

# City Council Questions and Answers

City Council Questions and Answers for  
Thursday, May 22, 2014

These questions and answers are related to the  
Austin City Council meeting that will convene at 10:00 AM on  
Thursday, May 22, 2014 at Austin City Hall  
301 W. Second Street, Austin, TX



Mayor Lee Leffingwell  
Mayor Pro Tem Sheryl Cole  
Council Member Chris Riley, Place 1  
Council Member Mike Martinez, Place 2  
Council Member Kathie Tovo, Place 3  
Council Member Laura Morrison, Place 4  
Council Member William Spelman, Place 5

*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**

1. Agenda Item # 5 & # 6: 5) Approve a resolution to nominate Spansion LLC for designation by the Governor's Office of Economic Development and Tourism as a single Texas Enterprise Project in accordance with the Texas Government Code Chapter 2303 (Texas Enterprise Zone Act) . 6) Approve a resolution to nominate Flextronics America LLC for designation by the Governor's Office of Economic Development and Tourism as a single Texas Enterprise Project in accordance with the Texas Government Code Chapter 2303 (Texas Enterprise Zone Act).
  - a. QUESTION: Do these projects pass the 'but for' test? COUNCIL MEMBER MORRISON
  - b. ANSWER: Both Spansion and Flextronics are not Chapter 380 Agreement requests, where the City considers incentives based on a competitive recruitment process. Rather, this request is for a nomination to the Texas Enterprise Zone Program, for which the "but for" test does not apply. If nominated and if approved by the State, the companies would be required to commit to certain capital investment levels and job creation/retention benchmarks.
  - c. QUESTION: What process does staff go through to choose which companies it will recommend for nomination to the State of Texas for the Texas Enterprise Project designation? COUNCIL MEMBER SPELMAN
  - d. ANSWER: See attachment
2. Agenda Item # 6: Approve a resolution to nominate Flextronics America LLC for designation by the Governor's Office of Economic Development and Tourism as a single Texas Enterprise Project in accordance with the Texas Government Code Chapter 2303 (Texas Enterprise Zone Act).
  - a. QUESTION: The backup states that "35% of their new employees will meet economically disadvantaged or enterprise zone residency requirements." What criteria are used to define this standard? COUNCIL MEMBER MORRISON
  - b. ANSWER: See attachment
3. Agenda Item # 7: Authorize negotiation and execution of an interlocal agreement between the City and the University of Texas at Austin (UT) for research results regarding strategies for integrating the Emergency Medical Services Department with local healthcare networks to support patient-centered out-of-hospital care for

payment by the City to UT in an amount not to exceed \$20,000.

- a. QUESTION: Please provide additional background on the research and topics the outcomes may address. What facility/research group will be performing the work? COUNCIL MEMBER MORRISON
- b. ANSWER: The purpose of this Agreement is for the University to provide the City with research results regarding strategies for improving collaboration between ATCEMS and local healthcare providers to develop stronger patient-centered integrated health services through the Departments Community Health Paramedic Program. This work will be completed by the LBJ School of Public Affairs at the University of Texas Austin through the direction of Dr. Todd Olmstead, Associate Professor. Ten to fifteen Master's Students will provide approximately 10 hrs. per week to complete this project. These students will conduct ride outs within the system and also interview Communications staff at the CTECC 9-1-1 Center. The question on which the research will focus is: "How can ATCEMS improve its integration with local healthcare networks [by developing alternative care and transportation protocols] to support patient-centered out-of-hospital care?" Scope of Work: The research project will identify, assess and describe the current points of contact between ATCEMS and local healthcare networks. This will include interviews with staff at hospitals Emergency Departments and with the Austin - Travis County Integral Care Mobile Crisis Outreach Team (MCOT), which works with the Community Health Paramedic Program. The MCOT Team is composed of medical and mental health professionals that respond when a psychiatric crisis is occurring. The research team will propose alternative points of contact along with other care and transportation protocols discovered through their interview process. The team will also conduct surveys with local healthcare experts, investigate available published literature and conduct searches for "best practice" models used within the US and abroad. The research project will provide a final report detailing its findings and will conduct a final presentation to the EMS Department.
- c. QUESTION: . Please provide more information about the research that would be conducted. What is the relationship between "patient-centered out-of-hospital care" and EMS services? COUNCIL MEMBER TOVO
- d. ANSWER: The purpose of this Agreement is for the University to provide the City with research results regarding strategies for improving collaboration between ATCEMS and local healthcare providers to develop stronger patient-centered integrated health services through the Departments Community Health Paramedic Program. This work will be completed by the LBJ School of Public Affairs at the University of Texas Austin through the direction of Dr. Todd Olmstead, Associate Professor. Ten to fifteen Master's Students will provide approximately 10 hrs. per week to complete this project. These students will conduct ride outs within the system and also interview Communications staff at the CTECC 9-1-1 Center. The question on which the research will focus is: "How can ATCEMS improve its integration with

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4. Agenda Item # 22: Authorize award and execution of a 36-month requirements supply agreement with TBFC, LLC dba EZ HOLIDAY LIGHTS to provide tree lighting and maintenance services for the Economic Development Department, in an amount not to exceed \$117,600 with three 12-month extension options in amounts not to exceed \$39,200 for each extension option, for a total contract amount not to exceed \$235,200. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
  - a. QUESTION: 1) Please provide current and projected closing balance for TIF # 15 as well as what other expenses this TIF has been used for, 2.)The December 2011 TIF Board minutes and this RCA indicate that funding would come from the FY2013-14 Economic Development Department Budget. Why is supplemental funding from the economic development department required for this? 3.) Based on the minutes from December 2011, the current contract was for 36 months with three 12 month extensions. Is this just an extension of the existing contract which would end in December or an entirely new contract? 4.) What arrangements are imagined or contractually required for the maintenance of trees as 2nd street is extended east of Congress and west into the Green Water Treatment and Seaholm Districts? MAYOR PRO TEM COLE

- b. ANSWER: 1) The current unexpended fund balance for TIF# 15 is \$388,233; the projected FY'13-'14 closing balance is \$264,000. TIF funds are used to maintain the streetscapes and public plazas within the TIF project area, which includes Block 3 (City Hall), Blocks 2 & 4 (Silicon Labs), Block 21 (W Hotel and Residences), and Margaret Hofmann Park (wooded triangle bordered by Cesar Chavez, Lavaca and Guadalupe Streets). Such expenses have included: routine cleaning and repair of hardscape pavers and streetscape furnishings; landscape maintenance; street tree trimming and tree well maintenance; decorative street tree lighting; water and electric utility consumption at tree wells; and sewer repairs. 2) TIF# 15 is administered by the Economic Development Department (EDD). Funds captured under TIF# 15 reside in an EDD operating special revenue budget (Fund 7912). Supplemental funding is not being provided from EDD's general operating budget. 3) The December 2011 TIF Board action recommended award and execution of a contract with Great Western Managed Services Corp to provide hardscape and paver maintenance services. The Great Western contract was executed and will remain in place. TIF Item 2 on the May 22 agenda relates to award and execution of an agreement with TBFC, LLC dba EZ Holiday Lights to provide tree lighting services. 4) TIF# 15 is not responsible for maintaining any trees outside of the TIF project area. For most properties outside the TIF project area, the adjoining property owner is responsible for the maintenance of trees on 2nd Street through a license agreement executed with the City during development of the property. In areas where the street trees were installed as part of a City Capital Improvements Program project, the City retains responsibility for street tree maintenance.
- c. QUESTION: Have tree lighting and maintenance for the thirty-five street trees historically been funded through Tax Increment Reinvestment Zone (TIF) # 15? COUNCIL MEMBER TOVO
- d. ANSWER: Since February 2011, Tax Increment Reinvestment Zone (TIF) # 15 has funded the decorative tree lighting installed in the thirty-five street trees along the south side of 2nd Street, between San Antonio and Colorado Streets.
5. Agenda Item # 29: Authorize award and execution of a 24-month requirements service contract with ENVIRONMENTAL SURVEY CONSULTING, INC., or one of the other qualified bidders for IFB-BV No. LMR0101, to provide installation and first year maintenance of green stormwater infrastructure in an amount not to exceed \$1,637,076, with four 12-month extension options in an amount not to exceed \$818,538 per extension option, for a total contract amount not to exceed \$4,911,228. ( Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract. )
- a. QUESTION: Please provide more detail on the scope of work for this

contract. How many projects are anticipated to be installed, and in which areas of the City? COUNCIL MEMBER TOVO

b. ANSWER: See attachment

6. Agenda Item # 36: Authorize award and execution of a 34-months requirements supply contract through the Texas Local Government Purchasing Cooperative with GT DISTRIBUTORS INC. AND PRECISION DELTA CORP. to provide ammunition for the Austin Police Department for a total contract amount not to exceed \$1,200,000, each and combined. ( Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract )

a. QUESTION: The backup states that there is approximately \$54,190 left in this Fiscal Year budget to cover this expense and the rest will be possibly funded in the future budget. Where will the money come from to fund the approximately four remaining months of this fiscal year? ( If spent equally over the 34 months, \$54,190 will fund just over one month). COUNCIL MEMBER SPELMAN

b. ANSWER: See attachment

7. Agenda Item # 50: Approve a resolution initiating amendments to City Code Title 25 relating to site development regulations for single family residential use in Downtown Mixed Use (DMU) zoning districts.

a. QUESTION: Please provide some examples of the properties this kind of change would affect? COUNCIL MEMBER SPELMAN

b. ANSWER: Pending

8. Agenda Item # 77: Conduct a public hearing and consider an ordinance granting additional floor-to-area ratio to the project at 718 West 5th Street in accordance with the Downtown Density Bonus Program.

a. QUESTION: There are letters in the backup from the Downtown commission and OA Neighborhood Association. Can staff outline the recommendations from these groups and identify if they have been met by the project? COUNCIL MEMBER MORRISON


b. ANSWER: Pending


9. TIf Agenda Item # 1: Recommend award and execution of a 36-month requirements supply agreement with TBFC, LLC dba EZ Holiday Lights to provide tree lighting and maintenance services for the Economic Development Department, in an amount not to exceed \$117,600 with three 12-month extension options in amounts not to exceed \$39,200 for each extension option, for a total

contract amount not to exceed \$235,200. ( Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. )

- a. QUESTION: The minutes are posed for Seaholm zone 18 from April 26, 2012, but the minutes in back up are for zone 15 from December 15, 2011, what minutes are in need of approval? MAYOR PRO TEM COLE
- b. ANSWER: The posting for the Tax Increment Financing Board of Directors meeting (related to Council Item 74) contained an error. TIF Item 1 should have referenced Tax Increment Financing Reinvestment Zone # 15 (TIF# 15) and the minutes from its most recent, December 15, 2011, Board meeting (instead of TIF# 18 and its April 26, 2012 meeting minutes). This item will be withdrawn.

**END OF REPORT - ATTACHMENTS TO FOLLOW**

 *The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.*

 *For assistance please call (512) 974-2210 OR (512) 974-2445 TDD.*



### Council Question and Answer

Related To	Item #5 & #6	Meeting Date	May 22, 2014
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### Additional Answer Information

**QUESTION:** What process does staff go through to choose which companies it will recommend for nomination to the State of Texas for the Texas Enterprise Project designation? COUNCIL MEMBER SPELMAN

**ANSWER:** The Texas Enterprise Zone Program (TEZP) is an economic development tool for the City of Austin to partner with the State of Texas to promote job creation and capital investment in economically distressed areas of the City.

Local communities must nominate a company as an Enterprise Project to be eligible to participate in the Enterprise Zone Program (State Government Code, Chapter 2303 Enterprise Zones, Section 2303.4502). Designated projects are eligible to apply for state sales and use tax refunds on qualified expenditures. Qualified expenditures include building materials, machinery and equipment, electricity, gas and tangible property purchased and consumed in the normal course of business, and taxable services.

Projects may be physically located in or outside of an Enterprise Zone:

- If located within a zone, the company commits that at least 25% of their new employees will meet economically disadvantaged or enterprise zone residency requirements.
- If located outside of a zone, the company commits that at least 35% of their new employees will meet economically disadvantaged or enterprise zone residency requirements.

Under limited statutory provisions, an enterprise project designation may be granted for job retention with capital investment.

The following process is used for choosing, nominating, and designating a project for the TEZP:

1. A company representative meets with the Economic Development Department (EDD) to discuss the project parameters (job creation/retention, capital investment, location, etc.)
2. The company submits a completed application to EDD and in accordance to the Texas Enterprise Zone Act (Chapter 2303 of the Texas Government Code) and the Texas Administrative Code Rules for the Texas Enterprise Zone Program. *More information on the application requirements is described below.*
3. EDD reviews the information in the application and considers moving the project forward based on many factors, including but not limited to the following:
  - a. Job creation and retention
  - b. Industry sector
  - c. Capital investment
  - d. Project parameters, including whether this is an expansion
4. EDD submits the nomination to City Council for consideration. On a biennium basis, the City of Austin is allotted up to nine designations. A single project could qualify for three designation slots based on the size of the capital investment.
5. If approved by City Council, EDD submits the completed application nominating the company as an Enterprise Project to the Texas Economic Development Bank (TEDB).
6. The TEDB reviews the application to make sure it is complete and correct.
7. Through a competitive scoring process of the nominations received, the TEDB decides which nominated projects will receive Enterprise Project designation.
8. After receiving designation, the Enterprise Project may apply to the Texas Comptroller of Public Accounts for a refund of certain State sales and use taxes based on jobs created and/or retained.



### **Texas Enterprise Project Application**

As described above, the company and EDD work together to assure the required application is completed. If approved by City Council, EDD certifies the application by signature. Information in the application includes, but is not limited to the following:

- Qualified business site, including a map showing the location of the site
- Business activity within the area that has occurred within the last two years to revitalize the area
- Business information and structure, including years in business and parent company
- Business type
- Industry cluster
- Market for product or activity
- Project description, including whether the project is a relocation, new location, consolidation, or expansion
- Projected dates and milestones, including construction start date, machinery & equipment purchase date, employee hiring date, and beginning operations date
- Projected capital investment, including building construction cost, and machinery & equipment cost
- Project financing sources
- New jobs to be created, including a breakdown of the types of new jobs
- Jobs to be retained, including a breakdown of the types of retained jobs
- Status of permits, if applicable

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Item #6

Meeting Date

May 22, 2014

#### Additional Answer Information

**QUESTION:** The backup states that “35% of their new employees will meet economically disadvantaged or enterprise zone residency requirements.” What criteria are used to define this standard?

COUNCIL MEMBER MORRISON

**ANSWER:** The Texas Enterprise Zone program is guided by state statute. Section 2303.402 (C) defines economically disadvantaged individuals as an individual who:

- Was unemployed for at least three months before obtaining employment with the qualified business;
- Receives public assistance benefits, including welfare payments or food stamps, based on need and intended to alleviate poverty;
- Is a low-income individual, as defined by Section 101, Workforce Investment Act of 1998 (29 U.S.C. Section 2801(25));
- Is an individual with a disability, as defined by 29 U.S.C. Section 705(20)(A);
- Is an inmate, as defined by Section 498.001;
- is entering the workplace after being confined in a facility operated by or under contract with the Texas Department of Criminal Justice for the imprisonment of individuals convicted of felonies other than state jail felonies;
- Has been released by the Texas Youth Commission and is on parole, if state law provides for such a person to be on parole;
- Meets the current low income or moderate income limits developed under Section 8, United States Housing Act of 1937 (42 U.S.C. Section 1437f et seq.); or
- Was under the permanent managing conservatorship of the Department of Family and Protective Services on the day preceding the individual's 18th birthday



Item #29

May 22, 2014

Additional Answer Information

**QUESTION:** Please provide more detail on the scope of work for this contract. How many projects are anticipated to be installed, and in which areas of the City? COUNCIL MEMBER TOVO

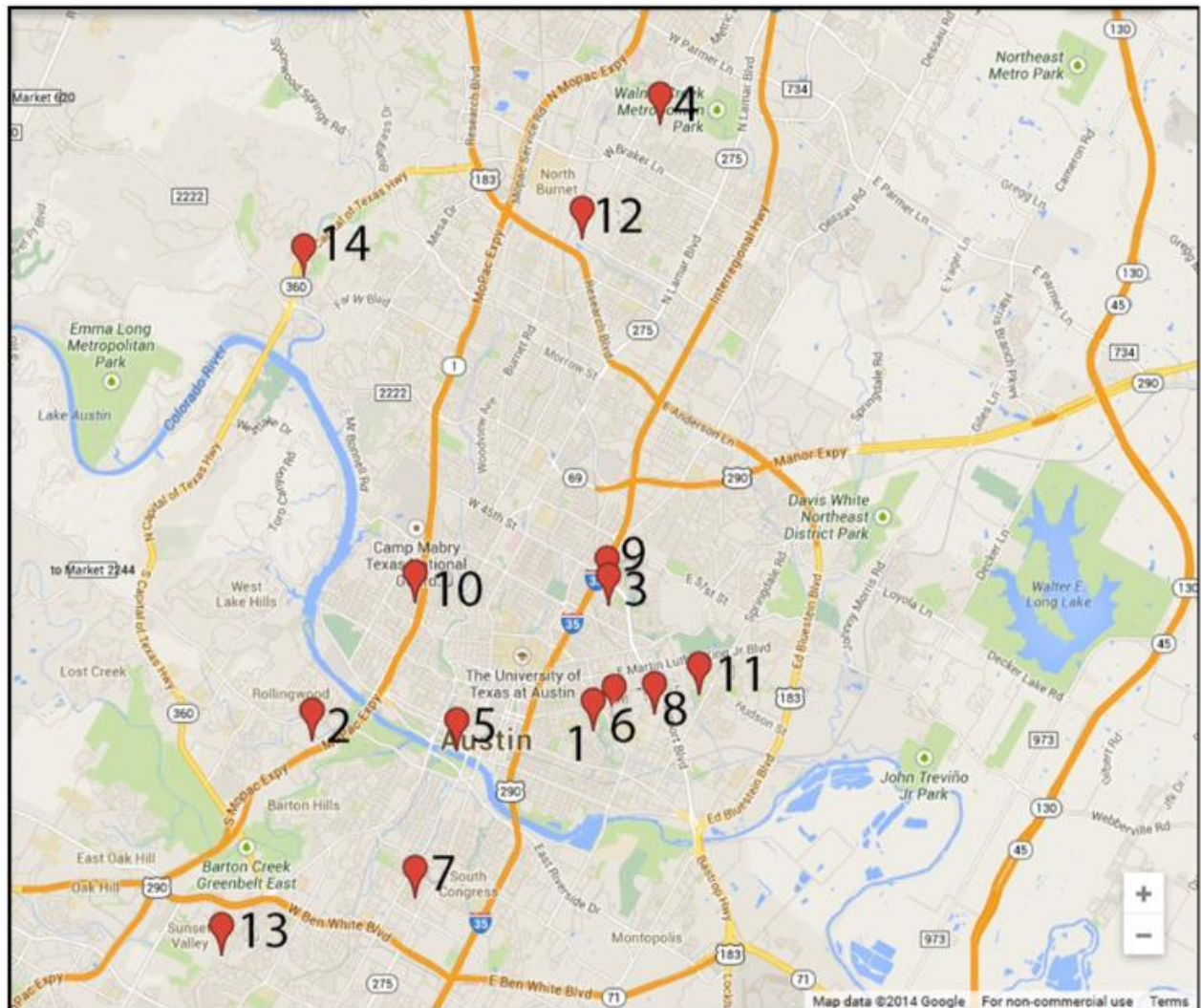
**ANSWER:**

This is the project list for the first year's work. The remainder of the contract duration is not completely populated with projects at this time but we are using this initial list as an estimate for future years.

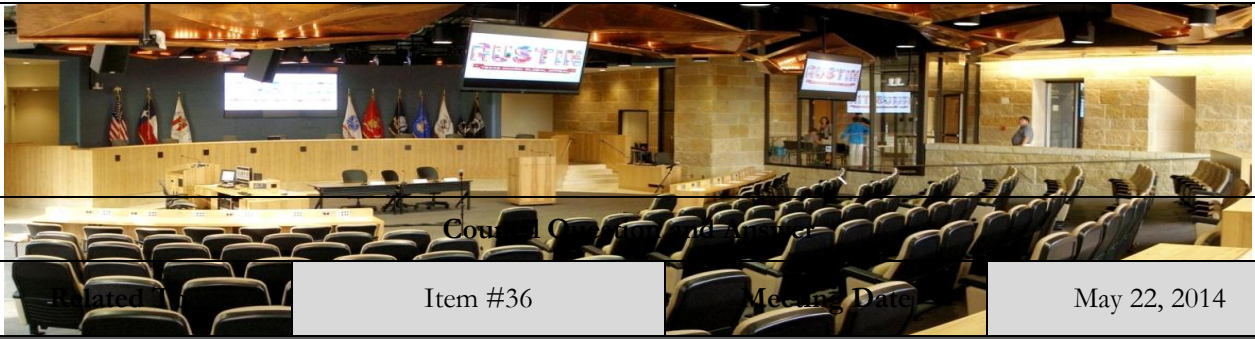
LEGEND NO.	SITE NAME	DESCRIPTION	BUDGET COST
1	Northwestern	Streambank rehabilitation Installation of trees for mitigation, riparian plugs along stream channel, seeding of banks, and irrigation.	\$67,000
2	Zilker Disc Golf Rehabilitation	Erosion control / Water quality improvements for the north nine holes of the Zilker Disc Golf course, including the construction of low vegetated berms, rock check dams in an intermittent creek, fairway decompaction and vegetation rehabilitation, establishment of "no mow" roughs between fairways with vegetation augmentation (native species), plus irrigation.	\$85,000
3	Maplewood	Streambank rehabilitation Installation of trees for mitigation, native reed planting along stream channel, seeding of banks, and irrigation.	\$45,000
4	Snowgoose	Streambank rehabilitation Installation of native container forbs and grasses to augment ecological function of previously installed MSE wall and associated graded streambank. Plus addition of tree saplings in the associated grow zone.	\$32,000
5	Shoal Creek Peninsula	Streambank rehabilitation Vegetation establishment of native grasses and forbs from seed, buffalo grass sod, installation and establishment of emergent Plants, irrigation maintenance, and weed management for two years.	\$44,000
6	1135 Walnut	Streambank rehabilitation / erosion control Installation of over 500 tree saplings for tree mitigation, plus sapling watering until establishment and weed management.	\$15,000

<b>LEGEND NO.</b>	<b>SITE NAME</b>	<b>DESCRIPTION</b>	<b>BUDGET COST</b>
7	Brinwood	Streambank rehabilitation Establishment of native grasses and forbs from seed, installation of woody saplings for erosion control, truck irrigation, and basic maintenance (e.g., weed management) for one year.	<b>\$11,000</b>
8	Oak Springs	Wet Pond & associated channel & riparian area Installation of tree saplings, native grass and forb seeding, and maintenance for multiple years.	<b>\$90,000</b>
9	Boggy at Crestwood	Riparian rehabilitation Installation of woody shrubs and tree species, irrigation installation and upkeep, vegetation maintenance (including weed management) for multiple years.	<b>\$90,000</b>
10	Triangle Park	Storm Drain Retrofit Storm drain retrofit to install rock check dams and associated wetland plants.	<b>\$75,000</b>
11	Givens Park	Grow Zone / Riparian rehabilitation Erosion control of steep bank in established grow zone plus installation of riparian vegetation, and associated maintenance (e.g., weed management).	<b>\$75,000</b>
12	Willowbrook	Grow Zone / Riparian rehabilitation Installation of native grass and forb seed, and woody shrubs and tree species; irrigation installation and upkeep; vegetation maintenance (including weed management, removal of dead, diseased trees), construction of cedar log fencing and terrace for multiple years.	<b>\$71,000</b>
13	Bayton Loop	Rain gardens Construction of three rain gardens, vegetation installation and establishment, stabilization, irrigation for plant establishment, and first year maintenance (weed control, litter removal).	<b>\$90,000</b>
14	Bull Creek	Riparian rehabilitation Install native seed and rooted plants for erosion control, and irrigation, plus vegetation management (weed control, tree pruning).	<b>\$28,000</b>
<b>TOTAL</b>			<b>\$818,000</b>

## RCA Item No. 32795: GSI Installation and First Year Maintenance Project Location Map







Item #36

Meeting Date

May 22, 2014

Additional Answer Information

**QUESTION:** The backup states that there is approximately \$54,190 left in this Fiscal Year budget to cover this expense and the rest will be possibly funded in the future budget. Where will the money come from to fund the approximately four remaining months of this fiscal year? (If spent equally over the 34 months, \$54,190 will fund just over one month). COUNCIL MEMBER SPELMAN

**ANSWER:** This is a supply contract to be used on an as needed basis and funds are annually appropriated in the police operating budget. There is currently \$381,787.69 encumbered in APD's ammunition budget against the old contract that expired in March. Ammunition orders take up to 9 months or more for delivery. This new contract, which will cover 34 months, will allow remaining orders to be placed this year and into the next three years. The annual explosives/blasting budget for APD is actually \$528,939. This budget covers regular duty ammo, qualification ammo, practice ammo (both pistols and rifles) as well as non-lethal types of ammo such as flash bang devices and some Taser cartridges that may not be charged against this contract. Actual expenditures year to date for received items is \$92,961.41.

\$528,939.00	Budget
(92,961.41)	Ordered, received, and paid YTD
(381,787.69)	On order from prior contract, not received or paid
\$54,189.90	Remaining available this FY