



### Council Question and Answer

Related To

Item #14

Meeting Date

June 22, 2017

### Additional Answer Information

**QUESTION:** Questions from Work Session.

**ANSWER:**

1) Please provide copies of previous Council resolutions related to work with the Facilities Commission. MAYOR PRO TEM TOVO

Linked below are Council Resolutions related to work with the Texas Facilities Commission:

- [Resolution No. 20101118-061](#): Approve a resolution authorizing the City Manager to negotiate and execute an Interlocal Agreement in an amount not to exceed \$200,000 to partner in the Texas Facilities Commission's master planning effort. (Council Member Sheryl Cole/ Council Member Randi Shade/ Council Member Riley)
- [Resolution No. 20121108-054](#): Approve a resolution directing the City Manager to negotiate and execute an interlocal agreement with the Texas Facilities Commission to participate in the Texas Facilities Commission's master planning efforts for sites located in the City. (Mayor Pro Tem Sheryl Cole/ Council Member William Spelman/ Council Member Chris Riley)
- [Resolution No. 20121206-063](#): Approve a resolution directing the City Manager to negotiate and execute an interlocal agreement with the Texas Facilities Commission to participate in the Texas Facilities Commission's Capitol Area Development Strategy for sites located in the City. (Mayor Pro Tem Sheryl Cole/ Council Member William Spelman/ Council Member Chris Riley)
- [Resolution No. 20121206-064](#): Approve a resolution directing the City Manager to provide notice about, and to submit to the first available land use commission meeting for public hearing, project proposals that have been submitted for consideration to the Texas Facilities Commission for properties within the City of Austin for which City comments are required pursuant to Texas Government Code Section 2267.055. (Mayor Pro Tem Sheryl Cole/ Council Member William Spelman/ Council Member Chris Riley)
- [Resolution No. 20130822-085](#): Approve a resolution directing the City Manager to review and analyze recently enacted State laws relating to Public-Private Partnership proposals and identify any needed adjustments to City policies and procedures. (Council Member Morrison/ Council Member Kathie Tovo/ Council Member Mike Martinez)

2) Please provide copies of any legal memos that may have been distributed in response to the resolutions referenced in the previous question. MAYOR PRO TEM TOVO

Pending

3) *Is the Texas Facilities Commission willing to consider incorporating labor standards as a part of Phase One project specifications? MAYOR PRO TEM TOVO*

The following response was provided by the Texas Facilities Commission (TFC).

TFC is willing to discuss but notes that it is bound by statute to require a minimum prevailing wage rate on all State capital improvement projects, see Texas Government Code 2258. The rates are typically determined by the most recent (to time of bidding) federal Davis-Bacon surveys for the county of the project location, refer to federal wage guidelines: <https://www.wdol.gov/dba.aspx>.

Additional information can be found in the Texas Facilities Commission 2015 Uniform General Conditions, Article 2. Wage Rates and Other Laws Governing Construction, see: <http://www.tfc.state.tx.us/divisions/facilities/prog/construct/formsindex/2015%20UGC%2003.07.2017.Final.pdf>

4) *Please provide additional information regarding direct costs to the City. COUNCIL MEMBER HOUSTON*

With regard to process, TFC will be responsible for all costs of service (includes direct staff time) associated with review, processing, and inspections for Phase One, including the costs noted in the attachment referenced in the response to question #2. The estimate assumes that the review and permitting will occur under the General Permit Program, which costs \$5,000 and will be paid by the TFC.

As described previously, the TFC request for expedited review would primarily be fulfilled through the utilization of the General Permit Program. This program was also made available to Capital Metro and the University of Texas in recent interlocal agreements.

Outside of the General Permit Program, City staff would prioritize related project submittals and is not committed to any specific days for review other than those that are established by each department. The intent of prioritization is that a TFC project submittal “gets put at the top of the stack” once the submittal is received.

With regard to transportation impacts, the City anticipates partnering with the TFC on what we have noted as “System Improvements” on a pro rata basis, consistent with City policy, in a future phase of the development. “System Improvements” are characterized by Austin Transportation (ATD) as improvements triggered by conditions that are external to the site and considered shared non-project traffic. For discussion purposes only, ATD provided high level cost estimates for the referenced improvements based on preliminary review of the Traffic Impact Analysis. ATD estimates the City would be responsible for a proportionate cost share of approximately \$740K during Phase Two or Three of the Capitol Complex Project. See Slide 10.

5) *Please provide additional information regarding proposed vehicular circulation routes in the project area as they relate to cycling vehicles in and out of the proposed parking garages entrances and exits. COUNCIL MEMBER HOUSTON*

The following response was provided by the Texas Facilities Commission (TFC).

The new underground parking garage will be primarily accessed on 17th Street, east and west bound. Designated visitor access will be from Brazos Street adjacent to Martin Luther King Jr. Blvd. Additional above grade parking is accessed from 18th street, adjacent to Brazos Street. Conversion of existing one way streets to two way circulation will increase the carrying capacity of the streets within the Capitol Complex and allow multiple paths to the surrounding collector streets. A new traffic signal at Colorado Street and Martin Luther King Jr. Blvd. will aid traffic entering and exiting from this collector. Traffic Impact Analysis reveals that the Phase One Project will cause a manageable loss of service for short durations during peak periods, primarily in the morning and evening. Additional traffic control measures will be implemented under the two proposed future phases.

*6) Please provide additional information regarding the fee waivers requested by the Texas Facilities Commission. COUNCIL MEMBER POOL*

The Texas Facilities Commission (TFC) has requested a waiver of fees associated with the subterranean easements required for construction of the underground utility tunnels extending from the Central Utility Plant, located at 201 East 14<sup>th</sup> Street, to the new building proposed for 1801 Congress Avenue (see Slide 5). Staff estimates the value at approximately 5% of the fee simple interest. At \$250/ square foot for 21,867 square feet, the estimated fee is \$273,338.

TFC has also requested a waiver of the fees associated with right-of-way usage in the project area over the 4 ½ year project term. The fee structure for right-of-way usage includes tiers for which the cost is calculated based on square footage and duration. Fees were estimated over a 5-year period and rounded up to account for the potential for unanticipated issues during the construction stage. The projected total is approximately \$6.6M. Attached is a spreadsheet that details those calculations.

The total amount requested is \$6.9M. Neither fee type is considered a direct staff cost nor a cost to the City; they are considered unrealized revenue. This is consistent with the previously approved interlocal agreement with the University of Texas.

Utility relocations associated with this project will be reviewed and approved by the City and subject to City design standards. TFC will be responsible for all project related costs.

**ATTACHMENT 2**

*7) Please provide additional information regarding State development activities that do not require City consent. COUNCIL MEMBER POOL*

State agencies are not required to comply with City development regulations on State-owned properties. In this case, the Texas Facilities Commission is seeking City support on the project packages that extend beyond State property and into City right-of-way.

*8) Please provide additional information regarding planned public access to the parking facilities proposed as a part of Phase One. Specifically, will the spaces will be publicly accessible and if so, during what timeframe and at what cost (if applicable)? COUNCIL MEMBER POOL*

The following response was provided by the Texas Facilities Commission (TFC).

TFC is statutorily required to monetize its parking facilities after regular business hours. TFC has the ability to waive this requirement for not for profit events. TFC has a long history of collaboration in the planning of, and provision of free parking for major events such as the MS-150, Run for the Cure, and other large events. During regular business hours, a portion of the new garage will be devoted for visitor parking, at a fee. This visitor parking is set aside for the museum district but its capacity can be increased for special events. Parking fees collected by the State can be used to offset maintenance costs resulting from the use of the garages.

*9) Please provide additional detail regarding the \$581M Phase One project costs. COUNCIL MEMBER POOL*

The following response was provided by the Texas Facilities Commission (TFC).

TFC project cost estimates that are pertinent to the work in the City's ROW and vacated Congress Avenue total \$107.2 M and include:

- a. Utility Relocation: \$20.7 M
- b. Excavation: \$15 M
- c. Underground Parking: \$60.1 M
- d. Mall: \$11.4 M

*10) Please provide a list of right-of-way sections that the City might be interested in acquiring from the State, including the section that has recently been under discussion near the Grove Planned Unit Development (PUD) property.* COUNCIL MEMBER ALTER

The following response was provided by the Texas Facilities Commission (TFC).

TFC has no control over, or knowledge of, rights of way owned or controlled by the State that could be available for sale to the City. TFC does not own the land adjacent to the planned PUD. It is owned by the Texas State Library and Archives Commission. Any agreement that would obligate the holdings of another State agency in connection with TFC's Capitol Complex development would require legislative action.