



City of Austin

301 W. Second Street
Austin, TX

Agenda

Questions and Answers Report

Mayor Steve Adler

Mayor Pro Tem Kathie Tovo, District 9

Council Member Ora Houston, District 1

Council Member Delia Garz, District 2

Council Member Sabino "Pio" 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

Thursday, August 30, 2018

Austin City Hall

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

3. **Agenda Item #3:** Authorize negotiation and execution of an amendment to the professional services agreement with Jackson and McElhaney Architects for the 2013 General Architectural Services Rotation List for additional design services in the amount of \$86,916 and a new Rotation List contract authorization amount not to exceed \$4,886,916.

QUESTION: What is the expected timeframe that the water line design and vacation of the easements will be completed? What work has been occurring on this project from August 28, 2014 when Council authorized an additional \$800,000 until now?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

We have 90% Construction Documents complete. The water line design should be complete by the end of September 2018 and the easement vacations are estimated by the end of February 2019. The easement vacation will require approval by Travis County Commissioners Court. An exact date for when we take this to the Commissioners has not yet been scheduled.

Since 2014, staff on the design team has spent a lot of effort and time to redesign and develop alternates in order to mitigate the budget shortfall that occurred early in the process. In February 2014, the project was assigned to an architecture firm from the City's 2013 General Architectural Services Rotation List. In August 2014, Council approved an amendment that provided an additional \$800,000 in authorization for the 2013 General Architectural Services Rotation List. This additional authorization was allocated at \$100,000 for each of the 8 firms on

the Rotation List. The additional authorization per firm allowed for the continuation of assignments while a replacement Rotation List was procured by the Capital Contracting Office.

5. **Agenda Item #5:** Authorize negotiation and execution of a design build agreement with Southwest Corporation, for design and construction services for the Austin Fire Department Locker Room Phase 6 project in an amount not to exceed \$12,700,000.

QUESTION: What was the amount of the bid price submitted by the alternate firm? How do the bid prices compare between the first and second ranked firms?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

A bid price was not required for this solicitation as it is a Request for Qualifications solicitation to perform a Design-Build contract. Texas Government Code Chapter 2269 allows a City to use the Design Build methodology to select a contractor that provides the best value determined through a qualifications based selection process. Although price is not considered during the evaluation process, a qualified evaluation panel does evaluate the firm's response to Budget and Costing Methodologies and their Construction Cost Control Strategies. These two evaluation items are noted as Items 14 and 15 in the Evaluation Matrix which is attached as backup to this RCA. Upon Council approval, staff will negotiate a contract with the awarded Firm.

The \$13,000,000 is a budgetary estimate developed and presented by the design criteria manual (done by a 3rd party) and presented in the solicitation. Solicitation documents can be found on Austin Finance Online at

https://www.austintexas.gov/financeonline/account_services/solicitation/solicitation_details.cfm?sid=125069 .

9. **Agenda Item #9:** Authorize negotiation and execution of an amendment to an interlocal agreement with Travis County relating to services arising from the closing of the Austin Police Department lab that processed DNA evidence; to extend the term length and make other conforming changes.

QUESTION:

As this is an ILA with Travis County, if a crime is committed in the Williamson County part of the City of Austin, where is the DNA evidence processed?

COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

This item (#9) is not an interlocal agreement for DNA testing services. For those services, the City of Austin has an interlocal agreement with the Texas Department of Public Safety to provide DNA testing services through the Capital Area Laboratory (CapLab). In addition, the City has a contract with a local private accredited DNA vendor. Both of these agreements are available to process DNA evidence for the City of Austin, including cases in Travis and Williamson Counties.

10. **Agenda Item #10:** Authorize negotiation and execution of an amendment to the interlocal agreement with Austin Travis County Mental Health Mental Retardation Center D/B/A Integral Care for the Homeless Street Outreach Team, which connects homeless individuals and families with the initial services necessary to achieve stability and recovery, to increase funding in the amount of \$195,000 effective September 1, 2018.

QUESTION:

Please explain how this funding interacts with the 2019 base budget. How many months of the position and immediate needs assistance does this amendment cover? Are the new position and funds for the immediate needs included in the 2019 proposed budget for any amount that

this does not cover?
COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

The increase in funding of \$195,000 is one-time funding that will be equally allocated (i.e. \$65,000 per year) across the remaining 37 months of the current interlocal agreement with Integral Care for the Homeless Street Outreach Team, covering 2019, 2020 and 2021 fiscal years. No additional funding is necessary in 2019, 2020, or 2021 for the new position and funds for the immediate needs since all funding required to sustain this expansion in HOST services through the remaining term of the current interlocal agreement, is included in this amendment for \$195,000

QUESTION:

Is this amendment adding one staff person at the cost of \$195,000 to the Team? What is the cost of that full time equivalent? What remains to purchase the bus passes? Does the City purchase bus passes from CapMetro at cost? What official identification documents are being obtained? What are the cost associated with these documents?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

The increase in funding of \$195,000 is one-time funding that will be equally allocated (i.e. \$65,000 per year) across the remaining 37 months of the current interlocal agreement with Integral Care for the Homeless Street Outreach Team, covering 2019, 2020 and 2021 fiscal years. The cost of the 1 FTE Peer Recovery Support Specialist is \$41,425. Integral Care has budgeted \$10,000 to purchase basic needs items such as bus passes and official identification documents. Bus passes are purchased from CapMetro at half price through the Discount Pass Program. On behalf of clients being served, DACC purchases birth certificates from various states and Texas DPS IDs. Since 2016 DACC has purchased 190 birth certificates averaging \$39.50 each and 198 TX DPS IDs averaging \$13.30 each, all totaling over \$10,000.

QUESTION: The previous contract was for \$242,354. Does this reduce it to \$195,000 or increase it to a total of \$437,354? This appears to be funding one Certified Peer Specialist/Peer Recovery Coach - is this ongoing funding or one time funding being used for this position? The source of funding is listed as Austin Public Health, but what were these funds previously budgeted for?
MAYOR ADLER'S OFFICE

ANSWER:

1. *The previous contract was for \$242,354. Does this reduce it to \$195,000 or increase it to a total of \$437,354? This appears to be funding one Certified Peer Specialist/Peer Recovery Coach - is this ongoing funding or one time funding being used for this position?*

We are amending the current HOST agreement with Integral Care by increasing it from \$242,354, by \$195,000, to a new total of \$437,354. The increase in funding of \$195,000 is one-time funding that will be equally allocated (i.e. \$65,000 per year) across the remaining 37 months of the current interlocal agreement with Integral Care for the Homeless Outreach Street Team. It covers 2019, 2020 and 2021 fiscal years funding 1 FTE Peer Recovery Support Specialist, general operating expenses and basic needs items such as bus passes and official identification documents.

2. *The source of funding is listed as Austin Public Health, but what were these funds previously budgeted for?*

This funding is in the FY 18 budget for APH. During the FY18 budget process, it was allocated for homeless services. As stated in the E-7 Concept Menu Item, it will address Redesign and Expansion of Homelessness Services, including Outreach and Navigation Services Impacting Downtown.

- 11. Agenda Item #11:** Authorize negotiation and execution of an interlocal agreement with Travis County and the Austin Travis County Mental Health Retardation Center d/b/a Integral Care for mental health and substance use treatment services for indigent citizens and other eligible clients of the Downtown Austin Community Court, for an initial 12-month term beginning October 1, 2018 in an amount not to exceed \$392,000, with four 12-month renewal options not to exceed \$392,000 per option, for a total contract amount not to exceed \$1,960,000.

QUESTION:

Is this an interlocal agreement that is already in place? Is this an increase in the amount from the last agreement? How much of the contract amount is for staff? How many staff will provide services per the contract?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

DACC currently has an interlocal agreement in place with Integral Care (IC) for mental health and substance use treatment services which will expire on 9/30/2018. The funding of \$392,000 per year in this new agreement is not an increase from the current agreement, it is the same amount of funding. IC serves as the Managed Services Organization (MSO) under this agreement by providing Credentialing, Gate Functions, Utilization Management, Quality Management, Management Information Systems, Financial Management, Administration/Contract Management, and Network Development and Management. DACC clients are authorized for service by IC and then served by organizations in the network that provide the assessment and mental health and substance use treatment services at a pre-negotiated per unit cost (i.e. per day of treatment). The administrative rate IC receives to serve as the MSO is 12% of the total amount billed by organizations in the network (up to a maximum of \$42,000 per year), therefore DACC does not fund specific staff under this agreement. Mental health and substance use treatment service needs vary by each DACC client and the staffing needed to successfully provide the required services vary by each type of service organization, therefore the specific number of staff at the different organizations who will provide services through funding in this agreement is unidentifiable at this time. However, a maximum of \$350,000 per year will be paid to organizations in the network to provide direct mental health and substance use treatment services to DACC clients.

- 19. Agenda Item #19:** Authorize negotiation and execution of an increase to a contract with AIDS Services of Austin, Inc, for the Housing Opportunities for Persons Living With HIV/AIDS Program in an amount not to exceed \$102,039 for each of the 12-month terms beginning October 1, 2018 and October 1, 2019, for a total revised contract amount not to exceed \$2,918,819.

QUESTION: \$1,469,159 from federal grant funds equals half of the revised contract amount of \$2,918,819 in Fiscal Year 2018-2019. Where will the balance of \$9,749.50 be found? How many people will they serve?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

\$1,469,159 is the total HOPWA award received from Federal government for one year, 2018-2019. This total 2018-2019 award includes more than the AIDS Services of Austin sub-award.

\$2,918,819 is the request for the maximum AIDS Services of Austin contract for three years.

There is no relationship between the numbers in the question.

The ASA contract is projected to serve 235 individuals during 2018-2019.

- 20. Agenda Item #20:** Approve an amendment to an interlocal agreement with the Austin Independent School District to authorize the City to provide parking meter infrastructure and parking enforcement on Stephen F. Austin Drive.

QUESTION:

How will the parking meters impact parents, teachers, staff and faculty of Austin High School? What is the cost to the City to install and operate the meters? Please provide a detailed map showing where the parking district will be established. What is the estimated revenue that will be received by the school district? What amount will be retained by the City to maintain and operate the meters?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

See attachment.

- 21. Agenda Item #21:** Approve the Colorado River Area application to create a parking and transportation management district (PTMD) and an ordinance establishing a Colorado River Area PTMD.

QUESTION:

Is AISD aware of the creation of the Parking and Traffic Management District in addition to the metered parking being installed on AISD property?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Yes, AISD staff was aware that the Trails Foundation and area stakeholders (Trail Foundation, Texas Rowing Center, Capital Area Tennis Association) would approach the City to create a PTMD for streets adjacent to Stephen F. Austin Drive.

QUESTION:

1. Why is AISD not represented on the oversight committee?
2. Please explain if the input process included area residents. If so please provide a summary of the feedback received. If area residents were not included, please explain why not.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

1. The Austin Independent School District (AISD) was not considered for the oversight committee because Stephen F. Austin Drive falls outside of the proposed Parking Transportation Management District (PTMD) boundary, where all parking fees collected will be exclusively for AISD use, minus City expenses for metering equipment and enforcement services. At any point, additional area stakeholders could be added to the committee, if the need should arise.

2. Through a search of the Community Registry, City staff identified the West Area Neighborhood Group (WANG) as the representative group for area residents. On March 6, 2018 WANG membership met and discussed the potential PTMD. On April 18, 2018 the City received a signed letter that in part states "Provided that the funds would be available from the proposed PTMD to Butler Hike and Bike Trail maintenance and improvements, WANG does not oppose the application". The letter is part of the Agenda Backup information located in Exhibit A, on

After the establishment of the PTMD and a fund balance begins to develop, City staff will meet with Committee members again, including WANG, who will start prioritizing potential area projects.

- 22. Agenda Item #22:** Approve an ordinance amending City Code Selection 12-4-64 (D) to reduce the length of an existing school zone by 170 feet on East Live Oak Street.

QUESTION:

The back-up indicates that the school zone is being reduced by 180 feet. Are there any statutory requirements regarding the length of a school zone?

MAYOR PRO TEM'S OFFICE

ANSWER:

No statutory requirements exist for lengths of school zones. School zones are based on an engineering evaluation of site characteristics, including the posted speed limit and location of the designated crosswalk. National research has shown that school zones should be set for lengths which allow drivers to properly slow to the posted reduced school zone speed in advance of the designated crosswalk. In this case, the designated crosswalk is located at Alta Vista Drive, and the proposal to reduce the school zone by 180 feet to 400 feet in total length is appropriate based on the posted speed limit and site characteristics.

The Austin Transportation Department recommends reducing the length of the existing school zone on East Live Oak Street near Travis Heights Elementary to increase compliance with the school zone, improve visibility of the school zone flasher and eliminate the need to significantly prune an established heritage tree.

QUESTION:

Has the Transportation Department been in conversation with the school district regarding the shortening of the school zone and are they in agreement?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Yes. The Austin Transportation Department (ATD) has communicated with the Travis Heights Elementary School administration with the request to adjust the length of the school zone on East Live Oak Street to improve the visibility of the signs and driver's compliances with the reduce speed limit. ATD received written approval from the school administration.

The Austin Transportation Department recommends reducing the length of the existing school zone on East Live Oak Street near Travis Heights Elementary to increase compliance with the school zone, improve visibility of the school zone flasher and eliminate the need to significantly prune an established heritage tree.

- 24. Agenda Item #24:** Approve a resolution encouraging retailers to continue to honor the City's 2013 Single-Use Bag Ordinance.

QUESTION: Can City Staff please provide an estimate on the impact to City resources, including City Staff time, required to accomplish the task(s) required in this resolution if approved?

COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

ARR is currently working with retailers to get their feedback, and gather data on the barriers and

other factors driving business decisions on reintroducing single use plastic bags. ARR will also consider strategies that could address waste reduction from not only bags but other single use plastic items as well, such as straws. ARR will report back on its findings and resulting action plan by September 30, 2018. Until the plan is finalized, the resource needs are speculative.

Staff is currently in the process of developing a social media campaign to reinforce that reusable bags are consistent with Austin's Zero Waste goal and the environmental values of the City, and will remind consumers to bring reusable bags when shopping. That campaign will use around 130 staff hours to include coordination, shooting, editing, producing and placement on social media channels.

- 25. Agenda Item #25:** Approve a resolution directing the City Manager to explore and develop recommendations to ensure that the City of Austin does not provide financial support to organizations whose activities result in the separation of children from their parent/parents and/or siblings or that result in the mass incarceration of immigrant children.

QUESTION: Can City Staff please provide an estimate on the impact to City resources, including City Staff time, required to accomplish the task(s) required in this resolution if approved?

COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

With further clarification of Council's intent staff could provide a more precise estimate of resources needed to accomplish the tasks in the resolution. To develop a list of existing City contracts, including contractor name and contract amounts, when the contractor may also be under one or more current contracts with the US federal government to provide large-scale detention center services of the nature described in the resolution(s), staff estimates it may take up to 160 staff hours (2 people, 2 weeks) to complete this request. With more specific detail as to what types of financial support (contracts, grants, any considerations), what type of activities (by the US federal government, by contractors to the US federal government, their subcontractors, etc.), and more clarifications about the information desired in a report, staff could narrow the focus of the work and provide a more refined resource estimate.

- 57. Agenda Item #57:** Approve an ordinance establishing a Business Expansion Program pursuant to Texas Local Government Code Chapter 380

QUESTION:

1. Please explain staff's interpretation of the wage portion within "Minimum Requirements for Business Expansion Program Portfolio Expansion" on Page 6 of the Business Expansion Program Guidelines document:

"The project will ensure all employees are paid no less than the City's living wage and as it may be adjusted annually, including full-time employees and contract employees, and if applicable to a project with capital expenditures in the form of construction, construction workers hired for construction work will be paid at least the City's living wage."

Does staff consider "all employees" to include part-time employees? If not, is there a reason why contract employees are included and not part-time employees?

2. Is there a distinction between the median occupational hourly wage for the Austin MSA referenced on Page 7 under general eligibility requirements and the prevailing wage as referenced within the minimum eligibility requirements on Page 6 of the Business Expansion Program Guidelines document?

3. Council recently passed Resolution No. 20180628-061, which directed the City Manager to consider and develop a proposal that would require construction contractors to ensure that a minimum percentage of construction workers on City projects with significant budgets are graduates or current students of the Department of Labor's registered apprenticeship programs or the Department of Labor's certified bilingual training programs.

Under Category 2 of the Business Expansion Program Guidelines, (Page 13) "Positions must be either "full-time" (defined as at least 1,500 hours per year), "apprenticeships" (position that is a combination of on-the-job training and related instruction from a supervisor in anticipation and preparation for a permanent job in the applicable company), or "internships" (positions of no more than two years that typically are made available to students)."

Did staff consider requiring that the apprenticeships be registered with the Department of Labor?

4. Under the five-year program reassessment (Page 23-24 Business Expansion Program Guidelines document), is it staff's intention to bring forth any changes to the program for Council approval?
5. Resolution 20050113-52 added an amendment to Resolution No. 030612-15 to read:

1. Subparagraph 2.i "Applicants will be ineligible for incentives if they are not complying with City of Austin current water quality regulations on all current projects, unless the applicant has negotiated or negotiates an agreement with the City in which it complies with current impervious cover limits overall and agrees to build with current water quality controls and waive any claim to grandfathering to prior water quality regulations."

On Page 5 of the Business Expansion Program Guidelines under the "Minimum Requirements for Business Expansion Program Portfolio Expansion" section, the general eligibility criteria as it relates to current water quality regulations doesn't contain information about waiving any claim to grandfathering prior to water quality regulations. Is it staff's intention to exclude this provision from the proposed policies?

MAYOR PRO TEM KATHIE TOVO'S OFFICE

ANSWER:

1) Please explain staff's interpretation of the wage portion within "Minimum Requirements for Business Expansion Program Portfolio Expansion" on Page 6 of the Business Expansion Program Guidelines document:

"The project will ensure all employees are paid no less than the City's living wage and as it may be adjusted annually, including full-time employees and contract employees, and if applicable to a project with capital expenditures in the form of construction, construction workers hired for construction work will be paid at least the City's living wage."

Does staff consider "all employees" to include part-time employees? If not, is there a reason why contract employees are included and not part-time employees?

The interpretation of "all employees" is assumed to include part-time employees.

2) *Is there a distinction between the median occupational hourly wage for the Austin MSA referenced on Page 7 under general eligibility requirements and the prevailing wage as referenced*

within the minimum eligibility requirements on Page 6 of the Business Expansion Program Guidelines document?

Yes, the distinction is that Page 6 refers only to construction jobs related to the project and Page 7 refers to full-time employees of the company.

The language on Page 6 refers projects with capital expenditures in the form of construction, then all construction work on the project must comply with the City's established prevailing wage program that is used on City of Austin public works projects.

The language on Page 7 refers to hiring full-time positions (defined as working at least 1,500 hours annually) will be paid at a rate above the median hourly wage for the relevant occupation(s) as identified by the most recent Occupational Employment Statistics survey from the Bureau of Labor Statistics for the Austin-Round Rock MSA.

3) Council recently passed Resolution No. 20180628-061, which directed the City Manager to consider and develop a proposal that would require construction contractors to ensure that a minimum percentage of construction workers on City projects with significant budgets are graduates or current students of the Department of Labor's registered apprenticeship programs or the Department of Labor's certified bilingual training programs.

Under Category 2 of the Business Expansion Program Guidelines, (Page 13) "Positions must be either "full-time" (defined as at least 1,500 hours per year), "apprenticeships" (position that is a combination of on-the-job training and related instruction from a supervisor in anticipation and preparation for a permanent job in the applicable company), or "internships" (positions of no more than two years that typically are made available to students)."

Did staff consider requiring that the apprenticeships be registered with the Department of Labor?

No, the recent resolution seeking to ensure a minimum percentage of construction workers be registered with the Department of Labor's apprenticeship programs or bilingual training programs was not contemplated as a part of the Category 2 Opportunity for Employment requirements. If legislation related to that resolution were adopted, projects with "significant budget" thresholds were clearly defined and 380 agreements incentivized those types of projects, then it could be potentially included. It is important to note, that Category 2 was not crafted with the intention to capture capital intensive projects, or projects that include the construction of space to accommodate the expansion and/or hiring of new employees. The purpose of the proposed program is to incentivize employers to hire those who are economically disadvantaged to work at their companies, not generate new opportunities for construction jobs for building their expansions. The only available incentive allocation reimbursement is "per-job" based, not "property tax reimbursement-based.

4) Under the five-year program reassessment (Page 23-24 Business Expansion Program Guidelines document), is it staff's intention to bring forth any changes to the program for Council approval?

Each of the new programs enabled by the proposed Economic Development Policy will be considered, vetted and created with Council approval by way of adopting an Ordinance. It will be at Council's discretion to adopt changes to the program resulting from staff's annual and five-year review.

5) Resolution 20050113-52 added an amendment to Resolution No. 030612-15 to read:

Subparagraph 2.i "Applicants will be ineligible for incentives if they are not complying with City of Austin current water quality regulations on all current projects, unless the applicant has negotiated or negotiates an agreement with the City in which it complies with current impervious cover limits overall and agrees to build with current water quality controls and waive any claim to grandfathering to prior water quality regulations."

On Page 5 of the Business Expansion Program Guidelines under the “Minimum Requirements for Business Expansion Program Portfolio Expansion” section, the general eligibility criteria as it relates to current water quality regulations doesn’t contain information about waiving any claim to grandfathering prior to water quality regulations. Is it staff’s intention to exclude this provision from the proposed policies?

No, it is not staff’s intention to exclude this provision from the proposed policies. The current language that addresses this issue is included below:

Agreement Language:

For the construction of leasehold improvements to the Company’s IT Hub, or the construction or remodeling of any future facilities in the City’s planning jurisdiction during the term of this Agreement, the Company will comply with all City Code regulations, including water quality regulations in effect at the time any site plan application is filed, unless the Company has negotiated an agreement with the City to comply with overall impervious cover limits and provide the currently required water quality controls. This means the Company will not assert possible vested rights defined in Chapter 245 of the Texas Local Government Code to avoid compliance with water quality regulations during the term of this Agreement. If, during the term of this Agreement, a development does not comply with water quality regulations in effect at the time any site plan application is filed for such development, the City may terminate this Agreement by giving the Company written notice of its election to terminate.

56-58. Agenda Item #56-58: Economic Incentive Policy Items (Chapter 380)

#56: Approve a resolution repealing resolutions related to economic development programs and adopting economic development Guiding Principles and a Chapter 380 Policy.

#57: Approve an ordinance establishing a Business Expansion Program pursuant to Texas Local Government Code Chapter 380.

#58: Approve an ordinance repealing Part 2 of Ordinance No. 20090312-005 to the extent necessary to authorize the City Manager to develop the Locational Enhancement Program for Economic Development under Chapter 380 of the Texas Local Government Code and to return to council with this program for Council review and possible approval.

QUESTION:

Please explain exactly what is being repealed with the repeal of resolution of 20180809-013.

Specifically, what parts of resolution 20180809-013 establish or otherwise impact economic development policies, procedures, or programs and therefore stand to be repealed?

I am interested in funding high scoring projects. Beyond the first year, how will the grant category framework move on from funding just those that meet the minimum threshold on a first come first serve basis?

Please explain when a per job and/or a property tax reimbursement would be employed. Would these be used in combination or singularly and when would each be used?

Can qualifying companies be both for profit and nonprofit? Can a third party hiring organization be eligible for incentives and what incentives are they eligible for?

Regarding the repeal of resolution 20130822-016 which affects music venues, please explain what will be developed in place of what is being repealed and provide the anticipated timeline.

COUNCIL MEMBER ALTER’S OFFICE

ANSWER:

1) Please explain exactly what is being repealed with the repeal of resolution of 20180809-013.

Specifically, what parts of resolution 20180809-013 establish or otherwise impact economic development policies, procedures, or programs and therefore stand to be repealed?

The attached chart outlines the Resolutions and Ordinance proposed for repeal.

2) *I am interested in funding high scoring projects. Beyond the first year, how will the grant category framework move on from funding just those that meet the minimum threshold on a first come first serve basis?*

All projects awarded financial assistance will meet threshold, which will be designed to identify and fund high quality projects. To ensure capital is made available as opportunities are identified, it is staff's recommendation to allow evaluation of applications as applications are submitted to the City for review. A scoring criteria at the onset of program creation will ensure high quality projects are those funded. In addition, upon evaluating projects from the first year of programming, staff will have the opportunity to make necessary adjustments to connect resources with a variety of business types to achieve outcomes related to the portfolio.

3) *Please explain when a per job and/or a property tax reimbursement would be employed. Would these be used in combination or singularly and when would each be used?*

There are two single and exclusive options for financially incentivizing projects in the proposed Business Expansion Program Guidelines - (1) developing an incentive that refunds property taxes paid by the company on a significant capital investment, or (2) developing a wage based incentive for projects that are not capital intensive.

4) *Can qualifying companies be both for profit and nonprofit? Can a third party hiring organization be eligible for incentives and what incentives are they eligible for?*

Nonprofits could qualify to the extent that they were meeting the requirements of a jobs-based program under the Business Expansion Program. A higher incentive for hiring through a city approved third party is incorporated under Category 2: Opportunities for Employment. Staff will be working with stakeholders through the administrative development of the program to identify processes and methods for best accomplishing the goals articulated in program- creating a job for and individual facing hardships with employment, and retaining that individual and increasing wages over a five year term.

5) *Regarding the repeal of resolution 20130822-016 which affects music venues, please explain what will be developed in place of what is being repealed and provide the anticipated timeline.*

The Music and Entertainment Division is currently updating the Music Venue Loan Program in partnership with the Music Commission and aligned with Music Census and Omnibus findings. Once Council direction is provided for the 380 Policy, staff will reconvene a number of stakeholders to review information and will see to provide an update to Council in the first quarter of FY18-19.

QUESTION:

For the "Loan Program Types"; will the city council be the authority to approve/deny the funding for loans under the new 380 policy?

Please provide detailed information about the criteria for a company to receive a "Forgivable Loans."

Why is the city providing forgivable loans?

Please explain the program criteria that must be met in order for loans to be forgiven.

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

1) *For the "Loan Program Types"; will the city council be the authority to approve/deny the funding for loans under the new 380 policy?*

Yes. The City Council will be the authority to approve. The creation of any future loan programs through Chapter 380 must be detailed and presented to Council for approval of staff administration. As described in the Chapter 380 Policy, Council will approve loans that exceed City Manager Spending Authority.

2) *Please provide detailed information about the criteria for a company to receive a "Forgivable Loans."*

The City of Austin is not creating a loan program at this time. Although the proposed Chapter 380 Policy framework allows for future loan programs to be created (Page 15 of the Policy document) and approved by Council, staff has not presented a program for adoption by Council. The creation of any future loan programs through Chapter 380 will be detailed and presented to Council for approval prior to administration of any future loan program.

3) *Why is the city providing forgivable loans?*

See above.

4) *Please explain the program criteria that must be met in order for loans to be forgiven.*

See above.

QUESTION:

Please provide a list of all of the 380 agreements the city has made in the past 15 years; including the specifics of the incentives/abatements provided by the 380 policy.

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

See attachment.

QUESTION:

For Agenda items #56,57 and 58 please provide a list of substantive changes to the documents that were initially provided for the 8/9/18 Council Meeting. Site each change by document and page number

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

The amendment chart presented to Council on Aug. 9 and currently posted to back up Agenda Items #56, 57 and 58 is the most current document noting changes that have been made to the Chapter 380 documents. The amendment chart, <http://www.austintexas.gov/edims/document.cfm?id=304642>, provides the list of current changes.

- 62. Agenda Item #62:** Authorize negotiation and execution of an interlocal agreement with the Austin-Travis County Sobriety Center Local Government Corporation (LGC) and Travis County for operation by the LGC of the Sobering Center in an amount not to exceed \$1,123,359 for the 12-month period beginning October 1, 2018, with up to four 12-month extension options not to exceed \$1,123,359 per extension option, for a total amount not to exceed \$5,616,795.

QUESTION:

1. In 2016 a memo associated with Item #33 on the June 23, 2016 Council agenda was released. This memo stated that “once the Sobriety Center is fully operational, the City agrees to make to the LGC an estimated annual payment of \$1,724,540, subject to the City approving funding, to cover LGC annual operating costs not covered by other sources of revenue...” This is not the figure currently contained within the 8/23/18 RCA.
 2. It’s my understanding that there are additional funds that can be rolled over into the next fiscal year to supplement this gap. Please provide information about what other funding sources could be deployed to fill this gap in funding for the first year of the Sobering Center’s operation. Due to the Sobering Center’s cost savings for law enforcement/public safety, could asset forfeiture funds be considered an eligible source of funding?
 3. What is the best way to proceed with this interlocal agreement at this time?
 4. Can this interlocal agreement be amended in the future once more funds are identified?
- MAYOR PRO TEM TOVO’S OFFICE

ANSWER:

1. The RCA (postponed from 8/23/18 to 8/30/18) contains the same funding amount as FY18. City staff are exploring options for additional funding to be added for FY19.
2. Approximately \$150,000 - \$200,000 in funds from FY18 are projected to be unspent and carried over into FY19. The Sobering Center has also secured a State grant that will be able to cover certain eligible expenses. Legal will address the second part of this question in a legal memo.
3. City staff recommend proceeding with the current RCA for the 8/30/18 Council Meeting, which would authorize Austin Public Health staff to negotiate and execute a 3-way interlocal agreement effective 10/1/18. It is important to have an active agreement in place when the current agreement expires 9/30/18.
4. Yes, the interlocal agreement could be amended to add funding at any time. Subsequent amendments would require an RCA.



Recommendation for Action

File #: 18-3130, Agenda Item #: 3.

8/30/2018

Agenda Item

Agenda Item #3: Authorize negotiation and execution of an amendment to the professional services agreement with Jackson and McElhaney Architects for the 2013 General Architectural Services Rotation List for additional design services in the amount of \$86,916 and a new Rotation List contract authorization amount not to exceed \$4,886,916.

QUESTION: What is the expected timeframe that the water line design and vacation of the easements will be completed? What work has been occurring on this project from August 28, 2014 when Council authorized an additional \$800,000 until now?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

We have 90% Construction Documents complete. The water line design should be complete by the end of September 2018 and the easement vacations are estimated by the end of February 2019. The easement vacation will require approval by Travis County Commissioners Court. An exact date for when we take this to the Commissioners has not yet been scheduled.

Since 2014, staff on the design team has spent a lot of effort and time to redesign and develop alternates in order to mitigate the budget shortfall that occurred early in the process. In February 2014, the project was assigned to an architecture firm from the City's 2013 General Architectural Services Rotation List. In August 2014, Council approved an amendment that provided an additional \$800,000 in authorization for the 2013 General Architectural Services Rotation List. This additional authorization was allocated at \$100,000 for each of the 8 firms on the Rotation List. The additional authorization per firm allowed for the continuation of assignments while a replacement Rotation List was procured by the Capital Contracting Office.



Recommendation for Action

File #: 18-3131, Agenda Item #: 5.

8/30/2018

Agenda Item

Agenda Item #5: Authorize negotiation and execution of a design build agreement with Southwest Corporation, for design and construction services for the Austin Fire Department Locker Room Phase 6 project in an amount not to exceed \$12,700,000.

QUESTION: What was the amount of the bid price submitted by the alternate firm? How do the bid prices compare between the first and second ranked firms?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

A bid price was not required for this solicitation as it is a Request for Qualifications solicitation to perform a Design-Build contract. Texas Government Code Chapter 2269 allows a City to use the Design Build methodology to select a contractor that provides the best value determined through a qualifications based selection process. Although price is not considered during the evaluation process, a qualified evaluation panel does evaluate the firm's response to Budget and Costing Methodologies and their Construction Cost Control Strategies. These two evaluation items are noted as Items 14 and 15 in the Evaluation Matrix which is attached as backup to this RCA. Upon Council approval, staff will negotiate a contract with the awarded Firm.

The \$13,000,000 is a budgetary estimate developed and presented by the design criteria manual (done by a 3rd party) and presented in the solicitation. Solicitation documents can be found on Austin Finance Online at https://www.austintexas.gov/financeonline/account_services/solicitation/solicitation_details.cfm?sid=125069 .



Recommendation for Action

File #: 18-3143, Agenda Item #: 9.

8/30/2018

Agenda Item

Agenda Item #9: Authorize negotiation and execution of an amendment to an interlocal agreement with Travis County relating to services arising from the closing of the Austin Police Department lab that processed DNA evidence; to extend the term length and make other conforming changes.

QUESTION:

As this is an ILA with Travis County, if a crime is committed in the Williamson County part of the City of Austin, where is the DNA evidence processed?

COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

This item (#9) is not an interlocal agreement for DNA testing services. For those services, the City of Austin has an interlocal agreement with the Texas Department of Public Safety to provide DNA testing services through the Capital Area Laboratory (CapLab). In addition, the City has a contract with a local private accredited DNA vendor. Both of these agreements are available to process DNA evidence for the City of Austin, including cases in Travis and Williamson Counties.



Recommendation for Action

File #: 18-3072, Agenda Item #: 10.

8/30/2018

Agenda Item

Agenda Item #10: Authorize negotiation and execution of an amendment to the interlocal agreement with Austin Travis County Mental Health Mental Retardation Center D/B/A Integral Care for the Homeless Street Outreach Team, which connects homeless individuals and families with the initial services necessary to achieve stability and recovery, to increase funding in the amount of \$195,000 effective September 1, 2018.

QUESTION:

Please explain how this funding interacts with the 2019 base budget. How many months of the position and immediate needs assistance does this amendment cover? Are the new position and funds for the immediate needs included in the 2019 proposed budget for any amount that this does not cover?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

The increase in funding of \$195,000 is one-time funding that will be equally allocated (i.e. \$65,000 per year) across the remaining 37 months of the current interlocal agreement with Integral Care for the Homeless Street Outreach Team, covering 2019, 2020 and 2021 fiscal years. No additional funding is necessary in 2019, 2020, or 2021 for the new position and funds for the immediate needs since all funding required to sustain this expansion in HOST services through the remaining term of the current interlocal agreement, is included in this amendment for \$195,000

QUESTION:

Is this amendment adding one staff person at the cost of \$195,000 to the Team? What is the cost of that full time equivalent? What remains to purchase the bus passes? Does the City purchase bus passes from CapMetro at cost? What official identification documents are being obtained? What are the cost associated with these documents?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

The increase in funding of \$195,000 is one-time funding that will be equally allocated (i.e. \$65,000 per year) across the remaining 37 months of the current interlocal agreement with Integral Care for the Homeless Street Outreach Team, covering 2019, 2020 and 2021 fiscal years. The cost of the 1 FTE Peer Recovery Support Specialist is \$41,425. Integral Care has budgeted \$10,000 to purchase basic needs items such as bus passes and official identification documents. Bus passes are purchased from CapMetro at half price through the Discount Pass Program. On behalf of clients being served, DACC purchases birth certificates from various states and Texas DPS IDs. Since 2016 DACC has purchased 190 birth certificates averaging \$39.50 each and 198 TX DPS IDs averaging \$13.30 each, all totaling over \$10,000.

QUESTION: The previous contract was for \$242,354. Does this reduce it to \$195,000 or increase it to a total of \$437,354? This appears to be funding one Certified Peer Specialist/Peer Recovery Coach - is this ongoing funding or one time funding being used for this position? The source of funding is listed as Austin Public Health, but what were these funds previously budgeted for?

MAYOR ADLER'S OFFICE

ANSWER:

1. *The previous contract was for \$242,354. Does this reduce it to \$195,000 or increase it to a total of \$437,354? This appears to be funding one Certified Peer Specialist/Peer Recovery Coach - is this ongoing funding or one time funding being used for this position?*

We are amending the current HOST agreement with Integral Care by increasing it from \$242,354, by \$195,000, to a new total of \$437,354. The increase in funding of \$195,000 is one-time funding that will be equally allocated (i.e. \$65,000 per year) across the remaining 37 months of the current interlocal agreement with Integral Care for the Homeless Outreach Street Team. It covers 2019, 2020 and 2021 fiscal years funding 1 FTE Peer Recovery Support Specialist, general operating expenses and basic needs items such as bus passes and official identification documents.

2. *The source of funding is listed as Austin Public Health, but what were these funds previously budgeted for?*

This funding is in the FY 18 budget for APH. During the FY18 budget process, it was allocated for homeless services. As stated in the E-7 Concept Menu Item, it will address Redesign and Expansion of Homelessness Services, including Outreach and Navigation Services Impacting Downtown.



Recommendation for Action

File #: 18-3140, Agenda Item #: 11.

8/30/2018

Agenda Item

Agenda Item #11: Authorize negotiation and execution of an interlocal agreement with Travis County and the Austin Travis County Mental Health Retardation Center d/b/a Integral Care for mental health and substance use treatment services for indigent citizens and other eligible clients of the Downtown Austin Community Court, for an initial 12-month term beginning October 1, 2018 in an amount not to exceed \$392,000, with four 12-month renewal options not to exceed \$392,000 per option, for a total contract amount not to exceed \$1,960,000.

QUESTION:

Is this an interlocal agreement that is already in place? Is this an increase in the amount from the last agreement? How much of the contract amount is for staff? How many staff will provide services per the contract?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

DACC currently has an interlocal agreement in place with Integral Care (IC) for mental health and substance use treatment services which will expire on 9/30/2018. The funding of \$392,000 per year in this new agreement is not an increase from the current agreement, it is the same amount of funding. IC serves as the Managed Services Organization (MSO) under this agreement by providing Credentialing, Gate Functions, Utilization Management, Quality Management, Management Information Systems, Financial Management, Administration/Contract Management, and Network Development and Management. DACC clients are authorized for service by IC and then served by organizations in the network that provide the assessment and mental health and substance use treatment services at a pre-negotiated per unit cost (i.e. per day of treatment). The administrative rate IC receives to serve as the MSO is 12% of the total amount billed by organizations in the network (up to a maximum of \$42,000 per year), therefore DACC does not fund specific staff under this agreement. Mental health and substance use treatment service needs vary by each DACC client and the staffing needed to successfully provide the required services vary by each type of service organization, therefore the specific number of staff at the different organizations who will provide services through funding in this agreement is unidentifiable at this time. However, a maximum of \$350,000 per year will be paid to organizations in the network to provide direct mental health and substance use treatment services to DACC clients.



Recommendation for Action

File #: 18-3128, Agenda Item #: 17.

8/30/2018

Agenda Item

Agenda Item #17: Authorize the negotiation and execution of an 84-month lease agreement for approximately 9,868 square feet of office space for the Austin Public Health Department with 5204 Ben White 2017, LP, a Texas Limited Partnership, for property located at 5202 Ben White Boulevard, Unit 6 in an amount not to exceed \$1,900,281.

QUESTION:

1. What is the cause of the unanticipated office needs?
2. Is this a lease that has an option for the City to own the space at the end of the period?
3. Does the City have a plan to build or buy a facility that meets the need of this space?
4. Is this a type of needed space that the City will always lease space for instead of buying the space?
5. If so, why? Before the end of this 84 month period the City will have already moved DSD and other City Staff to the Highland campus, has it been considered to have a shorter lease and then move some of the APH staff requiring office space to the One Texas Center when space becomes available?

COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

1. Austin Public Health (APH) Department has been working with the Office of Real Estate to lease approximately 10,000 square feet of office space. In the past two years, APH experienced an increase in staff. We were able to temporarily accommodate new staff by doubling up in cubicles and offices. There is no more space capacity left for this type of expansion. APH is in urgent need of additional office space to be able to house all staff in a healthy and safe environment.
2. Yes, the proposed lease to Austin Public Health, as well as all of the other City Department leases at 5202 Ben White, contain an option to purchase at the termination of the lease.
3. No, at this time there is no plan to build or buy a facility that meets the needs of this space. Staff continues to pursue acquisition options strategically. As the end of the lease term draws closer, Staff will research the feasibility of building or purchasing a facility that meets space needs.
4. The City-owned space is always the preferred alternative for a location of City Departments, including the possibility of purchasing new City facilities. Due to immediate need and the difficulty of purchases in the current economic environment, a lease with a competitive market rental is generally the only immediately available option.
5. Yes, we considered a shorter lease term, but the Landlord would not agree to a shorter contract period. The SFGT team is working on analysis and plans to address many of these universal needs at One Texas Center and across the City. As the end of the lease term for the facility approaches, this analysis and space planning work will be utilized to move towards finding a long-term facility for these APH operations. The current space proposed for APH meets their immediate need for space and gives them seven years to plan and assess needs for permanent sites. The current preferred strategy for APH would be to occupy the 9,868 square feet proposed in the lease for the seven-year term.

QUESTION:

How many staff will be housed at the location?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

44 employees with maximum capacity of accommodating 50 employees.



Recommendation for Action

File #: 18-3133, Agenda Item #: 19.

8/30/2018

Agenda Item

Agenda Item #19: Authorize negotiation and execution of an increase to a contract with AIDS Services of Austin, Inc, for the Housing Opportunities for Persons Living With HIV/AIDS Program in an amount not to exceed \$102,039 for each of the 12-month terms beginning October 1, 2018 and October 1, 2019, for a total revised contract amount not to exceed \$2,918,819.

QUESTION: \$1,469,159 from federal grant funds equals half of the revised contract amount of \$2,918,819 in Fiscal Year 2018-2019. Where will the balance of \$9,749.50 be found? How many people will they serve?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

\$1,469,159 is the total HOPWA award received from Federal government for one year, 2018-2019. This total 2018-2019 award includes more than the AIDS Services of Austin sub-award.

\$2,918,819 is the request for the maximum AIDS Services of Austin contract for three years.

There is no relationship between the numbers in the question.

The ASA contract is projected to serve 235 individuals during 2018-2019.



Recommendation for Action

File #: 18-3134, **Agenda Item #:** 20.

8/30/2018

Agenda Item

Agenda Item #20: Approve an amendment to an interlocal agreement with the Austin Independent School District to authorize the City to provide parking meter infrastructure and parking enforcement on Stephen F. Austin Drive.

QUESTION:

How will the parking meters impact parents, teachers, staff and faculty of Austin High School? What is the cost to the City to install and operate the meters? Please provide a detailed map showing where the parking district will be established. What is the estimated revenue that will be received by the school district? What amount will be retained by the City to maintain and operate the meters?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

See attachment.



Council Question and Answer

Related To	Item #20	Meeting Date	August 30, 2018
Additional Answer Information			

Approve an amendment to an interlocal agreement with the Austin Independent School District to authorize the City to provide parking meter infrastructure and parking enforcement on Stephen F. Austin Drive.

QUESTION/ANSWER: COUNCIL MEMBER HOUSTON'S OFFICE

1) How will the parking meters impact parents, teachers, staff and faculty of Austin High School? What is the cost to the City to install and operate the meters?

- a. Metering parking helps create an orderly environment that has a direct and positive effect on student safety and mobility. It helps relieve traffic congestion, but also incentivizes efficient use of parking space by establishing set locations, parking time limits and penalty for those who don't abide by those regulations.

The impact to parents, teachers, staff and faculty should be minimal if they use the resources provided to them to park on-site in the Austin High School designated parking lots or in areas designated for permit only use. Austin High School also has a vehicle permit system for students, teachers, staff and faculty to use the three different on-site parking lots and on-street parking spaces along Stephen F. Austin Drive. Assuming Austin High School has a designated area for visitors parents will be allowed to use that specific area, depending on availability. On April 30, 2018, AISD Board of Trustees adopted a resolution regarding the installation of meters on Stephen F. Austin Drive.

The Austin Independent School District can install meters along Stephen F. Austin Drive at any time, with or without this action. In order to maintain a consistent parking management system, this item authorizes an amendment to the interlocal agreement to allow the City to install our meters on AISD property, increasing familiarity and ease of use for residents.

- b. The initial cost to install meters on Stephen F Austin Drive, which is recouped over an 8-year (96 months) period is approximately \$132,000 for 11 pay stations (\$12,000 per pay station). The expense is recouped monthly at **\$1,375.**

Servicing of the meters include but are not limited to maintenance, parts, labor, credit card servicing, and parking enforcement, which is also recouped monthly and is based on current market rates. The total monthly City of Austin service fee is approximately **\$2,522.** The market rate is evaluated yearly at the beginning of each fiscal year.

Total monthly costs that the City of Austin will recoup from meter fees are approximately **\$3,897.**

2) Please provide a detailed map showing where the parking district will be established.

A map of the proposed Parking and Transportation Management District (PTMD) proposed in Council Agenda Item 22 is included in Item 22's back up Exhibit A, Page 8, [linked here](#). A PTMD cannot include private property, only publicly owned right of way and off-street parking facilities. Stephen F. Austin Drive is not included in the parking district, due to the street being private property owned by AISD.

Below is the map showing the metered on-street parking area on Stephen F. Austin Drive AISD intends to install. Stephen F. Austin owned by AISD but the parking will be managed by the Austin Transportation Department through an interlocal agreement as authorized by this action.





Recommendation for Action

File #: 18-3142, Agenda Item #: 21.

8/30/2018

Agenda Item

Agenda Item #21: Approve the Colorado River Area application to create a parking and transportation management district (PTMD) and an ordinance establishing a Colorado River Area PTMD.

QUESTION:

Is AISD aware of the creation of the Parking and Traffic Management District in addition to the metered parking being installed on AISD property?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Yes, AISD staff was aware that the Trails Foundation and area stakeholders (Trail Foundation, Texas Rowing Center, Capital Area Tennis Association) would approach the City to create a PTMD for streets adjacent to Stephen F. Austin Drive.

QUESTION:

1. Why is AISD not represented on the oversight committee?
2. Please explain if the input process included area residents. If so please provide a summary of the feedback received. If area residents were not included, please explain why not.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

1. The Austin Independent School District (AISD) was not considered for the oversight committee because Stephen F. Austin Drive falls outside of the proposed Parking Transportation Management District (PTMD) boundary, where all parking fees collected will be exclusively for AISD use, minus City expenses for metering equipment and enforcement services. At any point, additional area stakeholders could be added to the committee, if the need should arise.

2. Through a search of the Community Registry, City staff identified the West Area Neighborhood Group (WANG) as the representative group for area residents. On March 6, 2018 WANG membership met and discussed the potential PTMD. On April 18, 2018 the City received a signed letter that in part states "Provided that the funds would be available from the proposed PTMD to Butler Hike and Bike Train maintenance and improvements, WANG does not oppose the application". The letter is part of the Agenda Backup information located in Exhibit A, on page 11 of 12.

After the establishment of the PTMD and a fund balance begins to develop, City staff will meet with Committee members again, including WANG, who will start prioritizing potential area projects.



Recommendation for Action

File #: 18-3120, Agenda Item #: 22.

8/30/2018

Agenda Item

Agenda Item #22: Approve an ordinance amending City Code Selection 12-4-64 (D) to reduce the length of an existing school zone by 170 feet on East Live Oak Street.

QUESTION:

The back-up indicates that the school zone is being reduced by 180 feet. Are there any statutory requirements regarding the length of a school zone?

MAYOR PRO TEM'S OFFICE

ANSWER:

No statutory requirements exist for lengths of school zones. School zones are based on an engineering evaluation of site characteristics, including the posted speed limit and location of the designated crosswalk. National research has shown that school zones should be set for lengths which allow drivers to properly slow to the posted reduced school zone speed in advance of the designated crosswalk. In this case, the designated crosswalk is located at Alta Vista Drive, and the proposal to reduce the school zone by 180 feet to 400 feet in total length is appropriate based on the posted speed limit and site characteristics.

The Austin Transportation Department recommends reducing the length of the existing school zone on East Live Oak Street near Travis Heights Elementary to increase compliance with the school zone, improve visibility of the school zone flasher and eliminate the need to significantly prune an established heritage tree.

QUESTION:

Has the Transportation Department been in conversation with the school district regarding the shortening of the school zone and are they in agreement?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Yes. The Austin Transportation Department (ATD) has communicated with the Travis Heights Elementary School administration with the request to adjust the length of the school zone on East Live Oak Street to improve the visibility of the signs and driver's compliances with the reduce speed limit. ATD received written approval from the school administration.

The Austin Transportation Department recommends reducing the length of the existing school zone on East Live Oak Street near Travis Heights Elementary to increase compliance with the school zone, improve visibility of the school zone flasher and eliminate the need to significantly prune an established heritage tree.



Recommendation for Action

File #: 18-3114, Agenda Item #: 24.

8/30/2018

Agenda Item

Agenda Item #24: Approve a resolution encouraging retailers to continue to honor the City's 2013 Single-Use Bag Ordinance.

QUESTION: Can City Staff please provide an estimate on the impact to City resources, including City Staff time, required to accomplish the task(s) required in this resolution if approved?

CUONCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

ARR is currently working with retailers to get their feedback, and gather data on the barriers and other factors driving business decisions on reintroducing single use plastic bags. ARR will also consider strategies that could address waste reduction from not only bags but other single use plastic items as well, such as straws. ARR will report back on its findings and resulting action plan by September 30, 2018. Until the plan is finalized, the resource needs are speculative.

Staff is currently in the process of developing a social media campaign to reinforce that reusable bags are consistent with Austin's Zero Waste goal and the environmental values of the City, and will remind consumers to bring reusable bags when shopping. That campaign will use around 130 staff hours to include coordination, shooting, editing, producing and placement on social media channels.



Recommendation for Action

File #: 18-3116, Agenda Item #: 25.

8/30/2018

Agenda Item

Agenda Item #25: Approve a resolution directing the City Manager to explore and develop recommendations to ensure that the City of Austin does not provide financial support to organizations whose activities result in the separation of children from their parent/parents and/or siblings or that result in the mass incarceration of immigrant children.

QUESTION: Can City Staff please provide an estimate on the impact to City resources, including City Staff time, required to accomplish the task(s) required in this resolution if approved?

COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

With further clarification of Council's intent staff could provide a more precise estimate of resources needed to accomplish the tasks in the resolution. To develop a list of existing City contracts, including contractor name and contract amounts, when the contractor may also be under one or more current contracts with the US federal government to provide large-scale detention center services of the nature described in the resolution(s), staff estimates it may take up to 160 staff hours (2 people, 2 weeks) to complete this request. With more specific detail as to what types of financial support (contracts, grants, any considerations), what type of activities (by the US federal government, by contractors to the US federal government, their subcontractors, etc.), and more clarifications about the information desired in a report, staff could narrow the focus of the work and provide a more refined resource estimate.



Recommendation for Action

File #: 18-3052, Agenda Item #: 57.

8/30/2018

Agenda Item

Agenda Item #57: Approve an ordinance establishing a Business Expansion Program pursuant to Texas Local Government Code Chapter 380

QUESTION:

1. Please explain staff's interpretation of the wage portion within "Minimum Requirements for Business Expansion Program Portfolio Expansion" on Page 6 of the Business Expansion Program Guidelines document:
"The project will ensure all employees are paid no less than the City's living wage and as it may be adjusted annually, including full-time employees and contract employees, and if applicable to a project with capital expenditures in the form of construction, construction workers hired for construction work will be paid at least the City's living wage."

Does staff consider "all employees" to include part-time employees? If not, is there a reason why contract employees are included and not part-time employees?

2. Is there a distinction between the median occupational hourly wage for the Austin MSA referenced on Page 7 under general eligibility requirements and the prevailing wage as referenced within the minimum eligibility requirements on Page 6 of the Business Expansion Program Guidelines document?
3. Council recently passed Resolution No. 20180628-061, which directed the City Manager to consider and develop a proposal that would require construction contractors to ensure that a minimum percentage of construction workers on City projects with significant budgets are graduates or current students of the Department of Labor's registered apprenticeship programs or the Department of Labor's certified bilingual training programs.

Under Category 2 of the Business Expansion Program Guidelines, (Page 13) "Positions must be either "full-time" (defined as at least 1,500 hours per year), "apprenticeships" (position that is a combination of on-the-job training and related instruction from a supervisor in anticipation and preparation for a permanent job in the applicable company), or "internships" (positions of no more than two years that typically are made available to students)."

Did staff consider requiring that the apprenticeships be registered with the Department of Labor?

4. Under the five-year program reassessment (Page 23-24 Business Expansion Program Guidelines document), is it staff's intention to bring forth any changes to the program for Council approval?
5. Resolution 20050113-52 added an amendment to Resolution No. 030612-15 to read:
 1. Subparagraph 2.i "Applicants will be ineligible for incentives if they are not complying with City of Austin current water quality regulations on all current projects, unless the applicant has negotiated or negotiates an agreement with the City in which it complies with current impervious cover limits overall and agrees to

build with current water quality controls and waive any claim to grandfathering to prior water quality regulations."

On Page 5 of the Business Expansion Program Guidelines under the "Minimum Requirements for Business Expansion Program Portfolio Expansion" section, the general eligibility criteria as it relates to current water quality regulations doesn't contain information about waiving any claim to grandfathering prior to water quality regulations. Is it staff's intention to exclude this provision from the proposed policies?

MAYOR PRO TEM KATHIE TOVO'S OFFICE

ANSWER:

1) Please explain staff's interpretation of the wage portion within "Minimum Requirements for Business Expansion Program Portfolio Expansion" on Page 6 of the Business Expansion Program Guidelines document:

"The project will ensure all employees are paid no less than the City's living wage and as it may be adjusted annually, including full-time employees and contract employees, and if applicable to a project with capital expenditures in the form of construction, construction workers hired for construction work will be paid at least the City's living wage."

Does staff consider "all employees" to include part-time employees? If not, is there a reason why contract employees are included and not part-time employees?

The interpretation of "all employees" is assumed to include part-time employees.

2) *Is there a distinction between the median occupational hourly wage for the Austin MSA referenced on Page 7 under general eligibility requirements and the prevailing wage as referenced within the minimum eligibility requirements on Page 6 of the Business Expansion Program Guidelines document?*

Yes, the distinction is that Page 6 refers only to construction jobs related to the project and Page 7 refers to full-time employees of the company.

The language on Page 6 refers projects with capital expenditures in the form of construction, then all construction work on the project must comply with the City's established prevailing wage program that is used on City of Austin public works projects.

The language on Page 7 refers to hiring full-time positions (defined as working at least 1,500 hours annually) will be paid at a rate above the median hourly wage for the relevant occupation(s) as identified by the most recent Occupational Employment Statistics survey from the Bureau of Labor Statistics for the Austin-Round Rock MSA.

3) *Council recently passed Resolution No. 20180628-061, which directed the City Manager to consider and develop a proposal that would require construction contractors to ensure that a minimum percentage of construction workers on City projects with significant budgets are graduates or current students of the Department of Labor's registered apprenticeship programs or the Department of Labor's certified bilingual training programs.*

Under Category 2 of the Business Expansion Program Guidelines, (Page 13) "Positions must be either "full-time" (defined as at least 1,500 hours per year), "apprenticeships" (position that is a combination of on-the-job training and related instruction from a supervisor in anticipation and preparation for a permanent job in the applicable company), or "internships" (positions of no more than two years that typically are made available to students)."

Did staff consider requiring that the apprenticeships be registered with the Department of Labor?

No, the recent resolution seeking to ensure a minimum percentage of construction workers be registered with the Department of Labor's apprenticeship programs or bilingual training programs was not contemplated as a part of the Category 2 Opportunity for Employment requirements. If legislation related to that resolution were adopted, projects with "significant budget" thresholds were clearly defined and 380 agreements incentivized those types of projects, then it could be potentially included. It is important to note, that Category 2 was not

crafted with the intention to capture capital intensive projects, or projects that include the construction of space to accommodate the expansion and/or hiring of new employees. The purpose of the proposed program is to incentivize employers to hire those who are economically disadvantaged to work at their companies, not generate new opportunities for construction jobs for building their expansions. The only available incentive allocation reimbursement is “per-job” based, not “property tax reimbursement-based.

4) *Under the five-year program reassessment (Page 23-24 Business Expansion Program Guidelines document), is it staff's intention to bring forth any changes to the program for Council approval?*

Each of the new programs enabled by the proposed Economic Development Policy will be considered, vetted and created with Council approval by way of adopting an Ordinance. It will be at Council's discretion to adopt changes to the program resulting from staff's annual and five-year review.

5) *Resolution 20050113-52 added an amendment to Resolution No. 030612-15 to read:*

Subparagraph 2.i “Applicants will be ineligible for incentives if they are not complying with City of Austin current water quality regulations on all current projects, unless the applicant has negotiated or negotiates an agreement with the City in which it complies with current impervious cover limits overall and agrees to build with current water quality controls and waive any claim to grandfathering to prior water quality regulations.”

On Page 5 of the Business Expansion Program Guidelines under the “Minimum Requirements for Business Expansion Program Portfolio Expansion” section, the general eligibility criteria as it relates to current water quality regulations doesn't contain information about waiving any claim to grandfathering prior to water quality regulations. Is it staff's intention to exclude this provision from the proposed policies?

No, it is not staff's intention to exclude this provision from the proposed policies. The current language that addresses this issue is included below:

Agreement Language:

For the construction of leasehold improvements to the Company's IT Hub, or the construction or remodeling of any future facilities in the City's planning jurisdiction during the term of this Agreement, the Company will comply with all City Code regulations, including water quality regulations in effect at the time any site plan application is filed, unless the Company has negotiated an agreement with the City to comply with overall impervious cover limits and provide the currently required water quality controls. This means the Company will not assert possible vested rights defined in Chapter 245 of the Texas Local Government Code to avoid compliance with water quality regulations during the term of this Agreement. If, during the term of this Agreement, a development does not comply with water quality regulations in effect at the time any site plan application is filed for such development, the City may terminate this Agreement by giving the Company written notice of its election to terminate.



Recommendation for Action

File #: 18-3125, Agenda Item #: 56-58.

8/30/2018

Agenda Item

Agenda Item #56-58: Economic Incentive Policy Items (Chapter 380)

#56: Approve a resolution repealing resolutions related to economic development programs and adopting economic development Guiding Principles and a Chapter 380 Policy.

#57: Approve an ordinance establishing a Business Expansion Program pursuant to Texas Local Government Code Chapter 380.

#58: Approve an ordinance repealing Part 2 of Ordinance No. 20090312-005 to the extent necessary to authorize the City Manager to develop the Locational Enhancement Program for Economic Development under Chapter 380 of the Texas Local Government Code and to return to council with this program for Council review and possible approval.

QUESTION:

Please explain exactly what is being repealed with the repeal of resolution of 20180809-013. Specifically, what parts of resolution 20180809-013 establish or otherwise impact economic development policies, procedures, or programs and therefore stand to be repealed?

I am interested in funding high scoring projects. Beyond the first year, how will the grant category framework move on from funding just those that meet the minimum threshold on a first come first serve basis?

Please explain when a per job and/or a property tax reimbursement would be employed. Would these be used in combination or singularly and when would each be used?

Can qualifying companies be both for profit and nonprofit? Can a third party hiring organization be eligible for incentives and what incentives are they eligible for?

Regarding the repeal of resolution 20130822-016 which affects music venues, please explain what will be developed in place of what is being repealed and provide the anticipated timeline.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

1) Please explain exactly what is being repealed with the repeal of resolution of 20180809-013. Specifically, what parts of resolution 20180809-013 establish or otherwise impact economic development policies, procedures, or programs and therefore stand to be repealed?

The attached chart outlines the Resolutions and Ordinance proposed for repeal.

2) I am interested in funding high scoring projects. Beyond the first year, how will the grant category framework move on from funding just those that meet the minimum threshold on a first come first serve basis?

All projects awarded financial assistance will meet threshold, which will be designed to identify and fund high quality projects. To ensure capital is made available as opportunities are identified, it is staff's recommendation to allow evaluation of applications as applications are submitted to the City for review. A scoring criteria at the onset of program creation will ensure high quality projects are those funded. In addition, upon evaluating projects from the first year of programming, staff will have the opportunity to make necessary adjustments to connect resources with a variety of business types to achieve outcomes related to the portfolio.

3) Please explain when a per job and/or a property tax reimbursement would be employed. Would these be used in combination or singularly and when would each be used?

There are two single and exclusive options for financially incentivizing projects in the proposed Business Expansion Program Guidelines - (1) developing an incentive that refunds property taxes paid by the company on a significant capital investment, or (2) developing a wage based incentive for projects that are not capital intensive.

4) Can qualifying companies be both for profit and nonprofit? Can a third party hiring organization be eligible for incentives and what incentives are they eligible for?

Nonprofits could qualify to the extent that they were meeting the requirements of a jobs-based program under the Business Expansion Program. A higher incentive for hiring through a city approved third party is incorporated under Category 2: Opportunities for Employment. Staff will be working with stakeholders through the administrative development of the program to identify processes and methods for best accomplishing the goals articulated in program- creating a job for and individual facing hardships with employment, and retaining that individual and increasing wages over a five year term.

5) Regarding the repeal of resolution 20130822-016 which affects music venues, please explain what will be developed in place of what is being repealed and provide the anticipated timeline.

The Music and Entertainment Division is currently updating the Music Venue Loan Program in partnership with the Music Commission and aligned with Music Census and Omnibus findings. Once Council direction is provided for the 380 Policy, staff will reconvene a number of stakeholders to review information and will see to provide an update to Council in the first quarter of FY18-19.

QUESTION:

For the "Loan Program Types"; will the city council be the authority to approve/deny the funding for loans under the new 380 policy?

Please provide detailed information about the criteria for a company to receive a "Forgivable Loans."

Why is the city providing forgivable loans?

Please explain the program criteria that must be met in order for loans to be forgiven.

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

1) For the "Loan Program Types"; will the city council be the authority to approve/deny the funding for loans under the new 380 policy?

Yes. The City Council will be the authority to approve. The creation of any future loan programs through Chapter 380 must be detailed and presented to Council for approval of staff administration. As described in the Chapter 380 Policy, Council will approve loans that exceed City Manager Spending Authority.

2) Please provide detailed information about the criteria for a company to receive a "Forgivable Loans."

The City of Austin is not creating a loan program at this time. Although the proposed Chapter 380 Policy framework allows for future loan programs to be created (Page 15 of the Policy document) and approved by Council, staff has not presented a program for adoption by Council. The creation of any future loan programs through Chapter 380 will be detailed and presented to Council for approval prior to administration of any future

loan program.

3) Why is the city providing forgivable loans?

See above.

4) Please explain the program criteria that must be met in order for loans to be forgiven.

See above.

QUESTION:

Please provide a list of all of the 380 agreements the city has made in the past 15 years; including the specifics of the incentives/abatements provided by the 380 policy.

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

See attachment.

QUESTION:

For Agenda items #56,57 and 58 please provide a list of substantive changes to the documents that were initially provided for the 8/9/18 Council Meeting. Site each change by document and page number

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

The amendment chart presented to Council on Aug. 9 and currently posted to back up Agenda Items #56, 57 and 58 is the most current document noting changes that have been made to the Chapter 380 documents. The amendment chart, <http://www.austintexas.gov/edims/document.cfm?id=304642>, provides the list of current changes.

City Council Agenda
Questions and Answers Report

Tuesday, August 28, 2018

Austin City Hall

Economic Development Department
Q/A Response to Item # 56, 57, 58

Question from Council Member Troxclair

- Item 56: Approve a resolution repealing resolutions related to economic development programs and adopting economic development Guiding Principles and a Chapter 380 Policy.
- Item 57: Approve an ordinance establishing a Business Expansion Program pursuant to Texas Local Government Code Chapter 380.
- Item 58: Approve an ordinance repealing Part 2 of Ordinance No. 20090312-005 to the extent necessary to authorize the City Manager to develop the Locational Enhancement Program for Economic Development under Chapter 380 of the Texas Local Government Code and to return to council with this program for Council review and possible approval.

Q: Please provide a list of all of the 380 agreements the city has made in the past 15 years; including the specifics of the incentives/abatements provided by the 380 policy.

A:

<i>Project</i>	<i>Incentive Basis</i>
Domain Mixed-Use Project	25% property tax rebate; 80% sales tax rebate Years 1-5, 50% sales tax rebate Years 6-20
Home Depot Data Center	100% property tax rebate
ATDF Clean Room and Laboratory	100% property tax rebate
Samsung 300 mm Fabrication Plant	100% property tax rebate Years 1-10, 75% Years 11-20
Hewlett-Packard Data Center	40% property tax rebate
Friday Night Lights Television Production	\$40,000/year Years 1-2; All Other Years, 50% of Sales Taxes and City Fees Paid plus \$95/employee
HelioVolt Manufacturing Plant	60% property tax rebate
Hanger Orthopedic Group Headquarters	\$50,000 per year
LegalZoom Regional Headquarters	\$20,000 per year
Facebook Sales and Operations Office	\$100 per job per year Years 1-3; \$125 per job per year Years 4-10
SunPower Operations Center	\$233 per job per year
eBay Data Services Expansion	\$250 per job per year
Advisory Board Company Software Center	\$190 per job per year
US Farathane Manufacturing Facility	40% property tax rebate
Apple Operating Center	100% Years 1-6; 80% Years 7-10 if only Phase I completed; 100% Years 7-10 if Phase II completed
HID Global Manufacturing and Distribution Center	60% property tax rebate
Visa Global IT Center	\$250 per job per year
National Instruments Research and Development Facility	50% property tax rebate
athenahealth IT Services Center	\$250 per job per year
Websense Headquarters	\$100 per job per year
Dropbox Sales and Operations Office	\$150 per job per year
Merck IT Hub	\$200 per job per year



Recommendation for Action

File #: 18-3050, Agenda Item #: 62.

8/30/2018

Agenda Item

Agenda Item #62: Authorize negotiation and execution of an interlocal agreement with the Austin-Travis County Sobriety Center Local Government Corporation (LGC) and Travis County for operation by the LGC of the Sobering Center in an amount not to exceed \$1,123,359 for the 12-month period beginning October 1, 2018, with up to four 12-month extension options not to exceed \$1,123,359 per extension option, for a total amount not to exceed \$5,616,795.

QUESTION:

1. In 2016 a memo associated with Item #33 on the June 23, 2016 Council agenda was released. This memo stated that "once the Sobriety Center is fully operational, the City agrees to make to the LGC an estimated annual payment of \$1,724,540, subject to the City approving funding, to cover LGC annual operating costs not covered by other sources of revenue..." This is not the figure currently contained within the 8/23/18 RCA.
2. It's my understanding that there are additional funds that can be rolled over into the next fiscal year to supplement this gap. Please provide information about what other funding sources could be deployed to fill this gap in funding for the first year of the Sobering Center's operation. Due to the Sobering Center's cost savings for law enforcement/public safety, could asset forfeiture funds be considered an eligible source of funding?
3. What is the best way to proceed with this interlocal agreement at this time?
4. Can this interlocal agreement be amended in the future once more funds are identified?

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

1. The RCA (postponed from 8/23/18 to 8/30/18) contains the same funding amount as FY18. City staff are exploring options for additional funding to be added for FY19.
2. Approximately \$150,000 - \$200,000 in funds from FY18 are projected to be unspent and carried over into FY19. The Sobering Center has also secured a State grant that will be able to cover certain eligible expenses. Legal will address the second part of this question in a legal memo.
3. City staff recommend proceeding with the current RCA for the 8/30/18 Council Meeting, which would authorize Austin Public Health staff to negotiate and execute a 3-way interlocal agreement effective 10/1/18. It is important to have an active agreement in place when the current agreement expires 9/30/18.
4. Yes, the interlocal agreement could be amended to add funding at any time. Subsequent amendments would require an RCA.