



AUSTIN CITY COUNCIL
AGENDA

January 23, 2020

Questions and Answers Report



Mayor Steve Adler
Mayor Pro Tem Delia Garza, District 2
Council Member Natasha Harper-Madison, District 1
Council Member Sabino "Pio" Renteria, District 3
Council Member Gregorio Casar, District 4
Council Member Ann Kitchen, District 5
Council Member Jimmy Flannigan, District 6
Council Member Leslie Pool, District 7
Council Member Paige Ellis, District 8
Council Member Kathie Tovo, District 9
Council Member Alison Alter, District 10

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

QUESTIONS FROM COUNCIL

Item #51: Authorize negotiation and execution of a contract with Ricker - Cunningham, to provide real estate development consulting services, in an amount not to exceed \$150,000.

COUNCIL MEMBER KITCHEN'S OFFICE

Please confirm which specific projects this procurement for real estate consulting services will be limited to?

This contract is for a consultant to provide the real estate consulting services specified in the scope of work, which is the establishment of a program that utilizes Chapter 380 and other statutes to fill financial gaps or real estate projects that bring about important community benefits, such as affordable creative tenant space. This requires the contractor to understand existing programs and funding sources, including bond funds, but will not provide consulting services specifically on the project delivery of any specific bond projects or bond funds.

COUNCIL MEMBER ALTER'S OFFICE

What is the scope of work/goal of the contract? What is the desired outcome/goal?

The projects delivered under this program are specifically related to the Chapter 380 policy.

Per City Council Action No. 20180809-052, the Economic Development Department is responsible for developing and executing a Location Enhancement Program, including a real estate gap financing program to support Council Resolution No. 20180830-056 and No. 20180830-058. The scope of work will discern differences in local market context, identifying local barriers -physical, market, financial, legal and political to development, redevelopment and preservation.

Goals of the Program Development:

The desired outcomes and goals of this work include an economic market informed program and policy with a set of structured guidelines to facilitate real estate development, redevelopment and preservation related transactions that support the following goals identified by Council:

1. Support the creation and retention of vibrant centers of commerce, culture and residences;
2. Provide a stable location for specific types of tenants (small and local business including creative and music related businesses and nonprofits) and target market industries that advance Council goals;
3. Increase the availability of diverse affordable commercial spaces;
4. Promote projects that strengthen the local economy, sustain economic activity

- and build resilience against economic downturns;
5. Engage an equitable lens in projects and project locations, to ensure city-wide community benefits;
 6. Provide basic services and amenities for all communities but particularly those that have been historically underserved; and,
 7. Ensure displacement or gentrification are not unintended consequences of specific real estate projects.

Item #59: Approve a resolution relating to the enforcement of low-level marijuana and cannabis-related offenses and the expenditure of City resources for THC concentration testing.

COUNCIL MEMBER CASAR'S OFFICE

Please provide the number of marijuana citations given out by APD in 2019, along with a racial breakdown.

In 2019, the number of marijuana citations given out by APD was 432. The table below reflects the racial breakdown data in APD's report ran on January 21, 2020.

HISPANIC OR LATINO	201
BLACK	163
WHITE	64
ASIAN	3
UNKNOWN	1
Total	432

AUSTIN POLICE DEPARTMENT (APD) DATA DISCLAIMER

1. The data provided is for informational use only and may differ from official APD crime data.
2. APD's crime database is continuously updated, so reports run at different times may produce different results. Care should be taken when comparing against other reports as different data collection methods and different data sources may have been used.
3. APD does not assume any liability for any decision made or action taken or not taken by the recipient in reliance upon any information or data provided.

COUNCIL MEMBER ELLIS' OFFICE

1. *What is the city's current interpretation of state law about possession of a small amount marijuana, as defined by HB 1325, by a minor?*

Marijuana possession is illegal for both minors and adults alike in Texas. A juvenile, however, will be prosecuted and punished in the juvenile justice system, rather than in adult criminal justice system.
2. *What is APD's current policy if they encounter a minor with a small amount of what they believe to be marijuana?*

APD's current policy aligns with state law, which states marijuana possession is illegal for minors. Therefore, APD would take enforcement action should officers encounter a minor in possession of marijuana.

3. *Will this new direction change APD's practice with regards to encountering a minor who is in possession of what they believe to be a small amount of marijuana?*

The new direction will not change APD's practice in handling minors/juveniles who are in possession of marijuana.

4. *What collaboration will APD undertake with school districts about the new policy?*

APD will continue its relationship with AISD, working to ensure the safety of the students, schools and community.

COUNCIL MEMBER TOVO'S OFFICE

Could this resolution affect the testing of synthetic cannabinoids, such as K-2, and, if so, how? Could this resolution affect the enforcement actions of synthetic cannabinoids, such as K-2, and, if so, how?

APD's interpretation of the resolution is that testing of K-2 or synthetic cannabinoids will not be affected. APD currently performs testing for synthetic cannabinoids. Different methods have been developed by APD, validated, and used prior to the methods being developed for THC Quantitation.

Item #108: Approve a resolution directing the City Manager to prepare a study with recommendations to improve the ecological health and safety of Austin's rivers, lakes, and creeks by addressing litter problems, prevention, and abatement; and directing the City Manager to explore and pursue immediate action to address the dumping of electric micromobility devices into Austin's watersheds and to mitigate the resulting environmental impacts.

COUNCIL MEMBER FLANNIGAN'S OFFICE

Please provide an estimate on the impact to City resources, including City Staff time, required to accomplish the task(s) required in this resolution if approved.

Municipal Court's Response: The municipal court staff should be minimally impacted by this resolution. Due to the neutrality of the department, the impact would be limited to processing any resulting Class C misdemeanor citations.

Watershed Protection Department's (WPD) Response: WPD anticipates needing to conduct a field study and report that could be completed in approximately one (1) year should the resolution be approved, which will require one (1) WPD full-time employee and approximately \$500,000 for contractuels. WPD does not have funding budgeted to conduct such a study. The City of Austin offers a wide range of programs and projects that address litter in our watersheds. However, to date there has not been a comprehensive study, nor citywide evaluation of the resources, volumes and movement of litter, specifically in Austin's rivers, lakes and creeks. In response to this resolution, WPD would recommend conducting an extensive inventory / field study to quantify the type, volume and source of litter in various watershed locations. This inventory would include an analysis of all known sources of trash that end up in the waterways, including litter, and overflow from dumpsters, large public events, and homeless encampments.

In addition to the field study, staff will review national best practices addressing litter problems, prevention, and abatement. Staff will develop a report outlining recommendations

and costs for programmatic and structural controls addressing the findings discovered in the field study.

ARR's Response: To address issues related to litter and debris entering the City of Austin's rivers, lakes and creeks, Austin Resource Recovery would need to partner with Watershed Protection Division to better understand the problem itself and its magnitude. A study would need to be conducted to determine the cycle of events that debris making its way into waterbodies. ARR does not have an FTE available to conduct this study and would most likely hire a consultant to perform this work. A comprehensive/complete study would most likely take 12 months to complete.

Item #111: Approve a resolution relating to meetings and compensation of the Municipal Civil Service Commission.

COUNCIL MEMBER FLANNIGAN'S OFFICE

Please provide an estimate on the impact to City resources, including City Staff time, required to accomplish the task(s) required in this resolution if approved.

The Human Resources Department (HRD) anticipates using existing resources and staff to address the requirements detailed in this Resolution. However, HRD is currently engaged in multiple projects with upcoming deadlines. HRD staff will be redirected from their current workload to assist with responding to this Resolution given the 30-day time frame to provide the written report. However, this time frame will not permit for additional benchmarking with our peers. HRD will also need time to collaborate and conduct research with other City departments, and if implemented, work with payroll and accounts payable staff to determine how compensation will be received as well as any potential tax implications.

Item #112: Approve a resolution regarding firearm safety equipment and educational materials.

COUNCIL MEMBER FLANNIGAN'S OFFICE

Please provide an estimate on the impact to City resources, including City Staff time, required to accomplish the task(s) required in this resolution if approved.

The amount of APD staff time is minimal. Distribution of firearm safety locks and educational materials is currently one of the many resources offered to the members of the public at community events. These resources are also available at any APD substation.



Council Question and Answer

Related To	Item #51	Meeting Date	January 23, 2020
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Additional Answer Information

Authorize negotiation and execution of a contract with Ricker - Cunningham, to provide real estate development consulting services, in an amount not to exceed \$150,000.

QUESTION/ANSWER: Council Member Alter's Office

What is the scope of work/goal of the contract? What is the desired outcome/goal?

The projects delivered under this program are specifically related to the Chapter 380 policy.

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Additional Answer Information

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(Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

QUESTION/ANSWER: Council Member Kitchen's Office

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Council Question and Answer

Related To

Item #59

Meeting Date

January 23, 2020

Additional Answer Information

Approve a resolution relating to the enforcement of low-level marijuana and cannabis-related offenses and the expenditure of City resources for THC concentration testing.

QUESTION/ANSWER: Council Member Casar's Office

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Council Question and Answer

Related To	Item #59	Meeting Date	January 23, 2020
Additional Answer Information			

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QUESTION/ANSWER: Council Member Ellis' Office

1. *What is the city's current interpretation of state law about possession of a small amount marijuana, as defined by HB 1325, by a minor?*

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Council Question and Answer

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QUESTION/ANSWER: Council Member Tovo's Office

1. Could this resolution affect the testing of synthetic cannabinoids, such as K-2, and, if so, how? Could this resolution affect the enforcement actions of synthetic cannabinoids, such as K-2, and, if so, how?

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Council Question and Answer

Related To	Item #108	Meeting Date	January 23, 2020
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Additional Answer Information

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QUESTION/ANSWER: Council Member Flannigan's Office

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Council Question and Answer

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Additional Answer Information

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QUESTION/ANSWER: Council Member Flannigan's Office

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Council Question and Answer

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Additional Answer Information

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QUESTION/ANSWER: Council Member Flannigan's Office

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