Agenda - Final revised
Capital Metropolitan
Transportation Authority
Board of Directors

2910 East 5th Street
Austin, TX 78702

Wednesday, October 12, 2022  11:30 AM  Rosa Parks Boardroom

Special Board Meeting

This meeting will be livestreamed at capmetrotx.legistar.com

I. Call to Order

II. Public Comment:

III. Action Items:

1. Approval of a resolution authorizing the proposed non-park taking of approximately 8 acres of parkland located at Walter E. Long Park, 6614 Blue Bluff Road, Austin, Texas 78724, also known as 7001 Decker Lane, Austin, Texas 78724, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, and authorizing all acts and proceedings done or initiated by the Capital Metropolitan Transportation Authority, its employees, agents and attorneys for the acquisition of the fee simple title interest in the referenced property by the process of eminent domain for the public purpose of the development and construction of the Expo Center Park and Ride to serve the MetroRapid Expo Center line.

IV. Discussion Items:

1. CapMetro & Transit Empowerment Fund Update

V. Executive Session of Chapter 551 of the Texas Government Code:

Section 551.072 for discussion of Real Estate matters regarding McKalla Place land acquisition and future property leases

VI. Items for Future Discussion:

VII. Adjournment

ADA Compliance
Reasonable modifications and equal access to communications are provided upon request. Please call (512) 369-6040 or email ed.easton@capmetro.org if you need more information.

BOARD OF DIRECTORS: Jeffrey Travillion, Chair; Ann Kitchen, Vice Chair; Leslie Pool, Secretary; Becki Ross; Eric Stratton, Wade Cooper and Matt Harriss.

The Board of Directors may go into closed session under the Texas Open Meetings Act. In accordance with Texas Government Code, Section 551.071, consultation with attorney for any legal issues, under Section 551.072 for real property issues; under Section 551.074 for personnel matters, or under Section 551.076, for deliberation regarding the deployment or implementation of security personnel or devices; arising regarding any item listed on this agenda.
SUBJECT:
Approval of a resolution authorizing the proposed non-park taking of approximately 8 acres of parkland located at Walter E. Long Park, 6614 Blue Bluff Road, Austin, Texas 78724, also known as 7001 Decker Lane, Austin, Texas 78724, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, and authorizing all acts and proceedings done or initiated by the Capital Metropolitan Transportation Authority, its employees, agents and attorneys for the acquisition of the fee simple title interest in the referenced property by the process of eminent domain for the public purpose of the development and construction of the Expo Center Park and Ride to serve the MetroRapid Expo Center line.

FISCAL IMPACT:
Funding for this action is available in the FY2023 Capital Budget

STRATEGIC PLAN:
Strategic Goal Alignment:
☐ 1. Customer ☒ 2. Community
☐ 3. Workforce ☐ 4. Organizational Effectiveness

Strategic Objectives:
☐ 1.1 Safe & Reliable Service ☐ 1.2 High Quality Customer Experience ☐ 1.3 Accessible System
☒ 2.1 Support Sustainable Regional Growth ☐ 2.2 Become a Carbon Neutral Agency
☒ 2.3 Responsive to Community and Customer Needs ☒ 2.4 Regional Leader in Transit Planning
☐ 3.1 Diversity of Staff ☐ 3.2 Employer of Choice ☐ 3.3 Expand Highly Skilled Workforce
☐ 4.1 Fiscally Responsible and Transparent ☐ 4.2 Culture of Safety ☐ 4.3 State of Good Repair

EXPLANATION OF STRATEGIC ALIGNMENT: The Expo Center Park and Ride would serve as the terminus of the MetroRapid Expo Center line being constructed as part of the Project Connect System Plan Expo Center Bus Rapid Transit Project and would accommodate 150 parking spaces at opening and ability to expand to approximately 300 spaces in the future. There exists a public need for the Expo Center Park and Ride to address increased travel demand because of significant population growth and development in the local area, reduce the number of single occupancy vehicles traveling into already highly congested areas, and provide accessibility to bus rapid transit service for suburban residents.
BUSINESS CASE: Public need to acquire a fee simple title interest in the referenced property through eminent domain to advance and achieve the public use of the development and construction of the MetroRapid Expo Center Park and Ride to serve the MetroRapid Expo Center line. Funding for this acquisition is available in the FY2023 Capital Budget.

COMMITTEE RECOMMENDATION: This item will be presented to the full board at the special board meeting on October 12, 2022.

EXECUTIVE SUMMARY: There is a public need for CapMetro to acquire a fee simple title interest in approximately 8 acres of land located at Walter E. Long Park, 6614 Blue Bluff Road, Austin, Texas 78724, at the northeast corner of Decker Lane and Colony Loop (Carnival Drive), to develop and construct the Expo Center Park and Ride to serve the MetroRapid Expo Center line. The subject property is owned by the city of Austin (the “City”), is maintained by the City as parkland and is currently leased to Travis County for the Exposition Center. CapMetro has worked closely with the City regarding the acquisition of the referenced property, which comprises the Southwest Corner of the Travis County Expo Center, through a friendly eminent domain process and complied with Texas Parks and Wildlife Code Chapter 26, to hold a hearing on the taking of the parkland for non-park purposes, and the City is agreeable to providing the property for this use.

A public hearing was held on August 29, 2022, as required by the Texas Parks and Wildlife Code Chapter 26, Sections 26.001 through 26.004, and Texas Transportation Code Chapter 451, Section 451.059(b), to determine that there is no feasible and prudent alternative to this use of this parkland and that all reasonable planning to minimize harm to Walter E. Long Park has been taken, and to take testimony on the proposed eminent domain action.

CapMetro management is requesting (1) that the CapMetro Board determine that there is no feasible and prudent alternative to this use of this parkland and that all reasonable planning to minimize harm to Walter E. Long Park has been taken; and (2) that the CapMetro Board approve the exercise of CapMetro’s power of eminent domain, under Texas Transportation Code Section 451.058(c), and authorize the initiation of condemnation proceedings to acquire these rights in furtherance of the public use and development of the Expo Center Park and Ride and all appurtenances thereto. In consideration for the grant of the fee simple title interest in the subject property, CapMetro will pay the market value established through the condemnation proceeding.

DBE/SBE PARTICIPATION: Does not apply.

PROCUREMENT: Does not apply.

RESPONSIBLE DEPARTMENT: Capital Projects
RESOLUTION
OF THE
CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY
BOARD OF DIRECTORS

STATE OF TEXAS
COUNTY OF TRAVIS

WHEREAS, Capital Metropolitan Transportation Authority ("CapMetro") is implementing the Expo Center Bus Rapid Transit project (the "Project"); and

WHEREAS, there is a need to build a park and ride, namely the Expo Center Park and Ride, to serve the terminus of the of the MetroRapid Expo Center line, to accommodate 150 parking spaces at opening and up to approximately 300 spaces in the future, and address increased travel demand as a result of significant population growth and development in the local area, reduce the number of single occupancy vehicles traveling into already highly congested areas, and provide accessibility to bus rapid transit service for suburban residents; and

WHEREAS, the city of Austin (the "City") owns land in Austin known as the Walter E. Long Park located at 6614 Blue Bluff Road, Austin, Texas 78724, which has been maintained by the City as parkland; and

WHEREAS, CapMetro has identified approximately 8 acres of parkland located at Walter E. Long Park at the northeast corner of Decker Lane and Colony Loop (Carnival Drive), also known as 7001 Decker Lane, Austin, Texas 78724 and more particularly described and shown in Exhibit "A" being attached hereto and incorporated herein for all purposes (the "Property"), as necessary to advance and achieve the public use of the development and construction of the Expo Center Park and Ride, and the City is agreeable to providing the property for this use; and

WHEREAS, as part of the acquisition of such property rights, it may be necessary for CapMetro or one of its agents or contractors to enter upon the property to investigate and survey the needed property interest so that they may be defined and described with specificity for inclusion in any easement or deed, or, if necessary, as part of any filing to institute proceedings in eminent domain to acquire the necessary property rights; and
WHEREAS, a public hearing was held on August 29, 2022, as required by the Texas Parks and Wildlife Code Chapter 26, Sections 26.001 through 26.004, and Texas Transportation Code Chapter 451, Section 451.059(b), to determine that there is no feasible and prudent alternative to this use of this parkland and that all reasonable planning to minimize harm to Walter E. Long Park has been taken, and to take testimony on the proposed eminent domain action

NOW, THEREFORE, BE IT RESOLVED BY THE CAPMETRO BOARD OF DIRECTORS:

SECTION 1. The statements and findings set forth in the recitals of this resolution, including the Exhibit referenced herein, are true and correct and they are hereby incorporated as part of this Resolution.

SECTION 2. As a result of the public hearing held on August 29, 2022, in accordance with the Texas Parks and Wildlife Code Chapter 26, Sections 26.001 through 26.004, the Board of Directors hereby determine that there is no feasible and prudent alternative to the use of parkland for the purpose stated in this resolution and that all reasonable planning to minimize harm to the park has been taken.

SECTION 3. Public use and necessity require the acquisition of a fee simple title interest to the Property through the process of eminent domain for the public purpose of the development and construction of CapMetro’s Expo Center Park and Ride and any and all other actions deemed necessary by CapMetro to effectuate public transit uses as part of its transit purposes, to accommodate parking spaces, and address increased travel demand as a result of significant population growth and development in the local area, reduce the number of single occupancy vehicles traveling into already highly congested areas, and provide accessibility to bus rapid transit service for suburban residents.

SECTION 4. The determination of necessity to exercise the power of eminent domain in this matter is made according to reason and judgment with due regard and consideration of the relevant facts, circumstances, and alternatives, the knowledge of which exist at this time. The Board of Directors further finds that the public purpose to be served in and addressed by this resolution is paramount to any private or public uses that may exist and that there is no feasible and prudent alternative to the use or taking of such land and the Project includes all reasonable planning to minimize harm resulting from the use or taking.

SECTION 5. The Board of Directors, having held a public hearing on August 29, 2022, regarding its intent to acquire the Property in accordance with Texas Transportation Code Section 451.059(b), hereby authorizes the initiation of eminent domain proceedings to negotiate and acquire the Property up to the market value amount established through the condemnation proceeding. All acts and proceedings done or initiated by the employees, agents, and attorneys of CapMetro for the acquisition of such property interests and rights for the reasons described herein are hereby authorized, ratified, approved, confirmed, validated, and declared to be valid in all respects as of the respective dates of such acts and proceedings, with and in regard to the grantors from whom such rights are being purchased or acquired.
SECTION 6. Severability: If any provision, section subsection, sentence, clause, or phrase of this Resolution, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Resolution shall not be affected thereby, it being the intent of the Board of Directors in adopting this Resolution that no portion hereof, or provisions, or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion hereof and all provisions of this Resolution are declared to be severable for that purpose.

____________________
Date: ____________________

Secretary of the Board
Leslie Pool

EXHIBIT A

enclosed
Expo Center Park & Ride
Land Acquisition & Parkland
Public Hearings

October 12, 2022
Expo Center Park & Ride

Project Benefits

• Located at end of Expo Center Rapid Line.
• Establish high-quality service east of IH35.
• Provides service from NE Austin to downtown.
• Connects and improves access to major destinations such as UT, the Capitol, Mueller, Delco Activity Center, & Travis County Expo Center.
• Provide 10-minute peak service to downtown.
Expo Center Park & Ride

Existing Site Condition

Travis County Expo Center Pavilion behind tract

Proposed Park & Ride Location

Colony Loop Drive

Decker Lane

Carnival Drive
Expo Center Park & Ride

Expo Center Tract:

- Owned by City of Austin and Leased to Travis County.
- City concurs with Chapter 26 report that there were no other suitable options for acquisition.
- Following federal “Uniform Act” for land acquisition.
- Final Offer to City made on August 10, 2022.
- Acquisition Funding Source: Project Connect Local Funds
- In process of rezoning from Single Family to Public.
  - August 16, 2022: Approved by the City of Austin Zoning and Platting Commission.
  - September 1, 2022: Austin City Council approve zoning.
Expo Center Park & Ride

Proposed Transit Facility Improvements:

- 150 parking spaces
- Large shelter
- CCTV cameras
- Dynamic Message Screens
- 8 bus bays with route connections
- New signal and pedestrian connections at Decker Lane & Colony Loop
- Zero emission buses
- Electric bus overhead charging
- Transit priority treatments

Travis County Expo Center Pavilion

CapMetro
Public Outreach Events

- MetroRapid Virtual Open House
  - September 9, 2021

- Project Connect “Meet The Team Event“
  - October 13, 2021

- MetroRapid Park & Ride Virtual Open House
  - February 7, 2022

- Colony Park Neighborhood Association
  - February 24, 2022

- Expo Center Rapid Line Groundbreaking
  - December 9, 2021

- Meeting with Colony Park Neighborhood Association President
  - June 22, 2022
Expo Center Park & Ride

August 29, 2022 Public Hearing prior to Eminent Domain Resolution

Texas Transportation Code Section 451 for eminent domain proceedings

• The purpose of the public hearing is to determine that the acquisition is necessary and proper for the construction, extension, improvement, or development of the transit authority system.

Texas Parks & Wildlife Code, Chapter 26 Protection of Public Parks & Recreational Lands

• The purpose of the public hearing is when a permanent change in use from dedicated parkland to a non-recreational use is proposed and the following determination is required:
  1. *There is no feasible and prudent alternative to the use or taking of such land; and*
  2. *The program or project includes all reasonable planning to minimize harm to the land, as a park, resulting from the use or taking.*

Eminent Domain Resolution

• Board hereby authorizes the initiation of eminent domain proceedings to negotiate and acquire the Property up to the market value amount established through the condemnation proceeding.
Thank you!
CapMetro & Transit Empowerment Fund Update
Transit Empowerment Fund
Emergency/Abbreviated Request for Applications

Oct. 12, 2022
Emergency/Abbreviated Request for Applications

Bridge solution until end of February/beginning of Amp system.

- Applicants: Current & Former TEF Recipients

- Timeline:
  - Oct. 5 — Meeting with current & former TEF recipients
  - Oct. 6-20 — Emergency/Abbreviated RFA open
  - Before Oct 31 — TEF to confirm pass allotments with applicants
  - Early Nov — Pass allotments

- Abbreviated application:
  - Name & contact info
  - Number & type of passes requested
  - Intended recipients
  - Post-reporting on passes distributed & unique recipients
Unmet Needs & Data Collection

Bridge solution allows for data collection to assess unmet needs.

- Passes will be valued by usage vs pass type.
  - Allows TEF funds to stretch further and corrects for loss value.
  - Uses a 31-day pass like “pay as you go” to capture the true value of the pass and assist with distribution challenges.
- CapMetro staff to do assessment on the pass serial numbers included in emergency/abbreviated RFA to assess future TEF needs and structure.
- No Board action required.
Thank you!