

Austin Neighborhoods Council

Strength Through Unity

March 23, 2005, City Council Candidates Forum

City Council Candidates for Places 1, 3, and 4 in the May 7, 2005, Elections

The Austin Neighborhoods Council will be hosting a Candidates Forum on March 23, 2005, at 7:00 PM. The forum will be held at the Austin Energy Building at 721 Barton Springs Road. In preparation for the ANC Forum, the ANC Executive Committee has prepared the following questions that we would appreciate your response to prior to our forum. Please forward your answers via e-mail to ANC President Susan Pascoe at spascoe@io.com no later than Friday, March 18. This year the ANC may make endorsements in the City Council races, and your answers will be considered by our membership for such endorsements.

All questions are formatted for a preferred "Yes" or "No" answer. However, if you want to provide an additional response you may do so. The ANC does acknowledge that it is the City Council's responsibility to set policy, that the implementation of policy is the responsibility of the City Manager, and that a single City Council Member cannot individually direct City Staff. As such, in all questions that refer to "directing" the City Manager, it is understood that this would be done through the passage of a resolution of the Council that you would either sponsor or support.

Section 1: Neighborhood Planning

A. Issue: Staff Resources, Process Schedule, and NP Budget

Concern: The original NP process assumed completion of the core-area neighborhood plans within 5 years. However, the City Manager has reduced funding and staffing committed to Neighborhood Planning at the same time that the schedule to complete a neighborhood plan has often stretched into several years. Therefore many of the core neighborhoods still are without plans seven years after the City embarked on this process. In addition, we now have many neighborhoods outside the core area that want to develop plans to address increased development pressure in their areas.

Question #1: Will you support directing the City Manager to develop a 2005/2006 budget that allocates sufficient funds to Neighborhood Planning such that the core-area neighborhood plans can be completed by the end of 2006 and that all neighborhood plans can be complete within 4 years?

Answer: **Yes**

B. Issue: Neighborhood Contact Team

Concern: In the initial neighborhood planning process, it was assumed that the participants in the plan's development, the "Planning Team," would continue to monitor the implementation of the plan, and if any changes needed to be made to the plan, the planning team would oversee such changes. However, the City has changed the planning process; the planning teams have been replaced with a workshop/focus group approach, with staff actually developing the plans. Therefore, for the implementation phase of the neighborhood plans, City staff has proposed "Neighborhood Contact Teams," to be formed after a plan has been adopted by the City Council. These new "Contact Teams" may or may not include those who participated in the actual planning process.

Question #2: Will you support directing the City Manager to reinstitute the "Planning Team" concept for the planning process and further direct the City Manager to ensure that the Planning Team be instituted as the new Contact Team for the implementation phase of the process?

Answer: **Yes, as long as the Planning Team is allowed to be on the Contact Team, but not required. Also, the Contact Team doesn't have to be limited to only the Planning Team.**

C. Issue: Plan Amendment Process

Concern: Neighborhood plans anticipate that things change in our neighborhoods and there should be a method to adjust a plan as appropriate to reflect the neighborhood's changing needs and desires. When such changes are needed in an adopted plan, the City has developed a neighborhood plan amendment process to handle such cases. However, it has been suggested that other issues (such as the TOD ordinance) should take precedence over the neighborhood plans.

Question #3: Will you support directing the City Manager to process any proposed land use or zoning changes for any reason, such as the TOD ordinance, in accordance with the current adopted neighborhood planning amendment process for any property within a neighborhood planning area?

Answer: **Yes**

D. Issue: Deed Restrictions

Concern: In most of Austin's residential subdivisions, restrictive covenants are included in the subdivision agreements that are contractual agreements between the seller and the purchaser of those lots. In some cases these deed restrictions include provisions that may be in conflict with potential zoning changes. This is particularly true where larger lots, over 7,000 square feet, are

prohibited from having more than one living unit by the deed restrictions yet are allowed to have a secondary living unit within the City's SF-3 zoning. In such situations, owners who build a secondary living unit as permitted by the City could be exposed to litigation due to their violation of the deed restrictions.

Question #4: Will you direct the City Manager to have the neighborhood planning staff provide a listing of the deed restrictions in a neighborhood and include it in the background information provided to the participants in the neighborhood planning process?

Answer: **Yes. Perhaps the neighborhood planning team could help gather that information.**

Section 2: Zoning

A. Issue Valid petitions

Concern: Preservation of the quality of life in our neighborhoods is founded on our Zoning ordinance. The most important tool that neighborhoods can use to ensure proper zoning is the Valid Petition, which when signed by over 20% of adjacent property owners requires a super majority of the City Council to change the zoning for a particular property.

Question #5: Except in the case of an individual property owner who creates a valid petition on their own to oppose a zoning change called for in a neighborhood plan, will you commit never to vote against a valid petition of the community in a zoning case?

Answer: **A valid petition will always carry great weight with me, and I do not expect to vote against such a petition except in extraordinary circumstances. I believe it is irresponsible to commit to vote a certain way in all potential situations.**

B. Issue: Protection of the Town Lake Corridor

Concern: The Town Lake Corridor is recognized as a significant community asset not only for its scenic vista but also as a major attraction that supports our tourist industry. The community has developed a comprehensive plan to ensure the continued preservation of this asset as codified in the Town Lake Master Plan, lakefront base zoning districts, and the Waterfront Overlay ordinance. However, this community asset is threatened by proposed zoning changes that would allow greater height or larger development. Approval of such zoning changes would transfer the community's value in vista of the Town Lake Corridor to private developers, wall off the lakefront from the surrounding community, and set a precedent that would further weaken the community-developed Town Lake Master Plan.

Question #6: Will you commit to uphold the community's desire to protect the Town Lake Corridor and vote against any proposed zoning change that would encroach on the current base zoning and waterfront overlay restrictions?

Answer: I do commit to protecting the Town Lake Corridor. However, I cannot commit to voting a specific way in all potential situations as I stated above.

C. Issue: Commercial Creep

Concern: The residential quality of many of our neighborhoods is often threatened by proposals to "up zone" residential properties (Single Family, SF) into a higher zoning category for commercial use (Multifamily, MF, through Commercial Services, CS). This is commonly referred to as commercial creep.

Question #7: In areas where a neighborhood opposes upzoning to convert residential use to some other commercial use, and where adequate commercially zoned property is already available, will you commit to vote against such up zoning?

Answer: I will fight to protect neighborhoods from unwanted conversion to CS.

D. Issue: Compatibility Standards

Concern: In areas that transition from commercial uses to residential uses, to ensure that the commercial uses do not negatively impact the adjacent residential uses, the City has adopted appropriate compatibility standards. However, many proposed commercial developments attempt to have such standards removed or changed to be less restrictive.

Question # 8: Will you commit to support the existing compatibility standards in general?

Answer: Yes.

Question #9: If you were on the City Council now, would you oppose the proposal to weaken these compatibility standards in the Transit Oriented District ordinance?

Answer: I cannot answer this question as the TOD ordinance is not fully formulated. TOD is essentially new development that gradually transitions into existing development. There may be differences in how this will work compared to existing rules because this is a new type of development. I will work with neighborhoods in deal with this new formula.

Section 3 Code and Ordinance Enforcement

A Issue: Plan Review and Building Permits

Concerns: The City has initiated a “One-Stop Shop” for permitting purposes with the intent to speed up the land development approval process. However, increasingly our neighborhoods are seeing projects permitted by the City of Austin that are designed in violation of the existing codes and ordinances. An example is the approval of buildings that exceed allowable stories or heights, exceed impervious cover limits, or infringe on setbacks.

A common response by the City when these errors are caught is that they lack sufficient qualified staff and time for adequate plan review. We also often hear from neighbors and developers that the City’s interpretation of the rules is inconsistent.

Question #10: Will you support directing the City Manager to re-evaluate the “One-Stop Shop” concept, the budget for plan review staff, and the time allowed for plan review and to implement an accountability system to ensure that all projects permitted conform to the existing codes and ordinances?

Answer: **Yes**

B. Issue: Administrative approval of site plans

Concerns: The City has established that to contest an administratively approved site plan, an appeal of the administrative decision has to be filed within 20 days of the approval of the site plan. Since notification of neighborhoods is not required for site plans, the situation has resulted in approvals of site plans that are in conflict with neighborhood interests without the opportunity for neighborhood input into the administrative decision.

Question #11: Will you support an ordinance change to require that interested parties, neighborhood associations, and adjacent property owners be informed when a developer or owner initiates (has first contact) with City Staff any action that would lead to the site plan approval process and to have a public review process for such site plan approvals?

Answer: **Yes**

C. Issue: Code and Ordinance Enforcement during construction

Concerns: In many of our neighborhoods we are finding projects being built in violation of the approved plans. Often these are discovered late in the construction process and the builder is allowed to make minor changes without fully conforming to the regulations. This often results in damage to the environment, greater demand on the infrastructure, and negative effects on neighbors' properties.

Question #12: Will you commit to directing the City Manager to implement a review of the fines assessed to projects for code violations and establish a meaningful enforcement process that either requires the developer to build the project as permitted or assesses significant fines as a deterrent to improper construction?

Answer: **Yes**

D. Issue: Enforcement of Quality of Life Ordinances

Concern: Austin has many ordinances that contribute directly to our quality of life, such as the noise ordinance or hours of operation for businesses adjacent to residential properties. However, these quality of life ordinances are not consistently enforced.

Question #13: Will you support directing the City Manager to establish an "Integrity" review to ensure that the City Staff is enforcing all codes and ordinances adopted by the City Council?

Answer: **Yes**

Section 4 Environment

A. Issue: Protection of Urban Watersheds

Concern: Increased development pressure in the urban core has resulted in significant additional impervious cover that damages our urban watersheds. The City has estimated that we need over \$800 million in drainage improvements just to deal with the current situation. However, the City permits developers, as an alternative to onsite detention and retention, to pay into a fund for regional drainage facilities. But the current "Fee in Lieu" program charges do not adequately cover the cost for such regional solutions, and in some areas such off-site solutions are not available.

Question #14: Will you support directing the City Manager to provide an analysis of the "Fee in Lieu" program and ensure that the fees assessed to new development do adequately fund the necessary regional facilities, and if not, then require that such development handle storm water runoff onsite?

Answer: **Yes**

Question #15: In areas without the opportunity for a regional drainage solution, will you support directing the City Manager to provide an analysis of the existing impervious cover in these urban watersheds, an estimate of the additional impervious cover that can be accommodated without further damage to these watersheds, and then have the data considered in any zoning requests in these urban watersheds?

Answer: **Yes**

B. Issue: Development in the Barton Springs Section of the Edwards Aquifer

Concern: Since 1992, with the adoption of the SOS ordinance, it has been a clear priority of the community to discourage development in the sensitive BSZ. However, the City has continued to approve development in this area, extended utilities, and worked with other jurisdictions (AISD, LCRA, Travis Co., TxDot) to provide additional infrastructure that then has encouraged even more development in this fragile environmental resource.

Question #16: Will you commit to vote against any further development proposals that would increase the impervious cover and pollutant loading of the recharge and contributing area of the Barton Springs section of the Edwards Aquifer beyond that which is allowed by the SOS ordinance?

Answer: **I will absolutely do everything in my power to prevent such development proposals. SOS is the law, and it should be complied within all applicable areas.**

C. Issue: Air Quality

Concerns: The Austin region has been on the verge of exceeding the Clean Air Standards established by the EPA, and we continue to experience many Ozone Action days. Even though the City has entered into the Early Action Compact with surrounding jurisdictions to reduce emissions, we may not be able to avoid designation as a nonattainment area by 2007. Since the major contributor to ozone is automobile emissions, it is important to reduce the vehicle miles traveled (VMT) per capita of the Austin population.

Question #17: Will you commit to support alternative transit options such as improved bus service, better bike lanes, more pedestrian improvements, and less infrastructure to accommodate the car?

Answer: **Yes**

Question #18: Will you support the changes in the CAMPO 2030 plan as requested in the City's AMATP, thereby limiting roadway expansion in our core area neighborhoods?

Answer: **Yes**

Section 5: Social Equity

A. Issue: Budget priority of Health and Human Services

Concern: The City in the last two budget cycles has reduced funding for health and human services by almost 5% at a time when the demand for these services from the least fortunate in our community has grown substantially. Also, for many years to come, the City has obligated almost the entire revenue from property tax and sales tax to public safety, leaving funding for critical health and human services needs woefully inadequate.

Question #19: Will you commit to a City budget for 2005/2006 that restores all funding cuts that Health and Human Services has experienced in the last two years and sets HHS as an equal priority with Public Safety so that future funding for these important services meets the community's needs?

Answer: **I am committed to restoring the HHS cuts as quickly as possible. These services are a high priority to me. I believe they are critical to the well-being of the whole community.**

B. Issue: Gentrification

Concern: The rapidly rising cost of living in Austin has fallen hardest on the middle and lower socio-economic groups in our city. One of the major factors in this rise in the cost of living is our property taxes. While the City Council can do little with regard to the appraised value of property, the Council can act responsibly with regard to several factors that contribute to gentrification pressure on our existing residents.

Question #20: Will you commit to lowering the effective tax rate so that the out-of-pocket property tax expense is no greater than the local inflation rate?

Answer: **This question is unclear. I need more information or clarification to answer.**

C. Issue: Economic Incentives and Subsidies for development

Concerns: In the last several years the City of Austin has given over a \$100 million in economic incentives or subsidies as a way to attract business to locate in Austin or to retain business that may be considering leaving the area. These subsidies are often supported on the assumption that they will build property tax and sales tax revenues for the City and will therefore help the economic health of the City. However, the City's rising property tax (the actual out of pocket expense to property owners) suggests that this assumption is false; that in fact such financial incentives are simply a subsidy for large corporations (corporate welfare) and unfair to local small businesses and residential taxpayers.

Question #21: Will you support directing the City Manager to provide, for any business seeking a financial incentive from the City, an analysis of the effect of this business on the local labor force and the impact of the potential new jobs on the gentrification pressure in the city?

Answer: **Yes**

D. Issue: Affordable Housing

Concern: New affordable housing is almost nonexistent in Austin, and the lack of available affordable housing is nearly a crisis situation. Providing more affordable housing should be a City priority, whether it is the proposed percentage of affordable housing in the Transit Oriented District ordinance or the current programs under SMART Housing, but almost all efforts to address the shortage of affordable housing have been based on some form of financial subsidy coming from the general fund. That source of funding places the burden on middle and lower income citizens, and the reliance on such regressive taxes only aggravates the cost-of-living problems in our community.

Question #22: Will you commit to finding funding sources to increase the supply of affordable housing that are not generated from a regressive tax structure?

Answer: **Yes**

Section 6 Growth Management

A. Issue: The proposed 2006 ECT Bond Package

Concern: The Mayor's announced ECT Bond proposal for 2006 focuses both on raising money to buy open space and conservation land and on building

new infrastructure in the Desired Development Zone to accommodate more population in that area. Although Austin has a community wide interest in stopping sprawl over the aquifer, we must ask whether the purchase of more green space will truly save the springs. The ECT survey results suggest that many people want more opportunity to capture growth in the city, but it is unclear where this new growth should go and how it will affect our current neighborhoods.

Question #23: Will you commit to having the City develop a comprehensive strategy for saving the aquifer, including a scientific analysis of impervious cover limits indicating the maximum growth that can be accommodated over the recharge and contributing areas, where the land will be purchased from the bond funds, and whether this land purchase will ensure the long-range health of the aquifer?

Answer: **Yes**

Question #24: Will you commit to directing the City Manager to have staff provide an analysis of the projected densities for Austin neighborhoods as suggested by the ECT scenarios and compare them to both our current neighborhood densities, including the densities that could be obtained in the areas with adopted neighborhood plans if all zoning was fully built out?

Answer: **Yes**

B. Issue: Ensuring that Growth Pays for Itself.

Concern: Austin saw explosive economic growth in the 90's, but the unfortunate consequence has been a rapid increase in the cost of living that has far exceeded the economic benefit that has been derived by many in our community. This imbalance has increased the gentrification pressure throughout the city. As we have seen in the last few years, the inevitable business cycle of boom followed by bust resulted in an economic downturn that hindered the City's ability to deliver basic services, resulting in shorter library hours to less park maintenance, along with higher property taxes.

Question #25: Will you commit to a thorough review of our economic development strategies to ensure that future growth will pay for itself and not be subsidized by Austin's taxpayers?

Answer: **Yes**

C. Issue: Density

Concern: It is often taken as a given that Austin will grow and that nothing can be done to curtail that population increase. Closely associated with this assumption is that to avoid sprawl, we have to add density to the city. Some then suggest that the extra density must be added in existing residential neighborhoods and that higher zoning and mixed use should replace residential zoning in most of the urban core neighborhoods. However, it has also been suggested that within the city limits of Austin there are thousands of undeveloped acres that could be developed at much higher densities than our current neighborhoods and could accommodate a much larger population at a lower cost than redeveloping our existing urban core neighborhoods.

Question #26: Will you commit to directing the City Manager to study the potential cost benefit for locating significant additional population within our city limits in areas that are currently undeveloped and outside our existing urban core neighborhoods?

Answer: **Yes**

D. Issue: Proposed Commercial Design Standards

Concern: It is suggested that the proposed Commercial Design Standards will produce a better built environment, particularly with regard to the problems of Big-Box retail. The underlying desire to reduce the presence of large “Branded” superstores and to support more locally developed small businesses is to be commended. However, the proposed design standards as currently proposed will apply to all commercial development in Austin. This includes the locally grown businesses, and the cost to comply with some of the proposed requirements could be expensive for these small businesses.

Question #27; Will you support amending the current proposal to exempt small local businesses from portions of the proposed ordinance that will be cost-prohibited for development on small commercial lots?

Answer: **Yes**

Section 7 Transportation

A. Issue: Toll Roads

Concern: The proposed Toll Road plan approved by CAMPO and the RMA will place tolls on roads that have either already been built or are in the process of being built. In both cases these roads have already been paid for with our taxes. Placing tolls on these roads is in fact double taxation; considering the

loss of State funding for road maintenance, the local burden for these roads is unreasonable.

Question #28: Will you commit to opposing the CAMPO Toll plan as currently configured and support a revised road plan without placing tolls on already paid for roads and consistent with the Austin Metropolitan Area Transportation Plan?

Answer: **Yes**

B. Issue: Alternative Transit options

Concern: Until fairly recently all transportation funding has gone into roadway construction in an attempt to build our way out of traffic congestion. However, as seen in most growing American cities, this strategy has not provided traffic congestion relief and in many cases has simply induced more traffic, more congestion, and more air pollution.

If the EPA designates Austin a nonattainment area with regards to air quality, any new road proposal will have to be submitted to a conformity analysis to determine if it would indeed result in less congestion and air pollution.

Question #29: Will you oppose the use of any additional City of Austin bonding authority to acquire right-of-way or construct new road lanes that have not been shown to reduce traffic congestion and reduce air pollution emissions as required in the EPA's conformity analysis?

Answer: **Yes**

C. Issue: Capital Metro's Bus service

Concern: Although the voter-approved commuter rail system will be helpful in providing an alternative to the car, it will be accessible to only a small segment of our community. To really reduce our dependence on the car we will need an efficient and dependable public bus system. Unfortunately, most people do not feel that Capital Metro has provided such a system to date. Capital Metro is an independent authority, but several Austin City Council members serve on Capital Metro's Board of Directors.

Question #30: If you are elected to the Austin City Council and are appointed to represent the City on Capital Metro's Board of Directors, will you support establishing a Community Advisory Committee to review Capital Metro's plans to improve the bus system and ensure the appointment of neighborhood representatives to such a committee?

Answer: **Yes**

Section 8 City Administration and Budget

A. Issue: Setting City Budget priorities

Concern: In recent years the City Manager has used the Community Survey responses as a tool to help set budget priorities. However, this method is very questionable. First, the survey is self-selected and is not a statistically verifiable survey form. Second, the structure of the survey form itself-- the way the questions are asked--is slanted. To many, this survey device is seen as a self-serving exercise to justify City staff's priorities and therefore it has limited validity.

Question #31: Will you support directing the City Manager to create a community taskforce to revise the survey instrument to ensure an unbiased format and have the survey completed by a methodology that is statistically significant and not self-selected?

Answer: **Yes**

B. Issue: Austin Energy and Transfers to the General Fund

Concern: Austin Energy is a city ratepayer-owned utility that has a very strong economic position in the utility market, with substantial operating cash flow over operation costs. The City has used this operating profit to support nonutility city programs by a yearly transfer of money to the general fund. In recent years it has been suggested that either this practice should be stopped and our utility rates lowered, with the possible result of property tax increases to make up the difference, or the amount transferred from the utility should be increased to make up for the shortfall in property and sales tax. However, since the prospect of deregulation has caused the utility to close its books to the public, the utility's actual financial situation is not public information.

Question #32: Will you support a Council resolution establishing the position of consumer advocate in the City Auditor's office, with the responsibility of reporting to Council on the advisability of changing the rate and the method of determining the transfer from Austin Energy to the general fund?

Answer: **I need to look at this further. I think a consumer advocate is a good idea.**

C. Issue: Generation of Additional City Revenue

Concern: In response to the recent downturn in the City's revenue from both property taxes and sales taxes, the City Manager has presented a "structurally balanced" budget, with city expenses cut to reflect the loss of projected revenue. This has resulted in a host of budget cuts, including the slow-down of the neighborhood planning process, cutback of park maintenance, reduction in city youth programs, cuts in health and human services, shorter library hours, and so forth. The City has attempted to find additional revenue, but this effort has resulted in just shifting the costs from one group to another; it has not really found ways to generate additional revenue from those who have prospered the most from the city's growth in the last decade.

Question #33: Will you support directing the City Manager to develop a list of all legal revenue opportunities that the City has under state law and determine if additional revenue can be generated for the general fund from those sectors of our economy that have realized the greatest economic gain from our economic development and growth?

Answer: **Yes**