

Community Comments on JPA and Staff Response Log

10.22.2021

| # | Comment Source | Section Reference | Comment | Staff Response | Notes |
|---|--|------------------------------------|---|---|---|
| 1 | Community Advisory Committee, ATX Mobility Coalition | 2.7 Supplemental Agreements | "...These supplemental agreements must be taken by the appropriate parties and may be bilateral, such as for services or functions provided by the City or Capital Metro to ATP or to address specific project issues in property acquisition, financing, design, construction, operations or maintenance of the Project Connect system. <u>Before final adoption by the governing bodies of the parties, all proposed language in supplemental agreements must be submitted for review by the CAC and made public for review by the community at large, providing a time frame of no less than eight weeks for review and feedback. As, necessary, the community engagement must be conducted with a clear process in accordance with the Community Engagement and Inclusion Commitments outlined in section 3.2.</u> The existing supplemental agreements between the Parties are listed in <u>Attachment B</u> , and Executive Leadership shall ensure that staff maintains a list and records of such agreements and actions that relate to Project Connect." | Staff supports elements of this change. | Staff does not agree with the eight weeks notice commitment, as it may be beyond the typical public review timeframe for certain actions taken by City Council, the Capital Metro Board or ATP Board. Additionally, review by CAC for all agreements may be beyond the scope of the CAC, per the interlocal agreement creating the CAC. Modified language proposed by staff is reflected in JPA v2 Redline, section 2.7 (page 6-7). |
| 2 | Community Advisory Committee, ATX Mobility Coalition | 3.1 Joint Commitments | "...The Parties further acknowledge that Project Connect is funded by public tax revenues, and the Parties are responsible for being good stewards of public funds. <u>The Parties further acknowledge the need to assess and proactively address displacement impacts and equity concerns as stated in the Community Commitment Resolution and Contract with Voters Resolutions.</u> Therefore, the Parties commit to being innovative and holistic in the development of processes, procedures, reviews and regulations tailored to Project Connect to achieve effective decision-making and cost effectiveness..." | Staff supports this change. | Change reflected in JPA v2 Redline, section 3.1 (page 7). |
| 3 | Community Advisory Committee, ATX Mobility Coalition | 3.1 Joint Commitments | Add: "...• <u>The Parties commit to supporting an equitable transit system to benefit the whole community, including equity in considerations of design, accessibility, rollout, operations, station location, and project timelines.</u> " | Staff supports elements of this change. | Station locations and protect timelines were approved by City Council and the Capital Metro Board with the Project Connect Investment Map and Implementation Sequence Plan, and subsequently presented to voters as part of 2020 Proposition A. Modified language proposed by staff is reflected in JPA v2 Redline, section 3.1 (page 7). |
| 4 | Community Advisory Committee, ATX Mobility Coalition | 3.1 Joint Commitments | Add: "...• <u>The Parties commit to prioritizing staff resources to support the development and implementation of a publicly available equity analysis tool that analyzes the design, construction, and operation of all Project Connect transit projects, including, but not limited to, assessing wider community impacts. Such a tool must be co-created with the Project Connect Community Advisory Committee and must include comprehensive opportunities for collecting and responding to feedback from transit users, community members, and key stakeholder groups.</u> " | Staff supports elements of this change. | ATP's Director of DBE and CapMetro's Director of Diversity, Equity and Inclusion are planning the creation of transit equity goals and metrics. Modified language proposed by staff is reflected in JPA v2 Redline, section 3.1. (page 8). |
| 5 | Community Advisory Committee, ATX Mobility Coalition | 3.2.1 Community Engagement Process | "... include their voices <u>feedback and guidance</u> in project planning, development, and implementation, <u>and operations</u> ; and understand the different needs of each community to improve and increase access to essential services with a direct focus on under-resourced communities. <u>This should include upfront clarification, followed by a report back to the Community Advisory Committee and to the community in an easily accessible and public manner, on how community feedback and guidance is collected, analyzed, and incorporated in project planning, development, implementation, and operation.</u> " | Staff supports this change. | Staff supports the intent of language, and added reference to the community engagement reporting commitments later in the section. Change reflected in JPA v2 Redline, section 3.2.1 (page 8). |

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| 6 | Community Advisory Committee, ATX Mobility Coalition | 3.2.3 Community Engagement Guiding Principles | "The Project Connect Community Advisory Committee shall be <u>comprehensively, and consistently consulted and involved in the process, including being regularly informed in advance of all major decisions in a timely manner that allows for informed decision-making regularly informed</u> so that they can effectively assist..." | Staff supports elements of this change | Staff supports the intent of the language. Modified language proposed by staff is reflected in JPA v2 Redline, Section 3.2.3 (page 9). |
| 7 | Community Advisory Committee, ATX Mobility Coalition | 3.2.3 Community Engagement Guiding Principles | "Prior to any public meeting, outreach, or engagement opportunity, the responsible party shall provide <u>sufficient advance notice for meaningful participation</u> to individuals, businesses, or organizations that will be impacted by the project." | Staff supports elements of this change | "Sufficient" is subjective, and notice is dependent on the type of engagement occurring. Notice goals should be defined by project-specific public involvement plans. Modified language proposed by staff is reflected in JPA v2 Redline, Section 3.2.3 (page. 10). |
| 8 | Community Advisory Committee, ATX Mobility Coalition | 3.2.4 Community Engagement Reporting | "...including public meeting solicitations and public comments, and shall report that information annually or more frequently via <u>a comprehensive the Community Engagement Dashboard or another tool</u> . The information may include..." | Staff supports this change. | Change reflected in JPA v2 Redline, section 3.2.4 (page 10). |
| 9 | Community Advisory Committee, ATX Mobility Coalition | 3.2.5 Public Involvement Plans | "The online Community Engagement Dashboard <u>shall</u> may be used to help further this direction... The public participation plans <u>shall</u> should also leverage resources already mobilized specifically for Project Connect..." | Staff supports this change. | Change reflected in JPA v2 Redline, section 3.2.4 (page 10-11). |
| 10 | Community Advisory Committee, ATX Mobility Coalition | 3.2.5 Public Involvement Plans | <u>"The public involvement plans shall be reviewed by the Project Connect Community Advisory Committee and the ATP Board Technical Advisory Committees."</u> | Staff supports this change. | Change reflected in JPA v2 Redline, section 3.2.5 (page 11). |
| 11 | Community Advisory Committee, ATX Mobility Coalition | 3.2.7 Community Advisory Committee | "...and advising on anti-displacement and equity matters related to Project Connect <u>and corresponding programs</u> . Additionally, the CAC will assist the community and the City Council in the creation and evaluation of neighborhood-level anti-displacement strategies and priorities and the identification of Key Performance Indicators related to equity and displacement. The CAC will provide input <u>and recommendations</u> on program equity along with the ATP Board Technical Advisory Committees <u>and shall be notified in the same capacity and with the same amount of time prior to decisions being made as the ATP Board. Staff Liaisons will notify CAC members of upcoming TAC meetings, including providing an annual calendar of meetings and agendas, as they are prepared.</u> CAC members may attend TAC meetings." | Staff supports elements of this change. | "Corresponding programs" expands the scope of the CAC potentially beyond Project Connect. The Technical Advisory Committees are not subject to the Open Meetings Act, therefore their agendas are not always well known in advance. Modified language proposed by staff is reflected in JPA v2 Redline, section 3.2.7 (page 11). |
| 12 | Community Advisory Committee, ATX Mobility Coalition | 3.2.7 Community Advisory Committee | "The City Council, <u>ATP Board</u> , and Capital Metro Board may appoint additional members to the Committee." | Staff does not oppose. | Staff does not oppose this change but defers to policymakers as this is a change to a previous City Council and CapMetro Board action creating the CAC. If this change is supported by policymakers, changes may also be necessary to the nomination and appointment process, described in 3.2.7. The nomination and appointment process largely as written in the original action creating the CAC. |
| 13 | Community Advisory Committee, ATX Mobility Coalition | 3.2.7 Community Advisory Committee | "The slate of candidates selected by the Nominating Committee shall provide for geographic representation as it relates to the proposed transit plans as well as a diversity of viewpoints, <u>socio-economic status, and lived experience.</u> " | Staff supports this change. | Change reflected in JPA v2 Redline, section 3.2.7 (page 12). |

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| 14 | Community Advisory Committee, ATX Mobility Coalition | 3.2.7 Community Advisory Committee | "The CAC bylaws must be approved by the ATP Board. The CAC will be supported by ATP and the City staff liaisons. <u>Staff liaisons will ensure that the committee complies with the Texas Open Meetings Act requirements, any deadlines, and other rules and statutory requirements. The ATP Executive Director and City Manager will appoint an administrative staff person to help the committee prepare agendas, post meeting notices, schedule staff briefings, keep the committee apprised of all items being considered by the ATP Board and Technical Advisory Committees, maintain minutes, and keep attendance records for committee members.</u> The City and Capital Metro shall send a courtesy copy of their CAC appointments to the ATP staff liaison." | Staff supports elements of this change. | Staff supports the intent of the language. Rather than specifying "administrative staff" shall support the CAC, staff proposes committing that staff, generally, shall support the CAC. Modified language proposed by staff is reflected in JPA v2 Redline, Section 3.2.7 (page 13). |
| 15 | Community Advisory Committee, ATX Mobility Coalition | 4.2.1.4 Advisory Committees | "The ATP Board may establish technical advisory committees and select members via a widely publicized <u>and transparent</u> application process. Each committee will have a board liaison and assigned ATP staff. ATP will work with the City and Capital Metro to provide the agenda and meeting information prior to any ATP technical advisory committee meeting to ensure their representation is included, depending on the agenda items. <u>Membership and agendas for the committees should be shared publicly.</u> Board liaisons may report..." | Staff supports elements of this change. | The Technical Advisory Committees are not subject to the Open Meetings Act, therefore their agendas are not posted publicly. |
| 16 | Community Advisory Committee, ATX Mobility Coalition | 4.2.2 Executive Director | "In accordance with the Bylaws, ATP shall appoint an Executive Director. The Executive Director of the Corporation shall be the chief executive officer of ATP and shall in general supervise and control all of the business and affairs of ATP. <u>The President and CEO of Capital Metro will serve as the initial Executive Director at the start of the project. Within one year after voter approval,</u> the ATP Board, <u>Austin City Council,</u> and Capital Metro Board shall define the terms and conditions under which the ATP Board will appoint succeeding Executive Directors and evaluate performance <u>so as to ensure the independence of the ATP.</u> " | N/A | Staff defers the decision to the governing bodies of the three parties. |
| 17 | Community Advisory Committee, ATX Mobility Coalition | 4.3 Commitments of ATP | "Developing and implementing a policy that ensures worker protections and workforce development through participation in the Better Builder Program® or a similar program which includes City of Austin hiring goals as allowed by federal law and regulations, <u>including but not limited to: wages no less than the City of Austin living wage,</u> completion of OSHA 10-hour training, workers' compensation, <u>hiring goals from craft training programs, independent third party on-site monitoring accredited by a local, community organizations that is independent of construction companies and their affiliates, and in compliance with all applicable state, federal, and local laws. In addition, procurement policy will include City of Austin hiring goals as allowed by federal law and regulations.</u> " | Staff supports elements of this change. | Modified language proposed by staff is reflected in JPA V2 Redline, Section 4.3 (page 15-16). |
| 18 | Community Advisory Committee, ATX Mobility Coalition | 5.2.1.1 City Council | "In addition to other responsibilities as provided in this Agreement, City Council approval is required for certain supplemental interlocal agreements, <u>including, but not limited to, those related to the Community Commitment Resolution and Contract with Voters Resolutions. City Council is also required</u> and for reviewing and approving code variances and waivers <u>of City Code, regulations, or processes,</u> and changes to the Fee schedule beneficial to support the unique nature of Project Connect design and construction." | Staff does not support this change. | The City resolution being considered for approval on Oct. 29 will direct staff to bring items back for City Council's consideration. The intent of the suggested language is addressed by that resolution as well as the language in JPA V2 Redline, Section 5.2.1.2 (page 18). |

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| 19 | Community Advisory Committee, ATX Mobility Coalition | 5.2.1.2 City Manager | "support ATP and Capital Metro in achieving...wherever possible, <u>including making all plans and documents publicly available and allowing for community engagement</u> ; and" | Staff supports elements of this change. | Modified language proposed by staff is reflected in JPA v2 Redline, Section 5.2.1.2 (page 18). |
| 20 | Community Advisory Committee, ATX Mobility Coalition | 5.2.1.2 City Manager | "review the City Code to identify any variances or waivers of City Code, regulations, or processes <u>to recommend to City Council</u> that will facilitate the unique nature of Project Connect design and construction,..." | Staff supports this change. | Modified language proposed by staff is reflected in JPA V2 Redline, Section 5.2.1.2 (page 18). |
| 21 | Community Advisory Committee, ATX Mobility Coalition | 5.2.1.3 Project Connect Office | "The payments for such services shall made in accordance with the timelines set forth in Chapter 2251 of the Texas Government Code (the "Prompt Payment Act") and shall not be unreasonably withheld. As part of the annual budget process for the Project Connect Office, the PCO staff will submit its proposed annual budget to ATP annually by April 1st., <u>including funding for any efforts necessary to achieve anti-displacement and equity related goals...</u> " | Staff does not support this change. | Per the Interlocal Agreement between the City of Austin and Austin Transit Partnership for support services, anti-displacement efforts are not part of the scope of services. |
| 22 | Community Advisory Committee, ATX Mobility Coalition | 5.2.2 City of Austin Responsibilities | "utilize the \$300,000,000 million dedicated to transit-supporting anti-displacement strategies..." | Staff supports this change. | Change reflected in JPA V2 Redline, Section 5.2.2 (page 19). |
| 23 | Community Advisory Committee, ATX Mobility Coalition | 5.2.3 Capital Metro Responsibilities | "• Ensure that existing Capital Metro transit services continue to fully serve <u>current riders and provide steady service, sharing information and timelines in relation to all service changes with sufficient advance notice.</u> " | Staff supports elements of this change. | Modified language proposed by staff is reflected in JPA v2 Redline, Section 5.2.3 (page 20). |
| 24 | Community Advisory Committee, ATX Mobility Coalition | 6.1 Automatic Termination | "This Agreement will terminate upon the earlier to occur of: 1) execution of a written termination by all Parties; 2) the dissolution of the ATP; or 3) ten years, and shall automatically renew for additional ten-year terms, unless terminated by the Parties. <u>Upon automatic termination, if there is a superseding agreement put in place, all existing parties shall produce a timeline by which a superseding agreement shall be executed which allows for community engagement.</u> " | Staff supports elements of this change. | Staff simplified the language to address if there is a superseding agreement to the JPA. Modified language proposed by staff is reflected in JPA v2 Redline, Section 6.1 (page 21). |
| 25 | Workers Defense Action Fund | 4.3 Commitments of ATP | Developing and implementing a procurement policy that ensures worker protections and workforce development through participation in the Better Builder Program® or a similar program which includes City of Austin hiring goals as allowed by federal law and regulations, <u>including but not limited to: wages no less than the City of Austin living wage, completion of OSHA 10-hour training, workers' compensation, hiring goals from craft training programs, independent third party on-site monitoring, accredited by a local, community organization that is independent of construction companies and their affiliates, and in compliance with all applicable state, federal, and local laws. In addition, procurement policy will include City of Austin hiring goals as allowed by federal law and regulations.</u> | Staff supports elements of this change. | See above response #17 regarding this section. |
| 26 | Engineering, Architecture & Construction (EAC) | n/a | The committee recommended including timelines, milestones, and deadlines for critical path items in the program, in order to hold all parties accountable for the schedule and each party's responsibilities in maintaining the schedule. Schedule is one of the program's greatest risks, so the JPA should help the partnership minimize that risk. | N/A | A specific change to the JPA was not proposed by the committee. Adjustments to the Implementation Sequence Plan would be brought before City Council and the Capital Metro Board per the ATP Articles of Incorporation. The JPA speaks to the commitments of the three parties in achieving the schedule as defined in the Sequence Plan. |