

**City Council Questions and Answers for
Thursday, August 31, 2017**

These questions and answers are related to the
Austin City Council meeting that will convene at 10:00 AM on
Thursday, August 31, 2017 at Austin City Hall
301 W. Second Street, Austin, TX



Mayor Steve Adler
Mayor Pro Tem Kathie Tovo, District 9
Council Member Ora Houston, District 1
Council Member Delia Garza, District 2
Council Member Sabino Pío Renteria, District 3
Council Member Gregorio Casar, District 4
Council Member Ann Kitchen, District 5
Council Member Jimmy Flannigan, District 6
Council Member Leslie Pool, District 7
Council Member Ellen Troxclair, District 8
Council Member Alison Alter, District 10

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

Agenda Item # 7: Authorize award and execution of a construction contract with MAC, INC., for the Fire Station # 26 Structural Improvements project in an amount of \$358,000 plus a \$17,900 contingency, for a total contract amount not to exceed \$375,900. (District 1)

QUESTION: 1) When were the last "new" retaining walls constructed? 2) Why is the construction of another "new" retaining wall necessary? 3) Do the plans include placing this new soldier pile retaining wall in a different location on the property? 4) Won't the relocation and/or removal of the specified items be sufficient to solve the erosion problems? 5) What is the purpose of the two headwalls? COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER: 1. We don't know when the existing timber retaining wall was constructed. The original 1981 architectural site plan does not show a retaining wall. The existing wall has failed, as documented in our 2012 report.

2. As we determined in 2012, the close proximity of the fire station to the property line led to the recommendation that the retaining wall be replaced. Simply removing the retaining wall would require a steep slope from the building to the property line, with a significant potential for erosion and degradation of the fill below the fire station.

3. Yes. There is an easement where the timber retaining wall was located; the City required us to move the new retaining wall out of the easement, so it was located next to the easement, closer to the building.

4. As noted, our team has recommended installation of a new retaining wall, to limit the potential for future erosion.

5. One of the recommendations we made in 2012 was to install piping to conduct water from the roof away from the buildings. The headwalls are minor structures to limit erosion at the exit points for the pipes.

Agenda Item # 9: Authorize negotiation and execution of an interlocal agreement with AUSTIN INDEPENDENT SCHOOL DISTRICT, for the use of Palmer Events Center at no charge in exchange for the City's use of District event space for community events with an estimated value of the exchange not to exceed \$35,000 a year for two years.

QUESTION: As the request for council action indicates, AISD had been providing warehouse space to the city in exchange for using the Palmer Events Center for its Back to School Bash. Was the interest in restructuring the agreement because the Convention Center purchased a tract near Riverside to use as warehouse space? What space will AISD be providing and for what types of events? MAYOR PRO TEM TOVO'S OFFICE

ANSWER: 1) Although the acquisition of the tract of land will provide needed warehouse operations and marshalling yard space, both ACCD and AISD jointly recognized that the Austin community would be better served if the agreement was restructured. The is a two-year agreement for an in-kind exchange of services based on ACCD providing facility services for AISD's Back to School Bash and AISD providing rehearsal and production space for performing arts groups. These facility services are valued at up to \$35,000 for the initial term and up to \$35,000 for the one-year extension option. 2) AISD will provide rehearsal and production space at various AISD sites (primarily at the AISD Performing Arts Center) for local arts groups. ACCD and the Cultural Arts Division (CAD) have engaged in conversations on best practices that could be utilized to identify performing arts groups and/or current cultural contractors who could benefit from the pooling of resources.

QUESTION: What is the charge for the City's use of District event space for community events? COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER: This is a two-year agreement for an in-kind exchange of services based on the ACCD providing facility services for AISD's Back to School Bash and AISD providing rehearsal and production space for performing arts groups. The facility services are valued at up to \$35,000 for the initial term and up to \$35,000 for the one-year extension option. Both parties will be responsible for payment of any amounts exceeding \$35,000 in accordance with ACCD's and AISD's standard fees schedule. Each party will provide an updated schedule of fees to the other party in October of each year of the Agreement.

Agenda Item # 11: Approve an ordinance authorizing the issuance of Combined Utility Systems Taxable Interim Financing Notes in a maximum principal amount at any one time outstanding of \$75,000,000 to provide low interest rates on interim financing on utility projects; and authorize and approve the execution of all related agreements, including a Dealer Agreement with Goldman, Sachs & Co., an Issuing and Paying Agent Agreement with U.S. Bank N.A., a Revolving Credit Agreement, a note Purchase Agreement, a Fee Letter, and a Note Paying Agent Agreement all with JPMorgan Chase Bank, National Association related to the City's Combined Utility Systems Program Notes, comprised of a Commercial Paper Sub-Series and a Direct Purchase Sub-Series, and approve and authorize all related documents and fees.

QUESTION: What is the purpose of the direct service notes (\$750,000) mentioned in the RCA? COUNCIL MEMBER ALTER'S OFFICE

ANSWER: The Letter of Credit for the Commercial Paper program is split into two programs, a Revolving Credit Agreement (RCA) and a Note Purchase Agreement (NPA). Under the RCA, JPMorgan provides liquidity to the Commercial Paper note holders if the City cannot honor the obligations. Under the NPA, the City has the flexibility to utilize the NPA program should borrowing rates under the NPA be more attractive than issuing commercial paper. This type of obligation is considered a direct purchase note. As part of the Note Purchase Agreement, the City is required to keep 1% of the Taxable Commercial Paper Program's capacity in the NPA program, which amounts to \$750,000. The NPA portion of the agreement also provides an alternative should economic conditions have a negative impact on commercial paper markets.

Having the two programs as part of the Letter of Credit agreement provides diversity to the City in our exposure to the interest rate market.

Agenda Item # 11, 12 and 13: Issuance of Combined Utility Systems Taxable Interim Financing Notes and authorization of a Reimbursement Agreement.

QUESTION: How long has the City of Austin executed business with the each of the following financial institutions: Goldman, Sachs & Company, JPMorgan Chase Bank, National Association and Citibank, N.A.? Are there any local banks that have the financial capital necessary to be a participant in this financing? COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER: Goldman Sachs has been the remarketing agent for the Commercial Paper program since its inception back on March 18, 1993. Goldman Sachs also serves as the remarketing agent on the Austin Water Series 2008 Variable Rate issuance. The remarketing agent sells the commercial paper to investors. This function requires a trading desk and access to the large institutional investors that purchase commercial paper. Local banks provide banking services to the public, but are not involved in the area of banking that sells commercial paper which is handled by only the largest banks in the country.

JPMorgan has served as the City's Letter of Credit provider for the Austin Hotel Occupancy Tax Series 2008 Variable Rate issuance since 2012. Citibank has served as the City's Letter of Credit provider for the Taxable Commercial Paper program since October 1, 2014. Credit facilities are only offered by very large banks; local banks do not participate in this type of banking. When renewal of the credit facilities are required, the City reaches out to numerous banks that are involved in providing credit facilities as well as banks that have expressed interest in providing this service to the City.

Agenda Item # 16: Authorize negotiation and execution of Amendment No. 2 to a legal services contract with Tydings & Rosenberg LLP for legal services regarding the minority-owned and women-owned business enterprise procurement program in an amount not to exceed \$24,600, for a total contract amount not to exceed

\$150,000.

QUESTION: What additional information/data is the update supposed to produce to SMBR and council? COUNCIL MEMBER ALTER'S OFFICE

ANSWER: In March 2017, the City Council extended the sunset date of the Minority-Owned Business Enterprise (MBE) and Women-Owned Business Enterprise (WBE) Procurement Program Ordinances to March 31, 2018 to allow the Small and Minority Business Resources Department (SMBR) to work with the City's disparity study consultant to clarify data that was used in the study as a result of concerns raised by MBE /WBE stakeholders. This March 2017 memo provided Council with background information at that time: <http://www.austintexas.gov/edims/document.cfm?id=273747>.

SMBR is currently working with the disparity study consultant and anticipates that the consultant will provide revised data in Fall 2017. SMBR also has the option to engage another independent consultant to peer review the revised disparity information provided by the original consultant, if needed. Once the disparity study verification process has been completed, including the independent peer review if used, SMBR staff will present the findings to the stakeholder communities through a series of outreach events. Outside counsel will also review and provide advice on the revised data and any related revisions to the disparity study. Following this, SMBR will present any revisions to the disparity study to Council for adoption. SMBR will also ask Council to consider proposed amendments to the MBE /WBE Procurement Program Ordinances to update the findings and annual goals and to continue the program.

Agenda Item # 18: Approve an ordinance amending City Code Chapter 2-10 (Municipal Court) to revise and add provisions regarding indigency.

QUESTION: In the original Resolution 20160811-037, it states "2. Make it clear a defendant may only be committed to jail for failing to pay a fine if the Court has first determined that the defendant is not indigent and entered written findings of the defendant's non-indigency into the case record". This is not addressed in the ordinance. Please provide a response as to why it is not included. COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER: That part of the resolution is in conflict with Texas Code of Criminal Procedure Art. 45.046 in that it prohibits commitment of any indigent defendant under any circumstance. When a city code provision conflicts with state law, state law will be controlling. Below is the text of that provision.

(a) When a judgment and sentence have been entered against a defendant and the defendant defaults in the discharge of the judgment, the judge may order the defendant confined in jail until discharged by law if the judge at a hearing makes a written determination that:

(1) the defendant is not indigent and has failed to make a good faith effort to discharge the fine and costs; ?or

- (2) the defendant is indigent and:
- (A) has failed to make a good faith effort to discharge the fines and costs under Article 45.049; and
 - (B) could have discharged the fines and costs under Article 45.049 without experiencing any undue hardship.
- (b) A certified copy of the judgment, sentence, and order is sufficient to authorize such confinement.
- (c) For purposes of a hearing described by Subsection (a), a defendant may be brought before the court in person or by means of an electronic broadcast system through which an image of the defendant is presented to the court. For purposes of this subsection, "electronic broadcast system" means a two-way electronic communication of image and sound between the defendant and the court and includes secure Internet videoconferencing.

Agenda Item # 23: Approve a resolution authorizing the acceptance of grant funding from the State of Texas, Office of the Governor, Criminal Justice Division to implement the Austin Police Department project entitled the Austin Police Department Coverdell Project.

QUESTION: Why must this work be structured through overtime hours instead of through the hiring of a nonpermanent position(s)? COUNCIL MEMBER ALTER'S OFFICE

ANSWER: The Coverdell project scope of work encompasses multiple specialty areas, including firearms, toolmarks, toxicology, latent prints, and crime scene. Overtime allows the laboratory to reduce non-DNA casework backlogs using existing, trained analysts. Hiring and training temporary personnel would not be a cost-effective use of grant funding

Agenda Item # 24: Approve a resolution authorizing the acceptance of grant funding from the State of Texas, Office of the Governor, Criminal Justice Division to implement the Austin Police Department project entitled APD Special Operations Project.

QUESTION: How many years in a row has APD received each grant? Why must this work be structured through overtime? COUNCIL MEMBER ALTER'S OFFICE

ANSWER: The APD Special Operations Project award is a one time 6-month equipment-only grant. No overtime is included in the budget.

Agenda Item # 25: Approve a resolution authorizing the acceptance of grant funding from the State of Texas, Office of the Governor, Criminal Justice Division to implement the Austin Police Department project entitled APD Juvenile Justice and Delinquency Prevention Project.

QUESTION: Please break down how the \$28,749 will be spent among the costs identified (officer overtime to assist with youth initiatives, van lease, and

costs associated with attending Police Athletic League conference). What is the required match from the city of Austin and how will it be met? MAYOR PRO TEM TOVO'S OFFICE

ANSWER: The budget includes \$9,913 for officer overtime (approximately 150 hours of time), \$6,236 in travel costs to send four officers to the National PAL Conference, and \$12,600 to lease a 15-passenger van for the one-year project period. This grant does not require a match.

QUESTION: How many years in a row has APD received each grant? Why must this work be structured through overtime? Will this money go to the PAL program or some other program? How much is budgeted in FY18 for the broader program that this is a part of and who manages this program? Please provide detail on all funding sources for this program/all sources of grants that will be sought for funding for this program in the upcoming fiscal year. How many officers work this program and how many hours of work does it take to staff this program over a one year period? How many youth across the city does it reach? What are the remaining fiscal needs for this program (unmet needs) for FY18? How does this program meet the Matrix report recommendations? The RCA states, "The project is operational 4 days per week, 52 weeks a year, and includes a summer camp." Across how many officers will this work (150 hours) be completed? Why must this work be structured through overtime? What other options are there aside from completing the work through overtime and why is overtime more advantageous than those other options? What prevents officers from being engaged in this type of work across the force already? How does this grant relate to the goals of the Matrix report? COUNCIL MEMBER ALTER'S OFFICE

ANSWER: The Police Activities League (PAL) program, managed by the APD Training Division, is housed at the police headquarters building and is implemented by three officers and one sergeant supervisor. Scheduled PAL activities require over 8,300 officer hours annually. PAL is almost entirely funded by the City. The APD operating budget (FY18) for PAL totals \$565,581 – 95% for personnel/City benefits and the remaining 5% allocated for supplies and operating expenses. PAL has an active non-profit with an operating budget of less than \$6,000, which is primarily used for supplies. In 2015, APD applied for a state grant to support PAL's juvenile justice programming. We are now entering the third and final year of the APD Juvenile Justice and Delinquency Prevention (JJDP) Project. All JJDP budgeted activities support the APD PAL program. The program tracks the daily participation of youth (aggregate only), with monthly participation ranging from 900 to 3,600 kids depending on which activities are scheduled for implementation. No other grants are pending to support APD PAL efforts; however, project staff is always looking for new opportunities to improve programming and better position Austin youth for success. The greatest unmet need for the project is, and will likely continue to be, transportation for youth participants. This project is directly in line with the Matrix report as it emphasizes relationship and trust building between police officers and community members. The APD Juvenile Justice and Delinquency

Prevention Project supports the APD PAL (Police Activities League) program, providing direct services for hundreds of Austin's youth with minimal staff (three officers and a sergeant supervisor). PAL kids participate in officer mentoring and skill-building events during after-school and weekend hours, as well as throughout the summer. While PAL is sometimes able to leverage officers to assist while on-duty, sworn uncommitted time is low and there is a periodic need to hire officers on an overtime basis to complete project activities. We anticipate that 15 – 20 officers will work overtime to assist PAL over the 1-year project period. Hiring temporary staff under this grant is allowable, but would not be cost effective or within scope given the low level of available funds and the need for sworn personnel to fill the mentor role. This project is directly in line with the Matrix report as it emphasizes relationship and trust building between police officers and community members.

Agenda Item # 26: Approve a resolution authorizing the acceptance of grant funding from the State of Texas, Office of the Governor, Criminal Justice Division to implement the Austin Police Department project entitled Austin Police Services for Victims of Violent Crime.

QUESTION: How many victims services counselors does the Austin Police Department employ; how does that number compare to previous years; and are there current vacancies in these positions? MAYOR PRO TEM TOVO'S OFFICE

ANSWER: Under this specific project, APD has historically funded one full-time victim counselor position (with City benefits). Three temporary full-time victim counselor positions (no City benefits) were added to the budget with last year's application and are a part of the request for the coming fiscal year. There are no vacancies.

Agenda Item # 28: Authorize negotiation and execution of an interlocal agreement with AUSTIN INDEPENDENT SCHOOL DISTRICT for public health and social services at Overton Elementary School for a 12-month term from September 1, 2017 through August 31, 2018.

QUESTION: Will Austin Public Health provide education and screenings related to diseases other than diabetes? MAYOR PRO TEM TOVO'S OFFICE

ANSWER: In addition to blood glucose screenings, APH will offer blood pressure and cholesterol checks and Human Immunodeficiency Virus/Sexually Transmitted Infection screenings. As the pilot continues, the Department will determine if we will also provide education on cardiovascular health and nutrition.

Agenda Item # 29: Authorize negotiation and execution of three contracts for juvenile delinquency prevention services each for an initial twelve-month term through August 31, 2018, with three twelve-month renewal options, with MEXIC-ARTE MUSEUM in an amount not to exceed \$78,000 per twelve-month term, for

a total contract amount not to exceed \$312,000; CREATIVE ACTION in an amount not to exceed \$80,000 per twelve-month term, for a total contract amount not to exceed \$320,000; and WORKERS ASSISTANCE PROGRAM in an amount not to exceed \$73,469 per twelve-month term, for a total contract amount not to exceed \$293,876.

QUESTION: Is the contract with Mexic-Arte Museum for services at the downtown location? COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER: No, services are not provided at Mexic-Arte. Mexic-Arte staff provide all CYD services at locations within the 78744 zip code area only, as per the contract by the Department of Family Protective Services (DFPS). Those locations of which Mexic-Arte provides their services in the 78744 zip code include the following:

Blazier – 4th and 5th grades
Smith – 5th grade
Hillcrest – 5th grade
Ojeda – 6th and 8th grades
Langford – 5th grade
KIPP Austin Beacon Prep
KIPP Austin Vista Middle School 6th and 8th grades
Travis High School 9th – 12th Grades Art Classes
Akins High School 9th – 12th Grades Art Classes
RCYF – River City Youth Foundation
Real Learning Academy
Sci-Tech Preparatory School

Agenda Item # 33: Authorize negotiation and execution of a contract with Bureau Veritas North America, Inc., to provide permit plan review services, with an initial term of two years and three one year extension options, for a total contract amount not to exceed \$1,825,000.

QUESTION: Has this contract been factored into development fees to be sure that the city is recovering all costs? MAYOR PRO TEM TOVO'S OFFICE

ANSWER: Yes, the contract amount for the Development Services department has been factored into the department's future fees.

Agenda Item # 38: Authorize negotiation and execution of a contract with Fiserv Solutions, Inc., to provide licenses, maintenance and support of financial report storage and retrieval software, for a term of five years, for a total contract amount not to exceed \$383,595.

QUESTION: Is \$102,992 available in the current budget or is that the amount proposed in the new budget for FY18? If that amount is for FY18 why is it necessary to process this request before the budget is approved? When does the current contract expire? COUNCIL MEMBER ALTER'S OFFICE

ANSWER: The \$102,992 is included in the 2018 proposed budget, which is subject to approval by City Council. The amounts under the existing contract, which expires in October 2017, are included in the fiscal year 2017 budget of the Controller's Office. Staff is bringing this item forward in August to ensure that services continue without interruption. Staff strives to bring requests for authorization of new contracts to Council for approval early to allow time for contract negotiations and to allow for any possible delays in the approval.

Agenda Item # 43: Authorize negotiation and execution of three contracts with MTU Maintenance Berlin-Brandenburg, TransCanada Turbines Inc., and Wood Group/Pratt & Whitney, to provide gas turbine repair and maintenance, each for an initial term of two years, with three one year extension options, for total contract amounts not to exceed \$34,000,000, divided among the contractors.

QUESTION: What was the previous contract amount? COUNCIL MEMBER ALTER'S OFFICE

ANSWER: The previous contract authorization was \$40 million.

Agenda Item # 44: Authorize award and execution of a contract with Ecin Industries, Inc., to provide mattresses, box springs, and bed frames, with an initial term of three years and two one year extension options, for a total contract amount not to exceed \$359,250.

QUESTION: How many beds will these contract amounts purchase? When were beds last replaced? What is the total cost per bed? MAYOR PRO TEM TOVO'S OFFICE

ANSWER: Approximately 225 beds could be purchased annually, if needed, with the authorization amount. There are currently approximately 120 mattress and box spring sets that are 10-12 years old and will be immediately replaced to bring them up to standard. The Facilities AFD Captain has finalized a replacement plan for the fire station mattresses that will ensure every bed is replaced no less than every eight years as recommended by the mattress industry and the Sleep Council. An inventory of the remaining mattresses indicates that a replacement schedule of 55-60 sets will be needed each year thereafter to bring and keep all other fire station mattresses up to date. New stations, accidents, and/or health concerns may cause earlier replacement on an as needed basis. The cost to replace an entire bed set is \$352. The mattress is \$214, the cost for the box spring is \$99, and the cost of a bed frame is \$39. Individual pieces may be replaced as needed without purchasing an entire new set.

QUESTION: Why is there a gap since March in having a contract in place for these items? Is there a cooperative purchasing option that can achieve lower prices? COUNCIL MEMBER ALTER'S OFFICE

ANSWER: There has been a gap since March because the previous contractor chose not to renew their contract but gave no advanced notice to the City. As soon as the contract expired we immediately worked on getting a new solicitation issued. In the interim, AFD performed spot purchases when necessary.

Cooperatives were researched and the pricing was much higher than what we obtained through the open market. One option found on a City approved cooperative started at \$547.11 per set, didn't include the bed frame, and had a minimum order quantity of 15 sets or a \$200 fee would be imposed. Another option started at \$1,200 for the mattress and box spring but didn't include the bed frame. The pricing offered through this solicitation for the mattress, box spring, and bed frame is \$352.

Agenda Item # 46: Authorize negotiation and execution of a contract with Caldwell Country Chevrolet, or one of the other qualified offerors to Request for Proposals MMO0304, for electric vehicles, for a term of one year in an amount not to exceed \$923,580.

QUESTION: What is the cost of the vehicles? COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER: The cost of each of the 28 vehicles is approximately \$32,985 for a total amount not to exceed \$923,580.

QUESTION: What model vehicles will be purchased? How will they evaluate the success of these purchases on achieving the desired goals? COUNCIL MEMBER ALTER'S OFFICE

ANSWER: The electric vehicles recommended for purchase are Chevrolet Bolts. The overall impact will be evaluated as a part of the annual Sustainability Program review of the Key Performance Indicator for CO2 Emissions from City Operations. In 2012, Fleet along with the Sustainability Office developed a Fleet Carbon Neutral Plan in response to Council Resolution 20070215-023 which states: "Making the entire City fleet of vehicles carbon neutral by 2020 through the use of electric power, non-petroleum fuels, new technologies, mitigation, and other measures necessary, prioritizing the earliest possible conversion to such fuels and technologies and establishing timelines and benchmarks for such conversions." This is a comprehensive plan that outlines strategies, objectives, and performance measures to ensure that we allocate our resources to activities that are aligned in a way to help meet those objectives.

Agenda Item # 47: Authorize negotiation and execution of a contract with Eaton Corporation, to provide replacement batteries including corrective repairs and preventative maintenance services for an uninterrupted power supply system at the Combined Transportation, Emergency and Communications Center, for a term of five years in an amount not to exceed \$187,695.

QUESTION: Is this a new contract with Eaton or does this contract replace one that has expired? COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER: The contract with Eaton Corp. is not new; it will replace an expired contract.

Agenda Item # 48: Authorize negotiation and execution of a contract with Advanced Traffic Solutions, LLC, or one of the other qualified offerors to Request For Proposal JTH0309, to provide a traffic management system to manage traffic operations at signalized intersections and control of pedestrian hybrid beacons, for an initial term of five years, with two one year extension options, for a total contract amount not to exceed \$2,220,000.

QUESTION: How much was the purchase price of the current software and who designed the software? What will be the cost to update the hardware that will be required to support the newer software? COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER: The current signal controller software was procured in 1999 as part of a larger system upgrade project. The existing software was written by Gardner Systems. The cost of signal controller and software at that time would have been approximately \$3,500 per intersection.

The proposed contract with Advance Traffic Signals Solutions, LLC is setup not to exceed \$2,100,000. This contract allows the City to purchase both controller software and hardware. The contract has been developed to give the City the flexibility to install software and new controllers at each traffic signal in the City or just the software alone. The City has three options when installing software at signals throughout the City.

Option 1: Install the software on existing controllers. This allows the City to minimize cost, but the City will not be able to take advantage of the full capabilities of the software. This would result in a unit cost of \$650 per intersection for software only.

Option 2: Upgrade the CPU engine board on existing City controllers. This would allow the City to take advantage of all the software's features and minimize cost by upgrading existing controllers when feasible. This option would cost \$650 for software and \$545 for controller upgrades for a total cost of \$1,195 per intersection.

Option 3: Replace all existing City controllers. This would ensure that the City has the latest hardware with the longest projected lifespan. This option is proposed for the City's older controllers that are at or near the end of their life. This option would cost \$650 for software and \$1,680 for controller replacement for a total cost of \$2,330 per intersection.

As part of the software roll out, the City plans to evaluate existing controllers

and determine the most appropriate method of updating for each signal. The total cost to update all of the signal controller hardware will range from \$567,000 if all controllers are upgraded to \$1,764,000 if all controllers are replaced. At this time, the percentage of controllers that would be upgraded versus replaced is not known. As a result, the contract has been proposed to allow for the replacement of some or all controllers.

QUESTION: Is this for a replacement of an existing contract? Why is it necessary to do this for 58 months? COUNCIL MEMBER ALTER'S OFFICE

ANSWER: This contract does not replace an existing contract. The previous contract was originally established in 1999. Since 2012, the manufacturer has not provided support for the controller software. The proposed contract is for an initial term of 60 months. Establishing the 60 month contract allows staff to systematically deploy the new software as funding becomes available and to not be constrained by a shorter contract. This also allows us to lock in today's prices.

Agenda Item # 50: Authorize award and execution of a construction contract with MUNIZ CONCRETE & CONTRACTING, INC. for the ADA Sidewalk and Ramp Improvements for Safe Routes to Schools, North Lamar Boulevard, Burnet Road Indefinite Delivery/Indefinite Quantity project, in the amount of \$4,000,000 for an initial 18-month term, with two 12-month extension options of \$2,000,000, for a total contract amount not to exceed \$8,000,000. (Districts 4, 7, 9, and 10)

QUESTION: The city seems to have multiple contracts with MUNIZ CONCRETE & CONTRACTING, INC. Would there be an opportunity for more contractors that meet the minority requirements to do business with the city for these contracts if the contract amount was split into smaller amounts? Has this been explore and why was it structured the way it was? COUNCIL MEMBER ALTER'S OFFICE

ANSWER: This RCA is a result of solicitation (CLMC638) for ADA Sidewalk and Ramp Improvements for Safe Routes to Schools as well as mobility and safety improvements on North Lamar Boulevard and Burnet Road. Muniz Concrete & Contracting, Inc. ("Muniz") is the low-bidder and a locally owned, certified MBE with a substantial record of performing sidewalk and concrete flatwork for the City of Austin. Over the last couple of years, Muniz has competed for, and been awarded, ten City contracts for various concrete-related projects. These awards were based on 15-20% lower bid prices in many cases. In the field, Muniz has a reputation as an efficient installer. Muniz currently subcontracts for 5-15% of their City contracts providing opportunities to other small Austin businesses. The current contract before Council (Item 50) met the MBE /WBE goals with 95.03% MBE and 1.87% WBE participation.

As part of staff's review to determine Muniz's bid as responsive, staff requested information from Muniz to confirm their capacity and capabilities to manage multiple concurrent projects. Of Muniz's ten projects currently awarded or

underway, six of the existing City projects will be completed well-before the end of the calendar year. The response from Muniz also documented their existing staff and construction equipment available for City projects. Muniz represented that they have the capacity and ability to respond to the City's regular and emergency construction assignments. Additionally, on their existing contracts, Muniz was consistently competitive on price and is meeting the project expectations.

Staff explored the option of breaking this low-bid indefinite delivery, indefinite quality (IDIQ) solicitation into smaller parts. Staff determined that a contract with a higher authority was more advisable because of the anticipated high dollar individual assignment value. While the specific scopes of work for the Safe Routes to School Program and the North Lamar Blvd and Burnet Rd 2012 bond project have not yet been determined, many improvements on both North Lamar Blvd and Burnet Rd have been identified. Additionally, an Infrastructure Plan for the Safe Routes to School Program is expected to be finalized by summer 2018, which will identify priority projects for that program. The identified improvements on N Lamar Blvd and Burnet Rd will need to be coordinated with the 2016 bond corridor recommendations, which are expected in early 2018. If the previously identified improvements on North Lamar Blvd and Burnet Rd fall outside of the corridor recommendations for the 2016 bond, then this contract will potentially construct those improvements. The high dollar individual assignment value is expected because there is potential that these projects will be a higher cost in order to mitigate potential conflicts with electric poles, drainage ditches, and other infrastructure. Staff requires a contract with the authorization amount to cover the expected value and number of assignments for this needed work.

Furthermore, nothing prevents Muniz from bidding on the smaller contracts. Given Muniz's history of providing low bid prices as confirmed by previous contract awards, there is potential that the result would be one contractor, but with multiple contracts. It is important to note that fragmenting solicitations into smaller solicitations may result in contracts with higher costs to our community including:

- Solicitation, contract administration, and project management costs
- Higher price per unit resulting in more expensive projects and less work being completed

Although noting the aforementioned considerations, staff continues to make a priority the review of each solicitation requested to determine if the solicitations could be fragmented into smaller solicitations to allow for maximum contracting opportunities.

Agenda Item # 57: Approve a resolution rescinding action taken on August 10, 2017 regarding rezoning of the property located at 12611 Hymeadow (Case No. C14-2017-0072) and directing staff to re-notice the case and place the item on the next available City Council agenda after notice has been sent.

QUESTION: Please provide past examples of similar action as well as links to sections of city code that speak to this process. MAYOR PRO TEM TOVO'S OFFICE

ANSWER: The council does not currently have rules in the code that address rescinding actions the council has taken in zoning cases. Rescinding an action is a parliamentary maneuver, and where the code is silent, the process is governed by Robert's Rules of Order. Staff is not aware of a past example where council took a similar action on a zoning case.

Agenda Item # 59: Approve a resolution directing the City Manager to develop recommendations for engaging the community in alternatives to activities such as "panhandling" with more effective and positive interactions with people experiencing homelessness.

QUESTION: How many people sign up to use Day Labor Center site resources? What performance measures are used to determine the effectiveness of Day Labor Center sites? Please provide effectiveness information in absolute numbers, not percentages. Who provides management oversight of Day Labor Centers? COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER: See attachment.

Agenda Item # 86: C14-2017-0027 - Texas Motor Transportation and Oil Field Haulers Inc. - District 1 –Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 700 East 11th Street (Waller Creek Watershed). Applicant Request: To rezone from general commercial services (CS) district zoning to Central Business District (CBD) zoning. Staff Recommendation: To grant Central Business District (CBD) zoning. Planning Commission Recommendation: To grant Central Business District (CBD) zoning. Owner/Applicant: Texas Motor Transportation & Oil Field Haulers, Inc. (John Esparza). Agent: Metcalfe Wolff Stuart & Williams (Michele R. Lynch). City Staff: Scott Grantham, 512-974-3574.

QUESTION: Why this development can accommodate the current Capitol View Corridor and cannot accommodate the proposed corridor. When was this zoning case initiated? COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER: See attached image for an illustration of Existing and Proposed Capitol View Corridor corridors.

- a. Existing corridor, Capitol View Corridor # 11, is shown in blue, and limits buildable height to approximately 47 ft. within the Capitol View Corridor.
- b. Proposed Capitol View Corridor, Texas State Cemetery corridor is shown in red. It overlaps Capitol View Corridor 11, but Capitol View Corridor 11 is more restrictive; therefore, Capitol View Corridor 11 would regulate for the overlapping portions. Buildable height for the red portion would be

approximately 104 ft.

c. Proposed Capitol View Corridor, Huston-Tillotson corridor is shown in orange. Buildable height within the corridor would be approximately 107 ft.

d. FYI: this analysis is a preliminary one, and round numbers are used. A Capitol View Corridor determination will be required at the time of site plan. The application for rezoning was filed on March 13, 2017.

QUESTION: What are the affordability requirements for the density bonus program applicable for this property? Do we anticipate that the property will utilize the density bonus program, if so, what do we anticipate will be the total square footage of the bonus area? How does the fee-in-lieu for this property compare to TOD or other fee in lieu program requirements? Please explain the history or process for determining the fee-in-lieu for the density bonus program applicable to this property and when the fee was last updated. COUNCIL MEMBER ALTER'S OFFICE

ANSWER: See attachment.

Agenda Item # 88: C14-2017-0042 - 12602 Blackfoot Trail - District 6 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6610 McNeil Drive/12602 Blackfoot Trail (Rattan Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning and single family residence-standard lot (SF-2) district zoning to general commercial-mixed use (CS-MU) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use (LR-MU) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant single family residence-standard lot (SF-2) district zoning for Tract 1 and community commercial-mixed use-conditional overlay combining (GR-MU-CO) district zoning for Tract 2. Owner/Applicant: Abraham Birgani. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Sherri Sirwaitis, 512-974-3057.

QUESTION: On June 1st, the adjacent Stepping Stone School withdrew their opposition because the applicant indicated he would not pursue a zoning classification that allows for the sale of alcohol. Would the requested CS-MU zoning allow alcohol sales as an accessory use, or under any other circumstances? What is the process to get approval to allow alcohol sales under the proposed CS-MU zoning? Does our municipal code allow for the Stepping Stone Private School to trigger the requirement of a variance to allow alcohol sales, should the property chose to pursue alcohol sales? COUNCIL MEMBER ALTER'S OFFICE

ANSWER: Liquor Sales and Cocktail Lounge uses are not a permitted use in CS-MU zoning. The first commercial district that the Liquor Sales use is permitted in is the CS-1 district. The applicant amended the rezoning request on May 16, 2017 and is no longer applying for CS-1-MU zoning, instead

requesting CS-MU zoning.

Below are the state and city regulations for alcohol sales near a school for your review.

CHAPTER 4-9. - RESTRICTIONS ON ALCOHOLIC BEVERAGES.

- § 4-9-4 - MINIMUM DISTANCE FROM CERTAIN USES.

(A) A person may not sell or engage in the business of selling an alcoholic beverage at a place of business located within 300 feet of a church, public school, or public hospital except as provided by the Texas Alcoholic Beverage Code.

(B) A permit or license holder under Chapters 25 (Wine and Beer Retailer's Permit), 28 (Mixed Beverage Permit), 32 (Private Club Registration Permit), 69 (Retail Dealer's On-Premise License), or 74 (Brewpub License) of the Texas Alcoholic Beverage Code who does not hold a food and beverage certificate may not sell or engage in the business of selling an alcoholic beverage at a place of business located within 300 feet of a day-care center or child-care facility except as provided by the Texas Alcoholic Beverage Code.

(C) Distances under this section shall be calculated using the method prescribed by the Texas Alcoholic Beverage Code.

Source: 1992 Code Section 8-3-4(A) through (C); Ord. 031023-12; Ord. 031211-11.

Agenda Item # 100: Conduct a public hearing and consider a request by Charles Lofli, agent of CNJ Austin Wings III Inc. dba Wingstop, located at 7112 Ed Bluestein Blvd., Unit 167, to waive the distance requirement of City Code Section 4-9-4(A), which requires a minimum of 300 feet between a business that sells alcoholic beverages and a public school.

QUESTION: Staff back-up includes the distance from the front entrance of Winn Elementary School to the subject property. How entrances does Winn Elementary School have? What are the distances from the various entrances of Winn Elementary School to 7112 Ed Bluestein Blvd., Unit 167? Please provide information on the state statute(s) which grants local municipalities the authority to regulate alcohol sales within proximity of public schools. Does the state statute allow a municipality to enact regulations prohibiting alcoholic beverages within 1000 feet of a public school if the governing body receives a request from the Board of Trustees? COUNCIL MEMBER ALTER'S OFFICE


ANSWER: The measurement of 177 ft. provided on the staff report is based on measurement methods prescribed by TABC regulations and City Code for cases triggered by a public school. The distance between a place of business selling alcohol and public school is measured from the property line or lease space boundary of the business to the property line of the public school. Measurements based upon walking distances are used in cases triggered by a church, public hospital, or daycare and not applicable in this case. The total number of entrances for Winn Elementary are unknown, however it appears the shortest walking distance from Wingstop to any door of the school building


is approximately 775 ft. Section 109.33 of the Alcoholic Beverage Code Section allows a city to enact local regulations to regulate the sale of alcohol near public schools within the city. The council may enact regulations prohibiting the sale of alcoholic beverages within 1,000 feet of a public school if the council receives a request from the board of trustees of a school district under Section 38.007 of the Education Code. Links to the state statutes are provided below.

[Alcoholic Beverage Code Section 109.33 \(Sales Near School, Church, or Hospital\)](#)

[Education Code Section 38.007 \(Alcohol-Free School Zones\)](#)

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 TTY users route through 711.*



Council Question and Answer

Related To

Item #59

Meeting Date

August 31, 2017

Additional Answer Information

QUESTION: How many people sign up to use Day Labor Center site resources? What performance measures are used to determine the effectiveness of Day Labor Center sites? Please provide effectiveness information in absolute numbers, not percentages. Who provides management oversight of Day Labor Centers? COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

How many people sign up to use Day Labor Center site resources? / Please provide effectiveness information in absolute numbers, not percentages.

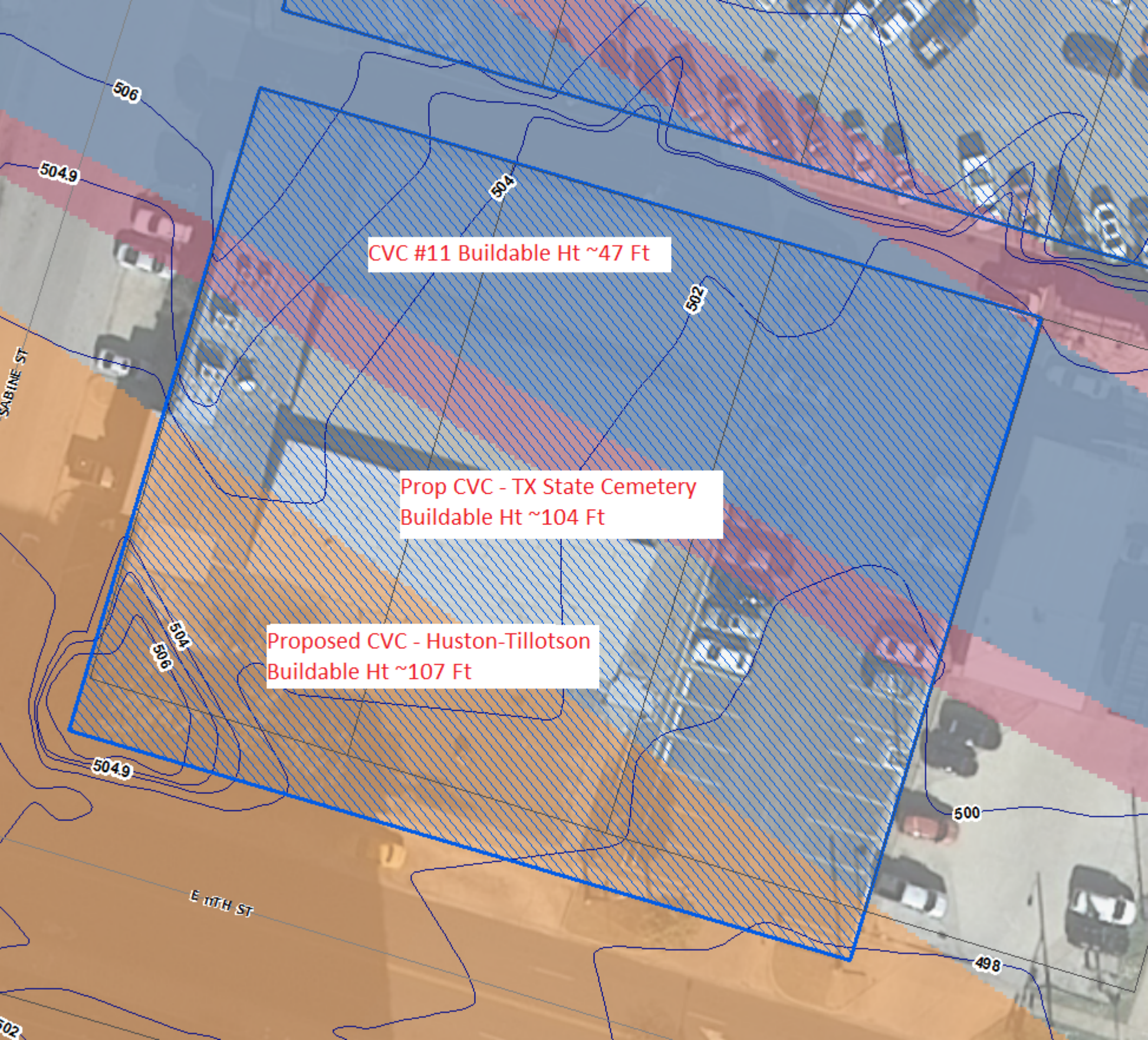
Fiscal Year	Sign-ins	# of Placements	% of Placements	Total # of Contractors
FY 2016	28,306	19,141	68	5,353
FY 2017	20,149	11,742	58	3,802

What performance measures are used to determine the effectiveness of Day Labor Center sites?

- Percent of Day Labor clients placed weekly
- Number of Day Labor placements (duplicated)

Who provides management oversight of Day Labor Centers?

- Day Labor is a program within the Austin Public Health Department-Community Services Division- Family Health Unit.
 - Derrick McKnight - Program Supervisor
 - Alan Washington is the Program Manager



CVC #11 Buildable Ht ~47 Ft

Prop CVC - TX State Cemetery
Buildable Ht ~104 Ft

Proposed CVC - Huston-Tillotson
Buildable Ht ~107 Ft



Council Question and Answer

Related To

Item #86

Meeting Date

August 31, 2017

Additional Answer Information

QUESTION: What are the affordability requirements for the density bonus program applicable for this property? Do we anticipate that the property will utilize the density bonus program, if so, what do we anticipate will be the total square footage of the bonus area? How does the fee-in-lieu for this property compare to TOD or other fee in lieu program requirements? Please explain the history or process for determining the fee-in-lieu for the density bonus program applicable to this property and when the fee was last updated. COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

Do we anticipate that the property will utilize the density bonus program? if so, what do we anticipate will be the total square footage of the bonus area?

Yes. 86,600 square feet

What are the affordability requirements for the density bonus program applicable for this property?

The program requires a minimum of 50% of the bonus area be allocated towards affordable housing options (either onsite units or fee in lieu) and the remainder of 100% be provided in community benefits (green roof, cultural services, etc.).

For this case, the applicant is proposing to pay fee in lieu for pay 75% of the bonus area to the permanent supportive housing fund; and dedicate 25% of the bonus area to onsite affordable units.

Please explain the history or process for determining the fee-in-lieu for the density bonus program applicable to this property.

Development Type	Downtown District	Development Bonus Fee (\$/SqFt Bonus Area)
Residential	Core/Waterfront District	\$10/SqFt Bonus Area
	Lower Shoal Creek & Rainey Street Districts	\$5/SqFt Bonus Area
	All other districts	\$3/SqFt Bonus Area
Office	All districts	No Fee
Hotel	All districts	No Fee

When was the fee last updated?

2014. Fee structure will be updated as part of Code Next.

How does the fee-in-lieu for this property compare to TOD or other fee in lieu program requirements?

Affordable housing fee in lieu for TOD is now \$11 per square foot. For the North Burnet Gateway district, fee in lieu is \$7 per square foot.