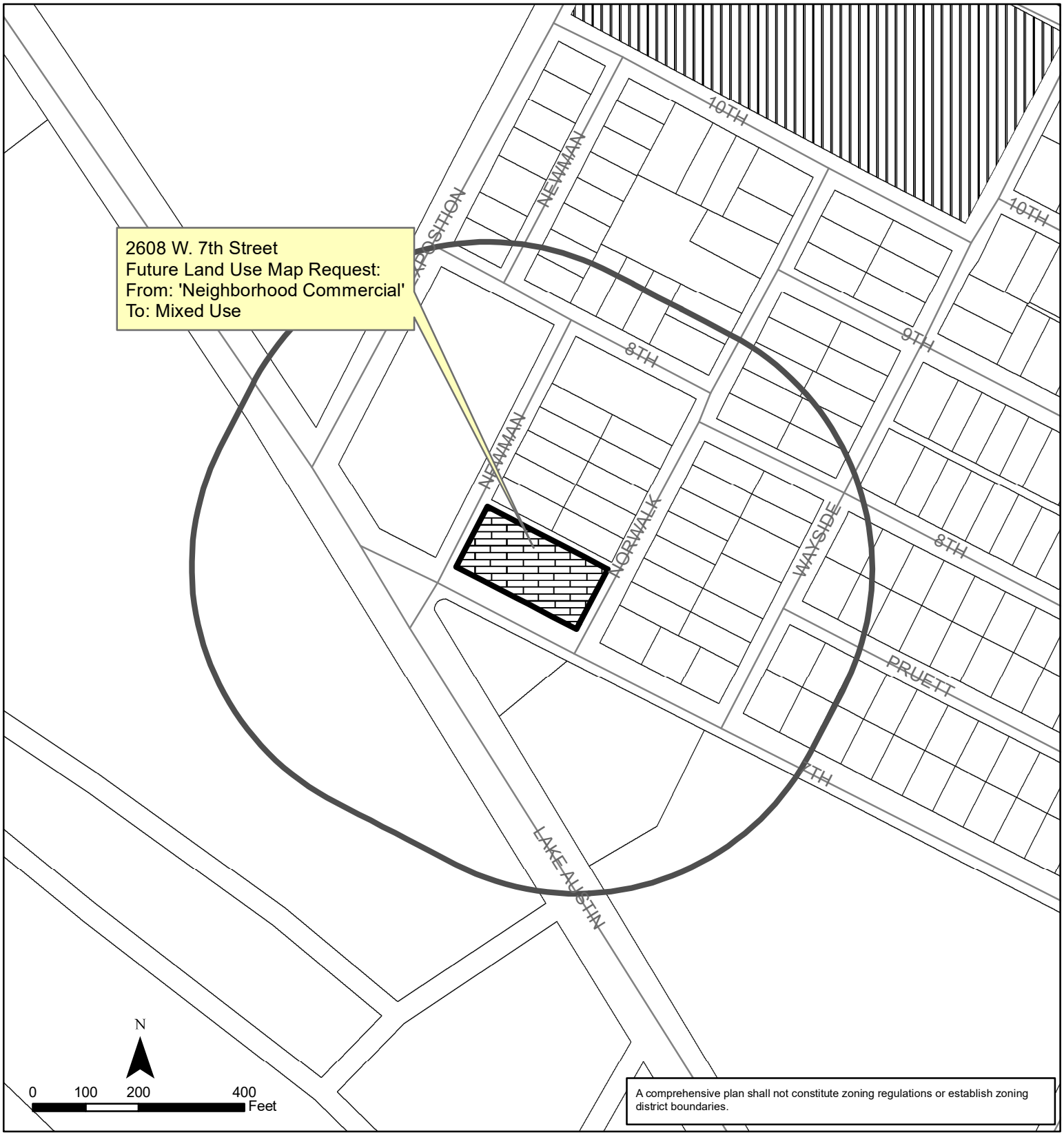
ZONING

ZONING CASE#: C14-2019-0043

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Created: 4/25/2019



Central West Austin (WANG) Combined Neighborhood Planning Area
NPA-2019-0027.01

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Future Land Use

- 500 ft. Notif. Boundary
- Subject Property
- Single-Family
- Multi-Family
- Neighborhood Commercial
- Civic
- Recreation & Open Space
- Excluded from FLUM

City of Austin
Planning and Zoning Department
Created on 4/3/2019, by: meredithm

Council Question and Answer			
Related To	AHFC Item #1	**Meeting Date**	February 18, 2021

Additional Answer Information

Conduct a public hearing and receive public comment regarding Austin Housing Finance Corporation's issuance of up to $22,000,000 of Multi-family Housing Revenue Bonds to finance a proposed housing development at or near 4400 Nuckols Crossing Road, Austin, Texas, 78744, by MHP City Heights, Ltd., or an affiliated entity, and to be known as City Heights.

QUESTION/ANSWER: Council Member Alter's Office

It appears this project will be using "income-averaging" and approximately one-third of the units in this development will be allowed to be rented at 80% MFI levels.

What will the allowable rents be for the 80% units?

Rents will be determined annually by the Texas Department of Housing and Community Affairs (TDHCA). Please note that TDHCA rent limits include utility allowances, so the actual rent paid by the resident will be approximately $50 - $100 lower, unless the developer elects to include utilities in the rent. TDHCA also has very strict rules about not charging residents additional monthly fees for various services. Current rent limits for the Austin area are as follows:

RENT LIMITS

AMFI %	Number of Bedrooms					
	0	1	2	3	4	5
20	$342	$366	$439	$507	$527	$625
30	$513	$549	$659	$761	$849	$937
40	$684	$732	$879	$1,015	$1,133	$1,250
50	$855	$915	$1,098	$1,269	$1,416	$1,562
60	$1,026	$1,098	$1,318	$1,523	$1,699	$1,875
65						
70	$1,197	$1,281	$1,538	$1,777	$1,982	$2,187
80	$1,368	$1,465	$1,758	$2,031	$2,266	$2,500

Have any other 4% projects been advanced by Council using "income-averaging" and how many, if any, of them include as many as one-third of the units being rented at 80% MFI?

LIHTC applicants may elect to use income averaging to meet the definition of a qualified low-income housing project pursuant to the Internal Revenue Code Section 42. TDHCA will monitor for compliance with income averaging pursuant to Chapter 10, Subchapter F of the Texas Administrative Code. The Housing and Planning Department does not require disclosure of an applicant's election of income averaging. While HPD requests an approximation of the unit AMFI distribution, these resolution requests occur at a very early stage in the

development process of a typical 4% tax credit development. Technically the owner of a tax credit development will not officially make what is called an "Average Income Election" until IRS form 8609 is filed, which does not occur until the development has placed in service. For a development seeking a resolution from Council, filing the 8609 would occur approximately 3 years after Council approves the resolution.

What is the current MFI for the census tract this development is located in?

The Median Family Income is determined annually by the U.S. Department of Housing and Urban Development (HUD) and is calculated for the entire Austin-Round Rock area. HUD does not calculate MFIs at the census tract level; however, the American Community Survey provides annual estimates of economic data, including income. The 2019 MFI for the census tract in which City Heights will be located is $42,556, with a margin of error of $18,311 (ACS 2019, Table B19113). The census tract right across the street (St. Elmo Road) consists primarily of single family homes and has a MFI of $63,689, with a margin of error of $2,095.

Can staff please provide some additional information on what the typical mix of income levels is for 4% projects that have been advanced by Council over the last year, including the average percentage of project units that are rented at 80% MFI?

Typically, 4% LIHTC projects have included primarily 60% MFI rents. In 2021, HPD staff established a quarterly intake process of all 4% LIHTC Resolutions of No Objections (RONOs) so that staff could minimize the administrative burden and City Council could more comprehensively assess project attributes. Public hearings for seven of the first quarter RONOs are scheduled for March 25, 2021. Staff is currently working on a comprehensive analysis of all the projects and will provide a detailed memo, map, and data to Mayor and City Council prior to this meeting. It is important to note that, prior to the availability of the Average Income Election, many tax credit deals would include market rate units; now, there is an incentive to convert what would have previously been market rate units to income- and rent-restricted units at 80% AMFI. The Strategic Housing Blueprint sets ambitious goals for affordable units at and below 80% AMFI. Additionally, the ability for developers to now include 70% and 80% AMFI units in the affordable housing developments, and to secure financing through the tax credit program for those 70% and 80% AMFI units, has had a beneficial impact on allowing affordable multifamily housing development in previously inaccessible and expensive areas of our community. The 70% and 80% AMFI units help to cross-subsidize the 30% - 50% AMFI units. Staff also believes that the Average Income Election, along with a recent change to how the 4% tax credit rate is calculated, can take pressure of future RHDA financing requests from AHFC.