



April 4, 2024

Questions and Answers Report



Mayor Kirk Watson

Council Member Natasha Harper-Madison, District 1

Council Member Vanessa Fuentes, District 2

Council Member José Velásquez, District 3

Council Member Josè “Chito” Vela, District 4

Council Member Ryan Alter, District 5

Council Member Mackenzie Kelly, District 6

Mayor Pro Tem Leslie Pool, District 7

Council Member Paige Ellis, District 8

Council Member Zohaib “Zo” Qadri, 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 3

Approve an ordinance to suspend a Gas Reliability Infrastructure Program interim rate adjustment proposed by Atmos Energy Corporation, Mid-Tex Division.

COUNCIL MEMBER FUENTES' OFFICE

1) *What is Atmos Energy Corporation, Mid-Tex Division's service area? Please provide a map if possible.*

Please see [attached map](#).

COUNCIL MEMBER ALISON ALTER'S OFFICE

1) *Can you please provide a chart with the rate increases (assuming there have been increases) for Atmos Energy Corporation, Mid-Tex Division with comparison information over the last 5 years that shows how rates have increased over time?*

Please see attached document titled "[Atmos Energy](#)".

Item 4

Approve an ordinance to suspend a Gas Reliability Infrastructure Program interim rate adjustment proposed by Texas Gas Service Company.

COUNCIL MEMBER ALISON ALTER'S OFFICE

1) *How many customers in Austin does Texas Gas serve?*

In 2022, Texas Gas Service served 226,726 customers inside the City limits of Austin. We are currently waiting for an updated 2023 customer data from Texas Gas Service.

2) *Can you please provide a chart with the proposed rate increase for Texas Gas together with comparison information on rate increases made by Texas Gas over the last 5 years?*

See attached document titled "[Texas Gas Service](#)".

Item 9

Authorize negotiation and execution of a contract to provide human immunodeficiency virus and sexually transmitted infection self-collect home testing kits and services with National Coalition of STD Directors, for up to five years in an amount not to exceed \$750,000.

COUNCIL MEMBER FUENTES' OFFICE

1) *When do we expect this program to launch?*

Austin Public Health anticipates an August start date. This allows time to order kits and train staff.

Item 24

Authorize execution of an interlocal agreement with the City of Tucson, Arizona to allow for the cooperative procurement of goods and services.

COUNCIL MEMBER FUENTES' OFFICE

1) What goods and services are being sought out through this ILA?

The City (Austin) does not currently have any plans to procure goods or services, through this Interlocal Agreement (ILA) or any cooperative contract available from the City of Tucson (Tucson).

The requested ILA is required by Texas procurement statute in order for one local government to access the cooperative contracts of another local government. In this case, Tucson contacted staff from the Financial Services Department, requesting to use an Austin contract for this purpose. Once the ILA is authorized, Tucson will create a new and separate cooperative contract that is based on Austin's contract and that references the competition Austin did in sourcing our contract. Any cooperative contract created by Tucson will have no bearing or impact on Austin's contract.

With this ILA in place, if Tucson has a contract that is advantageous for Austin, staff may seek to establish an Austin cooperative contract based on the Tucson contract. And, if the resulting cooperative contract exceeded the City Manager's authority, staff will bring the contract to Council for authorization.

Item 26

Authorize the negotiation and execution of all documents and instruments necessary or desirable to sell approximately 0.1408 acres (6,132 square feet) of land located at 1007 Lambie Street, Austin, Texas 78702, being a portion of Lot 4, Block 3, Elm Grove, a subdivision of record in Volume 2, Page 241, of the Plat Records of Travis County, Texas, to the State of Texas for the I-35 Capital Express Central project, for an amount not less than \$1,839,600.

COUNCIL MEMBER ALISON ALTER'S OFFICE

1) Will the \$1,839,600 fee, once the sale is executed, be credited to the general fund? If not, to where will the fee be credited?

As this is an Austin Energy owned property, the monies from the sale will go to Austin Energy.

COUNCIL MEMBER ALISON ALTER'S OFFICE

1) What other city lands do we anticipate needing to be purchased by TXDOT during the I35 process and which departments own these lands? Please provide a map as well, ideally color coded to show us which department owns which property.

To date, staff is aware of TxDOT's need to acquire property interests impacting 3 City parkland tracts all steward by PARD. The areas highlighted in red indicate temporary easements TxDOT is seeking (the land will be restored to parkland use upon completion TxDOT's use of the property)

and the area highlighted in blue indicates an area that TxDOT intends to acquire in fee.
See attached map titled [TXDOT Map Item 26](#).

Item 29, 32 and 33

Item 29: Authorize the negotiation and execution of all documents and instruments necessary or desirable to acquire in fee simple approximately 0.217 acre (9,434 square feet) of land for park purposes, located at 2701 East 22nd Street, Austin, Texas 78722 and being Lot 1, Block 2, Amended Plat of Lots 1, 2 and 3, Block 2 of Austin Heights, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 89, Page 47 of the Plat Records of Travis County, Texas, from Austin Independent School District in an amount not to exceed \$776,467 including closing costs.

Item 32: Authorize the negotiation and execution of all documents and instruments necessary or desirable to acquire in fee simple approximately 3.671 acres (159,888 square feet) of land out of the Stephen F. Slaughter Survey No. 1, Abstract No. 20, Travis County, Texas, generally located at 10701 South 1st Street, Austin, Texas 78748 and being a portion of the remainder of that tract described as 51.126 acres conveyed to Austin Independent School District by Cause Number 2241, Judgment of Court in Absence of Objection dated May 17, 1998, as recorded in Document Number 2000022808, Official Public Records of Travis County, Texas, from Austin Independent School District in an amount not to exceed \$1,396,404, including closing costs.

Item 33: Authorize the negotiation and execution of all documents and instruments necessary or desirable to acquire in fee simple approximately 10.046 acres (437,604 square feet) of land out of the Stephen F. Slaughter Survey No. 1, Abstract No. 20, Travis County, Texas, generally located at 10002 David Moore Drive, Austin, Texas 78748 and being a portion of that tract described as 54.597 acres conveyed to Austin Independent School District by Special Warranty Deed dated December 19, 1997, as recorded in Volume 13085, Page 1508 of the Real Property Records of Travis County, Texas, from Austin Independent School District in an amount not to exceed \$2,897,372, including closing costs.

COUNCIL MEMBER ALISON ALTER'S OFFICE

1) These are great acquisitions for our parks department that serve park deficient areas. In each case we are paying AISD fair market value based on an appraisal for these purchases. What assurances do we have that in the future AISD will similarly pay fair market value for City land when AISD seeks to acquire/condemn city parkland?

When AISD seeks to acquire City parkland under the threat of condemnation, they must follow the procedure outlined in Chapter 21 of the Texas Property Code. As part of that process, AISD must make an offer for fair market value as determined by a certified appraiser and provide that appraisal along with their written offer.

Item 34

Authorize an increase to a professional services agreement for legal services with Baker, Donelson, Bearman, Caldwell & Berkowitz, PC related to the arbitration between the City and the Federal Emergency Management Agency in an amount not to exceed \$76,000, for a total contract amount not to exceed \$150,000.

COUNCIL MEMBER ALISON ALTER’S OFFICE

1) When can we anticipate a decision by the Civilian Board of Contract Appeals?

Law has provided a response directly to Council.

Item 39

Approve a resolution directing the City Manager to enroll City buildings in Austin Energy’s Demand Response Program and to engage other area governments regarding Austin Energy’s Demand Response Program.

MAYOR PRO TEM POOL’S OFFICE

1. Why do we not currently mandate this requirement for city buildings?

Austin Energy is working in collaboration with the Building Services Department and other city departments to systematize evaluation and enrollment in our Commercial Demand Response (DR) program. Not all customers or buildings are good candidates for the Commercial DR program (for instance if they are a critical load facility or too small to be able to conserve a sufficient amount to qualify for the program). Austin Energy actively engages through our Key Accounts Managers to ensure that the program is a good fit and encourage customers to enroll.

2. What city or governmental facilities are already part of the demand response program?

The following City of Austin facilities are currently enrolled in the Austin Energy demand response program:

Address
7201 LEVANDER LOOP A
2716 SPIRIT OF TEXAS DR
625 E 10TH ST
600 RIVER ST
7201 COLONY LOOP DR A
3500 W 35TH ST
2210 S FM 973 RD UNIT G
1017 FALLWELL LN
6104 TURTLE POINT DR
6301 HAROLD CT A
8825 BIG VIEW DR UNIT B
1520 RUTHERFORD LN
7201 LEVANDER LOOP B
7535 TAYLOR LN
4108 TODD LN UNIT A
1201 E RUNDBERG LN
2209 ROSEWOOD AVE
7103 FM 969 RD

1111 RIO GRANDE ST
2525 SOUTH LAKESHORE BLVD
2800 WEBBERVILLE RD
301 W 2ND ST UNIT A
4800 SHAW LN J
625 E 10TH ST
2874 SHOAL CREST AVE
721 BARTON SPRINGS RD
2608 GONZALES ST
808 NILE ST
2800 SPIRIT OF TEXAS DR
6310 WILHELMINA DELCO DR 1
1165 ANGELINA ST
124 W 8TH ST
4411 MEINARDUS DR UNIT D
517 S PLEASANT VALLEY RD
1100 CUMBERLAND RD
211 COMAL ST UNIT A
1000 FOREST VIEW DR
6234 MIDDLE FISKVILLE RD
1500 E HOWARD LN
4411 MEINARDUS DR
15 WALLER ST
1301 SHOAL CREEK BLVD
1520 RUTHERFORD LN P
5801 AINEZ DR
4411 MEINARDUS DR

3. Please explain the benefits for a building using this program.

Demand Response (DR) programs help Austin Energy reduce strain on the electric grid and keep the overall cost of electricity as low as possible for the entire community. During a DR event, participating businesses temporarily reduce their energy use and earn incentives.

At the simplest level, customers who enroll in the demand response program get an energy use assessment and coaching on how to conserve. When an event is called, a communication is sent out to the enrolled customers by either text or email and the customers can take manual steps to reduce energy usage.

The more advanced form of the program involves the installation of an AutoDR device that is integrated with the Building Management System. This allows Austin Energy to communicate directly with the Building Management System to move the building into an eco mode (based on pre-determined settings) and preventing the need for manual interventions by staff.

This is a pay for performance program – incentive levels are assessed after the event based on actual meter data. Customers who choose to not participate in a specific event or override the AutoDR settings will not be penalized, they will simply not be paid for participation in that event. More details about the incentive levels and processes for enrollment in the Commercial DR program can be found [here](#).

Item 48

Conduct a public hearing and consider an ordinance adopting the Fifth Amendment to the Agreement Concerning Creation and Operation of Moore's Crossing Municipal Utility District, located in Austin's limited purpose jurisdiction, in southeastern Travis County east of FM 973 at the intersection of FM 973 and Elroy Road in Council District 2.

COUNCIL MEMBER ALISON ALTER'S OFFICE

1) Please provide additional information detailing why staff recommends approval of this amendment which would require the Developer to pay a total of 8 % of cash proceeds from bond issuance to City of Austin Housing and Community Development in lieu of onsite housing construction. Please also provide details regarding any anticipated investments that would be made in parks using the 2% net cash proceeds.

Austin Housing approved the 8% in lieu of dedicated land because the development is not near public transportation, is surrounded by an area that has access to limited resources, and that the money received will be spent in areas much more aligned with established priorities for production of City-funded affordable housing.

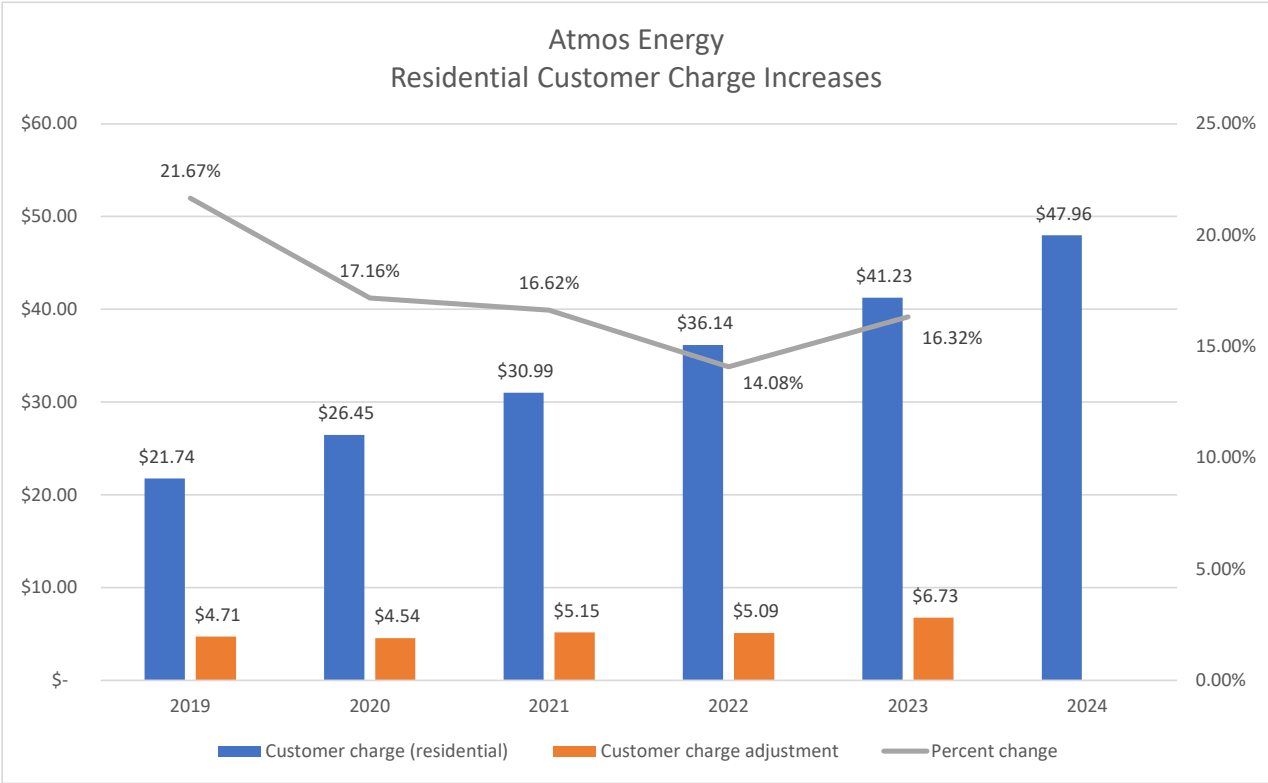
The 2% for the District will help the District fulfill their responsibilities when it comes to the installation and maintenance of the parks within the MUD. City of Austin's Parks department is working very closely with the developer and the District on bringing connectivity between the parks and bringing the parks up to City standards.

COUNCIL MEMBER VANESSA FUENTES' OFFICE

1) What is the timeline for the Moore's Crossing MUD to be fully developed and annexed into the full purpose jurisdiction of the city? Please provide more information on the outstanding phases of development.

Annexation timelines are typically negotiated during the Consent Agreement and are also dependent on the level of debt the MUD carries. The 1994 Moore's Crossing Consent Agreement (as a full-purpose, in-city MUD) expired fifteen (15) years after its effective date. Additionally, the debt of a MUD becomes the city's responsibility when annexed into full purpose. However, legislation was passed in 1995 that allowed Moore's Crossing to leave the city as a full-purpose jurisdiction and become a limited-purpose jurisdiction.

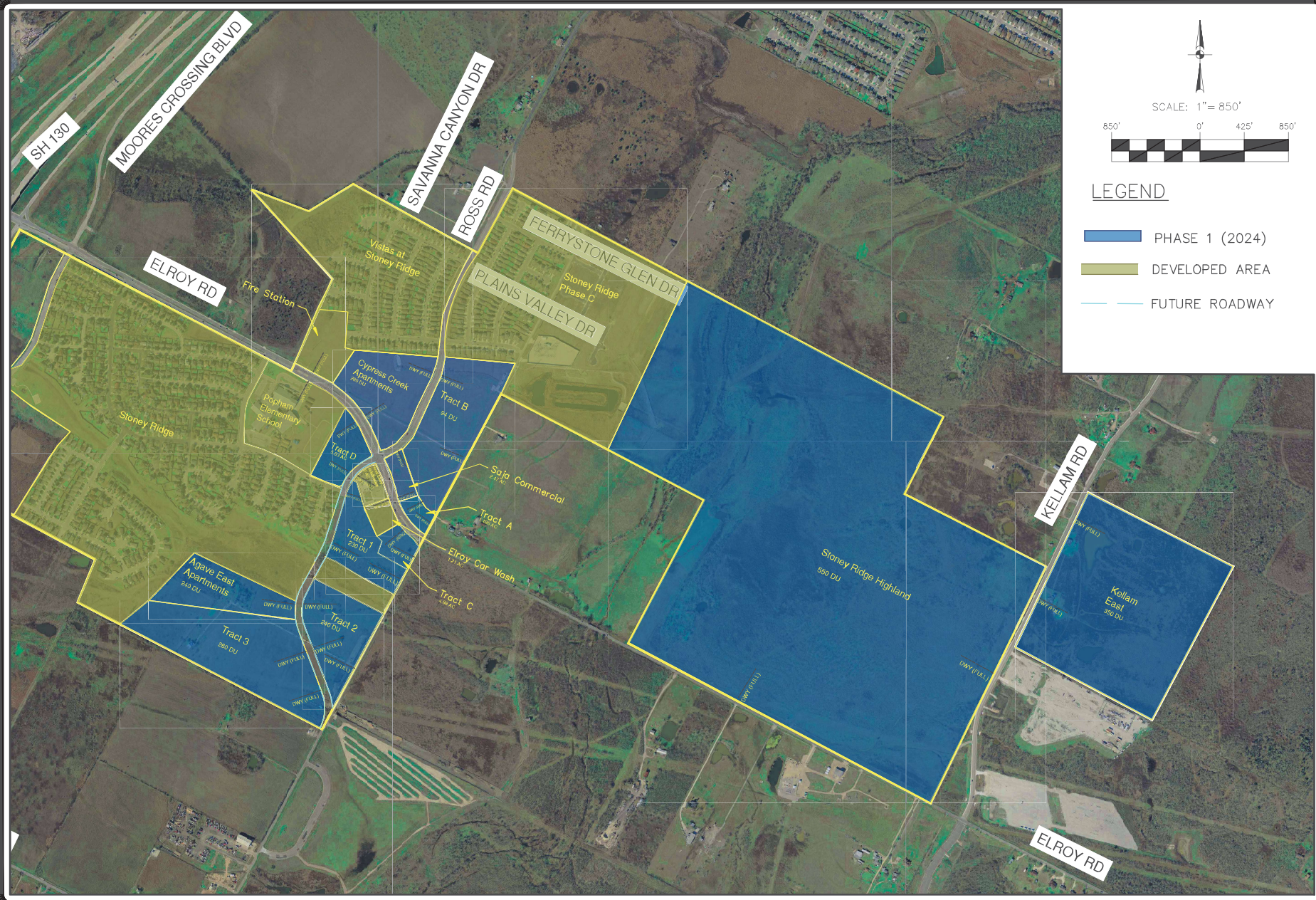
Today, the Moore's Crossing MUD has a bonding capacity of \$32,000,000 with \$12,420,000 issued. Staff has asked the applicant to provide a timeline for development and will send to Council once received. Attached is a [map](#) showing what is developed and undeveloped.



	2019	2020	2021	2022	2023	2024
Customer charge (residential)	\$ 21.74	\$ 26.45	\$ 30.99	\$ 36.14	\$ 41.23	\$ 47.96
Customer charge adjustment	\$ 4.71	\$ 4.54	\$ 5.15	\$ 5.09	\$ 6.73	
Percent change	21.67%	17.16%	16.62%	14.08%	16.32%	

*last full rate case was Year 2018

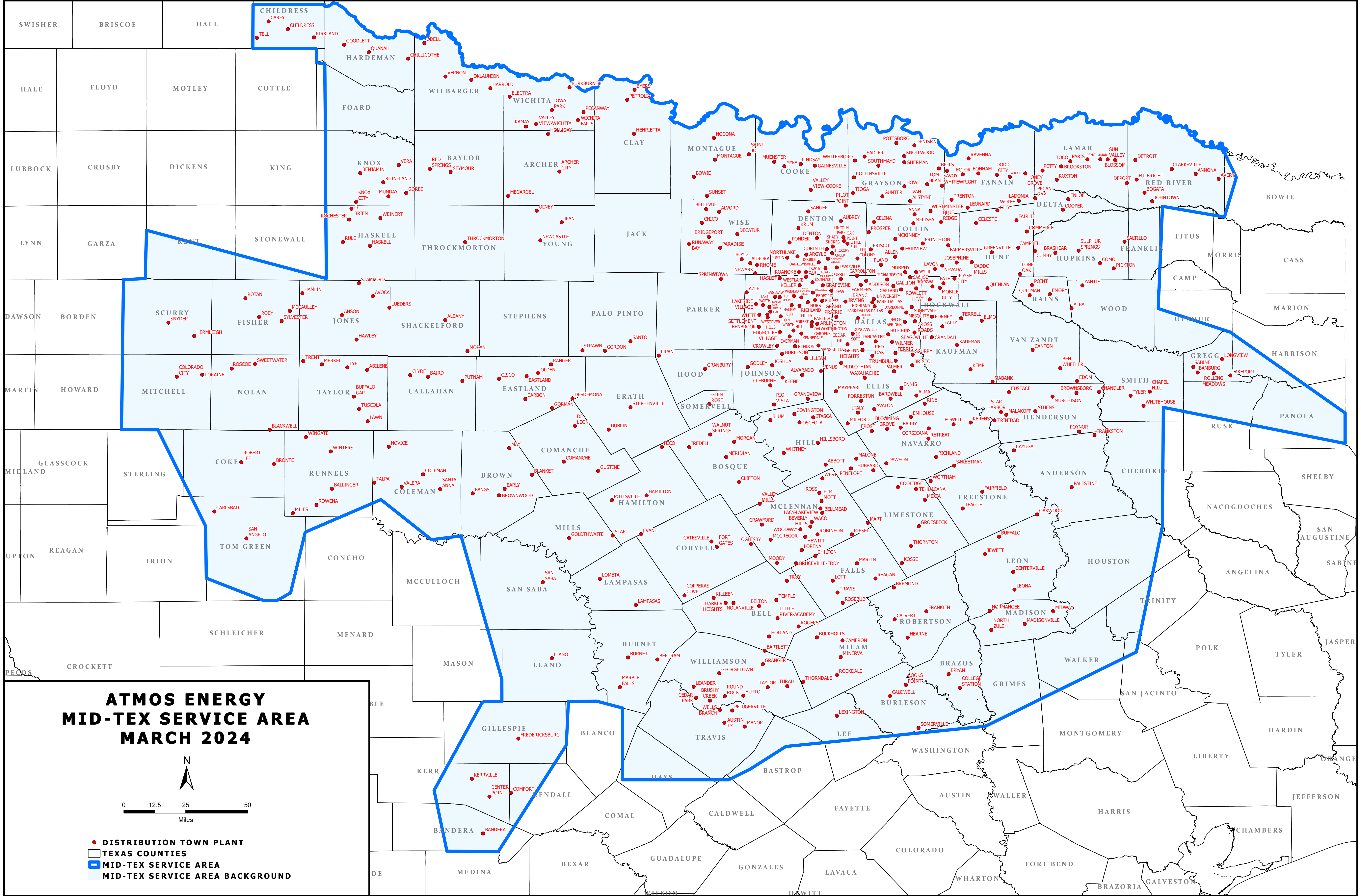
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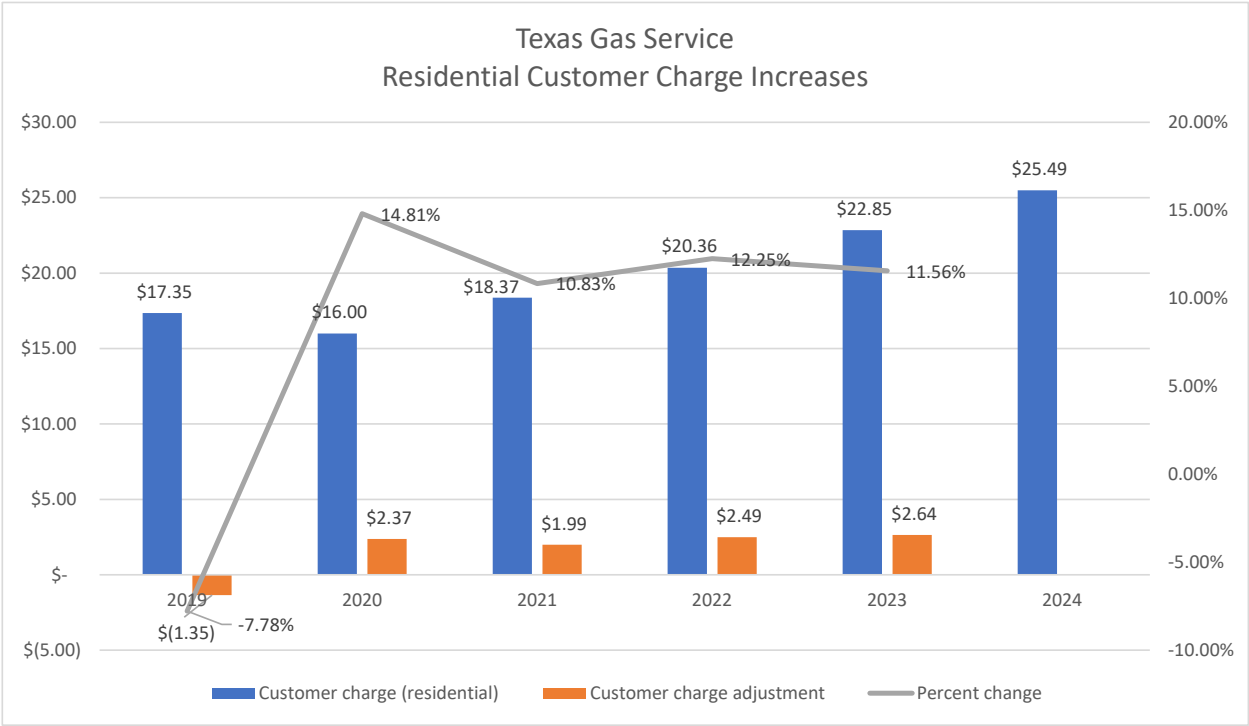


SAN ANTONIO | AUSTIN | FORT WORTH | DALLAS
2000 HW LOOP 410 | SAN ANTONIO, TX 78213 | 210.275.9000
TXPE PPM REGISTRATION #470 | TPPE-S PPM REGISTRATION #1028800

MOORE'S CROSSING
TRAVIS COUNTY, TEXAS
FIGURE 2: PHASE 1 SITE PLAN

JOB NO.	51081-20
DATE	MARCH 2021
DESIGNER	SD
CHECKED	GRW
DRAWN	SD
SHEET	1 of 1





	2019	2020	2021	2022	2023	2024
Customer charge (residential)	\$ 17.35	\$ 16.00	\$ 18.37	\$ 20.36	\$ 22.85	\$ 25.49
Customer charge adjustment	\$ (1.35)	\$ 2.37	\$ 1.99	\$ 2.49	\$ 2.64	
Percent change	-7.78%	14.81%	10.83%	12.25%	11.56%	

*last full rate case was Year 2020
the agreed-to settlement reflects a customer charge of \$16, down from \$18.81 company's proposed customer charge

TXDOT Takings Located at Chicano Park, Norwood Dog Park & Waller Beach



FINANCIAL SERVICES
DEPARTMENT

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 the Financial Services Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Produced by Robert Starke - 4/1/2024

City Council Districts

Nearmap US Vertical Imagery by ESRI

