



**October 14, 2021**

## Questions and Answers Report



Mayor Steve Adler

Council Member Natasha Harper-Madison, District 1

Council Member Vanessa Fuentes, District 2

Council Member Sabino "Pio" Renteria, District 3

Council Member Gregorio Casar, District 4

Council Member Ann Kitchen, District 5

Council Member Mackenzie Kelly, District 6

Council Member Leslie Pool, District 7

Council Member Paige Ellis, District 8

Council Member Kathie Tovo, District 9

Council Member Alison Alter, District 10

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

## QUESTIONS FROM COUNCIL

**Item #15:** Authorize award of contracts with Techline Inc. and Wesco Distribution Inc. d/b/a Hi-Line Utility Supply Co, LLC to provide streetlight poles and pole parts, each for a term of five years in an amount not to exceed \$4,820,000, divided between the contractors. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

### COUNCIL MEMBER KELLY'S OFFICE

- 1) *Does this contract cover the entire city's street light maintenance needs?*

Yes, Austin Energy has confirmed that this contract does cover the street light maintenance needs of the entire City.

**Item #17:** Authorize award of a contract with Enterprise Professional Services, Inc. d/b/a EPSI for landscaping and ground maintenance services, for a term of five years for a total contract amount not to exceed \$742,500. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

### COUNCIL MEMBER KELLY'S OFFICE

- 1) *What areas of Austin will be serviced by this contract?*

The list below includes the Austin Energy locations which will be serviced under this contract.

Town Lake Center (TLC)	721 Barton Springs Road, Austin, Tx 78704
Kramer Lane Service Center Building C & D	2412 Kramer Lane, Austin, Tx 78758
Kramer Lane Service Center Building E	2526 Kramer Lane, Austin, Tx 78758
Justin Lane Reclamation Yard (curb line)	6909 Ryan Drive & Justin Lane
St. Elmo Service Center	4411 Meinardus, Austin, Tx 78744
Downtown District Cooling Plant #3 (DCP3)	812-1/2 west 2nd St (Electric Drive) north side between Gable's Tower parking Garage & the railroad
System Control Center (SCC)	2500 Montopolis Drive Austin, TX 78741

**Item #18:** Authorize award of a contract with ErgoFlex Systems, Inc. d/b/a Xybix Systems, Inc., to provide ergonomic workstations and installation, for a term of two years for a total contract amount not to exceed \$375,000. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

COUNCIL MEMBER KELLY'S OFFICE

1) *What departments will be recipients of the workstations?*

The workstations on this contract are for the System Control Center and Back Up Control Center of Austin Energy.

**Item #22:** Authorize award of a contract with Longhorn Car Truck Rental, Inc., for vehicle rental services, for a term of five years in an amount not to exceed \$1,985,000. (Note: This solicitation 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 solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

COUNCIL MEMBER KELLY'S OFFICE

1) *What are some examples of how the truck rentals are used by the City of Austin? How often are they used?*

Some examples of rentals are for:

- Short-term projects, such as summer youth programs;
- Short-term rentals when there are new program initiatives, such as community outreach;

- Short-term rentals if a vehicle is involved in an accident until a new vehicle can be purchased.

2) *What is the benefit of renting the trucks rather than the city purchasing trucks?*

The benefits of renting the trucks rather than purchasing the trucks are that rentals keep the department's cost of doing business down by not having to purchase vehicles for short-term projects (e.g. Parks and Recreation Department's rentals for Spring Break and Summer Youth Programs). They supplement the City-owned fleet and provides City departments with alternative transportation to meet operational needs on an as-needed basis or for emergency service response.

**Item #22:** Authorize award of a contract with Longhorn Car Truck Rental, Inc., for vehicle rental services, for a term of five years in an amount not to exceed \$1,985,000. (Note: This solicitation 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 solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

**COUNCIL MEMBER POOL'S OFFICE**

The RCA states: "The recommended contractor is the current provider for these services and has a fleet of available vehicles that are powered by alternative fuel as well as available hybrid options, which is in line with the citywide objective of achieving carbon neutrality by 2050."

1) *What percent of the vehicles leased by the City from Longhorn Car Truck Rental will be powered by alternative fuels and hybrid options?*

Rentals are based on short-term operational needs and vary on weight and size. Fleet prioritizes alternative fuel vehicles. On average 50% of rentals meet the criteria of alt-fuel.

2) *What is the total percentage of the current City fleet that is powered by alternative fuels or have a hybrid option?*

86% of fleet vehicles and equipment are alt-fuel, gas-electric hybrids or battery electric vehicles.

3) *If this contract increases that total, please describe by how much.*

Our current fleet is 86% capable of using alternative fuels. The rental contract is used to supplement the fleet on a short-term basis. The average number of rentals will have a negligible impact to the total percent of vehicles using alternative fuels.

**Item #28:** Ratify multiple emergency contracts with various contractors for goods and services related to the Coronavirus pandemic and Hurricane Laura, in the amount of \$6,529,689. (Note: These contracts

are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established).

**COUNCIL MEMBER KELLY'S OFFICE**

- 1) *Could I see the line item breakdown of the goods and services that were related to these emergency contracts?*

There is a large amount of data involved with this request; we will work on gathering it, and provide it as soon as possible.

**Item #28:** Ratify multiple emergency contracts with various contractors for goods and services related to the Coronavirus pandemic and Hurricane Laura, in the amount of \$6,529,689. (Note: These contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established).

**COUNCIL MEMBER ALTER'S OFFICE**

- 1) *Please provide a breakdown of goods and services between pandemic expenses and hurricane-related expenses.*

Of the items listed on the RCA, only the last item was done in support of Hurricane Laura, the others are all related to the pandemic.

- 2) *Please also outline which contracts have been submitted to or will be paid by FEMA funds.*

The chart below includes reimbursement information for the contracts:

Capital City Janitorial LLC	Custodial Services for Alternate Care Site	\$248,853	COA will submit for FEMA reimbursement.
Carahsoft Technology Corp.	Salesforce IT services for COVID-19 Response	\$95,739	COA has requested inclusion of COVID-vaccine-related IT costs to in the Vaccine project for FEMA reimbursement.
Cari Angus/Pogue Consulting LLC	N95 Masks for COVID-19 Response	\$150,000	COA was reimbursed under CRF.
Clean Earth of Alabama Inc.	Tyvek Medical Gowns for COVID-19 Response	\$136,000	COA was reimbursed under CRF.

Detroit Supply Company 3M	Masks for COVID-19 Response	\$84,000	FEMA will reimburse any masks that were used for COVID-19 eligible mission areas.
Dynamic Systems Inc.	Oxygen Piping System for Alternate Care Site	\$90,000	COA will submit for FEMA reimbursement. Residual value will be deducted from reimbursement.
Flotec Inc.	Alternate Care Site Oxygen Distribution System	\$103,541	COA will submit for FEMA reimbursement. Residual value will be deducted from reimbursement.
Grainger	Hand Sanitizer Packets for COVID-19 Response	\$69,477	FEMA will reimburse sanitizer used for COVID-19 eligible mission areas.
Hagerty Consulting Inc.	COVID-19 Emergency Support Consulting	\$3,400,000	FEMA will reimburse eligible services provided.
Interim Home Medical Equipment LLC	Medical beds for Alternate Care Site	\$72,500	COA will submit for FEMA reimbursement. Residual value will be deducted from reimbursement.
Levy Premium Food Service LLC	Meals for Alternate Care Site	\$165,484	COA will submit for FEMA reimbursement.
Maguire Strategies	N95 Masks for COVID-19 Response	\$132,000	FEMA will reimburse any masks that were used for COVID-19

			eligible mission areas.
Mallory Safety and Supply, LLC	Contactless Thermometers for COVID-19 Response	\$74,995	COA was reimbursed under CRF.
MedtoMarket Inc.	3 Ply facemasks for COVID-19 Response	\$72,000	COA was reimbursed under CRF.
Microdrop LLC	COVID-19 Home Testing and Target Mobile Testing	\$882,900	COA will submit for FEMA reimbursement.
Onan Capital Inc.	PPE Restock for Travis Expo Warehouse COVID-19 Response	\$100,307	COA was reimbursed under CRF.
Ready2Go Restroom Trailers LLC	Mobile Hygiene Trailor for COVID-19 Response	\$65,000	This contract was funded using RISE so the City will not be seeking reimbursement
Texas Development Group	Medical Gowns for COVID-19 Response	\$348,000	COA was reimbursed under CRF.
Various Hotels for evacuees	Hurricane Laura Evacuee Lodging	\$238,893	COA has submitted an invoice to the State for reimbursement.

**Item #29:** Authorize negotiation and execution of a cooperative contract with Tom Loftus Inc. d/b/a Austin Turf & Tractor for the lease of golf course maintenance equipment, for a term of four years for a total contract amount not to exceed \$1,600,000. (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 goods required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established.).

COUNCIL MEMBER KELLY'S OFFICE

1) *Which golf course does this cooperative contract cover?*

All golf courses are covered under this cooperative contract including Jimmy Clay, Roy Kizer, Morris Williams, Lions, and Grey Rock.

**Item #33:** Authorize negotiation and execution of an amendment to the interlocal agreement with the Housing Authority of the City of Austin to provide emergency rental assistance for vulnerable households, for the term July 19, 2021 through June 30, 2022, to add \$6,643,637 from the Budget Stabilization Reserve Fund, for a total agreement amount not to exceed \$41,659,428 and to include an additional scope of work for marketing and outreach activities to ensure robust outreach efforts.

COUNCIL MEMBER KELLY'S OFFICE

1) *What caused the interlocal agreement to be amended?*

The interlocal agreement (ILA) with the Housing Authority of the City of Austin (HACA), was amended to reflect the additional \$6,643,637 from the Budget Stabilization Reserve Fund (BSRF). Though Austin City Council approved a similar authorization on July 29<sup>th</sup>, 2021- the contract did not included the full funding from the BSRF.

**Item #36:** Approve an ordinance amending City Code Chapter 2-10 (Municipal Court) to establish the City Marshal Office as a division of the Austin Municipal Court; repealing sections 2-6-1 through 2-6-14 of the City Code related to the former Public Safety and Emergency Management Department to remove obsolete sections of the City Code, renumbering remaining sections accordingly, and renaming Chapter 2-6 (Public Safety and Emergency Management Department).

COUNCIL MEMBER FUENTES'S OFFICE

1) *What is the projected timeline for the City Marshal Office to be fully implemented?*

Staff anticipates 6-8 months to recruit and hire these positions; however, the infrastructure to support the unit (including uniforms, cars, body equipment, and computers) will require more time. We are anticipating for it to be 18-24 months for the unit to be fully functioning.

**Item #36:** Approve an ordinance amending City Code Chapter 2-10 (Municipal Court) to establish the City Marshal Office as a division of the Austin Municipal Court; repealing sections 2-6-1 through 2-6-14 of the City Code related to the former Public Safety and Emergency Management Department to remove obsolete sections of the City Code, renumbering remaining sections accordingly, and renaming Chapter 2-6 (Public Safety and Emergency Management Department).

COUNCIL MEMBER ALTER'S OFFICE

1) *Please detail the training and licensing processes for City Marshals. For example, do they go through a version of a cadet academy, and how long is that "academy"?*

There will not be a cadet academy. Applicants are required to have a basic peace officer license.

2) *Are they licensed peace officers through TCOLE?*

Yes.

3) *What credentials or experience must they have to be qualified City Marshals?*

**Minimum Qualifications:**

Licenses and Certifications Required:

Texas Class C Driver's License.

Police Officer Certification from the Texas Commission on Law Enforcement  
Officer Standards and Education (basic peace officer license)

**Employment Screening, Minimum Qualifications, and Documentation for  
Marshal Personnel**

**Minimum Requirements for Licensure as a Texas Peace Officer**

(Commission Rule 217.1)

**General Requirements:**

- (1) never been convicted of any family violence offense;
- (2) not prohibited by state or federal law from operating a motor vehicle;
- (3) not prohibited by state or federal law from possessing firearms or ammunition;
- (4) a U.S. citizen; and
- (5) been subjected to a background investigation and has been interviewed prior to appointment by representatives of the appointing authority.

**Military Requirements:**

Not been discharged from any military service under less than honorable conditions including, specifically;

- (A) under other than honorable conditions;
- (B) bad conduct;
- (C) dishonorable;
- (D) any other characterization of service indicating bad character;

**Texas Licensing Requirements:**

Not had a commission license denied by final order or revoked;

Not currently on suspension, or does not have a voluntary surrender of license currently in effect;

Meets the minimum training standards and passes the commission licensing examination for each license sought; and

Not violated any commission rule or provision of Occupations Code, Chapter 1701;

**Educational Requirements:**

- (A) a general educational development (GED) test indicating high school graduation level;
- (B) a high school graduate; or
- (C) 12 semester hours credit from an accredited college or university.

**Age Requirements:**

peace officers:

21 years of age, or 18 years of age if the applicant has received an associate's degree or 60 semester hours of credit from an accredited college or university or has received an honorable discharge from the armed forces of the United States after at least two years of active service;

**Criminal Background:**

(a) The applicant must:

(1) not be currently charged with any criminal offense for which conviction would be a bar to licensure;

(a) community supervision history:

(i) has never been on court-ordered community supervision or probation for any criminal offense above the grade of a Class B misdemeanor or a Class B misdemeanor within the last ten years from the date of the court order;

(b) conviction history:

(i) has never been convicted of an offense above the grade of a Class B misdemeanor or a Class B misdemeanor within the last ten years;

(2) For purposes of this section, the commission will construe any court ordered community supervision, probation, or conviction for a criminal offense to be its closest equivalent under the Texas

**Penal Code classification of offenses if the offense arose from:**

(i) another penal provision of Texas law; or

(ii) a penal provision of any other state, federal, military or foreign jurisdiction.

(3) A classification of an offense as a felony at the time of conviction will never be changed because Texas law has changed or because the offense would not be a felony under current Texas law.

**Medical and Psychological Requirements:**

An applicant must be declared in writing by that medical professional to be:

(A) physically sound and free from any defect which may adversely affect the performance of duty appropriate to the type of license sought; and

(B) show no trace of drug dependency or illegal drug use after a physical examination, blood test, or other medical test; and declared in writing by that professional to be in satisfactory psychological

and emotional health to serve as the type of officer for which the license is sought. The examination must be conducted pursuant to professionally recognized standards and methods:

**Training:**

Each agency or entity that employs at least one peace officer or at least one firearms certified jailer shall:

(1) require each peace officer or firearm certified jailer that it employs to successfully complete the current firearms proficiency requirements at least once each calendar year for each type of firearm carried;

(2) designate a firearms proficiency officer to be responsible for the documentation of annual firearms proficiency. The documentation for each officer shall include:

(A) date of qualification;

(B) identification of peace officer or jailer;

(C) firearm manufacturer, model;

(D) results of qualifying; and

(E) course(s) of fire;

(3) keep on file and in a format readily accessible to the commission a copy of all records of this proficiency.

(b) The annual firearms proficiency requirements shall include:

(1) an external inspection by the proficiency officer, range officer, firearms instructor, or gunsmith to determine the safety and functioning of the weapon(s);

(2) a proficiency demonstration in the care and cleaning of the weapon(s) used; and

(3) a course of fire that meets or exceeds the minimum standards.

(c) The minimum standards for the annual firearms proficiency course of fire shall be:

(1) handguns - a minimum of 50 rounds, fired at ranges from point-blank to at least 15 yards with at least 20 rounds at or beyond seven yards, including at least one timed reload;

(2) shotguns - a minimum of five rounds of ammunition fired at a range of at least 15 yards;

(3) precision rifles - a minimum of 20 rounds of ammunition fired at a range of at least 100 yards; however, an agency may, in its discretion, allow a range of less than 100 yards but not less than 50 yards if the minimum passing percentage is raised to 90;

(4) patrol rifles - a minimum of 30 rounds of ammunition fired at a range of at least 50 yards, including at least one timed reload; however, an agency may, in its discretion, allow a range of less than 50 yards but not less than 10 yards if the minimum passing percentage is raised to 90;

(5) fully automatic weapons - a minimum of 30 rounds of ammunition fired at ranges from seven to at least 10 yards, including at least one timed reload, with at least 25 rounds fired in full automatic (short bursts of two or three rounds), and at least five rounds fired semi-automatic, if possible with the weapon.

(d) The minimum passing percentage shall be 70 for each firearm.

(e) The executive director may, upon written agency request, waive a peace officer's demonstration of weapons proficiency based on a determination that the requirement causes a hardship.

(f) The effective date of this section is February 1, 2020 training requirements

### **TCOLE Licensee Training Mandate Guide (09/01/2017 – 08/31/2021)**

Peace Officer (General):

- Training Unit - each 2yr Unit (09/01/17 - 08/31/19, 09/01/19 - 08/31/21), Peace Officers must take:
  - The current Legislative Update (First Unit - 3185, Second Unit - 3186)(Rule 218.3(b)) 40hrs, including the above 3185/6 course (Rule 218.3(b)).
- Training Cycle - each 4yr Cycle (current 09/01/17 - 08/31/21), Peace Officers must take:
  - If the Peace Officer has Intermediate Certification or higher - no Cycle requirements.
  - If the Peace Officer does not achieve Intermediate Certification before the end of the Cycle - Cultural Diversity (3939), Crisis Intervention (3843), Special Investigative Topics (3232), De-escalation (1849) (Rule 218.3(c)).
- **Miscellaneous Training**
  - Peace Officers first licensed on or after 01/01/2011, must take Human Trafficking (3270) within 2 years of initial licensing (218.3(e)), if not taken in BPOC.
  - Peace Officers first licensed on or after 01/01/2016, must take Canine Encounters (4065) within 2 years of initial licensing (Rule 218.3(e)), if not taken in BPOC.
  - Peace Officers first licensed on or after 03/01/2016, must take Interacting with Deaf and Hard of Hearing Drivers (7887) within 2 years of licensing, if not taken in the BPOC.
  - Peace Officers first licensed on or after 04/01/2018, must take the 40hr CIT (1850) within 2 years of licensing (Rule 218.3(e)), if not taken in BPOC.
  - Peace Officers licensed before 01/01/2018, must take Civilian Interaction Training Program (CITP, 30418) by 01/01/2020. All others within 2 years of initial licensing, if not taken in BPOC, (Rule 218.3(e)).
- **Assignment Specific Training**

- Peace Officers using Body Worn Cameras must take the Body Worn Camera course (8158) before using the cameras (Rule 218.3(d)).
- Peace Officers appointed to court security at ANY level of court, after 09/01/2017, must take the Court Security course (10999) within 1 year of assignment to that duty. Persons already appointed to courtroom security on 09/01/2017 are required to complete the course by 09/01/2019 (Rule 218.3(d) and SB42).
- Peace Officers appointed to their first position as a Police Supervisor must complete New Supervisor course (3737) within one year prior to or after the assignment (Rule 218.3(d)).
- Peace Officers assigned to carry epinephrine auto-injectors (Epi-pens) must first complete Epinephrine Auto-Injector Training (1826).

### **Specific Considerations of Hiring Licensed Peace Officers**

In addition to the above, hiring an individual who is currently licensed with TCOLE requires the following documentation based on whether they are a new licensee (have not had their commission held by a law enforcement agency), they have had a break in service of 180 days or less since the date of hire by City Marshals, or have had a break in service of more than 180 days in service (but less than 2 years):

#### **New Licensee**

L-1 / L1-T (sign & notarize page 1 & 2)

F5R (required only for appointments after 9.01.05, if the applicant had another license type – peace officer, jailer, TCO)

L-2 (drug screen/ medical exam)

L-3 (psychological evaluation)

CCH (TCIC-NCIC)

DPS/FBI Fingerprint Return\*\*

Proof of Citizenship (Effective 3.01.03)

Proof of Education - HS Diploma (accredited) or GED

Military Discharge (if applicable)

Personal History Statement (Effective 1.01.12)

Certified Copy of Court Disposition \*\*\*

For peace officers only- Current record of firearms qualification (once per calendar year). Does NOT apply to 1st appointment of BPOC graduates.

**Break in Service of 180 days or less**

L-1 / L1-T (sign & notarize page one only)

F-5R (required only for appointments after 9.01.05)

CCH (TCIC-NCIC)

Certified Copy of Court Disposition \*\*\*

Military Discharge (if applicable)

Personal History Statement (Effective 1.1.12)

For peace officers only- current record of firearms qualification (once per calendar year).

**Break in Service of more than 180 days**

L-1 / L1-T (sign & notarize page 1 & 2)

L-2 (drug screen )

L-3 (psychological evaluation)

F-5R (required only for appointments after 9.01.05)

CCH (TCIC-NCIC)

DPS/FBI Fingerprint Return\*\*

Military Discharge (if applicable)

Personal History Statement (Effective 1.01.12)

Certified Copy of Court Disposition \*\*\*

For peace officers only- current record of firearms qualification (once per calendar year).

**Item #37:** Approve an ordinance amending the Fiscal Year 2021-2022 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20210811-001) to accept and appropriate \$230,000 in grant funds from the Capital Area Metropolitan Planning Organization to provide funding for the Enhanced Mobility of Seniors and Individuals with Disabilities Project.

COUNCIL MEMBER FUENTES'S OFFICE

1) *How many individuals participate in the Senior Transportation Program?*

There are currently 1,345 registered participants in this program.

2) *Please provide breakdown of the number of participants by zip code.*

The Department is gathering this data in a digital format. The Department will forward this information by noon on Wednesday, October 13, 2021.

<i>Zip Code</i>	<i># of Participants</i>
78701	4
78702	81
78703	5
78704	55
78705	3
78713	1
78717	24
78721	35
78722	10
78723	98
78724	24
78725	6
78726	33
78727	29
78728	9
78729	23
78730	6
78731	31
78732	4
78733	4
78735	12
78736	8
78737	1

78738	1
78739	13
78741	80
78744	75
78745	152
78746	7
78747	20
78748	84
78749	35
78750	48
78751	14
78752	21
78753	77
78754	38
78756	16
78757	28
78758	50
78759	68
78617	8
78660	4

3) *Which congregate meal sites are frequented by participants?*

The Parks and Recreation Department operates the following congregate meal sites:

- Alamo Recreation Center
- Asian American Resource Center
- Conley Guerrero Senior Activity Center
- George Morales Doves Springs Recreation Center
- Gus Garcia Recreation Center
- Rodolfo "Rudy" Mendez Recreation Center
- South Austin- Durwood
- South Austin Senior Activity Center

- Turner-Roberts Recreation Center
- Virginia L. Brown Recreation Center

**Item #81:** C14-2021-0023.SH Anderson Creek Affordable Housing- Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1701 East Anderson Lane (Little Walnut Creek Watershed). Applicant's Request: To rezone from limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning and rural residence-neighborhood plan (RR-NP) combining district zoning to community commercial-neighborhood plan (GR-NP) combining district zoning. Staff and Planning Commission Recommendation: To grant community commercial-neighborhood plan (GR-NP) combining district zoning. Owner/Applicant: 183 Apartment Site Ltd. (Patricia Ivy). Agent: Thrower Design (A. Ron Thrower). City Staff: Heather Chaffin, 512-974-2122.

#### COUNCIL MEMBER ALTER'S OFFICE

1) *Do we know the original purpose for zoning the back of this lot RR-NP?*

HPD: The property was rezoned from MF-3-CO to LO-CO and RR in 1996 under City File No. C14-96-0003. It was customary at the time to rezone floodplain areas to RR. This was prior to development of more restrictive drainage and water quality ordinance requirements. City Code now requires protection for floodplain, creek buffers and other environment sensitive features. Use of RR zoning of floodplains was phased out beginning in approximately 2003.

WPD: Staff does not get involved in Zoning cases but will do a thorough analysis at the time of site plan application. The site will have to meet current code at time of site plan which would apply creek and critical environmental feature buffers. This creek has a 50' buffer as well as wetland and rimrock critical environmental feature buffers.



- 2) *The staff report provides case history for only a single case in this area, C14-2014-0135. The report indicates that the case was a request for GO-NP to GO-MU-NP. That case was recommended for denial by the Planning Commission and then eventually withdrawn. Can staff please provide a copy of the staff report for that case?*

The staff report for the 2014 zoning case can be found at: <http://www.austintexas.gov/edims/document.cfm?id=228495>. The rezoning request from GO-NP to GO-MU-NP was supported by Staff with the additional condition that a 2,000 vehicle per day trip limit be added (GO-MU-CO-NP). Planning Commission did not support the request or Staff recommendation. The case was scheduled for City Council but after three postponements, the case never received a public hearing. The case expired per City Code Section 25-2-246(A)(2).

- 3) *The back-up includes District 1 constituent correspondence that indicates concerns about erosion on both sides of the creek. Do our staff in watershed or any other relevant department have any documentation of reports of erosion or any assessment of the conditions of this area of the creek?*

The Watershed Protection Department (WPD) has identified several relatively severe erosion sites in the immediate area including high ranking sites at 1601 and 1901 E. Anderson Lane, which are on the same side of Buttermilk Creek. Across the creek we have additional active erosion sites including one at 7602 Pebble Cove, which is almost directly across the creek. The south side of the creek is less severe because the slope is not as steep.

- 4) *Can the appropriate staff visit the site to assess the conditions of the creek and the retaining walls referenced in the constituent correspondence in back-up?*

Watershed Protection has conducted multiple creek walks in this site reach due to the number of erosion sites. Typically erosion assessments are not performed by WPD on undeveloped private lots, so none have been performed specifically for the property at 1701 E Anderson Lane, but have been on the sites mentioned above that are in the immediate area. Staff typically does not perform analysis for zoning cases, but will do a very thorough analysis at the time of site plan application. The site will have to meet current code at time of site plan, which would apply creek and critical environmental feature buffers. This creek has a 50' buffer as well as wetland and rimrock critical environmental feature buffers.