



AUSTIN CITY COUNCIL
AGENDA

Thursday, March 1, 2018

The Questions and Answers Report will convene at
on Thursday, March 1, 2018 at Austin City Hall
301 W. Second Street
Austin, TX



Mayor Steve Adler
Mayor Pro Tem Kathie Tovo, District 9
Council Member Ora Houston, District 1
Council Member Delia Garz, District 2
Council Member Sabino "Pio" Renteria, District 3
Council Member Gregorio Casar, District 4
Council Member Ann Kitchen, District 5
Council Member Jimmy Flannigan, District 6
Council Member Leslie Pool, District 7
Council Member Ellen Troxclair, District 8
Council Member Alison Alter, District 10

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

4. **Agenda Item #4:** Authorize award and execution of a construction contract with Peabody General Contractors Inc. (WBE), for the 2018 Waterline On-Call Services Indefinite Delivery/Indefinite Quantity project in the amount of \$2,000,000 for an initial one-year term and a two one-year extension options in the amount of \$2,000,000 each, for a total contract amount not to exceed \$6,000,000.

QUESTION: What was the previous contract total, length of contract and yearly spend? If the new proposed is higher, please explain why.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

The previous contract total was originally \$6,000,000 with Council approval to add \$500,000 for a new total of \$6,500,000. The length of the original contract was three years with Council approval to add three months for a total contract of three years and three months. The yearly spend of the original contract was \$2,000,000 per year, plus the additional \$500,000 for the additional three months. The new proposed contract is equal in time (3yrs) and funding (\$6M) as the original time and funding of the previous contract.

6. **Agenda Item #6:** Authorize award and execution of a 60-month interlocal agreement with the Lower Colorado River Authority to perform maintenance, repairs, and dielectric testing on electric utility equipment on vehicles in an amount not to exceed \$1,750,000, with one 60-month extension option in an amount not to exceed \$1,750,000, for a total contract amount not to exceed \$3,500,000.

QUESTION: The RCA states that there is no fiscal impact. Which entity is absorbing the fiscal cost associated with this interlocal agreement?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

Services provided by Lower Colorado River Authority are for various City Departments, which include but are not limited to Austin Energy, Austin Water, Parks and Recreation, Austin Resource Recovery, Watershed, and Public Works. The cost is paid through the maintenance rates set by Fleet Services and budgeted in each department's operating budget every fiscal year.

8. **Agenda Item #8:** Approve a resolution authorizing the extension of line of duty injury leave of absence for Austin Police Department Sergeant Zachary La Hood.

QUESTION: 1) Is this case related to the carbon monoxide leaks with multiple vehicles at APD?

- 2) If so, how many officers are currently on leave due to the leaks?
- 3) Please provide anonymized information on the expiration of their leave of absences.
- 4) If these exist, does the department have enough money in their budget to cover these leave of absences or will the department be in need of assistance from the General Fund Emergency Reserve?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

- 1) Yes, that is the officer's claim
- 2) One additional officer on leave and one on reduced hours
- 3) The second officer's initial year ends on July 25th
- 4) Yes, all officers' salary and benefits are budgeted. The Department does not anticipate needing any additional funding.

- 15.** **Agenda Item #15:** Authorize negotiation and execution of a contract with Community Technology Network, or the other qualified offeror to Request For Proposals JRH0104, to provide community technology access lab management services, for up to five years for a total contract amount not to exceed \$860,000.

QUESTION:

Who currently holds the contract for this service? The backup indicates that the two entities that bid were Community Technology Network of the Bay Area and Austin Free Net. Staff are recommending Community Technology Network of the Bay Area. Could staff please provide additional information regarding what specific components of the proposals led to the higher score for Community Technology Network of the Bay Area? Does staff have any perspective on where this organization is based, and whether they have done any similar work in Austin previously?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

- 1) *Who currently holds the contract for this service?*
Austin Free-Net is the current provider for these services.
- 2) *Does staff have any perspective on where this organization is based, and whether they have done any similar work in Austin previously?*

The recommended contractor, Computer Technology Network (CTN) is currently located in San Francisco, California. CTN has been providing digital literacy services as its sole purpose since it started as a program of CompuMentor (now TechSoup Global) in 2001. CTN's program model was originally based on a regional collaboration of technology and community empowerment professionals. In its first five years, CTN worked closely with community technology practitioners to hold events, accumulate community feedback, and develop a series of best practice guides for bridging the digital divide. In 2007, a TechSoup committee concluded that there was an ongoing and deep need for CTN's work. In 2008, CTN received 501(c)3 status and became an independent nonprofit agency. Today, CTN is managed by a 10-member Board of Directors and six full-time and seven part-time staff members. According to CTN, they believe that access to the Internet is a human right, and that those without the skills to use a computer are at risk of social and economic disadvantage. With a move to Austin, Texas by its Executive Director, Kami Griffiths, CTN seeks to establish this vision and its corresponding mission to unite organizations and volunteers to transform lives through digital literacy.

- 3) *Could staff please provide additional information regarding what specific components of the proposals led to the higher score for Community Technology Network of the Bay Area?*

An evaluation team with expertise in this area evaluated the offers and scored the proposal submitted by Community Technology Network (CTN) higher on all criteria with the exception of local business presence. Evaluation criteria included: proposed solution, prior experience and personnel and cost.

With CTN's permission, below are excerpts from the evaluation committee's comments regarding CTN's proposal.

Plan for Community Technology Access Lab Use and Management

CTN has a strong structure in place, the proposal detailed the management of the labs and what staff is needed and to address site security measures for clients of the labs. Demonstrated knowledge about leveraging assets and obtaining sponsorships for program support.

Three to Five Strategies to Train Residents on credentialed digital literacy skills

CTN will use Northstar to facilitate credentialing of skills, this assessment measures adult's digital literacy skills. These are online, self-guided modules. Included are basic computer digital literacy standards and modules in 10 main areas: Basic Computer Use, Internet, Windows Operating System, Mac OS, Email, Microsoft Word, Social Media, Microsoft Excel, Microsoft PowerPoint, and Information Literacy. CTN's Train the Trainer program will use clients and the client volunteer program as a successful model in the field. The proposal indicated a strong understanding of the program that went beyond what was required in data collection.

Methods to facilitate open source guidelines, processes and tools for the community

CTN will educate developers, such as those involved with Open Austin or ATX Hack for Change, about becoming more responsive to the needs of low digital literacy Internet users, including: a) what it is like for someone with low digital literacy to interact with the Internet, so that developers take this into account when designing websites; and, b) how to address ways those with low literacy can better access/interact online, including seniors, in order to create more accessible websites that help promote interaction.

Reporting capability for target populations

CTN will conduct quarterly assessment of community needs to refine programs along the way to meet needs of target populations. The proposal detailed the ability to track impact including robust intake, pre and post program data. The proposal indicated alignment to all self-sufficiency goals.

Marketing Plan to Bring Awareness of Services

CTN's class schedules provide information about all available services, including drop-in times, one-on-one tutoring, one-time workshops, and ongoing classes. As mentioned above, CTN will communicate information about their services using on-line and in-person methods to get the word out. Community partners will also be invited to utilize the computer centers for their programming, knowing that CTN will cross-promote their events in its newsletter and calendars, expanding awareness to new audiences. In addition, CTN will have community members, Digital Ambassadors, who will assist with bringing awareness about programming by making presentations in the community and sharing information by word of mouth to their neighbors and others who can benefit from the services offered.

Leveraging Capacity with other agencies

CTN's proposal offered new program ideas and proposed many new connections/partnerships, like bringing in the tech community. The proposal indicates the use of clients as ambassadors to go in home by helping people apply for existing services and addresses this special population

of home-bound that we're trying to reach. The proposal identified community leaders through Digital Empowerment Community of Austin (DECA) to address client wraparound, the DECA community is a network of nonprofits, educational institutions, companies and other stakeholders working to bridge the digital divide in Austin, Texas.

Service Coordination with other agencies

CTN's outreach plan is strong and necessary since they're newer to the Austin community. The proposal highlighted partnerships that will be needed to implement the program. The proposal indicated comprehensive research was conducted by CTN on partners, and identification of a strong partner network through the existing Digital Empower Community of Austin, as referenced above.

Plan for implementing a healthy service environment

CTN's proposal addresses this priority program by seeking to create places where people can easily walk, bike, play, and find nearby healthy food options and healthcare. CTN will also seek to connect clients to services through online resources such as Aunt Bertha (auntbertha.com) and 211.org to educate clients on health services available to them using the Internet.

Prior Experience and Personnel

CTN's proposal demonstrates a strong team with relevant experience, many with Austin knowledge and experience working on digital inclusion programming as well as success in San Francisco. The requirements of the RFP were addressed well and served a variety of target populations in different ways. The proposal identified staff with roots in the Austin community, the vision is new, and perspective is fresh of how to serve this community and needs. The proposal demonstrated the ability to deploy similar, successful programs and demonstrated ability to leverage support from private sector and staff in Austin with community/institutional knowledge- based on past experience. CTN staff knows the population and have demonstrated capacity to build programming in the Austin community including demonstrated use of metrics to track program outcomes.

QUESTION

Any Citizens Advisory commissions' review ? - where we can find out the basics (like Council would get for any continuing program re. merit & funding) we were looking for? What programs were included in this solicitation, any newly proposed ones? Any performance measures for previous solicitations or this new solicitation? Do you have specifics about any of programs or goals? References alluded to were universal access/digital divide ("Digital Empowerment"), culturally relevant, social services self-sufficiency, but no descriptions in the backup. (new ones ? re. specific population or locations ... ?)

COUNCIL MEMBER GARZA'S OFFICE

ANSWER:

See attached.

QUESTION:

1. What are the significant changes to the scope of work in this RFP as compared to the previous management contract?
2. What are some of the significant aspects of each proposal that led to the scoring shown in the evaluation matrix in the "Proposed Solution" scoring?
3. What was the size and general composition of the evaluation committee?
4. Regarding "Prior Experience and Personnel" in the matrix, one of the implicit goals of the community access lab management contract has historically been to help provide stability to the contracting organization so that it may deliver community technology benefits that address local

needs above and beyond the contracted services. Was the scope and local presence of Austin Free Net considered in the evaluation, and how was it represented in the scoring? Please explain why Austin Free Net received a poor scoring in the "Prior Experience and Personnel" category when the local nonprofit has been delivering on the community technology contract for over 20 years?

5. Why is there no commission recommendation on the purchasing recommendation. Has there been a commission presentation on this item?

COUNCIL MEMBER POOL'S OFFICE

ANSWER:

- 1) *What are the significant changes to the scope of work in this RFP as compared to the previous management contract?*

The material and substantial changes to the current scope of work included:

- Availability of City refurbished computers
- Reassignment of (2) City staff assigned to the incumbent contractor
- Alignment of Client Outcomes to Austin Public Health Self Sufficiency Outcomes
- Alignment to the City's Digital Inclusion Strategic Plan

- 2) *What are some of the significant aspects of each proposal that led to the scoring shown in the evaluation matrix in the "Proposed Solution" scoring?*

An evaluation team with expertise in this area evaluated the offers and scored the proposal submitted by Community Technology Network (CTN) higher on all criteria with the exception of local business presence. Evaluation criteria included: proposed solution, prior experience and personnel and cost.

With CTN's permission, below are excerpts from the evaluation committee's comments regarding CTN's proposal.

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Austin community, the vision is new, and perspective is fresh of how to serve this community and needs. The proposal demonstrated the ability to deploy similar, successful programs and demonstrated ability to leverage support from private sector and staff in Austin with community/institutional knowledge- based on past experience. CTN staff knows the population and have demonstrated capacity to build programming in the Austin community including demonstrated use of metrics to track program outcomes.

3) *What was the size and general composition of the evaluation committee?*

The evaluation committee was comprised of two individuals from the Telecommunications and Regulatory Affairs Department, one from Austin Public Health, and one from Front Steps.

4) *Regarding "Prior Experience and Personnel" in the matrix, one of the implicit goals of the community access lab management contract has historically been to help provide stability to the contracting organization so that it may deliver community technology benefits that address local needs above and beyond the contracted services. Was the scope and local presence of Austin Free Net considered in the evaluation, and how was it represented in the scoring? Please explain why Austin Free Net received a poor scoring in the "Prior Experience and Personnel" category when the local nonprofit has been delivering on the community technology contract for over 20 years?*

Austin Free-Net was given all 10 points for local presence in their evaluation. Their score for prior experience and personnel was evaluated per all procurement policies and laws based purely on the information submitted in their proposal in response to the requirements of the solicitation, which were:

1. Include names, titles, and qualifications of all professional personnel including the Project Manager who will be assigned to this project. Provide a brief explanation of each proposed staff's experience and qualifications including years of experience in their current position, educational background, certifications/accreditations they hold, etc. Identify the percentage of time personnel will be assigned to this project.

2. List three (3) comparable projects that the Proposer has conducted, and include a brief description of:

- a. Project Name
 - b. The client and the project's purpose
 - c. Budget of each project and final cost invoiced for each project
 - d. Timeframe for the project
 - e. List the contact information for the three (3) references in Section 0700-Reference Sheet which can verify experience in working with your firm and substantiate your success in conducting the study and completing all deliverables within budget and schedule.

3. Describe the organization's experience in providing client-centered training(s) on a short term and/or long-term basis.

4. Provide a detailed description of courses and services it has previously offered which relate to the goals of this RFP.

5. Submit an organizational chart that:

- a. Shows the supervisory and reporting structure for management personnel, administrative personnel and instructors.

- b. Identifies assigned staff for this project.

- c. Demonstrates that the loss or absence of key personnel will not compromise service delivery.
- 5) *Why is there no commission recommendation on the purchasing recommendation? Has there been a commission presentation on this item?*

Answer 5: The Community Technology & Telecommunications Commission reviewed this item after it was posted on February 14, 2018 and recommended approval on a 7-0 vote with one abstention..

- 17.** **Agenda Item #17:** Approve a resolution directing the City Manager to update earned sick leave policies for City employees and to repurpose funds to implement Ordinance No. 20180215-049, relating to paid sick time.

QUESTION: Regarding City paid sick leave, what is the fiscal cost of this policy change for the 2017-2018 budget? What will the fiscal cost be for the 2018-2019 budget? What number and types or classifications (job titles/descriptions/qualifications) of City employees will this policy change affect? Regarding "outreach, education, and consulting assistance to inform the public and assist businesses, particularly small businesses, to prepare for implementation of Ordinance No. 20180215-049," what is the estimated fiscal impact to the City/department budget?

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

For FY18

The immediate staffing needs include hiring three temporary employees to establish the administrative rules, procedures, respond to questions, and facilitate the process for hiring a marketing and outreach consultant. Staff anticipates needing \$100,000 - \$150,000 for this need.

The immediate marketing needs include establishing an RFP for marketing, outreach, and education. Staff anticipates needing \$250,000 for this need (the current resolution for this item suggests moving funding from PARD where majority of the funding from the FY18 budget was placed to pilot COA temporary employees to have access to sick leave).

For FY19

We would bring additional fiscal costs during the budget process. HRD, along with the Budget Office, will work on this amount.

We employ temporary employees through a wide variety of our job titles and pay scales. Examples include field workers, lifeguards, administrative, financial, and professional titles. In 2017, the City of Austin employed 4,730 temporary employees. Approximately 2,900 of those temporary employees worked more than 80 hours in the year.

For FY18, HRD would need to amend Ordinance 20170913-001 for the \$250,000 that was directed for City of Austin temporary employee pilot to have access to earning paid sick days. This money would then need to be used for the outreach, education, and marketing that will be paid to a consultant, as established by issuing an RFP. Actual costs for outreach will be based on the RFP responses.

For FY19, these costs will be brought forward in the FY19 budgeting process.

QUESTION:

Does the earned sick leave policy apply to return-to-work employees? How will this work for

employees who have returned to work on a part-time and/or temporary basis? What is the funding source of the repurposed funds that will be used to implement the ordinance?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

If a retired employee returns to work at the City of Austin as a temporary employee, they would be treated the same way, regardless of their previous employment status, as any other temporary employee that is employed with the City.

Staff anticipates needing \$250,000 for marketing, outreach, and education (the current resolution for this item suggests moving funding from PARD where majority of the funding from the FY18 budget was placed to pilot COA temporary employees to have access to sick leave).

23. **Agenda Item #23:** Approve a resolution directing the City Manager to study and propose potential updates to the City's Tax Increment Financing (TIF) policy and to align the TIF policy with the Strategic Housing Blueprint and mobility bond goals.

QUESTION: 1) (A version of this question appeared in the 9/28/17 Q/A, but the answer is still pending.) The discussion last fall about potentially expanding the Waller Creek TIF raised the possibility that additional money could potentially be used to meet the needs of those experiencing homelessness. However, in the work session on August 29, 2017, staff indicated that because the City would issue debt through this TIF, the \$30 million could be used for emergency shelter and other capital needs related to homelessness, but not to build housing, as permanent (non-shelter) housing is considered economic development and thus cannot be funded with nonvoter-approved debt. Have staff yet analyzed whether transitional housing would be a permitted capital expenditure using TIF funds? Have staff analyzed the parameters in which TIF funds can be utilized for affordable (non-shelter) housing?

MAYOR PRO TEM TOVO'S OFFICE

2) Have staff worked with ECHO and social service providers to identify capital needs other than emergency shelter, such as housing, that would support the "Action Plan to End Homelessness in Austin/Travis County" and be allowable under state law?

MAYOR PRO TEM TOVO'S OFFICE

3) Have staff estimated the amount of money that could become available through TIFs for non-capital needs, such as case management services?

MAYOR PRO TEM TOVO'S OFFICE

4) As directed by Council on August 31, 2017, via Resolution 20170831-103, Council directed the City Manager to analyze and identify alternative funding sources for creating housing and supporting services for those experiencing homelessness and to report back by September 19, 2017. What work has staff completed thus far?

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

1) At the February 27th, 2018 Council Work Session, staff presented an update on the process to revise Waller Creek Tax Increment Reinvestment Zone #17 (TIRZ), as directed from Council Resolution 20170928-52. We expect to bring back an amendment to the TIRZ on April 24th, with action scheduled for May 10th. Part of the analysis for the TIRZ amendment, will be how much of the "but-for" added value will be required to implement

adopted Waller Creek Design Plan.

Once the TIRZ effort is complete, staff will be able to analyze the use of any TIRZ funds available for other eligible expenditures in the district. This analysis will include looking at legal uses of the funds, in conjunction with our new bond counsel.

2) Staff is currently in discussions with ECHO and other providers to develop a Top Ten list of priorities in the form of Short Term, Mid Term and Long Term efforts. Our goal is to have the information ready for Council's review the first of April.

3) As noted above, work on Waller Creek TIRZ #17 amendment will be complete by May.

4) Staff re-sent the responsive information yesterday that addresses a dedicated funding stream for expenditures related to meeting the needs of those experiencing homelessness. We continue to look for creative options in funding needs.

- 40.** **Agenda Item #40:** C14-2017-0067 - Champion Tract 1C - District 10 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6500 FM 2222 Road (West Bull Creek Watershed). Applicant Request: To rezone from neighborhood commercial- conditional overlay (LR-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To grant general commercial services- conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny general commercial services- conditional overlay (CS-CO) combining district zoning. Owner/Applicant: Champion, Meier Assets, Ltd. (Terry Bray). Agent: Ambrust & Brown, L.L.P (Richard T. Suttle, Jr.). City Staff: Scott Grantham, 512-974-3574.

QUESTION: The staff report indicates that "staff sought a zoning category that would allow convenience storage as a permitted use. General commercial services (CS) is the most restrictive zoning district in which convenience storage is permitted." However, if convenience storage is allowed as a conditional use in the W/LO zoning category, why didn't staff recommend that category? The staff report also says that "CS allows many uses which may not be desirable in this location." However, W/LO does not seem to permit those uses. Since W/LO allows for convenience storage but does not allow for most of the 35+ uses that staff is recommending the council to prohibit in the conditional overlay, what planning principles did staff apply to arrive at the recommendation for CS-CO zoning rather than W/LO? Why did staff detail in the report a need to identify a zoning category that allowed convenience storage as a permitted use rather than a conditional use? Which of the 4 principles identified in the "basis for recommendation" section of the staff report would not also be applicable to W/LO zoning on this site?

QUESTION FROM COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

1. *The staff report indicates that "staff sought a zoning category that would allow convenience storage as a permitted use. General commercial services (CS) is the most restrictive zoning district in which convenience storage is permitted." However, if convenience storage is allowed as a conditional use in the W/LO zoning category, why didn't staff recommend that category?*

The property has a very high percentage of flood plain, and also has limitations on Floor-to Area Ratio from the Hill Country Roadway Ordinance - low intensity zone. With the footprint thus limited, staff would support more height on the site which would be allowable in CS (60 ft), but not in W/LO (1 story or 25 feet).

2. *The staff report also says that "CS allows many uses which may not be desirable in this location." However, W/LO does not seem to permit those uses. Since W/LO allows for*

convenience storage but does not allow for most of the 35+ uses that staff is recommending the council to prohibit in the conditional overlay, what planning principles did staff apply to arrive at the recommendation for CS-CO zoning rather than W/LO?

Staff's rationale considered both zoning categories as a whole, both in terms of development standards and allowable uses. Because of the constrained nature of the site, in terms of physical characteristics and layers of regulation, staff supported CS which has less restrictive development standards.

3. *Why did staff detail in the report a need to identify a zoning category that allowed convenience storage as a permitted use rather than a conditional use?*

No guiding principle would limit staff's recommendation to a zoning category in which a proposed use is permitted rather than conditional. Staff considers zoning categories as complete packages, including use standards and development standards.

4. *Which of the 4 principles identified in the "basis for recommendation" section of the staff report would not also be applicable to W/LO zoning on this site?*

Arguably, "Zoning should allow for reasonable use of the property" since the property is already constrained by a flood plain, the Lake Austin Watershed Ordinance, and the Hill Country Roadway ordinance. The W/LO category would present a further height constraint and would increase the difficulty on an already difficult site.

QUESTION:

The staff report indicates that a large portion of the property is located within the City of Austin fully developed 100-year floodplain. Can staff please provide a map showing where the floodplain is on the property and also provide information on what percentage of the property is located within the floodplain? The staff report indicates City of Austin staff have evaluated the site and analytical reports provided by the applicant and have determined that the site is in compliance with State regulations and no additional cleanup is necessary from the lead-deposits on the site. Can staff please provide additional information? When was the site evaluated and which department(s) participated in the evaluation? Can staff please provide a copy of the analytical reports that were evaluated to determine compliance? What are the uses allowed on the site today as either permitted or conditional uses?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

1. *The staff report indicates that a large portion of the property is located within the City of Austin fully developed 100-year floodplain. Can staff please provide a map showing where the floodplain is on the property and also provide information on what percentage of the property is located within the floodplain?*

See attached map - Pink and green both make up the 100-year floodplain.

41.2% of the site is in the 100 year floodplain. Note that the areas outside the floodplain are not necessarily buildable, due to steep slopes and lack of continuity.

2. *The staff report indicates City of Austin staff have evaluated the site and analytical reports provided by the applicant and have determined that the site is in compliance with State regulations and no additional cleanup is necessary from the lead-deposits on the site. Can staff please provide additional information? When was the site evaluated and which department(s) participated in the evaluation? Can staff please provide a copy of the analytical reports that were evaluated to determine compliance?*

Staff from the Watershed Protection Department, including the Environmental Officer and an investigator from the Spills and Complaints Response Program (SCRIP), who have both had long experience with the lead contamination on Champion Tract 1C reviewed documents provided by the applicant, as well as documents in the department's files.

Lead contamination on the site was a result of its historical use as a shooting range. The TCEQ investigation and resulting cleanup of the site by the owner was a result of an SCRP investigation in the 1990's. The Texas Commission on Environmental Quality issued a Final Certificate of Completion in 2002 (attached) indicating the site meets state standards (500 mg/kg) for residential use, the most protective cleanup standards. After discussions with staff in 2017 the applicant performed confirmation soil and stream sediment sampling in the summer of 2017 and confirmed that the site meets the state standards for lead. The 2017 sampling report, which was reviewed by staff, is attached. SCRP staff also visited the site and found no visual evidence of lead on the site.

3. What are the uses allowed on the site today as either permitted or conditional uses?

Uses permitted under LR:

Bed & Breakfast (Group 1)
Bed & Breakfast (Group 2)
Administrative and Business Offices
Art Gallery
Art Workshop
Consumer Convenience Services
Consumer Repair Services
Financial Services
Food Sales
General Retail Sales (Convenience)
Medical Offices -- not exceeding 5000 sq. ft. gross floor area
Off-Site Accessory Parking¹⁴
Pedicab Storage and Dispatch
Personal Services
Pet Services
Printing and Publishing
Professional Office
Restaurant (Limited)
Service Station
Software Development
Community Garden
Urban Farm
College and University Facilities
Communication Service Facilities
Counseling Services
Cultural Services
Day Care Services (Commercial)
Day Care Services (General)
Day Care Services (Limited)
Family Home
Group Home, Class I (General)
Group Home, Class I (Limited)
Guidance Services
Local Utility Services
Private Primary Educational Facilities
Private Secondary Educational Facilities
Public Primary Educational Facilities
Public Secondary Educational Facilities

Religious Assembly
Safety Services

Permitted in LR with Special Requirements:

General Retail Sales (General)
Personal Improvement Services
Restaurant (General)
Community Events

Conditional in LR:

Alternative Financial Services
Medical Offices -- exceeding 5000 sq. ft. gross floor area
Plant Nursery
Special Use Historic
Custom Manufacturing
Club or Lodge
Community Recreation (Private)
Community Recreation (Public)
Congregate Living
Group Home, Class II
Hospital Services (Limited)
Residential Treatment



City of Austin

301 W. Second Street
Austin, TX

Recommendation for Action

File #: 18-1536, **Agenda Item #:** 4.

3/1/2018

Agenda Item

Agenda Item #4: Authorize award and execution of a construction contract with Peabody General Contractors Inc. (WBE), for the 2018 Waterline On-Call Services Indefinite Delivery/Indefinite Quantity project in the amount of \$2,000,000 for an initial one-year term and a two one-year extension options in the amount of \$2,000,000 each, for a total contract amount not to exceed \$6,000,000.

QUESTION: What was the previous contract total, length of contract and yearly spend? If the new proposed is higher, please explain why.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

The previous contract total was originally \$6,000,000 with Council approval to add \$500,000 for a new total of \$6,500,000. The length of the original contract was three years with Council approval to add three months for a total contract of three years and three months. The yearly spend of the original contract was \$2,000,000 per year, plus the additional \$500,000 for the additional three months. The new proposed contract is equal in time (3yrs) and funding (\$6M) as the original time and funding of the previous contract.



City of Austin

301 W. Second Street
Austin, TX

Recommendation for Action

File #: 18-1537, **Agenda Item #:** 6.

3/1/2018

Agenda Item

Agenda Item #6: Authorize award and execution of a 60-month interlocal agreement with the Lower Colorado River Authority to perform maintenance, repairs, and dielectric testing on electric utility equipment on vehicles in an amount not to exceed \$1,750,000, with one 60-month extension option in an amount not to exceed \$1,750,000, for a total contract amount not to exceed \$3,500,000.

QUESTION: The RCA states that there is no fiscal impact. Which entity is absorbing the fiscal cost associated with this interlocal agreement?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

Services provided by Lower Colorado River Authority are for various City Departments, which include but are not limited to Austin Energy, Austin Water, Parks and Recreation, Austin Resource Recovery, Watershed, and Public Works. The cost is paid through the maintenance rates set by Fleet Services and budgeted in each department's operating budget every fiscal year.



City of Austin

301 W. Second Street
Austin, TX

Recommendation for Action

File #: 18-1538, **Agenda Item #:** 8.

3/1/2018

Agenda Item

Agenda Item #8: Approve a resolution authorizing the extension of line of duty injury leave of absence for Austin Police Department Sergeant Zachary La Hood.

- QUESTION:** 1) Is this case related to the carbon monoxide leaks with multiple vehicles at APD?
2) If so, how many officers are currently on leave due to the leaks?
3) Please provide anonymized information on the expiration of their leave of absences.
4) If these exist, does the department have enough money in their budget to cover these leave of absences or will the department be in need of assistance from the General Fund Emergency Reserve?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

- 1) Yes, that is the officer's claim
- 2) One additional officer on leave and one on reduced hours
- 3) The second officer's initial year ends on July 25th
- 4) Yes, all officers' salary and benefits are budgeted. The Department does not anticipate needing any additional funding.



City of Austin

301 W. Second Street
Austin, TX

Recommendation for Action

File #: 18-1449, **Agenda Item #:** 15.

3/1/2018

Agenda Item

Agenda Item #15: Authorize negotiation and execution of a contract with Community Technology Network, or the other qualified offeror to Request For Proposals JRH0104, to provide community technology access lab management services, for up to five years for a total contract amount not to exceed \$860,000.

QUESTION:

Who currently holds the contract for this service? The backup indicates that the two entities that bid were Community Technology Network of the Bay Area and Austin Free Net. Staff are recommending Community Technology Network of the Bay Area. Could staff please provide additional information regarding what specific components of the proposals led to the higher score for Community Technology Network of the Bay Area? Does staff have any perspective on where this organization is based, and whether they have done any similar work in Austin previously?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

- 1) *Who currently holds the contract for this service?*

Austin Free-Net is the current provider for these services.

- 2) *Does staff have any perspective on where this organization is based, and whether they have done any similar work in Austin previously?*

The recommended contractor, Computer Technology Network (CTN) is currently located in San Francisco, California. CTN has been providing digital literacy services as its sole purpose since it started as a program of CompuMentor (now TechSoup Global) in 2001. CTN's program model was originally based on a regional collaboration of technology and community empowerment professionals. In its first five years, CTN worked closely with community technology practitioners to hold events, accumulate community feedback, and develop a series of best practice guides for bridging the digital divide. In 2007, a TechSoup committee concluded that there was an ongoing and deep need for CTN's work. In 2008, CTN received 501(c)3 status and became an independent nonprofit agency. Today, CTN is managed by a 10-member Board of Directors and six full-time and seven part-time staff members. According to CTN, they believe that access to the Internet is a human right, and that those without the skills to use a computer are at risk of social and economic disadvantage. With a move to Austin, Texas by its Executive Director, Kami Griffiths, CTN seeks to establish this vision and its corresponding mission to unite organizations and volunteers to transform lives through digital literacy.

- 3) *Could staff please provide additional information regarding what specific components of the proposals led to the higher score for Community Technology Network of the Bay Area?*

An evaluation team with expertise in this area evaluated the offers and scored the proposal submitted by Community Technology Network (CTN) higher on all criteria with the exception of local business presence. Evaluation criteria included: proposed solution, prior experience and personnel and cost.

With CTN's permission, below are excerpts from the evaluation committee's comments regarding CTN's proposal.

Plan for Community Technology Access Lab Use and Management

CTN has a strong structure in place, the proposal detailed the management of the labs and what staff is needed and to address site security measures for clients of the labs. Demonstrated knowledge about leveraging assets and obtaining sponsorships for program support.

Three to Five Strategies to Train Residents on credentialed digital literacy skills

CTN will use Northstar to facilitate credentialing of skills, this assessment measures adult's digital literacy skills. These are online, self-guided modules. Included are basic computer digital literacy standards and modules in 10 main areas: Basic Computer Use, Internet, Windows Operating System, Mac OS, Email, Microsoft Word, Social Media, Microsoft Excel, Microsoft PowerPoint, and Information Literacy. CTN's Train the Trainer program will use clients and the client volunteer program as a successful model in the field. The proposal indicated a strong understanding of the program that went beyond what was required in data collection.

Methods to facilitate open source guidelines, processes and tools for the community

CTN will educate developers, such as those involved with Open Austin or ATX Hack for Change, about becoming more responsive to the needs of low digital literacy Internet users, including: a) what it is like for someone with low digital literacy to interact with the Internet, so that developers take this into account when designing websites; and, b) how to address ways those with low literacy can better access/interact online, including seniors, in order to create more accessible websites that help promote interaction.

Reporting capability for target populations

CTN will conduct quarterly assessment of community needs to refine programs along the way to meet needs of target populations. The proposal detailed the ability to track impact including robust intake, pre and post program data. The proposal indicated alignment to all self-sufficiency goals.

Marketing Plan to Bring Awareness of Services

CTN's class schedules provide information about all available services, including drop-in times, one-on-one tutoring, one-time workshops, and ongoing classes. As mentioned above, CTN will communicate information about their services using on-line and in-person methods to get the word out. Community partners will also be invited to utilize the computer centers for their programming, knowing that CTN will cross-promote their events in its newsletter and calendars, expanding awareness to new audiences. In addition, CTN will have community members, Digital Ambassadors, who will assist with bringing awareness about programming by making presentations in the community and sharing information by word of mouth to their neighbors and others who can benefit from the services offered.

Leveraging Capacity with other agencies

CTN's proposal offered new program ideas and proposed many new connections/partnerships, like bringing in the tech community. The proposal indicates the use of clients as ambassadors to go in home by helping people apply for existing services and addresses this special population of home-bound that we're trying to reach. The proposal identified community leaders through Digital Empowerment Community of Austin (DECA) to address client wraparound, the DECA community is a network of nonprofits, educational institutions, companies and other stakeholders working to bridge the digital divide in Austin, Texas.

Service Coordination with other agencies

CTN's outreach plan is strong and necessary since they're newer to the Austin community. The proposal highlighted partnerships that will be needed to implement the program. The proposal indicated comprehensive research was conducted by CTN on partners, and identification of a strong partner network through the existing Digital Empower Community of Austin, as referenced above.

Plan for implementing a healthy service environment

CTN's proposal addresses this priority program by seeking to create places where people can easily walk, bike, play, and find nearby healthy food options and healthcare. CTN will also seek to connect clients to services through online resources such as Aunt Bertha (auntbertha.com) and 211.org to educate clients on health services available to them using the Internet.

Prior Experience and Personnel

CTN's proposal demonstrates a strong team with relevant experience, many with Austin knowledge and experience working on digital inclusion programming as well as success in San Francisco. The requirements of the RFP were addressed well and served a variety of target populations in different ways. The proposal identified staff with roots in the Austin community, the vision is new, and perspective is fresh of how to serve this community and needs. The proposal demonstrated the ability to deploy similar, successful programs and demonstrated ability to leverage support from private sector and staff in Austin with community/institutional knowledge- based on past experience. CTN staff knows the population and have demonstrated capacity to build programming in the Austin community including demonstrated use of metrics to track program outcomes.

QUESTION

Any Citizens Advisory commissions' review ? - where we can find out the basics (like Council would get for any continuing program re. merit & funding) we were looking for? What programs were included in this solicitation, any newly proposed ones? Any performance measures for previous solicitations or this new solicitation? Do you have specifics about any of programs or goals? References alluded to were universal access/digital divide ("Digital Empowerment"), culturally relevant, social services self-sufficiency, but no descriptions in the backup. (new ones ? re. specific population or locations ... ?)

COUNCIL MEMBER GARZA'S OFFICE

ANSWER:

See attached.

QUESTION:

1. What are the significant changes to the scope of work in this RFP as compared to the previous management contract?
2. What are some of the significant aspects of each proposal that led to the scoring shown in the evaluation matrix in the "Proposed Solution" scoring?
3. What was the size and general composition of the evaluation committee?
4. Regarding "Prior Experience and Personnel" in the matrix, one of the implicit goals of the community access lab management contract has historically been to help provide stability to the contracting organization so that it may deliver community technology benefits that address local needs above and beyond the contracted services. Was the scope and local presence of Austin Free Net considered in the evaluation, and how was it represented in the scoring? Please explain why Austin Free Net received a poor scoring in the "Prior Experience and Personnel" category when the local nonprofit has been delivering on the community technology contract for over 20 years?
5. Why is there no commission recommendation on the purchasing recommendation. Has there been a commission presentation on this item?

COUNCIL MEMBER POOL'S OFFICE

ANSWER:

- 1) *What are the significant changes to the scope of work in this RFP as compared to the previous management contract?*

The material and substantial changes to the current scope of work included:

- Availability of City refurbished computers
- Reassignment of (2) City staff assigned to the incumbent contractor
- Alignment of Client Outcomes to Austin Public Health Self Sufficiency Outcomes
- Alignment to the City's Digital Inclusion Strategic Plan

2) *What are some of the significant aspects of each proposal that led to the scoring shown in the evaluation matrix in the "Proposed Solution" scoring?*

An evaluation team with expertise in this area evaluated the offers and scored the proposal submitted by Community Technology Network (CTN) higher on all criteria with the exception of local business presence. Evaluation criteria included: proposed solution, prior experience and personnel and cost.

With CTN's permission, below are excerpts from the evaluation committee's comments regarding CTN's proposal.

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CTN will conduct quarterly assessment of community needs to refine programs along the way to meet needs of target populations. The proposal detailed the ability to track impact including robust intake, pre and post program data. The proposal indicated alignment to all self-sufficiency goals.

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CTN's class schedules provide information about all available services, including drop-in times, one-on-one tutoring, one-time workshops, and ongoing classes. As mentioned above, CTN will communicate information about their services using on-line and in-person methods to get the word out. Community partners will also be invited to utilize the computer centers for their programming, knowing that CTN will cross-promote their events in its newsletter and calendars, expanding awareness to new audiences. In addition, CTN will have community members, Digital Ambassadors, who will assist with bringing awareness about programming by making presentations in the community and sharing information by word of mouth to their neighbors and others who can

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- 3) *What was the size and general composition of the evaluation committee?*

The evaluation committee was comprised of two individuals from the Telecommunications and Regulatory Affairs Department, one from Austin Public Health, and one from Front Steps.

- 4) *Regarding "Prior Experience and Personnel" in the matrix, one of the implicit goals of the community access lab management contract has historically been to help provide stability to the contracting organization so that it may deliver community technology benefits that address local needs above and beyond the contracted services. Was the scope and local presence of Austin Free Net considered in the evaluation, and how was it represented in the scoring? Please explain why Austin Free Net received a poor scoring in the "Prior Experience and Personnel" category when the local nonprofit has been delivering on the community technology contract for over 20 years?*

Austin Free-Net was given all 10 points for local presence in their evaluation. Their score for prior experience and personnel was evaluated per all procurement policies and laws based purely on the information submitted in their proposal in response to the requirements of the solicitation, which were:

1. Include names, titles, and qualifications of all professional personnel including the Project Manager who will be assigned to this project. Provide a brief explanation of each proposed staff's experience and qualifications

including years of experience in their current position, educational background, certifications/accreditations they hold, etc. Identify the percentage of time personnel will be assigned to this project.

2. List three (3) comparable projects that the Proposer has conducted, and include a brief description of:
 - a. Project Name
 - b. The client and the project's purpose
 - c. Budget of each project and final cost invoiced for each project
 - d. Timeframe for the project
 - e. List the contact information for the three (3) references in Section 0700-Reference Sheet which can verify experience in working with your firm and substantiate your success in conducting the study and completing all deliverables within budget and schedule.
3. Describe the organization's experience in providing client-centered training(s) on a short term and/or long-term basis.
4. Provide a detailed description of courses and services it has previously offered which relate to the goals of this RFP.
5. Submit an organizational chart that:
 - a. Shows the supervisory and reporting structure for management personnel, administrative personnel and instructors.
 - b. Identifies assigned staff for this project.
 - c. Demonstrates that the loss or absence of key personnel will not compromise service delivery.

5) *Why is there no commission recommendation on the purchasing recommendation? Has there been a commission presentation on this item?*

Answer 5: The Community Technology & Telecommunications Commission reviewed this item after it was posted on February 14, 2018 and recommended approval on a 7-0 vote with one abstention..



Council Question and Answer

Related To

Item #42

Meeting Date

February 15, 2018

Additional Answer Information

QUESTION:

Any Citizens Advisory commissions' review ? - where we can find out the basics (like Council would get for any continuing program re. merit & funding) we were looking for? What programs were included in this solicitation, any newly proposed ones? Any performance measures for previous solicitations or this new solicitation? Do you have specifics about any of programs or goals? References alluded to were universal access/digital divide ("Digital Empowerment"), culturally relevant, social services self-sufficiency, but no descriptions in the backup. (new ones ? re. specific population or locations ... ?)

COUNCIL MEMBER GARZA'S OFFICE

ANSWER:

- 1) Any Citizens Advisory commissions' review ? – where we can find out the basics (like Council would get for any continuing program re. merit & funding) we were looking for?

The Community Technology & Telecommunications Commission is scheduled to consider a recommendation to Council on the awardee at its February 14, 2018 meeting.

The [City's Digital Inclusion Strategic Plan](#), unanimously adopted by the Austin City Council on November 20, 2014, outlines key community assets that can be built upon to help overcome barriers and challenges that make it difficult for specific groups to fully engage in our digital society.

- 2) What programs were included in this solicitation, any newly proposed ones?

The material and substantial changes to the current scope of work included:

- Availability of City refurbished computers
- Reassignment of (2) City staff assigned to the incumbent contractor
- Alignment of Client Outcomes to Austin Public Health Self Sufficiency Outcomes
- Alignment to the City's Digital Inclusion Strategic Plan

- 3) Any performance measures for previous solicitations or this new solicitation?

This is the first time the service has been solicited since its inception in 1995. All previous contracts were sole source contracts with a different Scope of Work, however the following are the most recent performance measures reported on in the current contract:

Outputs

821 total number of unduplicated clients served at City Community Technology Access Labs
102,949 Total Number of Hours on Austin Free-Net Computers
53,274 Total Number Lab Open Hours
4,874 Total Number of Hours Contributed by Austin Free-Net Volunteers

Outcomes

82% of participants in digital inclusion programs who demonstrate understand and create skills
60% of participants in digital inclusion programs who obtain employment related training
48% of participants in digital inclusion programs who have been referred to service agencies

This new solicitation included the following performance measure requirements in section 0500, Scope of Work:

5.1 The Contractor shall include the following high-level outcomes in quarterly and annual proposal

- Percent of programs' participants that improved their basic digital skills
- Percent of programs' participants that demonstrate greater self-sufficiency
- Percent of programs' participants who indicate overall satisfaction of services provided
- Additional outcomes may also be proposed, if applicable.
- Marketing and outreach work performed

5.2 The Contractor shall include all of the following outputs in their proposal (as referenced in Section 0640, Program Performance Measures and Goals). Additional outputs may also be proposed.

- Total Number of Unduplicated Clients Served at City Community Technology Access & Digital Learning Labs
- Number of Referrals Made to Other Service Providers
- Number of City of Austin Self-Sufficiency Outcomes Enhanced through Services Trainings Offered
- Number of Devices Used
- Total Number of Clients Served
- Total Cost Per Client
- Total Number of Clients in Training Programs

With Community Technology Network's (CTN's) permission, below are Proposed Annual (1 year) Performance Measures and Goals from CTN's proposal.

Outputs

1,339 number of Unduplicated Clients to be enrolled in digital literacy skills training at City Community Technology Access Labs
1,004 Number of Referrals to be Made to Other Service Providers
469 unduplicated clients who receive Northstar Certificate
600 unduplicated clients who sign up for more information via events

Outcomes

85% of participants in digital inclusion programs that improved their basic digital skills
50% of programs' participants that demonstrate greater self-sufficiency
50% of programs' participants who demonstrated a need for Access via Reliable & Affordable Devices
50% of participants in digital inclusion programs that get connected at home, who want it and have a device

4) Specifics about any of programs or goals? : references alluded to were universal access/digital divide ("Digital Empowerment"), culturally relevant, social services self-sufficiency, but no descriptions in the backup. (new ones ? re. specific population or locations ... ?)

In reference to Community Technology Access Lab Management & Digital Literacy Skills Training Services:

- Reference Scope of Work for programs and goals including 4.1.3 to Develop a process to evaluate locations of new public access facilities and propose locations for a location to provide services to Southeast Austin.
- Reference Glossary of Terms including public access, Credentialed Digital Literacy Skills (DLS) Training, Leveraged Computer, Hardware and Network Availability, Open source, and Train the Trainer Model.
- Reference Digital Empowerment Community of Austin: Roadmap Report for access/digital divide (digital empowerment) background
- Reference Digital Inclusion Connection to Self-Sufficiency Goals and Life Continuum Categories, Digital Inclusion Strategic Plan Goals and Imagine Austin including Safety Net Infrastructure, Transition Out of Poverty, Problem Prevention, Universal Support Services and Enrichment for Adults and Families and Seniors & Persons with Disabilities.
- Reference City of Austin Facilities, Program Channels & Support for locations.



City of Austin

301 W. Second Street
Austin, TX

Recommendation for Action

File #: 18-1481, **Agenda Item #:** 17.

3/8/2018

Agenda Item

Agenda Item #17: Approve a resolution directing the City Manager to update earned sick leave policies for City employees and to repurpose funds to implement Ordinance No. 20180215-049, relating to paid sick time.

QUESTION: Regarding City paid sick leave, what is the fiscal cost of this policy change for the 2017-2018 budget? What will the fiscal cost be for the 2018-2019 budget? What number and types or classifications (job titles/descriptions/qualifications) of City employees will this policy change affect? Regarding "outreach, education, and consulting assistance to inform the public and assist businesses, particularly small businesses, to prepare for implementation of Ordinance No. 20180215-049," what is the estimated fiscal impact to the City/department budget?

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

For FY18

The immediate staffing needs include hiring three temporary employees to establish the administrative rules, procedures, respond to questions, and facilitate the process for hiring a marketing and outreach consultant. Staff anticipates needing \$100,000 - \$150,000 for this need.

The immediate marketing needs include establishing an RFP for marketing, outreach, and education. Staff anticipates needing \$250,000 for this need (the current resolution for this item suggests moving funding from PARD where majority of the funding from the FY18 budget was placed to pilot COA temporary employees to have access to sick leave).

For FY19

We would bring additional fiscal costs during the budget process. HRD, along with the Budget Office, will work on this amount.

We employ temporary employees through a wide variety of our job titles and pay scales. Examples include field workers, lifeguards, administrative, financial, and professional titles.

In 2017, the City of Austin employed 4,730 temporary employees. Approximately 2,900 of those temporary employees worked more than 80 hours in the year.

For FY18, HRD would need to amend Ordinance 20170913-001 for the \$250,000 that was directed for City of Austin temporary employee pilot to have access to earning paid sick days. This money would then need to be used for the outreach, education, and marketing that will be paid to a consultant, as established by issuing an RFP. Actual costs for outreach will be based on the RFP responses.

For FY19, these costs will be brought forward in the FY19 budgeting process.

QUESTION:

Does the earned sick leave policy apply to return-to-work employees? How will this work for employees who have returned to work on a part-time and/or temporary basis? What is the funding source of the repurposed funds that will be used to implement the ordinance?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

If a retired employee returns to work at the City of Austin as a temporary employee, they would be treated the same way, regardless of their previous employment status, as any other temporary employee that is employed with the City. Staff anticipates needing \$250,000 for marketing, outreach, and education (the current resolution for this item suggests moving funding from PARD where majority of the funding from the FY18 budget was placed to pilot COA temporary employees to have access to sick leave).



City of Austin

301 W. Second Street
Austin, TX

Recommendation for Action

File #: 18-1540, **Agenda Item #:** 23.

3/1/2018

Agenda Item

Agenda Item #23: Approve a resolution directing the City Manager to study and propose potential updates to the City's Tax Increment Financing (TIF) policy and to align the TIF policy with the Strategic Housing Blueprint and mobility bond goals.

QUESTION: 1) (A version of this question appeared in the 9/28/17 Q/A, but the answer is still pending.) The discussion last fall about potentially expanding the Waller Creek TIF raised the possibility that additional money could potentially be used to meet the needs of those experiencing homelessness. However, in the work session on August 29, 2017, staff indicated that because the City would issue debt through this TIF, the \$30 million could be used for emergency shelter and other capital needs related to homelessness, but not to build housing, as permanent (non-shelter) housing is considered economic development and thus cannot be funded with nonvoter-approved debt. Have staff yet analyzed whether transitional housing would be a permitted capital expenditure using TIF funds? Have staff analyzed the parameters in which TIF funds can be utilized for affordable (non-shelter) housing?

MAYOR PRO TEM TOVO'S OFFICE

2) Have staff worked with ECHO and social service providers to identify capital needs other than emergency shelter, such as housing, that would support the "Action Plan to End Homelessness in Austin/Travis County" and be allowable under state law?

MAYOR PRO TEM TOVO'S OFFICE

3) Have staff estimated the amount of money that could become available through TIFs for non-capital needs, such as case management services?

MAYOR PRO TEM TOVO'S OFFICE

4) As directed by Council on August 31, 2017, via Resolution 20170831-103, Council directed the City Manager to analyze and identify alternative funding sources for creating housing and supporting services for those experiencing homelessness and to report back by September 19, 2017. What work has staff completed thus far?

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

1) At the February 27th, 2018 Council Work Session, staff presented an update on the process to revise Waller Creek Tax Increment Reinvestment Zone #17 (TIRZ), as directed from Council Resolution 20170928-52. We expect to bring back an amendment to the TIRZ on April 24th, with action scheduled for May 10th. Part of the analysis for the TIRZ amendment, will be how much of the "but-for" added value will be required to

implement adopted Waller Creek Design Plan.

Once the TIRZ effort is complete, staff will be able to analyze the use of any TIRZ funds available for other eligible expenditures in the district. This analysis will include looking at legal uses of the funds, in conjunction with our new bond counsel.

2) Staff is currently in discussions with ECHO and other providers to develop a Top Ten list of priorities in the form of Short Term, Mid Term and Long Term efforts. Our goal is to have the information ready for Council's review the first of April.

3) As noted above, work on Waller Creek TIRZ #17 amendment will be complete by May.

4) Staff re-sent the responsive information yesterday that addresses a dedicated funding stream for expenditures related to meeting the needs of those experiencing homelessness. We continue to look for creative options in funding needs.



City of Austin

301 W. Second Street
Austin, TX

Recommendation for Action

File #: 18-1480, Agenda Item #: 40.

3/1/2018

Agenda Item

Agenda Item #40: C14-2017-0067 - Champion Tract 1C - District 10 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6500 FM 2222 Road (West Bull Creek Watershed). Applicant Request: To rezone from neighborhood commercial- conditional overlay (LR-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To grant general commercial services- conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny general commercial services- conditional overlay (CS-CO) combining district zoning. Owner/Applicant: Champion, Meier Assets, Ltd. (Terry Bray). Agent: Ambrust & Brown, L.L.P (Richard T. Suttle, Jr.). City Staff: Scott Grantham, 512-974-3574.

QUESTION: The staff report indicates that “staff sought a zoning category that would allow convenience storage as a permitted use. General commercial services (CS) is the most restrictive zoning district in which convenience storage is permitted.” However, if convenience storage is allowed as a conditional use in the W/LO zoning category, why didn’t staff recommend that category? The staff report also says that “CS allows many uses which may not be desirable in this location.” However, W/LO does not seem to permit those uses. Since W/LO allows for convenience storage but does not allow for most of the 35+ uses that staff is recommending the council to prohibit in the conditional overlay, what planning principles did staff apply to arrive at the recommendation for CS-CO zoning rather than W/LO? Why did staff detail in the report a need to identify a zoning category that allowed convenience storage as a permitted use rather than a conditional use? Which of the 4 principles identified in the “basis for recommendation” section of the staff report would not also be applicable to W/LO zoning on this site?

QUESTION FROM COUNCIL MEMBER ALTER’S OFFICE

ANSWER:

1. *The staff report indicates that “staff sought a zoning category that would allow convenience storage as a permitted use. General commercial services (CS) is the most restrictive zoning district in which convenience storage is permitted.” However, if convenience storage is allowed as a conditional use in the W/LO zoning category, why didn’t staff recommend that category?*

The property has a very high percentage of flood plain, and also has limitations on Floor-to Area Ratio from the Hill Country Roadway Ordinance - low intensity zone. With the footprint thus limited, staff would support more height on the site which would be allowable in CS (60 ft), but not in W/LO (1 story or 25 feet).

2. *The staff report also says that “CS allows many uses which may not be desirable in this location.” However, W/LO does not seem to permit those uses. Since W/LO allows for convenience storage but does not allow for most of the 35+ uses that staff is recommending the council to prohibit in the conditional overlay, what planning principles did staff apply to arrive at the recommendation for CS-CO zoning rather than W/LO?*

Staff’s rationale considered both zoning categories as a whole, both in terms of development standards and allowable uses. Because of the constrained nature of the site, in terms of physical characteristics and layers of regulation, staff supported CS which has less restrictive development standards.

3. *Why did staff detail in the report a need to identify a zoning category that allowed convenience storage as a*

permitted use rather than a conditional use?

No guiding principle would limit staff's recommendation to a zoning category in which a proposed use is permitted rather than conditional. Staff considers zoning categories as complete packages, including use standards and development standards.

4. *Which of the 4 principles identified in the "basis for recommendation" section of the staff report would not also be applicable to W/LO zoning on this site?*

Arguably, "Zoning should allow for reasonable use of the property" since the property is already constrained by a flood plain, the Lake Austin Watershed Ordinance, and the Hill Country Roadway ordinance. The W/LO category would present a further height constraint and would increase the difficulty on an already difficult site.

QUESTION:

The staff report indicates that a large portion of the property is located within the City of Austin fully developed 100-year floodplain. Can staff please provide a map showing where the floodplain is on the property and also provide information on what percentage of the property is located within the floodplain? The staff report indicates City of Austin staff have evaluated the site and analytical reports provided by the applicant and have determined that the site is in compliance with State regulations and no additional cleanup is necessary from the lead-deposits on the site. Can staff please provide additional information? When was the site evaluated and which department(s) participated in the evaluation? Can staff please provide a copy of the analytical reports that were evaluated to determine compliance? What are the uses allowed on the site today as either permitted or conditional uses?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

1. *The staff report indicates that a large portion of the property is located within the City of Austin fully developed 100-year floodplain. Can staff please provide a map showing where the floodplain is on the property and also provide information on what percentage of the property is located within the floodplain?*

See attached map - Pink and green both make up the 100-year floodplain.

41.2% of the site is in the 100 year floodplain. Note that the areas outside the floodplain are not necessarily buildable, due to steep slopes and lack of continuity.

2. *The staff report indicates City of Austin staff have evaluated the site and analytical reports provided by the applicant and have determined that the site is in compliance with State regulations and no additional cleanup is necessary from the lead-deposits on the site. Can staff please provide additional information? When was the site evaluated and which department(s) participated in the evaluation? Can staff please provide a copy of the analytical reports that were evaluated to determine compliance?*

Staff from the Watershed Protection Department, including the Environmental Officer and an investigator from the Spills and Complaints Response Program (SCRP), who have both had long experience with the lead contamination on Champion Tract 1C reviewed documents provided by the applicant, as well as documents in the department's files. Lead contamination on the site was a result of its historical use as a shooting range. The TCEQ investigation and resulting cleanup of the site by the owner was a result of an SCRP investigation in the 1990's. The Texas Commission on Environmental Quality issued a Final Certificate of Completion in 2002 (attached) indicating the site meets state standards (500 mg/kg) for residential use, the most protective cleanup standards. After discussions with staff in 2017 the applicant performed confirmation soil and stream sediment sampling in the summer of 2017 and confirmed that the site meets the state standards for lead. The 2017 sampling report, which was reviewed by staff, is attached. SCRP staff also visited the site and found no visual evidence of lead on the site.

3. *What are the uses allowed on the site today as either permitted or conditional uses?*

Uses permitted under LR:

Bed & Breakfast (Group 1)
Bed & Breakfast (Group 2)
Administrative and Business Offices
Art Gallery
Art Workshop
Consumer Convenience Services
Consumer Repair Services
Financial Services
Food Sales
General Retail Sales (Convenience)
Medical Offices -- not exceeding 5000 sq. ft. gross floor area
Off-Site Accessory Parking14
Pedicab Storage and Dispatch
Personal Services
Pet Services
Printing and Publishing
Professional Office
Restaurant (Limited)
Service Station
Software Development
Community Garden
Urban Farm
College and University Facilities
Communication Service Facilities
Counseling Services
Cultural Services
Day Care Services (Commercial)
Day Care Services (General)
Day Care Services (Limited)
Family Home
Group Home, Class I (General)
Group Home, Class I (Limited)
Guidance Services
Local Utility Services
Private Primary Educational Facilities
Private Secondary Educational Facilities
Public Primary Educational Facilities
Public Secondary Educational Facilities
Religious Assembly
Safety Services

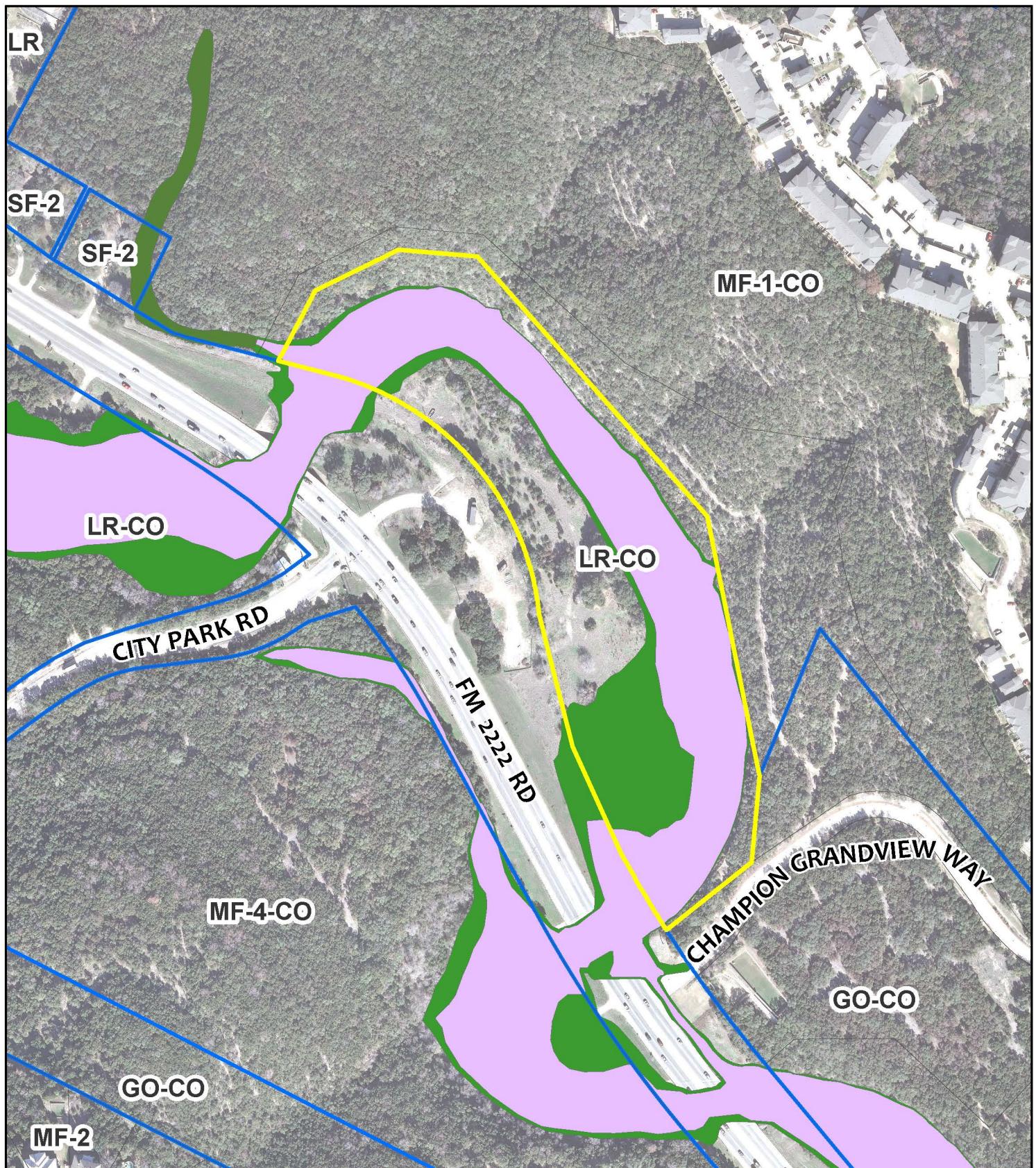
Permitted in LR with Special Requirements:

General Retail Sales (General)

Personal Improvement Services
Restaurant (General)
Community Events

Conditional in LR:

Alternative Financial Services
Medical Offices -- exceeding 5000 sq. ft. gross floor area
Plant Nursery
Special Use Historic
Custom Manufacturing
Club or Lodge
Community Recreation (Private)
Community Recreation (Public)
Congregate Living
Group Home, Class II
Hospital Services (Limited)
Residential Treatment



 Subject_Tract
 Zoning Boundary

1 inch = 300 feet

0 75 150 300 Feet

Zoning and Vicinity

Zoning Case#: C14-2017-0067
 Address: 6500 FM 2222 Road
 Subject Area: 13.882 acres
 Case Manager: Scott Grantham

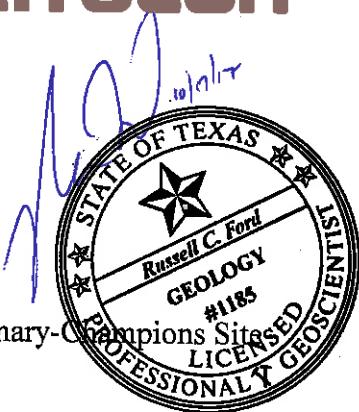
This map has been produced for the Planning and Zoning Department for the sole purpose of geographic reference.
 No warranty is made by the City of Austin regarding specific accuracy or completeness.





MEMORANDUM

To: Brendan Callahan/Cerco Development
From: Russell C. Ford, P.G./Terracon Consultants, Inc.
Subject: Bull Creek Stream and Surface Soil Sampling Summary
Date: October 16, 2017



The following memo provides a brief summary of the recent surface soil and stream sampling conducted by Terracon at the referenced site. As you requested, Terracon personnel collected a total of 16 surface soil samples from an approximate 8-acre area (or about a $\frac{1}{2}$ acre sampling frequency, which is the TCEQ TRRP recommended soil sampling frequency for commercial/industrial land usage) of the former Champions shooting range site. See the attached site diagram depicting the sampling locations designated SS-1 through SS-16. At each location a sample from the upper 3-inches was collected and placed into a laboratory supplied sampling jar and delivered to the analytical laboratory for analysis of total lead using EPA Method 6020A. Additionally, three stream samples from Bull Creek were also collected. One sample was collected generally upstream of the site, one was collected approximately half way downstream, and the final sample was collected just downstream of the site. The attached site figure shows the locations of the samples designated BC-Upstream, BC-Mid, and BC-Downstream. Samples were placed in laboratory supplied sampling containers, and then were hand delivered to the analytical laboratory for analysis of total lead using EPA method 6020A. The attached tables summarize the results of both the surface soil and stream samples. Copies of the analytical reports are attached.

As seen in Table 1, the surface soil sampling results ranged from 9.73 mg/Kg to 17.6 mg/Kg. The results were compared to the site specific background target cleanup goal of 97 mg/Kg (as contained in the TCEQ approved RAP). As seen, all of the results were well below the target cleanup goal of 97 mg/Kg as well as being well below the TCEQ, TRRP, human health protective concentration level (PCL) for residential land use of 500 mg/Kg, indicating no further action necessary. As seen in Table 2, the stream sampling results ranged from non-detect to 0.0024 mg/L total lead. The results were compared to the current TCEQ, residential land use, PCL for lead in water of 0.015 mg/L. As seen, the results were well below the PCL, indicating no further action necessary. Additionally, the data were compared to previously collected samples from Bull Creek, which were collected in 2002 immediately following site remediation efforts (see attached table and figure, samples Bull Creek 1 and Bull Creek 2). As seen, the data compare favorably to the previous data collected which also indicated no exceedances above the 0.015 mg/L TCEQ, residential PCL. Based on the sampling results, no cleanup level or PCL exceedances in either the surface soil or the stream water were observed, indicating no further action necessary. Please call if you have any questions or require additional information.

Table 1
Surface Soil Sample Summary
Champions Site
Austin, Texas

Sample ID	Total Lead (mg/Kg)	Sample ID	Total Lead (mg/Kg)
SS-1	12.5	SS-9	14.0
SS-2	15.1	SS-10	12.8
SS-3	14.6	SS-11	11.9
SS-4	15.0	SS-12	13.3
SS-5	12.8	SS-13	10.3
SS-6	15.9	SS-14	9.73
SS-7	17.6	SS-15	12.9
SS-8	12.6	SS-16	13.3
Site Specific Target Cleanup Level (from approved RAP)		97 mg/Kg	

Table 2
Stream Sample Summary
Champions Site
Austin, Texas

Sample ID (date collected)	Total Lead (mg/L)
BC-Upstream (9/8/2017)	<0.0003
Bull Creek 1 (6/27/02)	<0.003
BC-Mid (9/8/2017)	0.00125
Bull Creek 2 (6/27/02)	0.00496
BC-Downstream (9/8/2017)	0.0024
TCEQ Residential PCL	0.015

Notes:

mg/L- milligrams per liter



110 0 55 150
APPROXIMATE SCALE IN FEET

- Bull Creek Sample Location (2017)
- Bull Creek Sample Location (June 7, 2002)
- Surface Soil Sampling Location

Project Mgr: JBM
Drawn By: Terracon
Checked By: JBM
Approved By: JBM
Project No. 96177549
File No. 96177549
Date: September 12, 2017

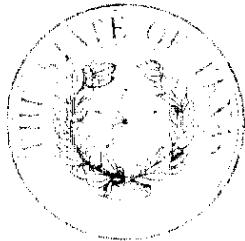
Scale: AS SHOWN
File No. 96177549
Date: September 12, 2017

Terracon
Consulting Engineering and Scientists
5307 INDUSTRIAL OAKS BLVD. - #160 AUSTIN, TX 78735
PH (512) 442-1122 FAX (512) 442-1181

SITE DIAGRAM
Champions Site
FM 2222 and Loop 360
Austin, Travis County, Texas

EXHIBIT
1

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

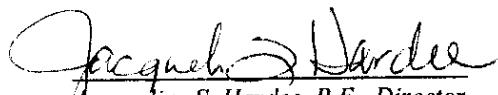


**VOLUNTARY CLEANUP PROGRAM
FINAL CERTIFICATE OF COMPLETION**

As provided for in §361.609, Subchapter S, Solid Waste Disposal Act (SWDA), Texas Health and Safety Code.

I, JACQUELINE S. HARDEE, P.E., DIRECTOR OF THE REMEDIATION DIVISION, TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ), CERTIFY UNDER §361.609, SWDA, TEXAS HEALTH AND SAFETY CODE, THAT NECESSARY RESPONSE ACTIONS HAVE BEEN COMPLETED FOR VCP NO. 881 AS OF OCTOBER 29, 2002 FOR THE TRACT(S) OF LAND DESCRIBED IN EXHIBIT "A". CERTIFICATION IS BASED ON THE AFFIDAVIT OF COMPLETION OF RESPONSE ACTION, EXHIBIT "B" AND ON ADDITIONAL SITE INFORMATION MAINTAINED IN TCEQ FILES. AN APPLICANT WHO ON THE DATE OF APPLICATION SUBMITTAL WAS NOT A RESPONSIBLE PARTY UNDER §361.271 OR §361.275(g) SWDA, AND ALL PERSONS (e.g., FUTURE OWNERS, FUTURE LESSEES, FUTURE OPERATORS AND LENDERS) WHO ON THE DATE OF ISSUANCE OF THIS CERTIFICATE WERE NOT RESPONSIBLE PARTIES UNDER §361.271 OR §361.275(g), SWDA ARE QUALIFIED TO OBTAIN THE PROTECTION FROM LIABILITY PROVIDED BY §361.610, SUBCHAPTER S, SWDA.

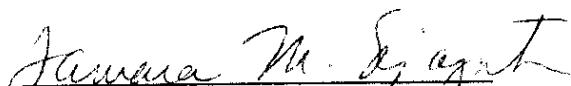
EXECUTED this 13th day of December, 2002


Jacqueline S. Hardee, P.E., Director
Remediation Division

STATE OF TEXAS
TRAVIS COUNTY

BEFORE ME, on this the 13th day of December, personally appeared Jacqueline S. Hardee, P.E., Director, Remediation Division, of the Texas Commission on Environmental Quality, known to me to be the person and agent of said commission whose name is subscribed to the foregoing instrument, and she acknowledged to me that she executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 13th day of December, 2002


Tamara M. Svjagintsev
Notary Public in and for the State of Texas

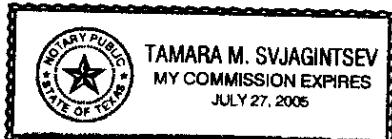


Exhibit A

18.181 ACRES
CHAMPION SUBDIVISION
VCP #881

FN NO. 01-502(SMC)
DECEMBER 11, 2001
BPI JOB NO. 512-79.99

DESCRIPTION

OF A 18.181 ACRE TRACT OF LAND OUT OF THE JAMES JETT SURVEY NO. 1, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 11, BLOCK "A" CHAMPION SUBDIVISION OF RECORD IN DOCUMENT NO. 200100361 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND ALSO BEING A PART OF THAT CERTAIN REMAINING PORTION OF 260 ACRE TRACT HAVING BEEN CONVEYED TO CHAMPION LEGACY PARTNERS, L.P. BY DEED OF RECORD IN DOCUMENT NO. 2001143485, TO CHAMPION-MEIER ASSETS, LTD. BY DEEDS OF RECORD IN DOCUMENT NOS. 2001045661 AND 2001045662 AND TO CHAMPION ASSETS, LTD. BY DEEDS OF RECORD IN DOCUMENT NOS. 2001010217 AND 2001010218 ALL OF SAID OFFICIAL PUBLIC RECORDS; SAID 18.181 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a concrete highway monument found in the northerly line of R.M. 2222 (R.O.W. varies - R.M. 2222 Highway Sta. P.T. 257+04.33, 130.00' Left), same being the southerly line of said Lot 11;

THENCE, along the curving northerly line of R.M. 2222, being the southerly line of said Lot 11, along a curve to the right having a radius of 2734.79 feet, a central angle of $03^{\circ}27'23''$, an arc length of 164.98 feet and a chord which bears $N38^{\circ}10'11''W$, a distance of 164.96 feet to the **POINT OF BEGINNING** and southeasterly corner hereof;

THENCE, continuing along the northerly line of R.M. 2222, being in part along a portion of the southerly line of said Lot 11 and in part along the southerly line of said certain remaining portion of 260 acres, for the southerly line hereof, the following five (5) courses and distances:

- 1) Continuing along said curve to the right having a radius of 2734.79 feet, a central angle of $08^{\circ}15'01''$, an arc length of 393.80 feet and a chord which bears $N32^{\circ}18'59''W$, a distance of 393.46 feet to a concrete highway found for the end of said curve;
- 2) $N24^{\circ}17'34''W$, a distance of 261.60 feet to a concrete highway found for an angle point;
- 3) $N14^{\circ}09'37''W$, a distance of 305.67 feet to a concrete highway monument found (R.M. 2222 Highway Sta. 245+67.60, 222.49' Left), for the point of curvature of a non-tangent curve to the left;
- 4) Along said non-tangent curve to the left having a radius of 622.98 feet, a central angle of $69^{\circ}27'45''$, an arc length of 755.27 feet and a chord which bears $N40^{\circ}22'51''W$, a distance of 709.86 feet to a 1/2 inch iron rod with cap found for the end of said curve;

FN NO. 01-502 (SMC)
DECEMBER 11, 2001
PAGE 2 OF 2

- 5) N75°06'43"W, a distance of 130.80 feet to the common southerly corner of Lot 1, Block "A" of said Champion Subdivision and said certain remaining portion of 260 acres, for the southwesterly corner hereof;

THENCE, leaving the northerly line of R.M. 2222, along the common line of said Lot 1 and said certain remaining portion of 260 acres, being a portion of the northerly line hereof, the following five courses and distances:

- 1) N27°58'18"E, a distance of 178.06 feet to an angle point;
- 2) N63°51'25"E, a distance of 208.75 feet to an angle point;
- 3) S85°00'17"E, a distance of 178.04 feet to an angle point;
- 4) S41°24'08"E, a distance of 781.86 feet to an angle point;
- 5) S11°14'19"E, a distance of 595.42 feet to a point in the westerly line of said Lot 11, being the southeasterly corner of said Lot 1, for an angle point hereof;

THENCE, leaving the northerly line of said certain remaining portion of 260 acres, along the common line of said Lot 1 and said Lot 2, being a portion of the northerly line hereof, the following two (2) courses and distances:

- 1) N22°42'29"E, a distance of 355.92 feet to an angle point;
- 2) S38°37'15"E, a distance of 305.93 feet to a the northeasterly corner of said Lot 1, being the southwesterly corner of Lot 2, Block "A" of said Champion Subdivision and the northeasterly corner hereof;

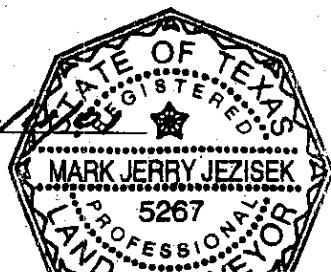
THENCE, over and across said Lot 11, being the easterly line hereof, the following four (4) courses and distances:

- 1) S18°17'50"W, a distance of 102.48 feet to an angle point;
- 2) S11°29'04"W, a distance of 98.63 feet to an angle point;
- 3) S46°12'30"W, a distance of 334.91 feet to an angle point;
- 4) S56°13'36"W, a distance of 143.25 feet to the **POINT OF BEGINNING**, containing an area of 18.181 acres (791,980 sq. ft.) of land more or less, within these metes and bounds.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVES ROAD, SUITE 200
AUSTIN, TEXAS 78746

Page 2 of 4

MARK J. JEZISEK
NO. 5267
STATE OF TEXAS



LINE TABLE

No.	Bearing	Distance
L1	N24°17'34"W	261.60'
L2	N14°09'37"W	305.67'
L3	N75°06'43"W	130.80'
L4	N27°58'18"E	178.06'
L5	N63°51'25"E	208.75'
L6	S85°00'17"E	178.04'
L7	S41°24'08"E	781.86'
L8	S11°14'19"E	595.42'
L9	N22°42'29"E	355.92'
L10	S38°37'15"E	305.93'
L11	S18°17'50"W	102.48'
L12	S11°29'04"W	189.33'
L13	S46°12'30"W	334.91'
L14	S56°13'36"W	143.25'

CURVE TABLE

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	08°15'01"	2734.79	393.80	393.46	N32°18'59"W
C2	69°27'45"	622.98	755.27	709.86	N40°22'51"W
C3	03°27'23"	2734.79	164.98	164.96	N38°10'11"W

BEARING BASIS NOTE:

THE BEARING BASIS FOR THIS SURVEY IS TEXAS CENTRAL ZONE HARN/NAD 83. MONUMENTS USED ARE NO. A414, NO. A257 AND NO. A506 (LOWER COLORADO RIVER AUTHORITY HARN NETWORK MONUMENTS)

SHEET 2 OF 2

b Bury+Partners
Consulting Engineers and Surveyors
Austin, Texas Tel 512/328-0011 Fax 512/328-0326
Bury+Partners, Inc. ©Copyright 2001

SKETCH TO ACCOMPANY DESCRIPTION
OF 18.181 ACRES OF LAND OUT OF THE JAMES JETT SURVEY NO. 1.
SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A
PORTION OF LOT 11, BLOCK "A" CHAMPION SUBDIVISION OF RECORD IN
DOC. NO. 200100361 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
COUNTY, TEXAS AND ALSO BEING A PORTION OF THAT CERTAIN
REMAINING PORTION OF 260 ACRE TRACT.

**CHAMPION
SUBDIVISION**

Page 4 of 4

EXHIBIT "B"
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
VOLUNTARY CLEANUP PROGRAM
AFFIDAVIT OF COMPLETION OF RESPONSE ACTION

Ms. Josie Champion (Applicant) has completed response actions, if necessary, pursuant to Chapter 361, Subchapter S, SWDA, at the tract of land described in Exhibit "A" to this certificate that pertains to *Champion Property* (Site), VCP No. 881 located at the Intersection of FM 2222 and Loop 360 in Austin (Travis County) Texas. The Site was owned by Ms. Josie Champion at the time the application to participate in the Voluntary Cleanup Program was filed. The Applicant has submitted and received approval from the Texas Commission on Environmental Quality Voluntary Cleanup Section on all plans and reports required by the Voluntary Cleanup Agreement. The plans and reports were prepared using a prudent degree of inquiry of the Site consistent with accepted industry standards to identify all hazardous substances, waste and contaminated media of regulatory concern. The response actions for the Site have achieved response action levels acceptable for *Residential* land use as determined by the standards of the TCEQ. The response action eliminated substantial present or future risk to public health and safety and to the environment from releases and threatened releases of hazardous substances and/or contaminants at or from the Site. The Applicant has not acquired this certificate of completion by fraud, misrepresentation or knowing failure to disclose material information. Further information concerning the response action at this Site may be found in the final report at the central office of the TCEQ under VCP No. 881.

The preceding is true and correct to the best of my knowledge and belief

Applicant

By: Josie E. Champion
Print Name: Josie E. Champion

STATE OF Texas
COUNTY OF Travis

This instrument was acknowledged before me on November 5 2002, by Josie E. Champion


Notary Public in and for the State of Texas

After Recording, Return to:

Wm. Terry Bray
Graves, Dougherty, Hearon & Moody, P.C.
P. O. Box 98
Austin, Texas 78767

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

05-09-2003 11:09 AM 2003104635
ZAVALAR \$21.00
DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS