



December 1, 2022

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 Josè "Chito" Vela, 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 #6: Approve an ordinance authorizing the issuance of City of Austin, Texas Special Assessment Revenue Bonds, Series 2022 (Whisper Valley Public Improvement District Improvement Area #2) and authorizing all related documents and fees.

COUNCIL MEMBER KELLY'S OFFICE

1) Who is responsible for repaying the Texas Special Assessment Revenue Bonds?

Special Assessments are levied on the properties in the specified improvement area of the Public Improvement District, in this case property owners in Whisper Valley Improvement Area #2. The special assessments are pledged as security for the Bonds and used for repayment of the Bonds. The Bonds will not be paid from any other City revenues, including ad valorem tax revenues.

2) What is the length of the bonds?

The bonds have a 30-year term.

Item #9: Approve a resolution authorizing the defeasance of certain outstanding Water and Wastewater System Revenue Bonds, including authorizing the execution of an escrow agreement and related documents.

MAYOR PRO TEM ALTER'S OFFICE

1) The Water and Wastewater related Impact Fee/Capital Recovery Fee (CRF) has helped deliver rate stability for Austin Water Utility (AWU) even as AWU customers continue to conserve more. Please detail the key features of the CRF for AWU and please compare it with the similar fee for AE. Please outline the key differences in structure between AWU and AE's CRF.

Austin Water charges Impact Fees to new users connecting to the water and wastewater systems. The Impact Fees (also known as Capital Recovery Fees) allow Austin Water to pass on costs of expanding the capacity of these systems directly to the new growth users. Determination of the fee is prescribed by state law Texas Local Government Code Section 395 and includes a requirement that the fee be updated at least every 5 years. Austin Water prepares an impact fee study at least every 5 years to meet the state requirement.

Updated land use assumptions and the capital improvement program plan underpin the calculation of the maximum allowable impact fee, whereas the actual collected fees are determined by the City Council.

The fees paid by the developers can only be used to pay the direct costs or the principal and interest on bonds issued for constructing capital improvements or facility expansions

identified in the growth-related capital improvement plan. Beginning in 2016, AW began using impact fee collections to defease outstanding debt to reduce scheduled debt service requirements. A defeasance is a method of using available cash to pay off outstanding debt early.

Statutory provisions do not allow Austin Energy to charge Impact Fees. Impact fees are limited to water, drainage and roadway infrastructure.

Item #10: Approve an ordinance amending Ordinance No. 20211220-002 related to Tax Increment Reinvestment Zone No. 19 by amending the boundaries of the zone, amending the participation rate of the zone, and amending the preliminary financing plan and related matters.

MAYOR PRO TEM ALTER'S OFFICE

1) Please summarize the rationale for establishing the participation rate at 46%?

The 46% participation rate is the portion of overall projected value growth that would not occur in the area but for the additional public investment. It was calculated based on the baseline scenario of the South Central Waterfront Vision Plan. The remaining 54% is a combination of the value growth expected to occur regardless of additional public investment and the portion of tax revenue from the incremental growth allocated for the Austin Transit Partnership and Project Connect. The "but for" value growth is that which would not occur but for public investment.

Item #12: Authorize award of four contracts for marketing specialty promotional products with American Minority Business Forms, Inc. d/b/a American Diversity, Golf Connections, LLC d/b/a Darling Promo, World of Promotions, and PrintMailPro.com d/b/a PRINTMPRO LTD, each for a term of five years in an amount not to exceed \$6,215,000, divided among the contractors.

COUNCIL MEMBER KELLY'S OFFICE

1) Has the City of Austin conducted business with American Minority Business Forms, Inc. previously? If so, in what capacity? Please provide previous contracts for the council to review, if available.

Yes, American Minority Business Forms was one of two vendors on the previous contract, GA140000104. The total spend with this vendor was \$372,677.33 between August 2014 and February 2021. American Minority Business Forms has also been on several other contracts, mostly regarding printing and forms dating back to 2006.

Item #15: Authorize negotiation and execution of five contracts to provide public engagement consulting services with Adisa Public Relations d/b/a Adisa Communications, Austin Community Design And Development Center d/b/a Community Powered Workshop, Concept Development & Planning, LLC, Raftelis Financial Consultants, Inc. d/b/a Raftelis, and Sensis, Inc. d/b/a Sensis Agency, Quijote Corporation, each for a term of five years in an amount not to exceed \$11,820,000, divided among the contractors.

MAYOR PRO TEM ALTER'S OFFICE

1) Please provide information as to which languages these firms will be poised to use when engaging non-English speakers or those with limited English proficiency.

The five recommended vendors indicated in their qualifications statements that they have experience in languages other than English as follows:

- Adisa Public Relations / Adisa Communications - Spanish, Vietnamese, and Burmese
 - Austin Community Design And Development Center / Community Powered Workshop- Spanish, ASL, Vietnamese, Korean, Mandarin, Arabic
 - Concept Development & Planning, LLC- Spanish, Vietnamese, Korean, Mandarin, Arabic
 - Raftelis Financial Consultants, Inc. / Raftelis - Spanish
 - Sensis, Inc. / Sensis Agency, Quijote Corporation- Spanish, Vietnamese, and Mandarin
- Other languages may be available under this contract using subcontractors.

Item #22: Authorize additional contingency funding for the construction contract with Cedar Hills Construction, LLC for the Southwest Allendale Neighborhood Water and Wastewater System Renewal in the amount of \$636,055 for a total contract amount not to exceed \$5,846,061.

MAYOR PRO TEM ALTER'S OFFICE

1) *Do we have a sense of the unforeseen conditions the contractor has been experiencing?*

After construction started in May 2022, staff identified insufficient quantities and items not included in the original scope. Specifically, bid quantities for 6-inch service pipe were insufficient for the quantity needed to complete the project. Additional items included new traffic control plans for additional block closures and unforeseen utility conflicts uncovered during excavation. Because of these items, the original 10% contingency and administrative authority has been exhausted and this change order is needed to complete the remaining work. This change order does not impact the overall construction schedule; the Southwest Allendale project is on schedule for completion in the winter of 2023.

Item #23: Authorize negotiation and execution of an interlocal grant agreement with Travis County to accept a grant from the County and establish responsibilities related to sharing the costs of responding to the COVID-19 pandemic.

COUNCIL MEMBER KELLY'S OFFICE

1) *Can this agreement be extended past 2023? And if so, will it need to come back to the council?*

This agreement requires the County to reimburse the City for its COVID-19 response from March 3, 2021 through September 30, 2022. It will not be extended. Agreements will be developed in 2023 to outline the terms of engagement for any future emergencies. Any future interlocal agreements require approval from Council.

2) *Can you please describe the restrictions on the funds being allocated for COVID-19?*

Travis County is utilizing Coronavirus State and Local Fiscal Recovery Funds (SLFRF) made available under the American Rescue Plan Act. As an entity that is receiving pass-through grant funds, we must comply with federal requirements. More information can be found at [Coronavirus State and Local Fiscal Recovery Funds | U.S. Department of the Treasury](#).

3) What specific services and/or resources are these funds reimbursed for from Travis County?

The draft ILA includes broad categories of activities to provide flexibility in the City's expenses that it provides to Travis County. Included response activities are the Isolation Facility program, Prolodges, COVID-19 Testing, APH COVID-19 response programs, online health platform buildout and licenses, Alternate Care Site, and Emergency Operations Center response. Specific expenses to be submitted to Travis County include epidemiology response, staff time working in the above activities, and prolodge and health platform costs.

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Additional questions and answers, please see the [attachment](#).

Item #31: Approve an ordinance amending City Code Title 4 by establishing wage theft standards and authorizing the chief procurement officer to take action against contractors who violate the terms of city contracts.

COUNCIL MEMBER KELLY'S OFFICE

1) Who will be the arbiter for settling disputes?

City staff will promulgate rules addressing this item

2) How would this impact those working in the United States that have work visas that are current or have expired?

This ordinance does not address worker status. This ordinance concerns whether an employer has a record of wage theft adjudication.

3) How is an employee defined in the ordinance?

The term "employee" is not defined as this ordinance relates to the actions of employers. Employer is defined in the ordinance as being defined by [section 61.001 \(Definitions\) of the 24 Texas Labor Code](#), unless a wage theft adjudication results from a finding by 25 the Wage and Hour Division of the United States Department of Labor, in 26 which case it shall have the meaning defined by [29 U.S.C. § 203](#).

4) How does this ordinance ensure that the employers that it applies to are certified and compliant with the U.S. Department of Labor requirements to hire foreign workers?

As our contractors are required to follow federal law and regulations already, this ordinance does not address that issue.

Item #41: Approve a resolution directing the City Manager to establish certain procedural policies to enhance the collaboration between the City and the Austin Economic Development Corporation (AEDC) and directing the City Manager to enter into negotiations with AEDC to amend the Interlocal Agreement between the City and the AEDC related to the potential redevelopment of the following City-owned properties: 505 Barton Springs Road (One Texas Center), 124 W. 8th Street, 3002 Guadalupe, and 411 Chicon.

COUNCIL MEMBER RENTERIA'S OFFICE

- 1) *The proposal designates AEDC as responsible for the evaluation of various city-owned properties. If a property is deemed conceptually feasible in supporting council-approved priorities, would this determination bind the use of the property and limit it from being utilized for a use not aligned with council-approved priorities?*

While the AEDC evaluates properties for feasibility to support Council-approved priorities, their evaluations are not binding. However, staff recommends for Council to define "provisional authority" in the resolution to clarify whether AEDC's evaluation of the City-owned properties would be binding.

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COUNCIL MEMBER POOL'S OFFICE

- 1) *What is legal staff's interpretation of the term "provisional authority" on line 58, and what is an example of how that might be used by AEDC?*

Before AEDC can take the lead on evaluating the listed properties for redevelopment, the existing Interlocal Agreement (ILA) between the City and AEDC must be amended to grant AEDC this authority. This resolution asks the City Manager to negotiate an amendment that would grant provisional authority to AEDC to take the lead on evaluating these properties. Provisional authority generally means temporary authority with the expectation of establishing something more permanent. If Council would like to authorize AEDC to begin preliminary conversations regarding the listed properties, we would recommend specifically providing that authorization in the resolution.

- 2) *Please describe any constraints known by City staff regarding the capacity of AEDC to perform evaluations of multiple properties without a designated source of revenue for that analysis/evaluation.*

City staff knows of no circumstances in which the AEDC would undertake work without a designated source of revenue for analysis/evaluation. Accordingly, the AEDC will need additional funding to evaluate properties for potential collaboration that are outside of their current contract's scope of work.

- 3) *There is currently a process for amending and modifying the Interlocal Agreement with AEDC; please describe that process and the upcoming timing for that ILA review.*

Section 11 of the ILA currently provides that "[the] Agreement, including any Addendum, may be amended, modified, revised or changed by written instrument executed by all the Parties" and it is understood that amendments may be brought forward at times deemed necessary by the parties.

- 4) *There are four City-owned parcels listed in the IFC, yet there are multiple opportunities for collaboration with other governmental jurisdictions on parcels that are approaching the redevelopment stage, namely, the Rosedale School campus, and the ACC Pinnacle campus. Is collaboration with other jurisdictions on these types of opportunities part of the work that AEDC was designed to undertake?*

Yes. The AEDC will bring forward an Annual Report with proposed projects (as set forth in section 6.3 of the ILA). The AEDC will work with the City to identify any additional Proposed Projects to be considered for approval by the City. Such Proposed Projects shall be included in the AEDC's Annual Report.

Item #41: Approve a resolution directing the City Manager to establish certain procedural policies to enhance the collaboration between the City and the Austin Economic Development Corporation (AEDC) and directing the City Manager to enter into negotiations with AEDC to amend the Interlocal Agreement between the City and the AEDC related to the potential redevelopment of the following City-owned properties: 505 Barton Springs Road (One Texas Center), 124 W. 8th Street, 3002 Guadalupe, and 411 Chicon.

COUNCIL MEMBER ELLIS'S OFFICE

- 1) *Would this resolution bind the AEDC to undertaking any work on the four listed properties prior to undertaking work on properties not listed in the resolution, such as the ACC Pinnacle campus and the Rosedale School campus?*

This resolution does not bind the AEDC to undertake work on the four listed properties before undertaking work on other properties. However, the AEDC will need additional funding to evaluate properties for potential collaboration that are outside of their current contract's scope of work. The AEDC will bring forward an Annual Report with proposed projects (as set forth in section 6.3 of the ILA). The AEDC will work with the City to identify any additional Proposed Projects to be considered for approval by the City. Such Proposed Projects shall be included in the AEDC's Annual Report.

Item #46: Approve a resolution establishing targets for enrollment of eligible households in Austin Energy's Customer Assistance Program and directing the City Manager to facilitate program expansion.

COUNCIL MEMBER ELLIS'S OFFICE

- 1) *AISD's Community Eligibility Provision Program enables the entire student population in specific areas of the city to auto enroll in the free lunch program. This impacts 76 schools within AISD. How will the CEPP factor into the proposed CAP expansion? Will all families with children attending CEPP schools be auto enrolled in CAP?*

We are aware that many AISD campuses are part of the Community Eligibility Program (CEP), which does not require families to apply for the Free Lunch Program. We do not anticipate that the receipt of Free Lunch alone will be a sole qualifier to the CAP program, and will continue to use existing screening tools to require additional income verification where appropriate. However, staff first needs to secure the data use agreements with Independent School District(s). Once we have access to the data we can conduct additional research/analysis to be

able to design & build our program, and to determine how participants in CEP schools will be handled.

Item #47: Approve a resolution directing the City Manager to update the Public School Energy Assistance Fund to direct funds to public schools assisting with students experiencing homelessness.

MAYOR PRO TEM ALTER'S OFFICE

- 1) *How much money has been donated each year over the past 5 years to the Public School Energy Assistance Fund?*

Austin Energy manages the collection and distribution of the Public School Energy Assistance Fund (PSEA). This voluntary donation fund was established and approved by council during the 2012 Austin Energy rate case. Customers are able to make donations as they pay their monthly City of Austin Utilities bill via the Online Customer Care Portal or by noting their donation in the appropriate section on the return portion of their paper bill.

Since January 2017 the fund has collected over 40,000 individual donations totaling \$115,214. Since inception the fund has received over 55,000 individual donations collecting close to \$186,000.

Item #55: Conduct a public hearing and consider an ordinance amending City Code Title 25 to allow residential uses on commercially zoned property under certain conditions.

MAYOR PRO TEM ALTER'S OFFICE

- 1) *The resolution Council authored included the following language: "Authorize residential uses in all parcels located in the listed zoning districts except when subject to a regulating plan which prohibits residential uses on the particular parcel, subject to compliance with affordability requirements, site development regulations, parking requirements, and design standards similar to those design standards currently applicable to Vertical Mixed Use Buildings". For VMU sites that are not located along a light rail line, the current VMU ordinance states, "For all uses in a VMU building, the minimum off-street parking requirement shall be 60 percent of that prescribed by Appendix A (Tables of Off-Street 29 Parking and Loading Requirements). This reduction may not be used in combination with any other parking reduction.". However, the draft ordinance does not include the line, "This reduction may not be used in combination with any other parking reduction.". Why was the language "This reduction may not be used in combination with any other parking reduction." not included in the draft ordinance and can staff explain the menu of other parking reductions that a project could potentially utilize if the ordinance remains unchanged?*

In practice parking reductions cannot be stacked, as they are discounts from Appendix A, and not each other. But the language on prohibiting the combining of parking reductions was not an intentional omission and adding it will reinforce the intent of the existing language.

Item #56: Conduct a public hearing and consider an ordinance amending City Code Title 25 to create a new overlay that modifies compatibility and parking requirements along certain roadways.

MAYOR ADLER'S OFFICE

- 1) *Please provide the same data analysis provided in the staff report for if the following changes are enacted:
Collapse Large and Rail corridors into one category -- Large Corridors
Include the Burnet/S. Lamar line as a Large Corridor
End compatibility for lots that participate in the bonus on the newly combined Large corridors at 100' distance*
Please see [attached](#).

Item #56: Conduct a public hearing and consider an ordinance amending City Code Title 25 to create a new overlay that modifies compatibility and parking requirements along certain roadways.

COUNCIL MEMBER KITCHEN'S OFFICE

- 1) *Given their deep involvement in city-commissioned research and city-funded community engagement processes that have led to recommendations that go counter to this ordinance's definition of affordability, have the following offices reviewed this ordinance? This would include the Equity Office, Innovation Office, Office of Sustainability, and Resilience?*
Given the accelerated timeframe of this Council initiated work, it was not possible to include boards and commissions that were outside of the standard code amendment process. In addition, these offices are not generally involved in a standard code review process unless requested by Council, or by the commissions themselves.

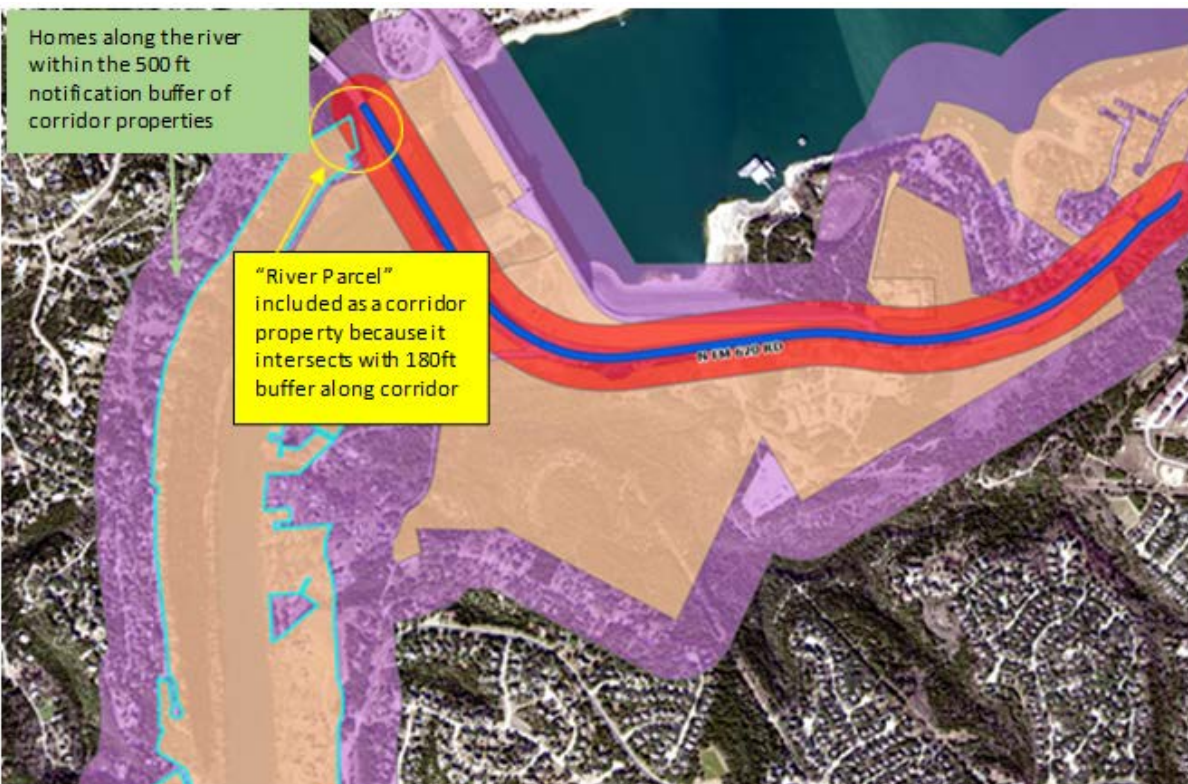
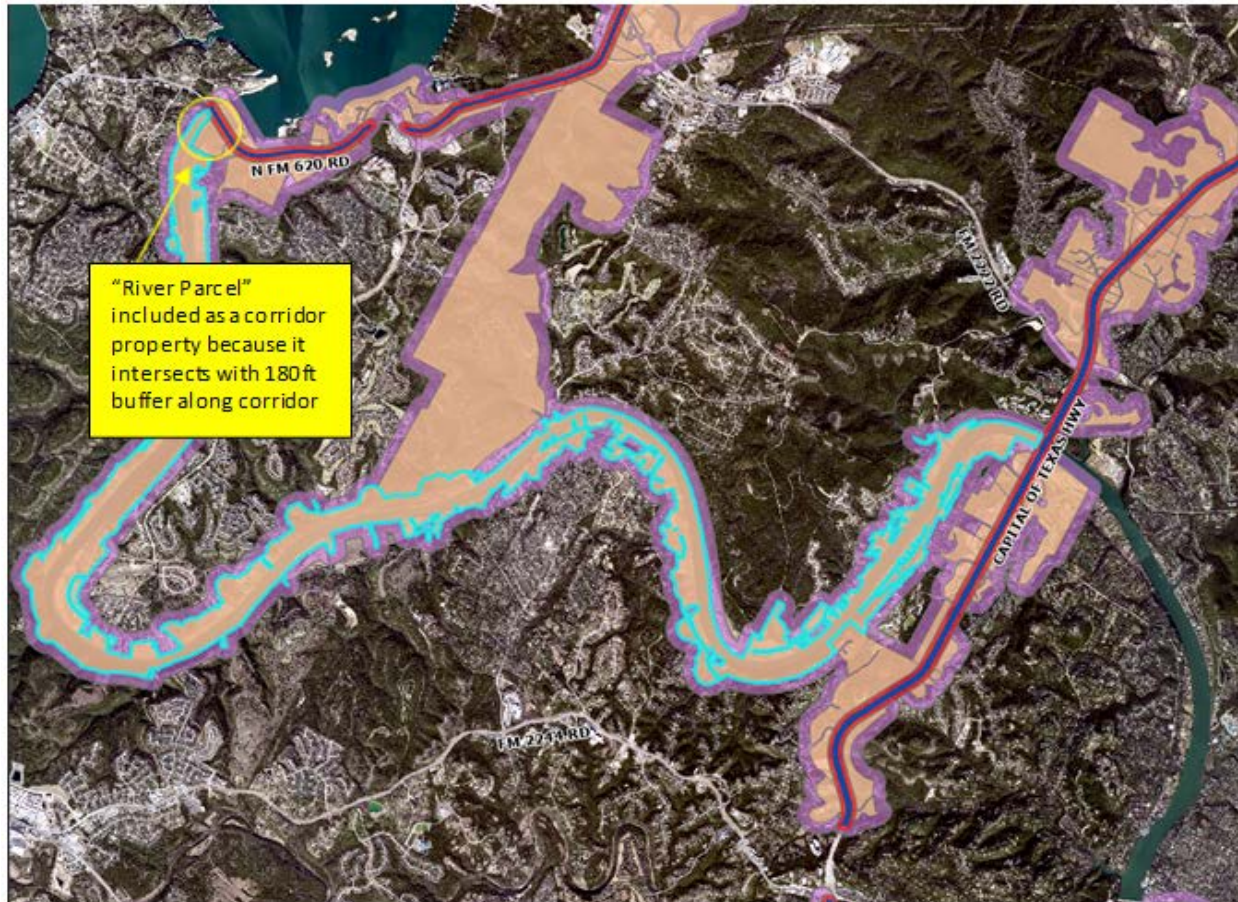
Item #56: Conduct a public hearing and consider an ordinance amending City Code Title 25 to create a new overlay that modifies compatibility and parking requirements along certain roadways.

MAYOR PRO TEM ALTER'S OFFICE

- 1) *Why would all the waterfront properties west of 360 be included in the corridor properties and noticed properties on the "Designated Corridors and Notice Area" map on page 3 of the recent memo to Mayor and Council? Did that really happen or is this an error on the map?*

To identify properties along the designated corridors where regulatory changes could apply per Resolution No. 20220609-066, staff used a 180-foot buffer from the corridor as a proxy for corridor frontage. A property was considered a "corridor property" if any part of the parcel was within 180 feet of the corridor. In some cases, the amount of corridor frontage is very small compared to the size of the entire parcel. Staff included all zoned properties within the City's jurisdiction, regardless of the parcel's size, use, ownership, or current zoning category.

Those two factors explain why some very large parcels are shown on the map as "corridor properties." For example, the Lake Austin segment of the Colorado River is a zoned parcel in the dataset staff used; it is one continuous parcel from FM 620 to 360. The entire parcel was included as a "corridor property" because it has a very small amount of frontage within 180 feet of FM 620. Here are two screen shots that show the entire "river parcel" (one parcel) highlighted in blue, and a close-up of the area where that parcel intersects with the 180-foot buffer for FM 620:



The properties along the river/Lake Austin are included because they are within 500 feet of the boundary of the river parcel. The purple area in these screen shots and on the map included in the memo is the 500-foot notification buffer. Notification was sent to all property owners and utility account holders within 500 feet of an identified “corridor property.” Since the river/Lake Austin is one large corridor property, the 500-foot notification buffer included all the adjacent properties along its entire perimeter.

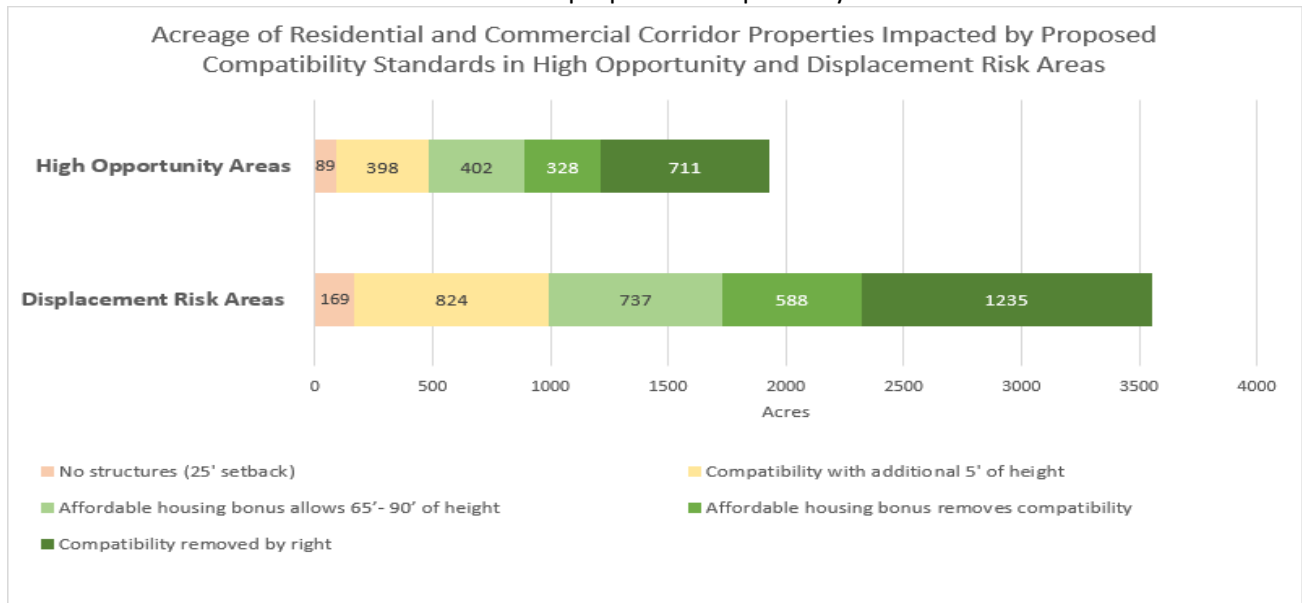
These parcels were correctly identified by the GIS methodology we needed to use for the notification process, but it does reflect the downside of relying on an automated process. Unfortunately, we did not have time to undertake a manual process to modify the notification polygon that was generated by the automated process, but that is certainly something we would try to do in the future to minimize confusion for large notifications like this.

The map in the memo reflects the data used to send notifications for the proposed code amendments. Some of the properties that received notice of the code amendments will not be impacted by the proposed amendments, but we wanted the GIS methodology to err on the side of over-notification. Although we mapped the corridor properties for notification purposes, the applicability of the regulations themselves would be based on a list of roadways in the LDC rather than a mapped boundary.

Item #56: Conduct a public hearing and consider an ordinance amending City Code Title 25 to create a new overlay that modifies compatibility and parking requirements along certain roadways.
COUNCIL MEMBER HARPER-MADISON’S OFFICE

1) How much acreage will have relaxed compatibility standards in High Opportunity Areas versus Displacement Risk Areas with the proposed Compatibility on Corridors code amendments?

See the chart below with information about the acreage of properties for which compatibility standards will be relaxed based on the proposed Compatibility on Corridors code amendments.



Item #74: C814-2021-0099 - Brodie Oaks Redevelopment PUD - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning and rezoning property locally known as 4021, 4025, 4107, 4109, 4115, and 4141 South Capital of Texas Highway Northbound; 3940, 4006, 4024 - 4040, 4200, 4220, 4236 South Lamar Boulevard Southbound (Barton Creek Watershed-Barton Springs Zone).

Applicant's Request: To zone from unzoned and to rezone from community commercial (GR) district zoning, general commercial services (CS) district zoning, and commercial-liquor sales (CS-1) district zoning to planned unit development (PUD) district zoning. The ordinance may include exemption from or waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. Staff Recommendation: To grant planned unit development (PUD) district zoning, with conditions. Planning Commission Recommendation: Grant planned unit development (PUD) district zoning, with additional conditions.

MAYOR PRO TEM ALTER'S OFFICE

- 1) *Please provide additional information regarding the funding for a new fire/EMS station which is detailed in the staff report. How is this facility accounted for in our long-term planning and how are we accounting for funding of the staff? What is timeline for this?*

Below is summary of estimated cost for new station at Brodie Oaks. Please keep in mind that this is anticipated to be a shared facility with ATCEMS; some of these costs will benefit both departments, but there may be separate costs associated solely with ATCEMS.

This opportunity is a recent development. The station **was not submitted** in our latest financial "5 –Year Forecast FY 23 to 27".

Our executive team will include this in our next financial "Forecast FY 24 to 28."

Currently, there are two stations scheduled to be built and staffed in the next two fiscal years. Based on the timeline discussed with the developer, the station at the Brodie PUD is likely to be built after Phase 1 of the development has been completed.

Funding for 16 Engine Staff at Brodie Oaks Fire Station	
Engine Staff Operating Costs	Funding
Estimated Salary Costs	\$1,650,000
Estimated Annual Maintenance Costs for Fire Station and Engine	\$220,000
Total	\$1,900,000

One-Time Costs	
Estimated New Engine cost	\$1,100,000
Estimated Communication Equipment for Apparatus & Staff Cost	\$50,000
Estimated Hose, Ladder, SCBAs, Misc. Equipment for Engine Cost	\$150,000
Estimated total one-time costs	\$1,300,000

Capital Improvement Costs	
Estimated “build out” cost of new station; kitchen, day room, dorms, bay and bay doors, CTM connections, alerting	\$3,000,000
Estimated HVAC, Water heaters, I.T equipment, exercise equipment, misc. furnishings	\$500,000
Estimated Capital Improvement Costs	\$3,500,000

- 2) *Please provide additional detail summarizing their park contributions / parkland dedication requirements and where this is captured in ordinance form? Please detail in what ways they are exceeding parkland dedication ordinance requirements.*

The parkland dedication superiority is described in the Parks and Open Space Plan (two sheets). The project must provide 10.4 acres of parkland per 1,000 residents, which is a superiority requirement in accordance with the Parkland Dedication Operating Procedures. The PUD is to provide a minimum 11.6 gross acres of parkland onsite, equal to a minimum of 8.9 acres of credited parkland after deductions for encumbrances. That is equal to nearly twice the amount of parkland that would have been required under current code for a development located within the urban core. For park development, the PUD commits to providing an additional \$700 per dwelling unit above what is required by current code and the fee schedule in effect at the time of project development; this will result in a higher quality of park amenities and development than what would be required by current code. Additional features contributing toward parkland superiority include:

- provide 50 parking spaces reserved for park users and provided in the development’s first phase;
- achieve SITES Silver Certification for parks;
- restore the landscape and regrade the area adjacent to the existing Barton Springs Greenbelt to connect and extend into the existing parkland; and

- provide trailhead to the Barton Creek Greenbelt, including a commitment to support the creation of a proper trail connection from Brodie down to the existing Barton Creek Greenbelt trail.

3) *Does this property fall in the WUI area? If so, are they responsible for following WUI code in requirements?*

Yes. The project will meet all aspects of the Fire Code and Wildland Urban Interface (WUI) Code, Ordinance No. 20200409-040.

4) *Please provide additional detail as to why the project excludes the parking structures from gross floor area and the rationale for including that provision?*

LDC Section 25-1-21 (*Definitions*) excludes parking facilities from the definition of gross floor area. The intent of the Code modification is to provide additional clarification that parking structures are also excluded. The Code definition of parking facilities does not specifically identify parking structures and the Applicant is seeking certainty that this type of building is also excluded.

5) *In various places the report alludes to 1,200 units and in other places it references 1,700 units. Please confirm the number of units being contemplated at this site.*

The correct number is 1,700 residential units.

Item #84: C814-89-0003.02 - 305 S. Congress - Approve third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 305 South Congress Avenue (Lady Bird Lake Watershed). Applicant's Request: To rezone from planned unit development-neighborhood plan (PUD-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change conditions of zoning. This ordinance may include waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property.

MAYOR PRO TEM ALTER'S OFFICE

1) *Please summarize their parkland dedication fee requirements. Please detail the fee amount they will be paying for the fee-in-lieu. Do they have a maximum or minimum amount in fees that they will be contributing? Will their fee amount be based upon the fee that exists at the time of ordinance adoption or at a fee-in-place at another time?*

The two parkland fees (parkland fee in lieu and park development fee) are based on the fee schedule in place at the time that a development application (e.g. site plan) is filed. There is no maximum or minimum amount, but fees may increase over time based upon the standard budget approval process. If all currently proposed units and commercial space were submitted on January 1, 2023, PARD has estimated that fees would total \$6,982,571. This estimate takes into account all proposed dedicated parkland, and a +\$100 per unit development fee. The +\$100 per unit development fee is included in the most recent draft ordinance. The applicant will pay the parkland dedication fees calculated at the time a site plan/development application is filed.



Council Question and Answer

Related To

Item #6

Meeting Date

December 1, 2022

Additional Answer Information

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Special Assessments are levied on the properties in the specified improvement area of the Public Improvement District, in this case property owners in Whisper Valley Improvement Area #2. The special assessments are pledged as security for the Bonds and used for repayment of the Bonds. The Bonds will not be paid from any other City revenues, including ad valorem tax revenues.

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MAYOR PRO TEM ALTER'S OFFICE

1) *Please summarize the rationale for establishing the participation rate at 46%?*

The 46% participation rate is the portion of overall projected value growth that would not occur in the area but for the additional public investment. It was calculated based on the baseline scenario of the South Central Waterfront Vision Plan. The remaining 54% is a combination of the value growth expected to occur regardless of additional public investment and the portion of tax revenue from the incremental growth allocated for the Austin Transit Partnership and Project Connect. The "but for" value growth is that which would not occur but for public investment.



Council Question and Answer

Related To

Item #12

Meeting Date

December 1, 2022

Additional Answer Information

Item #12: Authorize award of four contracts for marketing specialty promotional products with American Minority Business Forms, Inc. d/b/a American Diversity, Golf Connections, LLC d/b/a Darling Promo, World of Promotions, and PrintMailPro.com d/b/a PRINTMPRO LTD, each for a term of five years in an amount not to exceed \$6,215,000, divided among the contractors.

COUNCIL MEMBER KELLY'S OFFICE

- 1) *Has the City of Austin conducted business with American Minority Business Forms, Inc. previously? If so, in what capacity? Please provide previous contracts for the council to review, if available.*

Yes, American Minority Business Forms was one of two vendors on the previous contract, GA140000104. The total spend with this vendor was \$372,677.33 between August 2014 and February 2021. American Minority Business Forms has also been on several other contracts, mostly regarding printing and forms dating back to 2006.



Council Question and Answer

Related To

Item #15

Meeting Date

December 1, 2022

Additional Answer Information

Item #15: Authorize negotiation and execution of five contracts to provide public engagement consulting services with Adisa Public Relations d/b/a Adisa Communications, Austin Community Design And Development Center d/b/a Community Powered Workshop, Concept Development & Planning, LLC, Raftelis Financial Consultants, Inc. d/b/a Raftelis, and Sensis, Inc. d/b/a Sensis Agency, Quijote Corporation, each for a term of five years in an amount not to exceed \$11,820,000, divided among the contractors.

MAYOR PRO TEM ALTER'S OFFICE

- 1) *Please provide information as to which languages these firms will be poised to use when engaging non-English speakers or those with limited English proficiency.*

The five recommended vendors indicated in their qualifications statements that they have experience in languages other than English as follows:

- Adisa Public Relations / Adisa Communications - Spanish, Vietnamese, and Burmese
- Austin Community Design And Development Center / Community Powered Workshop- Spanish, ASL, Vietnamese, Korean, Mandarin, Arabic
- Concept Development & Planning, LLC- Spanish, Vietnamese, Korean, Mandarin, Arabic
- Raftelis Financial Consultants, Inc. / Raftelis - Spanish
- Sensis, Inc. / Sensis Agency, Quijote Corporation- Spanish, Vietnamese, and Mandarin

Other languages may be available under this contract using subcontractors.



Council Question and Answer

Related To

Item #22

Meeting Date

December 1, 2022

Additional Answer Information

Item #22: Authorize additional contingency funding for the construction contract with Cedar Hills Construction, LLC for the Southwest Allendale Neighborhood Water and Wastewater System Renewal in the amount of \$636,055 for a total contract amount not to exceed \$5,846,061.

MAYOR PRO TEM ALTER'S OFFICE

1) Do we have a sense of the unforeseen conditions the contractor has been experiencing?

After construction started in May 2022, staff identified insufficient quantities and items not included in the original scope. Specifically, bid quantities for 6-inch service pipe were insufficient for the quantity needed to complete the project. Additional items included new traffic control plans for additional block closures and unforeseen utility conflicts uncovered during excavation. Because of these items, the original 10% contingency and administrative authority has been exhausted and this change order is needed to complete the remaining work. This change order does not impact the overall construction schedule; the Southwest Allendale project is on schedule for completion in the winter of 2023.



Council Question and Answer

Related To

Item #23

Meeting Date

December 1, 2022

Additional Answer Information

Item #23: Authorize negotiation and execution of an interlocal grant agreement with Travis County to accept a grant from the County and establish responsibilities related to sharing the costs of responding to the COVID-19 pandemic.

COUNCIL MEMBER KELLY'S OFFICE

1. *Can this agreement be extended past 2023? And if so, will it need to come back to the council?*

This agreement requires the County to reimburse the City for its COVID-19 response from March 3, 2021 through September 30, 2022. It will not be extended. Agreements will be developed in 2023 to outline the terms of engagement for any future emergencies. Any future interlocal agreements require approval from Council.

2. *Can you please describe the restrictions on the funds being allocated for COVID-19?*

Travis County is utilizing Coronavirus State and Local Fiscal Recovery Funds (SLFRF) made available under the American Rescue Plan Act. As an entity that is receiving pass-through grant funds, we must comply with federal requirements. More information can be found at [Coronavirus State and Local Fiscal Recovery Funds | U.S. Department of the Treasury](#).

3. *What specific services and/or resources are these funds reimbursed for from Travis County?*

The draft ILA includes broad categories of activities to provide flexibility in the City's expenses that it provides to Travis County. Included response activities are the Isolation Facility program, Prolodges, COVID-19 Testing, APH COVID-19 response programs, online health platform buildout and licenses, Alternate Care Site, and Emergency Operations Center response. Specific expenses to be submitted to Travis County include epidemiology response, staff time working in the above activities, and prolodge and health platform costs.



City of Austin

Memorandum

To: Mayor Pro Tem Alter

From: Juan Ortiz, Director, Homeland Security & Emergency Management
Adrienne Sturup, Director, Austin Public Health

Aoife Longmore

Adrienne Sturup

Date: November 29, 2022

Subject: COVID-19 Cost Share with Travis County

The purpose of this memorandum is to address questions from Mayor Pro Tem Alter regarding COVID-19 expenses in the context of the Travis County cost share.

Background on COVID-19 Expense Data

Data for these questions come from the Cost Activity Database. Data originates with the city's financial system. All expenses coded to the COVID reporting codes 1012 and 1016 are included. Financial managers categorize these expenses into specific COVID activities monthly, and supporting documentation is uploaded. The data provided is based on initial categorization by department financial managers and is for estimation purposes only. The expenses go through multiple reviews for eligibility, completeness, and agreement of data among multiple documents before submission to FEMA. The primary purpose of the Cost Activity database is to provide a report on expenses categorized for FEMA Public Assistance eligible activities as part of the total expenditures.

Questions

1. Please provide a list of the non-covered expenses from Jan – Feb 2021.

Total expenses	\$41,031,949
Expenses likely to be covered through federal funding sources*	\$26,158,180
Expenses ineligible under Public Assistance	\$14,873,769

Public Assistance covers very specific categories of costs for emergency protective measures. It does not include the following:

- Economic assistance for community groups
- Childcare provider assistance
- Epidemiology response
- Improved teleworking capabilities of public employees
- General COVID response not attributed to the COVID-19 response sites (Emergency Operations Center, Alternate Care Site, Testing Sites, Vaccines Sites, and Non-Congregate Shelter)
- Full-Time Employee (FTE) straight time

*This includes the Asymptomatic Non-Congregate Sheltering activities, also known as Prolodges. This project has received a negative determination memo from FEMA, which the city will appeal.

Note: the above totals may not include all COVID-19 health platform costs, which are included in the current draft of the Travis County Interlocal Agreement. Expenses for the platform for the Jan-Feb 2021 time period are as follows:

COVID-19 Healthcare Platform \$780,906

2. Total amount /detailed list of non-reimbursable amounts from FEMA.

For March 2021 to June 2022, the total expenses that are likely not reimbursable from FEMA are \$56,969,947. This includes the following:

Ineligible - Major categories and expense amounts Mar 2021-June 2022	
Artist Disaster Relief Fund	\$ 2,660,829.11
Assistance for artists, musicians, and creatives	\$ 5,405,761.42
Assistance for businesses	\$ 8,129,747.44
Epidemiology Response	\$ 3,150,308.05
Rental assistance	\$ 14,679,204.17
Straight time for regular employees	\$ 10,611,392.00
All Other	\$ 12,332,704.81
	\$ 56,969,947.00

Note: the above totals may not include all of the COVID-19 health platform costs, which are included in the current draft of the Travis County Interlocal Agreement. Expenses for the platform for the March 2021 - June 2022 time period are estimated as follows:

COVID-19 Healthcare Platform \$5,827,537

3. What goes in each bucket: What is definitely reimbursable, likely reimbursable, and not reimbursable from FEMA?

Eligibility is defined by FEMA guidance: [Public Assistance Disaster-Specific Guidance - COVID-19 Declarations | FEMA.gov](#)

Generally, the following are eligible:

- Medical care, in accordance with COVID-19-specific policy or subsequent updates.
- Purchase and distribution of food, in accordance with COVID-19-specific policy
- Non-congregate medical sheltering, in accordance with COVID-19-specific policy or subsequent updates.
- Operation of Emergency Operations Centers to direct and coordinate resources and response activities for COVID-19 declarations.
- Communications to disseminate public information regarding health and safety measures and provide warnings about risks and hazards.
- Mass casualty management, including storage of human remains and mass mortuary services, as necessary to manage fatalities caused by COVID
- Purchase and distribution of Personal Protective Equipment (PPE)
- Certain costs relating to reopening the workplace

- COVID-19 Vaccinations
- COVID-19 Testing

Eligible work must be the legal responsibility of the applicant, be located in the designated area, be required as a result of the declared incident, and be undertaken at a reasonable cost. Not all costs incurred as a result of COVID-19 are eligible. For COVID-19, the cost must be tied to an activity that eliminates or reduces immediate threats to lives, public health, or safety. Expenses must:

- Fit the definition of Category B – Emergency Protective Measures
- Belong to an eligible COVID-19 work category
- Be considered an eligible cost (reasonable and properly procured, with exact documentation)
- Fall within the reimbursement timeline.

The Public Assistance process takes many years, and final determination of reimbursable costs is not fully confirmed until FEMA obligates the funds.

4. What happens with our next wave; will the County pay any of those cost?

APH is currently negotiating the Public Health ILA renewal that will incorporate cost sharing for public health emergency response (Emergency functions related to Public Health and Medical, and Mass Care).

5. What do the expenditure restrictions mentioned in the RCA mean in practice?

The language in the RCA states: “Travis County will use SLFRF funding provided through the American Rescue Plan to reimburse the City. There will be restrictions on how the City may use the funds, including but not limited to, any use of the funds must be necessary expenditures incurred due to the public health emergency caused by COVID-19.” The County is awarding the City a portion of the American Rescue Plan funds it received, and the City’s expenses to the County must meet the federal funding requirements.

6. What expenses has the County claimed as their expenses?

A copy of the County’s expense report was emailed to MPT on 11.21.22

Additional Questions received via email on 11.21.22.

7. Which expenses do we anticipate getting reimbursed and how much do we anticipate for each type of expense?

Green = Less risky planned FEMA PA project; 100% reimbursement where FEMA is satisfied with documentation and need

Orange = More risky planned FEMA PA project; may not be fully reimbursed

White = Potential small FEMA PA project

Jan – Feb 2021 Activities Likely Eligible under Public Assistance:

Activity Category List	Sum
Activities related to enforcing compliance with public health orders	\$ 118,771.34
Alternate Care Site operations, support, supplies, & equipment	\$ 487,125.25
Communications of general health and safety information to the public	\$ 329,739.35

COVID Vaccination site operations, support, supplies, & equipment	\$ 2,504,099.63
Disinfection of eligible public facilities	\$ 21,314.66
Emergency Medical Transport	\$ 41,592.05
EMS Specialized Medical Equipment	\$ 731,039.43
EOC Activities at EOC, DOC, Logistics, Warehouse	\$ 1,994,426.60
Information Technology	\$ 83,564.29
IsoFac/ProLodge operations, support, supplies, & equipment	\$ 4,798,704.30
Lab test diagnostics	\$ 7,124,510.96
PPE/sanitizing products not associated with ProLodge, IsoFac, ACS, EOC, DOC, testing sites	\$ 350,895.84
Purchases required to facilitate the City's reintegration plan (e.g., workplace sanitation, plexiglass barriers)	\$ 14,420.24
Testing site operations, support, supplies, & equipment	\$ 1,697,631.54
Grand Total	\$ 20,297,835.48

Mar 2021 – Jun 2022 Activities Likely Eligible under Public Assistance:

Activity Category List	Sum
Activities related to enforcing compliance with public health orders	\$ 50,268.88
Alternate Care Site operations, support, supplies, & equipment	\$ 2,039,995.41
Backfill for an employee deployed to EOC	\$ 592.49
Communications of general health and safety information to the public	\$ 5,942,532.12
COVID Vaccination site operations, support, supplies, & equipment	\$ 18,631,994.66
Disinfection of eligible public facilities	\$ 35,245.74
Emergency Medical Transport	\$ 318,275.57
EOC Activities at EOC, DOC, Logistics, Warehouse	\$ 5,543,754.77
Information Technology	\$ 1,311,247.25
IsoFac/ProLodge operations, support, supplies, & equipment	\$ 19,962,682.69
Lab test diagnostics	\$ 879,491.63
PPE/sanitizing products not associated with ProLodge, IsoFac, ACS, EOC, DOC, testing sites	\$ 763,463.02
Purchases required to facilitate the City's reintegration plan (e.g., workplace sanitation, plexiglass barriers)	\$ 77,417.68
Testing site operations, support, supplies, & equipment	\$ 10,785,854.33
Grand Total	\$ 66,342,816.24

8. As I read the ILA, only the epidemiology response highlighted in the major categories buckets in the chart Lucy shared is covered under the ILA and that amounts to \$3.15 million. Then the agreement counts \$4.95 million in isolation facility expenses as reimbursable. Beyond that, from the ILA I understood the following as eligible: the online platform buildout /software licensing, the alternative care site, emergency operations center response and maybe testing. But I do not have a sense of the amounts for any of those as they are not included specifically in the table with the expenses ineligible for FEMA reimbursement. Can you please provide each of those? They would have to cover the entire "ALL Other" bucket for this to get close to the \$20+ million. Please provide more details for each of these potentially reimbursable categories.

The City has included broad categories of activities in the ILA to provide flexibility in the City's expenses that it provides to Travis County. Labor costs require a line-by-line review to ensure all numbers match and hours are not duplicated between the epidemiology response, APH labor redirected from regular ILA, and the straight time categories. The categories below are the expenses the City expects to submit to Travis County for reimbursement.

Travis County ILA Categories (Amount Estimates from March 2021 – June 2022)	
Epidemiology Response - - to be reviewed to ensure not duplicating straight time above	\$3,150,308.05
Straight time for regular employees (ACS)	\$345,019.44
Straight time for regular employees (EOC)	\$2,466,625.82
Straight time for regular employees (IsoFac)	\$402,396.69
Straight time for regular employees (ProLodge)	\$1,095,376.02
Straight time for regular employees (Testing)	\$50,988.15
Straight time for regular employees (Vaccination)	\$5,475,852.73
APH labor redirected from regular ILA to COVID work	\$1,200,000
ProLodges (\$4.95m maximum minus straight time accounted for above)	\$3,854,623.98
Maximum administrative costs (6%)	\$1,224,000
ACS, EOC, IsoFac, Testing, Vaccination response costs ineligible for FEMA PA	Not Yet Identified
Health Platform (to cover remaining amount, up to \$5m)	\$1,185,364.13
Total	\$20,450,555.00

9. Please tell me whether the Pro-Lodge facilities are included in the \$57 million total and if so how, if not, remind me of the total. For reference below is the chart MPT is referring to. The following are the large buckets of ineligible expenses March 2021 – June 2022:

Ineligible - Major categories and expense amounts Mar 2021-June 2022	
Artist Disaster Relief Fund	\$ 2,660,829.11
Assistance for artists, musicians, and creatives	\$ 5,405,761.42
Assistance for businesses	\$ 8,129,747.44
Epidemiology Response	\$ 3,150,308.05
Rental assistance	\$ 14,679,204.17
Straight time for regular employees	\$ 10,611,392.00
All Other	\$ 12,332,704.81
	\$ 56,969,947.00

Only the \$1,095,376.02 in ProLodge straight time is included in the \$57 million total (as a subset of the \$10,611,392.00 "straight time for regular employees" category). The estimated total expenses for ProLodges for March 2021 – June 2022 are \$10,989,990.00 (\$9,894,613.98 in potentially PA eligible labor and purchases + \$1,095,376.02 in straight time for regular employees).

10. So far as I can tell the Artist Disaster Relief Fund the assistance for artists, musicians, and creatives, assistance for business, and rental assistance are not eligible for County reimbursement according to this agreement. Is that correct?

Correct.

11. As I read the ILA availability to the whole county is a pre req for receiving the funds. I do not recall that all of Travis County was eligible for many of the assistance programs cited (artists, rental, small businesses), but rather only City of Austin based groups. Note Attachment D further seems to suggest they will only help with funding that benefits residents of Travis County located in the unincorporated areas which is an odd choice (page 38 of 58). In addition, for the ineligible expenses in the chart please tell me 1) which of these expenses were originally paid for out of our ARPA funds and which were paid for out of General Fund when first paid. 2) what kind of items are in the All Other bucket? 3) Is the County willing to pay for Straight Time for regular employees and please describe what that means?

The language on page 38 concerning residents of Travis County outside the city limits has been stricken from the most recent draft.

Expenses listed as ineligible on the chart were not funded by any other grants (i.e. not ARPA, CARES, etc.).

Categories Comprising “All Other” from March 2021 – June 2022	
Childcare provider assistance	\$173,438.85
COVID Infusion Treatment operations, support, supplies, & equipment	\$15,897.35
Economic Injury Bridge Loan	\$12,590.29
Employee medical assistance program	\$9,727.78
Food assistance	\$813,035.34
Improved teleworking capabilities of public employees	\$1,139.16
Labor not associated with ProLodge, IsoFac, ACS, EOC, DOC, testing sites	\$570,920.33
Other-Likely Eligible (disinfection, eligible sites)**	\$1,969,130
Other-Likely Ineligible (increased operating + incorrectly categorized)	\$5,110,658
Other-to be Recategorized	\$1,606,146
People experiencing homelessness operations, support, supplies, & equipment	\$832,190.06
RISE	\$344,700.85
Technical assistance	\$642,928.47
Not Yet Categorized	\$230,200.13
Total	\$12,332,704.81

**Expenses were recategorized to provide more clarity on purpose and eligibility. The Other-Likely Eligible expenses in this table will be reviewed on a line-by-line basis and added to the Eligible total as appropriate.

Regarding “straight time,” APH charged expenses in the table above to the General Fund. The County is willing to pay straight time for regular employees as it is already included in the agreement. Straight time is regular, non-overtime salary for permanent employees. Straight time is not eligible for FEMA reimbursement.

12. I also would like to know what happens if there are expenses incurred after Sept. 2022.

APH is currently negotiating the Public Health ILA renewal to include cost sharing for public health emergency response (Emergency functions related to Public Health and Medical and Mass Care). That agreement period will be October 1, 2022 – December 31, 2023.

13. The RCA for item 23 states – “Staff have the ability to deal with additional costs incurred by the City, the categories of costs reimbursed, necessary documentation, needed extensions to the term of the agreement, or other amendments consistent with this Council authorization and related to the parties’ response to COVID-19” What does this mean?

This enables City staff to continue working on the Interlocal Agreement and its specifics with Travis County.



Council Question and Answer

Related To

Item #31

Meeting Date

December 1, 2022

Additional Answer Information

Item #31: Approve an ordinance amending City Code Title 4 by establishing wage theft standards and authorizing the chief procurement officer to take action against contractors who violate the terms of city contracts.

COUNCIL MEMBER KELLY'S OFFICE

1) *Who will be the arbiter for settling disputes?*

City staff will promulgate rules addressing this item

2) *How would this impact those working in the United States that have work visas that are current or have expired?*

This ordinance does not address worker status. This ordinance concerns whether an employer has a record of wage theft adjudication.

3) *How is an employee defined in the ordinance?*

The term "employee" is not defined as this ordinance relates to the actions of employers. Employer is defined in the ordinance as being defined by [section 61.001 \(Definitions\) of the 24 Texas Labor Code](#), unless a wage theft adjudication results from a finding by 25 the Wage and Hour Division of the United States Department of Labor, in 26 which case it shall have the meaning defined by [29 U.S.C. § 203](#).

4) *How does this ordinance ensure that the employers that it applies to are certified and compliant with the U.S. Department of Labor requirements to hire foreign workers?*

As our contractors are required to follow federal law and regulations already, this ordinance does not address that issue.



Council Question and Answer

Related To

Item #41

Meeting Date

December 1, 2022

Additional Answer Information

Item #41: Approve a resolution directing the City Manager to establish certain procedural policies to enhance the collaboration between the City and the Austin Economic Development Corporation (AEDC) and directing the City Manager to enter into negotiations with AEDC to amend the Interlocal Agreement between the City and the AEDC related to the potential redevelopment of the following City-owned properties: 505 Barton Springs Road (One Texas Center), 124 W. 8th Street, 3002 Guadalupe, and 411 Chicon.

COUNCIL MEMBER ELLIS'S OFFICE

- 1) *Would this resolution bind the AEDC to undertaking any work on the four listed properties prior to undertaking work on properties not listed in the resolution, such as the ACC Pinnacle campus and the Rosedale School campus?*

This resolution does not bind the AEDC to undertake work on the four listed properties before undertaking work on other properties. However, the AEDC will need additional funding to evaluate properties for potential collaboration that are outside of their current contract's scope of work. The AEDC will bring forward an Annual Report with proposed projects (as set forth in section 6.3 of the ILA). The AEDC will work with the City to identify any additional Proposed Projects to be considered for approval by the City. Such Proposed Projects shall be included in the AEDC's Annual Report



Council Question and Answer

Related To

Item #41

Meeting Date

December 1, 2022

Additional Answer Information

Item #41: Approve a resolution directing the City Manager to establish certain procedural policies to enhance the collaboration between the City and the Austin Economic Development Corporation (AEDC) and directing the City Manager to enter into negotiations with AEDC to amend the Interlocal Agreement between the City and the AEDC related to the potential redevelopment of the following City-owned properties: 505 Barton Springs Road (One Texas Center), 124 W. 8th Street, 3002 Guadalupe, and 411 Chicon.

COUNCIL MEMBER POOL'S OFFICE

- 1) *What is legal staff's interpretation of the term "provisional authority" on line 58, and what is an example of how that might be used by AEDC?*
 Before AEDC can take the lead on evaluating the listed properties for redevelopment, the existing Interlocal Agreement (ILA) between the City and AEDC must be amended to grant AEDC this authority. This resolution asks the City Manager to negotiate an amendment that would grant provisional authority to AEDC to take the lead on evaluating these properties. Provisional authority generally means temporary authority with the expectation of establishing something more permanent. If Council would like to authorize AEDC to begin preliminary conversations regarding the listed properties, we would recommend specifically providing that authorization in the resolution.
- 2) *Please describe any constraints known by City staff regarding the capacity of AEDC to perform evaluations of multiple properties without a designated source of revenue for that analysis/evaluation.*
 City staff knows of no circumstances in which the AEDC would undertake work without a designated source of revenue for analysis/evaluation. Accordingly, the AEDC will need additional funding to evaluate properties for potential collaboration that are outside of their current contract's scope of work.
- 3) *There is currently a process for amending and modifying the Interlocal Agreement with AEDC; please describe that process and the upcoming timing for that ILA review.*
 Section 11 of the ILA currently provides that "[the] Agreement, including any Addendum, may be amended, modified, revised or changed by written instrument executed by all the Parties" and it is understood that amendments may be brought forward at times deemed necessary by the parties.
- 4) *There are four City-owned parcels listed in the IFC, yet there are multiple opportunities for collaboration with other governmental jurisdictions on parcels that are approaching the redevelopment stage, namely, the Rosedale School campus, and the ACC Pinnacle campus. Is collaboration with other jurisdictions on these types of opportunities part of the work that AEDC was designed to undertake?*
 Yes. The AEDC will bring forward an Annual Report with proposed projects (as set forth in section 6.3 of the ILA). The AEDC will work with the City to identify any additional Proposed Projects to be considered for approval by the City. Such Proposed Projects shall be included in the AEDC's Annual Report.



Council Question and Answer

Related To

Item #41

Meeting Date

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Additional Answer Information

Item #41: Approve a resolution directing the City Manager to establish certain procedural policies to enhance the collaboration between the City and the Austin Economic Development Corporation (AEDC) and directing the City Manager to enter into negotiations with AEDC to amend the Interlocal Agreement between the City and the AEDC related to the potential redevelopment of the following City-owned properties: 505 Barton Springs Road (One Texas Center), 124 W. 8th Street, 3002 Guadalupe, and 411 Chicon.

COUNCIL MEMBER RENTERIA'S OFFICE

- 1) *The proposal designates AEDC as responsible for the evaluation of various city-owned properties. If a property is deemed conceptually feasible in supporting council-approved priorities, would this determination bind the use of the property and limit it from being utilized for a use not aligned with council-approved priorities?*

While the AEDC evaluates properties for feasibility to support Council-approved priorities, their evaluations are not binding. However, staff recommends for Council to define "provisional authority" in the resolution to clarify whether AEDC's evaluation of the City-owned properties would be binding.



Council Question and Answer

Related To

Item #46

Meeting Date

December 1, 2022

Additional Answer Information

Item #46: Approve a resolution establishing targets for enrollment of eligible households in Austin Energy's Customer Assistance Program and directing the City Manager to facilitate program expansion.

COUNCIL MEMBER ELLIS'S OFFICE

- 1) *AISD's Community Eligibility Provision Program enables the entire student population in specific areas of the city to auto enroll in the free lunch program. This impacts 76 schools within AISD. How will the CEPP factor into the proposed CAP expansion? Will all families with children attending CEPP schools be auto enrolled in CAP?*

We are aware that many AISD campuses are part of the Community Eligibility Program (CEP), which does not require families to apply for the Free Lunch Program. We do not anticipate that the receipt of Free Lunch alone will be a sole qualifier to the CAP program, and will continue to use existing screening tools to require additional income verification where appropriate. However, staff first needs to secure the data use agreements with Independent School District(s). Once we have access to the data we can conduct additional research/analysis to be able to design & build our program, and to determine how participants in CEP schools will be handled.



Council Question and Answer

Related To

Item #47

Meeting Date

December 1, 2022

Additional Answer Information

Item #47: Approve a resolution directing the City Manager to update the Public School Energy Assistance Fund to direct funds to public schools assisting with students experiencing homelessness.

MAYOR PRO TEM ALTER'S OFFICE

- 1) *How much money has been donated each year over the past 5 years to the Public School Energy Assistance Fund?*

Austin Energy manages the collection and distribution of the Public School Energy Assistance Fund (PSEA). This voluntary donation fund was established and approved by council during the 2012 Austin Energy rate case. Customers are able to make donations as they pay their monthly City of Austin Utilities bill via the Online Customer Care Portal or by noting their donation in the appropriate section on the return portion of their paper bill.

Since January 2017 the fund has collected over 40,000 individual donations totaling \$115, 214. Since inception the fund has received over 55,000 individual donations collecting close to \$186,000.



Council Question and Answer

Related To

Item #55

Meeting Date

December 1, 2022

Additional Answer Information

Item #55: Conduct a public hearing and consider an ordinance amending City Code Title 25 to allow residential uses on commercially zoned property under certain conditions.

MAYOR PRO TEM ALTER'S OFFICE

- 1) *The resolution Council authored included the following language: "Authorize residential uses in all parcels located in the listed zoning districts except when subject to a regulating plan which prohibits residential uses on the particular parcel, subject to compliance with affordability requirements, site development regulations, parking requirements, and design standards similar to those design standards currently applicable to Vertical Mixed Use Buildings". For VMU sites that are not located along a light rail line, the current VMU ordinance states, "For all uses in a VMU building, the minimum off-street parking requirement shall be 60 percent of that prescribed by Appendix A (Tables of Off-Street 29 Parking and Loading Requirements). This reduction may not be used in combination with any other parking reduction.". However, the draft ordinance does not include the line, "This reduction may not be used in combination with any other parking reduction.". Why was the language "This reduction may not be used in combination with any other parking reduction." not included in the draft ordinance and can staff explain the menu of other parking reductions that a project could potentially utilize if the ordinance remains unchanged?*

In practice parking reductions cannot be stacked, as they are discounts from Appendix A, and not each other.

But the language on prohibiting the combining of parking reductions was not an intentional omission and adding it will reinforce the intent of the existing language.



Council Question and Answer

Related To

Item #56

Meeting Date

December 1, 2022

Additional Answer Information

Item #56: Conduct a public hearing and consider an ordinance amending City Code Title 25 to create a new overlay that modifies compatibility and parking requirements along certain roadways.

COUNCIL MEMBER HARPER-MADISON'S OFFICE

1) How much acreage will have relaxed compatibility standards in High Opportunity Areas versus Displacement Risk Areas with the proposed Compatibility on Corridors code amendments?

See the chart below with information about the acreage of properties for which compatibility standards will be relaxed based on the proposed Compatibility on Corridors code amendments.

Acreage of Residential and Commercial Corridor Properties Impacted by Proposed Compatibility Standards in High Opportunity and Displacement Risk Areas





Council Question and Answer

Related To

Item #56

Meeting Date

December 1, 2022

Additional Answer Information

Item #56: Conduct a public hearing and consider an ordinance amending City Code Title 25 to create a new overlay that modifies compatibility and parking requirements along certain roadways.

COUNCIL MEMBER KITCHEN'S OFFICE

- 1) *Given their deep involvement in city-commissioned research and city-funded community engagement processes that have led to recommendations that go counter to this ordinance's definition of affordability, have the following offices reviewed this ordinance? This would include the Equity Office, Innovation Office, Office of Sustainability, and Resilience?*

Given the accelerated timeframe of this Council initiated work, it was not possible to include boards and commissions that were outside of the standard code amendment process. In addition, these offices are not generally involved in a standard code review process unless requested by Council, or by the commissions themselves.



Council Question and Answer

Related To

Item #56

Meeting Date

December, 2022

Additional Answer Information

Item #56: Conduct a public hearing and consider an ordinance amending City Code Title 25 to create a new overlay that modifies compatibility and parking requirements along certain roadways.

MAYOR ADLER'S OFFICE

- 1) *Please provide the same data analysis provided in the staff report for if the following changes are enacted:*
Collapse Large and Rail corridors into one category -- Large Corridors
Include the Burnet/S. Lamar line as a Large Corridor
End compatibility for lots that participate in the bonus on the newly combined Large corridors at 100' distance
Please see attached.

Item 56 (Compatibility and parking on corridors) Question:

Please provide the same data analysis provided in the staff report for if the following changes are enacted:

- Collapse Large and Rail corridors into one category -- Large Corridors
- Include the Burnet/S. Lamar line as a Large Corridor
- End compatibility for lots that participate in the bonus on the newly combined Large corridors at 100' distance

Staff Response:

The following table and charts show the total acreage of all properties along medium, and large corridors with residential, mixed-use, and commercial zoning that are subject to compatibility standards based on proximity to a parcel with a residential zoning district more restrictive than SF-6, grouped by proposed compatibility standards and distances.

The following table and charts show the same data analysis provided in the staff report for Compatibility on Corridors, but assume the following changes to the proposed ordinance:


- Collapse Large and Rail corridors into one category -- Large Corridors
- Include the Burnet/S. Lamar line as a Large Corridor (note: this change is already assumed in the latest version of the staff report)
- End compatibility for lots that participate in the bonus on the new large corridors at 100' distance

	25'	100'	150'	200'	250'	300'	540'
Large Corridors (combined)	188 acres <i>No structures (25' setback)</i>	722 acres <i>Compatibility with additional 5' of height</i>	1,927 acres <i>Affordable housing bonus removes compatibility</i>				1,699 acres <i>Compatibility removed by right</i>
Medium Corridors	136 acres <i>No structures (25' setback)</i>	789 acres <i>Compatibility with additional 5' of height</i>	493 acres <i>Affordable housing bonus allows 65'-90' of height</i>		209 acres <i>Affordable housing bonus removes compatibility</i>	776 acres <i>Compatibility removed by right</i>	

 No structures (25' setback)

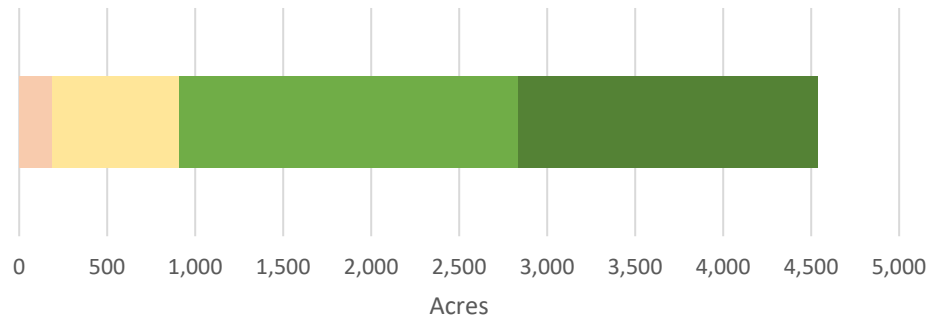
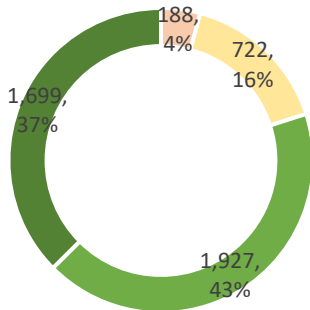
 Compatibility with additional 5' of height

 Affordable housing bonus allows 65'- 90' of height

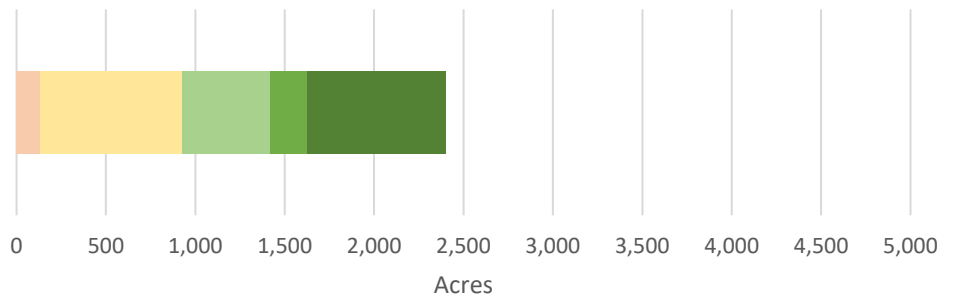
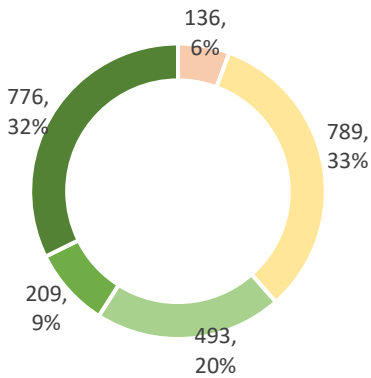
 Affordable housing bonus removes compatibility

 Compatibility removed by right

Large Corridor (combined)

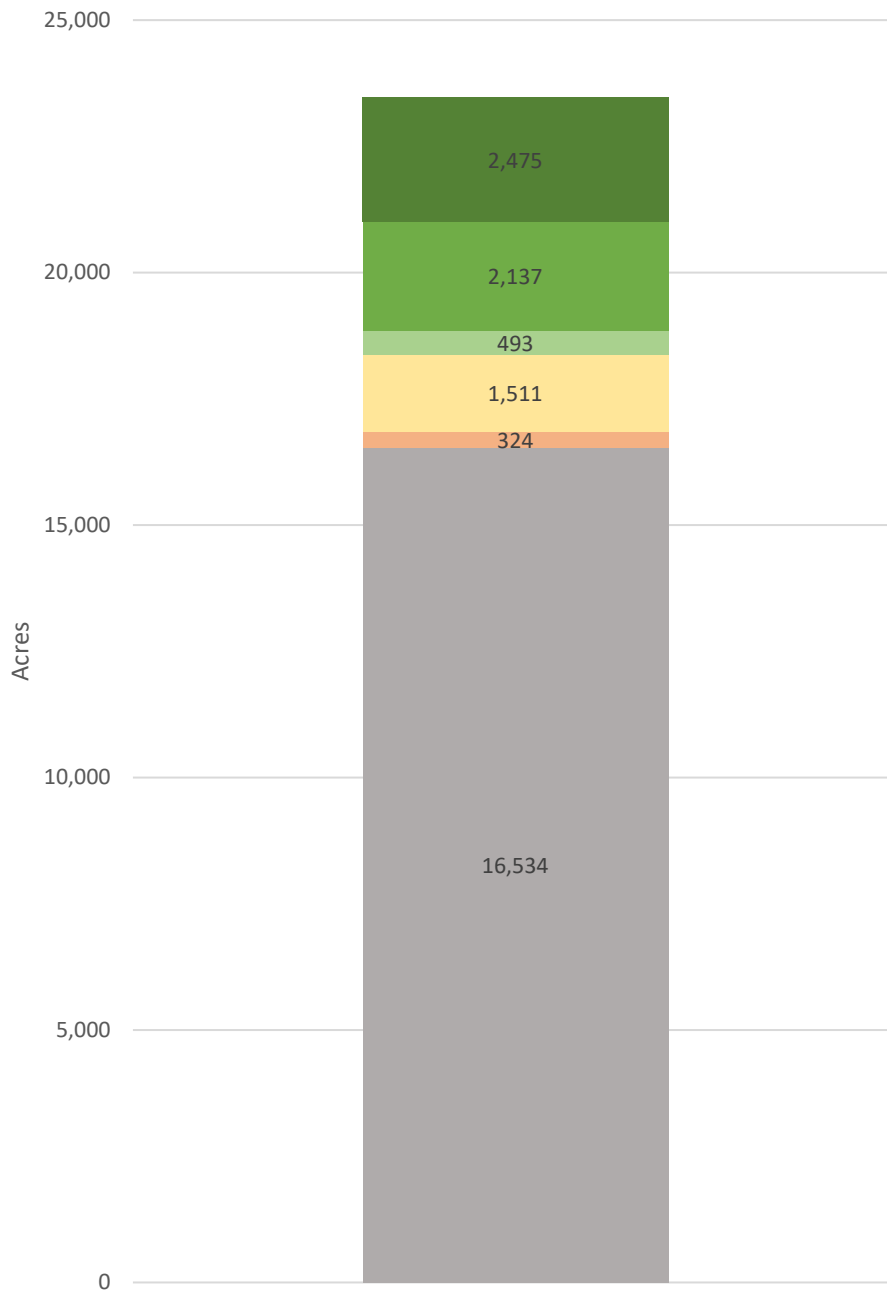




Medium Corridor



- No structures (25' setback)*
- Compatibility with additional 5' of height*
- Affordable housing bonus allows 65'-90' of height*
- Affordable housing bonus removes compatibility*
- Compatibility removed by right*

Total Properties Impacted by Compatibility Under Proposed Standards



- | | |
|--|--|
|  No structures (25' setback) |  Compatibility with additional 5' of height |
|  Affordable housing bonus allows 65'- 90' of height |  Affordable housing bonus removes compatibility |
|  Compatibility removed by right |  Other properties with residential, mixed-use, and commercial zoning city-wide subject to compatibility |



Council Question and Answer

Related To

Item #74

Meeting Date

December 1, 2022

Additional Answer Information

Item #74: C814-2021-0099 - Brodie Oaks Redevelopment PUD - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning and rezoning property locally known as 4021, 4025, 4107, 4109, 4115, and 4141 South Capital of Texas Highway Northbound; 3940, 4006, 4024 - 4040, 4200, 4220, 4236 South Lamar Boulevard Southbound (Barton Creek Watershed-Barton Springs Zone). Applicant's Request: To zone from unzoned and to rezone from community commercial (GR) district zoning, general commercial services (CS) district zoning, and commercial-liquor sales (CS-1) district zoning to planned unit development (PUD) district zoning. The ordinance may include exemption from or waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. Staff Recommendation: To grant planned unit development (PUD) district zoning, with conditions. Planning Commission Recommendation: Grant planned unit development (PUD) district zoning, with additional conditions. Applicant: Lionstone Investments, LCFRE Austin Brodie Oaks LLC (John Schaefer). Agent: Lionheart Places (Rebecca Leonard). City Staff: Wendy Rhoades, 512-974-7719. This action concerns land located in the Barton Springs Zone.

MAYOR PRO TEM ALTER'S OFFICE

- 1) *Please provide additional information regarding the funding for a new fire/EMS station which is detailed in the staff report. How is this facility accounted for in our long-term planning and how are we accounting for funding of the staff? What is timeline for this?*

Below is summary of estimated cost for new station at Brodie Oaks. Please keep in mind that this is anticipated to be a shared facility with ATCEMS; some of these costs will benefit both departments, but there may be separate costs associated solely with ATCEMS.

This opportunity is a recent development. The station **was not submitted** in our latest financial "5 – Year Forecast FY 23 to 27".

Our executive team will include this in our next financial "Forecast FY 24 to 28."

Currently, there are two stations scheduled to be built and staffed in the next two fiscal years. Based on the timeline discussed with the developer, the station at the Brodie PUD is likely to be built after Phase 1 of the development has been completed.

Funding for 16 Engine Staff at Brodie Oaks Fire Station	
Engine Staff Operating Costs	Funding
Estimated Salary Costs	\$1,650,000
Estimated Annual Maintenance Costs for Fire Station and Engine	\$220,000
Total	\$1,900,000

One-Time Costs	
Estimated New Engine cost	\$1,100,000
Estimated Communication Equipment for Apparatus & Staff Cost	\$50,000
Estimated Hose, Ladder, SCBAs, Misc. Equipment for Engine Cost	\$150,000

Estimated total one-time costs	\$1,300,000
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Capital Improvement Costs	
Estimated “build out” cost of new station; kitchen, day room, dorms, bay and bay doors, CTM connections, alerting	\$3,000,000
Estimated HVAC, Water heaters, I.T equipment, exercise equipment, misc. furnishings	\$500,000
Estimated Capital Improvement Costs	\$3,500,000

- 2) *Please provide additional detail summarizing their park contributions / parkland dedication requirements and where this is captured in ordinance form? Please detail in what ways they are exceeding parkland dedication ordinance requirements.*

The parkland dedication superiority is described in the Parks and Open Space Plan (two sheets). The project must provide 10.4 acres of parkland per 1,000 residents, which is a superiority requirement in accordance with the Parkland Dedication Operating Procedures. The PUD is to provide a minimum 11.6 gross acres of parkland onsite, equal to a minimum of 8.9 acres of credited parkland after deductions for encumbrances. That is equal to nearly twice the amount of parkland that would have been required under current code for a development located within the urban core. For park development, the PUD commits to providing an additional \$700 per dwelling unit above what is required by current code and the fee schedule in effect at the time of project development; this will result in a higher quality of park amenities and development than what would be required by current code. Additional features contributing toward parkland superiority include:

- provide 50 parking spaces reserved for park users and provided in the development’s first phase;
- achieve SITES Silver Certification for parks;
- restore the landscape and regrade the area adjacent to the existing Barton Springs Greenbelt to connect and extend into the existing parkland; and
- provide trailhead to the Barton Creek Greenbelt, including a commitment to support the creation of a proper trail connection from Brodie down to the existing Barton Creek Greenbelt trail.

- 3) *Does this property fall in the WUI area? If so, are they responsible for following WUI code in requirements?*

Yes. The project will meet all aspects of the Fire Code and Wildland Urban Interface (WUI) Code, Ordinance No. 20200409-040.

- 4) *Please provide additional detail as to why the project excludes the parking structures from gross floor area and the rationale for including that provision?*

LDC Section 25-1-21 (*Definitions*) excludes parking facilities from the definition of gross floor area. The intent of the Code modification is to provide additional clarification that parking structures are also

excluded. The Code definition of parking facilities does not specifically identify parking structures and the Applicant is seeking certainty that this type of building is also excluded.

- 5) *In various places the report alludes to 1,200 units and in other places it references 1,700 units. Please confirm the number of units being contemplated at this site.*

The correct number is 1,700 residential units.



Council Question and Answer

Related To

Item #84

Meeting Date

December 1, 2022

Additional Answer Information

Item #84: C814-89-0003.02 - 305 S. Congress - Approve third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 305 South Congress Avenue (Lady Bird Lake Watershed). Applicant's Request: To rezone from planned unit development-neighborhood plan (PUD-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change conditions of zoning. This ordinance may include waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. First Reading approved with additional conditions on April 7, 2022. Vote: 10-0, Council Member Harper-Madison was off the dais. Second Reading approved with additional conditions on November 3, 2022. Vote: 7-1, Council Member Alter voted nay. Council Members Kelly and Kitchen abstained. Council Member Tovo was off the dais. Owner / Applicant: Richard T. Suttle, Jr., Trustee. Agent: Armbrust & Brown PLLC (Richard T. Suttle, Jr.). City Staff: Jerry Rusthoven, 512-974-3207.

MAYOR PRO TEM ALTER'S OFFICE

- 1) *Please summarize their parkland dedication fee requirements. Please detail the fee amount they will be paying for the fee-in-lieu. Do they have a maximum or minimum amount in fees that they will be contributing? Will their fee amount be based upon the fee that exists at the time of ordinance adoption or at a fee-in-place at another time?*

The two parkland fees (parkland fee in lieu and park development fee) are based on the fee schedule in place at the time that a development application (e.g. site plan) is filed. There is no maximum or minimum amount, but fees may increase over time based upon the standard budget approval process. If all currently proposed units and commercial space were submitted on January 1, 2023, PARD has estimated that fees would total \$6,982,571. This estimate takes into account all proposed dedicated parkland, and a +\$100 per unit development fee. The +\$100 per unit development fee is included in the most recent draft ordinance. The applicant will pay the parkland dedication fees calculated at the time a site plan/development application is filed.