



April 25, 2019

## Questions and Answers Report



Mayor Steve Adler

Mayor Pro Tem Delia Garza, District 2

Council Member Natasha Harper-Madison, District 1

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 Paige Ellis, District 8

Council Member Kathie Tovo, District 9

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 #12:** Authorize dedication of approximately 56.932 acres of City-owned land as parkland, located along Harold Court, North of Boggy Creek, East of Lott Avenue and West of US 183, and the execution and recording of an instrument evidencing the dedication.

### **QUESTION/ANSWER: COUNCIL MEMBER FLANNIGAN'S OFFICE**

*1) Has City Staff, including Neighborhood Housing and Community Development (NHCD), evaluated the possibility of using a portion of these tracts for affordable housing? If so, please provide the analysis.*

NHCD has conducted a preliminary review of the site and believes there may be approximately 6 to 7 acres of developable land; further evaluations would be needed to determine the ability to develop the tract. Please see the attached maps and the characteristics below.

- Gentrification Typology: Dynamic (Exhibits demographic change indicative of gentrification)
- Distance from Transit: 0.67 miles
- Distance from IA Corridor and Center: 0.55 miles
- Distance from Healthy Food: 1.05 miles
- Distance from Elementary School: 0.15 miles (Ortega Elementary - Met standard according to TEA)
- Opportunity Area Status: Located in an Emerging Opportunity Area

*2) In order to be managed, programed, and maintained by the Parks and Recreation Department is the land required to be dedicated as parkland or does Council have the option to transfer the land to the Parks and Recreation Department without dedicating it as parkland?*

The land can be managed, programmed, and maintained by the Parks and Recreation Department without being specifically dedicated as parkland by the City Council.

However, if the land is not dedicated as parkland there are limits on the types of funds that can be used to make improvements to the land.

*3) What issues could arise if the City later wants to program or develop this land for public use after it is dedicated as parkland?*

As required by Chapter 26 of the Texas Parks and Wildlife Code, once dedicated as parkland, the property could only be used by the City for a non-recreational use after a public hearing and determination by Council that: (1) there is no feasible or prudent alternative to the use or taking of land; and (2) the program or project includes all reasonable planning to minimize harm to the land as a park and recreation area.

Additionally, if after dedication the City wished to transfer a property interest in the land, the Charter requires that the City obtain approval from the voters for such a transfer.

If the Parks and Recreation Department received a grant through the Texas Parks and Wildlife Department (TPWD) for a particular park, there may be additional restrictions imposed by TPWD that would require the City to replace the lost acreage taken for a non-recreational use that must be approved by TPWD. See attachment.

**QUESTION/ANSWER: COUNCIL MEMBER KITCHEN'S OFFICE**

*1) For several years, neighboring residents have organized and advocated through Boards and Commissions and the City Council for clean-up, remediation, and preservation of the Red Bluff Tract as a natural space. Resolution 20170406-031 that initiated this item directed staff to present a proposal specifically through a community-driven planning process. How have community members been involved in the discussion and exploration of the potential for development of affordable housing?*

On April 5, 2017, the Environmental Commission recommended that the City consolidate the three tracts that constitute Red Bluff, turn the property into a nature wildland preserve, facilitate neighborhood connectivity, and turn over the property to the Parks and Recreation Department (PARC) in a 9-0 vote. Before taking a vote on the motion, the Commission heard and considered testimony provided by constituents from the surrounding neighborhoods.

In addition, staff from PARC have met with community stakeholders on various occasions, toured the property with constituents, and attended several neighborhood meetings to understand the community's goals for the property as it relates to the pending dedication of the property as parkland.

The Office of Real Estate Services, working with Public Works, Watershed Protection, Austin Water, and Parks and Recreation, originally brought this parkland dedication item to Council on January 31, 2019. Up until that time, staff had focused on preserving the land as open space and dedicating the property as parkland. At staff recommendation, the item was pulled from the agenda to perform further analysis on the property regarding potential development, particularly with respect to affordable housing. City ordinance 20071129-100 establishes Austin Housing Finance Corporation's 'right of first refusal' for any City-owned surplus real property for development as S.M.A.R.T. Housing. Neighborhood Housing and Community Development (NHCD) was asked to evaluate the property for potential use as affordable/S.M.A.R.T. Housing. Additionally, a land planning consultant was engaged to evaluate the property's potential for development taking into consideration the physical and regulatory constraints of the property.

The initial review by NHCD determined that a small tract (approximately 6 acres in size) situated in the southwest corner of the Red Bluff property and located adjacent to existing single family housing may be developable. The land planning consultant's analysis outlined the site's constraints including topography, floodplain, critical water quality zones and an existing gas pipeline. After further analysis of the tract incorporating the conclusions in the land planner's report, the site's constraints resulted in NHCD not recommending the use of any portion of the Red Bluff property for affordable housing.

### **Agenda Items #13, #14:**

**#13:** Authorize negotiation and execution of an amendment to an interlocal agreement with the Houston Forensic Science Center to include in the scope of services forensic DNA services, including ownership review and Combined DNA Index System entry, for three additional one year terms, and to increase funding by \$630,000, for a total amount not to exceed \$730,000.

**#14:** Authorize negotiation and execution of an interlocal agreement with the University of North Texas Health Science Center to provide forensic DNA services, including Combined DNA Index System services, for the Austin Police Department, with an initial term ending on September 30, 2020, and up to three additional one-year renewal terms, in a total amount not to exceed \$727,200.

**QUESTION/ANSWER:** COUNCIL MEMBER ALTER'S OFFICE

*1) How many cases from the backlog are currently waiting for technical review and CODIS entry?*

Of the 2,665 tested and reported SAK backlog cases, 1,300 positives are set for CODIS technical review and potential CODIS upload under SAKI.

*2) How many cases are sent to UNTHSC each month? How many cases are anticipated to be sent out under the revised ILAs?*

None, there is no current ILA with UNTHSC that covers CODIS review services. If item #14 is passed, the maximum capacity at UNTHSC for CODIS reviews is 100 per month.

*3) Do the ILAs in Items 13 & 14 mean that HFSC and UNTHSC will take over all cases reviewed by Bode Cellmark, Sorenson and Signature Science? Or is CAP Lab retaining responsibility for the review and CODIS uploading of cases coming from Signature Science?*

Both HFSC and UNTHSC are National DNA Index System (NDIS) participating laboratories, and like DPS CAP Lab are able to perform both the technical review and CODIS upload of eligible DNA profiles. The plan would be to utilize UNTHSC and HFSC as-needed to perform CODIS services for new DNA case reports (produced by Signature Science, Bode Cellmark) and to augment the DPS Cap lab capacity until they have completed all in-process CODIS assignments (those already in their queue) and have the trained DNA analysts necessary to meet the on-going monthly demand.

**Agenda Item #24:** Approve ratification of emergency expenditures for bottled water, water treatment plant repairs, and associated purchases, in the amount of \$1,641,512.

**QUESTION/ANSWER:** COUNCIL MEMBER TOVO'S OFFICE

*1) Why is the request for this item coming so late after the event?*

The emergency declaration was lifted on October 28, 2018. At that time, the Office of Homeland Security and Emergency Management worked with the Controller's Office and the Purchasing Office to consolidate, review and organize all the expenditures related to this event. Due to the number of expenditures necessary, the amount of employees making purchases, and the various methods of payment used, this was a tedious and time consuming task. Once the list was compiled, this RCA was drafted and presented for internal review and submitted for Council consideration in late February 2019.

**QUESTION/ANSWER: COUNCIL MEMBER ALTER'S OFFICE**

*1) Please provide a breakdown of emergency expenditures, to include breakdowns of amount spent on bottled water and amount spent on water treatment plant repairs.*

Below is a list of the expenditures for bottled water and water treatment repairs listed in order based on the dollar amount for each.

Purchase Date	Vendor Name	\$ Amount	GL Obj.	Item Description
10/30/2018	GRAINGER	\$638,400.00	Food/ice	100 truckloads of emergency water for citizens due to flood and boil water notice
10/29/2018	OVIO USA, LLC	\$399,845.00	WTP Plant Repair	Ulrich Water Treatment Plant clarifier repairs
10/30/2018	GRAINGER	\$197,904.00	Food/ice	31 truckloads of emergency water for citizens due to flood and boil water notice
10/24/2018	H-E-B TO YOU ONLINE	\$140,000.00	Food/ice	20 truckloads of water disbursed to citizens due to river flooding boil water notice
10/26/2018	H-E-B TO YOU ONLINE	\$133,000.00	Food/ice	19 truckloads of emergency water for citizens due to flood and boil water notice
10/29/2018	TOMCO2 SYSTEMS COMPANY	\$132,363.16	WTP Plant Repair	Davis Water Treatment Plant CO2 tank repairs
10/29/2018	TOMCO2 SYSTEMS COMPANY	\$11,644.00	WTP Plant Repair	Davis Water Treatment Plant emergency repairs

**Agenda Items #29, #30:**

**#29:** Authorize an amendment to an existing contract with Bode Cellmark Forensics, Inc., for continued forensic analysis of biological evidence, for an increase in the amount of \$703,500, and to extend the term by five years, for a total revised contract amount not to exceed \$2,003,500.

**#30:** Authorize an amendment to an existing contract with Signature Science LLC, for continued forensic analysis of biological evidence, for an increase in the amount of \$3,780,000 and to extend the term by up to five years, for a revised total contract amount not to exceed \$5,780,000.

**QUESTION/ANSWER: COUNCIL MEMBER ALTER'S OFFICE**

*1) It is my understanding that CAP Lab provides the technical review and CODIS entry for cases initially processed by Signature Science. Is this accurate?*

Yes.

*a. What is the current protocol for reviewing and uploading to CODIS backlogged cases processed by Sorenson and Bode Cellmark?*

DPS Cap Lab has access to the portals where all DNA case data are stored for each laboratory. The current CODIS review protocol for the backlogged cases (those produced by Bode and Sorenson) is the same as this process for any vendor laboratory (e.g., Signature Science). An initiative is underway, in coordination with the Department of Justice, Department of Public Safety, and the Austin Police Department, to utilize grant funds to alter this process for the backlogged SAKs so that the CODIS review of this large number of cases can be expedited. This plan, and associated request for Council action, is

forthcoming.

*2) How long is it currently taking for a case to be reviewed and submitted for CODIS once received back from Bode Cellmark and Sorenson?*

The current capacity of the NDIS-participating laboratory (DPS Cap Lab) for CODIS review and upload of vendor produced DNA cases is approximately 30 cases per month.

*a. Is this timeframe different for new cases coming through from Signature Science?*

No, the timeframe is largely driven by when the DNA report is generated by the vendor laboratory and available for CODIS review (and the capacity of the Cap lab for these CODIS services).

*b. Are we prioritizing one set of cases over the other? (backlog vs. current)*

No. Rather, what you are likely observing is the fact that over 550 “new” DNA reports were available prior to, and already in Cap Lab’s queue for CODIS review, before the 2,655 backlogged SAK case reports were available for CODIS review.

*3) With regard to the DNA backlog, the Feb. 21, 2019, memo regarding DNA Lab Audit Recommendations stated, “The City and the CAP Lab are in the process of developing a plan to expedite this technical review process.” Please provide an update on this plan.*

A separate initiative is underway to expedite the CODIS review of the grant-funded SAK backlog reports (the 2,665 SAKs of which >35% yielded positives). We will be providing that plan and associated RCA in the near term. As of this writing we’ve identified 3 qualified vendors to support the technical review component of the CODIS process and are working with the City of Austin procurement office and the Department of Public Safety to establish the necessary contracts, using Department of Justice funding, to provide this service and significantly expedite the review of these case files. We expect to publish this process and schedule, once they are finalized, through the SAKI project website: <http://austintexas.gov/department/austin-sexual-assault-kit-initiative-saki>

*a. When does staff anticipate the technical review and CODIS submittal of the outstanding cases to be completed?*

This will be included in the forthcoming plan.

*b. When does staff anticipate the local lab to be able to complete all steps for testing and CODIS submission within the desired 90-day window?*

This is estimated at 47.5 cases per month by the end of FY19, and 77.5 cases/month by July FY20 (estimated date when 8 DNA analysis will be trained).

*c. Since the completion of the initial processing of the backlog, how many cases have been reopened? How many have been referred for prosecution?*

The cold case unit has been re-examining hundreds of lab reports. The majority of the cases containing positive DNA results are awaiting technical review. None have been referred for prosecution.

*d. The memo states six grant cases had been reviewed for CODIS entry with two CODIS hits to DANY grant cases. Have more cases been reviewed since the February update?*

No more CODIS hits have returned from the DANY grant.

- i. *Have survivors been notified if their cases result in CODIS hits or other DNA matches?*  
In the two CODIS hit cases referred to above, one victim was deceased and the other victim was not able to be located after multiple attempts to make contact.

- ii. *What is the protocol for notification and next steps?*  
Victims will be notified if there is a CODIS hit and that hit is from a nonconsensual partner. If there is not a CODIS hit, the victim may be notified based on input from a collective effort using a multidisciplinary review team. We also have a dedicated phone number and email address available for any victim to request more information at any time. This team has created a victim notification flow chart with input from the cold case working group. The group consists of investigators and supervisors, prosecutors, and crisis counselors. It should be noted that there are many exceptions to any rule however the guiding principle on the decision whether to make contact or not revolves around the needs of the victim which includes their safety and well-being.

*4) On March 3, 2017, Council approved execution of the DNA ILA with Travis County. The ILA called for the development of two professional service agreements (PSA) to address two scopes of work. One of the consultants for PSA One is University of Pennsylvania Law School's Quattrone Center for the Fair Administration of Justice. The consultant is tasked with conducting a thorough assessment of the factors that led to issues in the APD DNA Lab. Please provide any interim updates available regarding the Quattrone assessment and contributing factors to the DNA lab closure. Have all interviews mentioned in the memo been completed?*

The City Manager's Office has taken the lead on this project and the last update was provided by ACM Arellano to the Mayor and Council via a memorandum entitled "Update Regarding Activities to Address APD DNA Lab Audit Recommendations" dated February 21st, 2019. APD has continued to work with Quattrone to facilitate interviews as needed.

- b. Has a meeting been scheduled with the DNA Working Group to discussing contributing factors?*

The meetings summarized in the memorandum referenced above have been scheduled in May and June.

- i. *If the meeting has already taken place, please provide meeting documents and minutes.*  
Not applicable.

**Agenda Item #32:** Authorize an amendment to an existing contract with GCA Services Group Mountain States LP, to provide continued janitorial services, for an increase in the amount of \$818,000, for a revised total contract amount not to exceed \$2,453,932.

**QUESTION/ANSWER:** COUNCIL MEMBER TOVO, KITCHEN, FLANNIGAN, AND CASAR'S OFFICES

- 1) If available, please provide the contractor's employee retention plan. Likewise, please provide information about the rate per hour that the contracted employees \*receive.\**

The following is an excerpt from GCA Services Group Mountain States' proposal.

Retention: Merit Increases and Other Incentives

GCA will offer all employees competitive market wage rates geared to attract and retain janitorial personnel in your market. In addition to providing competitive wage rates we

look forward to implementing a customized incentive program for all GCA team members. GCA recognizes the hard work of our team members with periodic group dinners (usually onsite during their regular lunch break), and/or movie tickets or supermarket gift cards for employees that give outstanding service/support with a special project. We find it's the "little things" we do to recognize their contribution, which results in cohesive teamwork and, ultimately, improved customer satisfaction.

Examples of retention and incentive programs / efforts include the following:

- Referral programs
- Posting lead and supervisor positions for all personnel to apply
- Continual on-site training as well as new product training with companies such as Waxie, Diversey and other vendors
- Sexual harassment awareness training & TIPS line
- Employee round tables/town hall meetings

The contract between GCA Services and the City requires all contract employees to make a minimum of \$13.50 per hour, the living wage at the time of the agreement.

*2) What is the contractor's turnover rate? How does this compare to the City's turnover rate in this field of work (generally or at AE specifically)?*

Response pending from the vendor.

*3) How many employees within this contract are part-time or full-time?*

According to the vendor, 19 full-time and two part-time employees provide services to AE under the contract.

*4) Are the contract employees supervised on-site by City of Austin staff?*

No. The contract with GCA requires them to assign one working supervisor at each facility and one project manager to serve as the point of contact for all AE facilities.

*5) Does the contractor provide supervision for their employees, and if so, please provide details about the scope and costs of that supervision (including which entity bears those costs).*

Yes. The contract requires one working supervisor at Town Lake Center and one project manager to provide supervision for all facilities. The cost for supervision is included in the contract price. AE monitors compliance with the contract. The contract requires workers to be paid a minimum hourly rate of \$13.50. [REVISED]

*6) What are the costs of equipment, such as cleaning supplies, associated with this contract? Which entity bears the cost of these materials? If uniforms are required, which entity bears the cost of the uniforms? If the contractor rather than the city supplies uniforms, are employees required to pay for them? Are any other costs (such as vehicles) built into this contract?*

All equipment, supplies, uniforms, and vehicles are included in the contract price.

*7) How many custodial staff does Austin Energy employ on a permanent basis? Are these employees full-time or part-time? What do permanent AE custodial staff members earn currently?*

AE does not employ janitorial staff.

*8) Does AE's need for custodial support change throughout the year, or does the need remain fairly constant?*

The need for custodial support is constant. A list of tasks must be completed at each AE



facility and do not change throughout the year. The contract specifies a minimum number of employees per facility but the actual number of employees required to carry out specified tasks is determined by the contractor.

**Agenda Item #33:** Authorize negotiation and execution of two multi-term contracts with Hill Country Conservancy and The Nature Conservancy, to provide land acquisitions and consulting services for the acquisition of land interests to preserve water quality and quantity, for up to 10 years for total contract amounts not to exceed \$750,000 divided between the contractors. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9B Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

**QUESTION/ANSWER: COUNCIL MEMBER FLANNIGAN'S OFFICE**

1) Please share the procurement agreement, including the list of deliverables. How did the City determine the cost of these services?

Although the final contract is still being negotiated, the following deliverables and milestones are included in the contract:

The deliverables for each of the vendors includes the following services:

6.0 **Deliverables/Milestones**

Deliverables/Milestones	Description	Timeline (due/completion date, reference date, or frequency)	Performance Measure/ Acceptance Criteria
Fee Simple land acquisition	Acquiring interest in land for fee simple ownership, which includes all entitlements.	Due upon closing	City Approval
Conservation Easement COA Management	Acquiring easement interest that would protect the natural, productive or cultural features of the property, limiting the right to develop. Ownership remains in the landowners name, property is restricted with Conservation Easement. Conservation Easement is managed by City.	Due upon closing	City Approval
Conservation Easement Contractor Management	Acquiring easement interest that would protect the natural, productive or cultural features of the property, limiting the right to develop. Ownership remains in the landowners name, property is restricted with Conservation Easement. Conservation is managed by Contractor.	Due upon closing	City Approval

The estimated value for this contract was based on previous contracts for similar services related to the 2012 Open Space Bond Proposition. These contracts used a Professional Service flat fee per transaction. The flat fee schedule included different fees for Fee Simple and Conservation Easement Acquisitions. The 2012 fee schedule was updated to reflect increased real estate service costs between 2012 and 2019. Additionally, the fees are set based upon the appraisal amount of the property in question. There are three tiers of appraisal amount, consistent for both Fee Simple and Conservation Easements. The following table reflects the fee schedules.

1. Fee Simple Acquisition of Property

<i>Appraisal Amount</i>	<i>Professional Services Fee</i>
<\$5,000,000	\$40,000
\$5,000,000 - \$19,999,999	\$50,000
>\$20,000,000	\$65,000

2. Conservation Easement Acquisition of Property

<i>Appraisal Amount</i>	<i>Professional Services Fee</i>
<\$5,000,000	\$65,000
\$5,000,000 - \$19,999,999	\$75,000
>\$20,000,000	\$90,000



**Related To**

**Item #12**

**Meeting Date**

**April 25, 2019**

**Additional Answer Information**

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**QUESTION/ANSWER:** Council Member Flannigan's Office

*1) Has City Staff, including Neighborhood Housing and Community Development (NHCD), evaluated the possibility of using a portion of these tracts for affordable housing? If so, please provide the analysis.*

*NHCD has conducted a preliminary review of the site and believes there may be approximately 6 to 7 acres of developable land; further evaluations would be needed to determine the ability to develop the tract. Please see the attached maps and the characteristics below.*

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*3) What issues could arise if the City later wants to program or develop this land for public use after it is dedicated as parkland?*

As required by Chapter 26 of the Texas Parks and Wildlife Code, once dedicated as parkland, the property could only be used by the City for a non-recreational use after a public hearing and determination by Council that: (1) there is no feasible or prudent alternative to the use or taking of land; and (2) the program or project includes all reasonable planning to minimize harm to the land as a park and recreation area. Additionally, if after dedication the City wished to transfer a property interest in the land, the Charter requires that the City obtain approval from the voters for such a transfer.

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**QUESTION/ANSWER:** Council Member Kitchen's Office

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In addition, staff from PARD have met with community stakeholders on various occasions, toured the property with constituents, and attended several neighborhood meetings to understand the community's goals for the property as it relates to the pending dedication of the property as parkland.

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## **LOCAL PARK GRANT PROGRAM** **CONVERSION GUIDELINES**

These guidelines are designed to assist with the process of properly converting grant assisted properties through the Local Park Grant Program to non-recreation use. The "General Provisions of the Project Agreement" for which fund assistance is provided states:

"The Participant agrees that the property described in the project agreement and the dated project boundary map, made part of that agreement, is being acquired or developed with grant assistance, and that it shall not be converted to other than public recreation use and shall be maintained for public recreation in perpetuity."

It is acknowledged, however, that circumstances may arise which might require the conversion of parkland. As a result, the Department has developed guidelines for converting fund assisted properties. Conversion is strongly discouraged, and there is no guarantee that a request for conversion will be approved.

### **THE PROCESS**

Correctly converting fund assisted parkland is a lengthy and costly process. The Department will not provide financial assistance to the local sponsor initiating the conversion.

Conversion generally occurs in the following situations:

- A. Property interests are conveyed for non-public recreation uses.
- B. Non-recreation uses (public or private) are made of the project area, or a portion of the project area.
- C. Non-recreation facilities are developed within the project area (library, city hall, fire station, etc.).
- D. Public recreation uses of property acquired or developed with grant assistance is terminated.
- E. Exceptions:
  - 1. Underground utility easements that do not have significant impacts upon the recreational utility of the park will not constitute a conversion.
  - 2. Proposals to construct public facilities where it can be shown that there is a gain or increased benefit to public recreational opportunity will not constitute a conversion. Final review and approval of such cases shall be made on a case-by-case basis.
  - 3. Leased lands which are converted to other than public recreation use after the lease expires.

The Department will only consider conversion requests if the following prerequisites have been met and documentation of such has been submitted to the Department:

- A. All practical alternatives to the conversion have been evaluated and rejected on a sound basis.

- B. The fair market value of the property to be converted and the property proposed for substitution have been established by one independent appraisal prepared in accordance with "Appraisal Instructions" in the *Instructions for Approved Projects*.
1. The property proposed for substitution must be at least equal fair market value as the property to be converted.
  2. Property improvements will be excluded from value consideration for the properties to be substituted. Exceptions may be allowable when the substitute property contains improvements directly related to public recreation.
- C. The property proposed for replacement is of reasonable usefulness and location as that being converted. Depending on the situation, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location. It must, however, be administered by the same political subdivision as the converted property.
- D. The property proposed for substitution meets the eligibility requirements for grant-assisted acquisition. Replacement property must constitute or be part of a viable recreation area.
1. Public land may not be used for substitution on acquisition projects unless it meets certain acquisition criteria. However, in the case of development projects for which the match was not derived from the cost of the purchase/value of donation of the land to be converted, public land which has never been dedicated, platted, managed, or acquired for recreation/conservation use may be used as replacement land even if this land is transferred from one public agency to another without cost.
- E. All necessary coordination with other governmental agencies has been satisfactorily accomplished. Completion of a description of the environment for both the converted and the substitute site is required.
- F. Staff consideration reveals no reason for disapproval and the project files are so documented.

## **TO REQUEST A CONVERSION, THE FOLLOWING MUST BE SUBMITTED FOR REVIEW:**

1. Cover letter addressing the scope and need of the conversion. All practical alternatives to the conversion must have been evaluated and rejected on a sound basis.
2. Description of the Environment for both **the converted and the replacement properties** to include:
  - Acres to be converted/replaced
  - Description of the public outdoor recreation uses existing or proposed for the site
  - Surrounding land uses N, S, E, W (residential, commercial, agricultural)

- Vegetation – species, dominant plants, vegetation
  - Topography
  - Natural water features on site
  - Soils
  - Wildlife habitat
  - Existing site development (extent of impervious cover, structures, etc.)
  - Utilities available on site
  - Overhead utility lines on site
  - Any history of contamination
  - Any rights-of-way or easements
  - Located in a flood plain or wetland
  - Map delineating the floodplain/wetland area
  - Current property ownership
  - Identification of valuable or vulnerable natural resources, ecological processes, or rare, threatened, or endangered species of vegetation or wildlife
3. Location and Boundary Maps for both the converted and the replacement properties. (See Samples)
  4. Appropriate appraisal for both the converted and the replacement properties. The type of appraisal required will depend on whether it was funded with state or federal grant funds. Projects supported with state funds will follow the appraisal method detailed in the *Instructions for Approved Projects* manual. State funded projects are those where the grant project number begins with **20, 50, 51, 53, 54, 55, or 56.**

Federal Land and Water Conservation Fund (LWCF) projects require the *Uniform Appraisal Standards-Federal Land Acquisition* (“yellow book”) guidelines. The appraisal guidelines are available at <http://www.usdoj.gov/enrd/land-ack/>. LWCF funded projects are those where the grant project number begins with **48.**

In addition to the above requirements, TPWD will conduct a resource review and a site visit of both properties. TPWD will also send the information for review to the Texas Historical Commission.

### **DOCUMENTATION REQUIRED UPON APPROVAL**

If approved, the following documentation will be required to complete the conversion process:

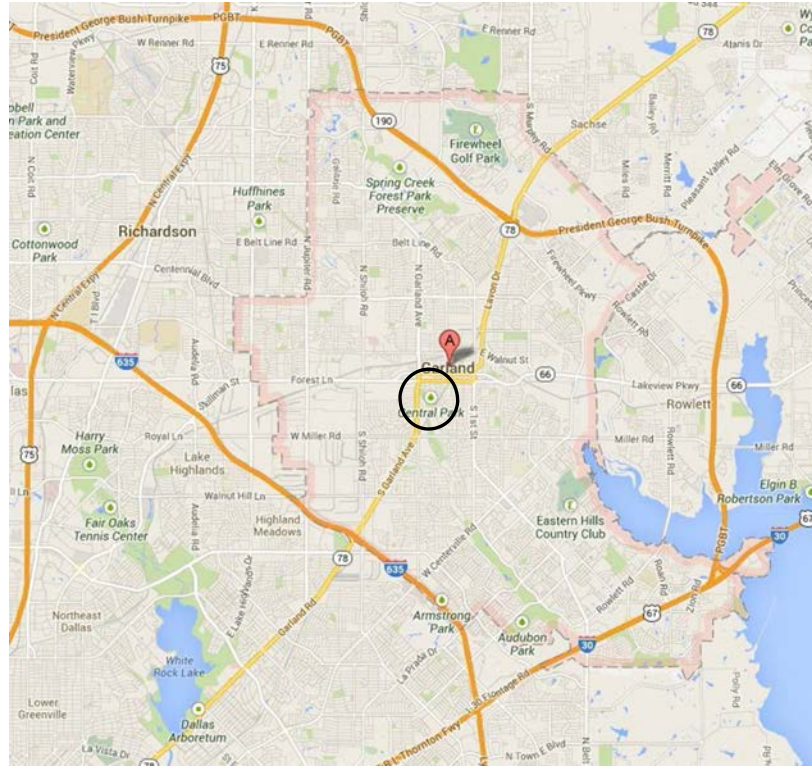
1. Signed Amendment (Provided by TPWD)
2. Completed Certificate of Land Dedication (Provided by TPWD)
3. Copy of the Recorded Deed
4. Installation of permanent project sign (See Samples)



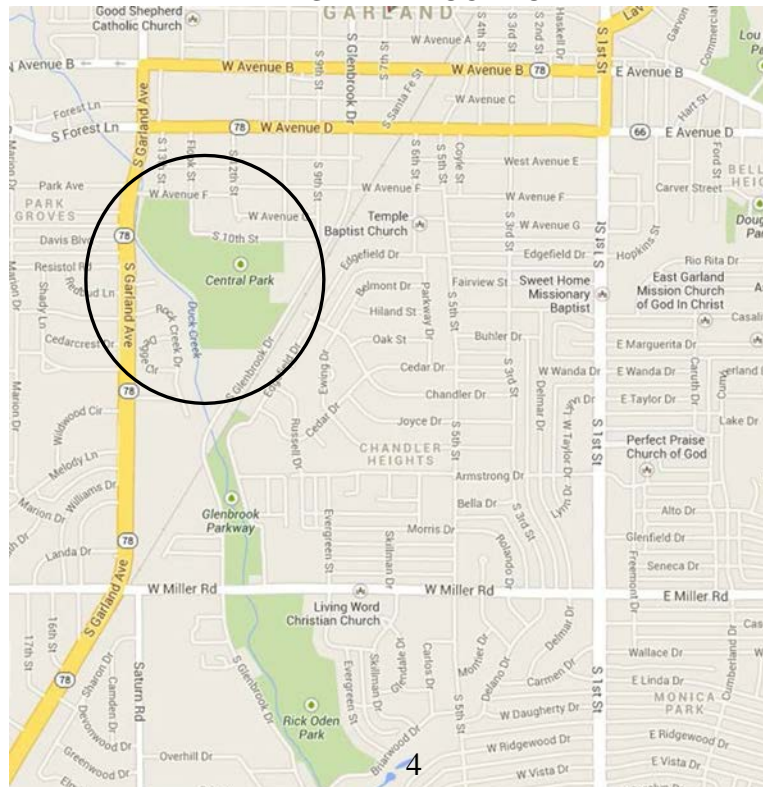
## LOCATION MAPS

The Location Maps should be at least 8½" X 11" city map and/or county map with legible street names and identification of the proposed site. A vicinity map may be needed to locate the general area where site is located.

### SAMPLE GENERAL VICINITY MAP

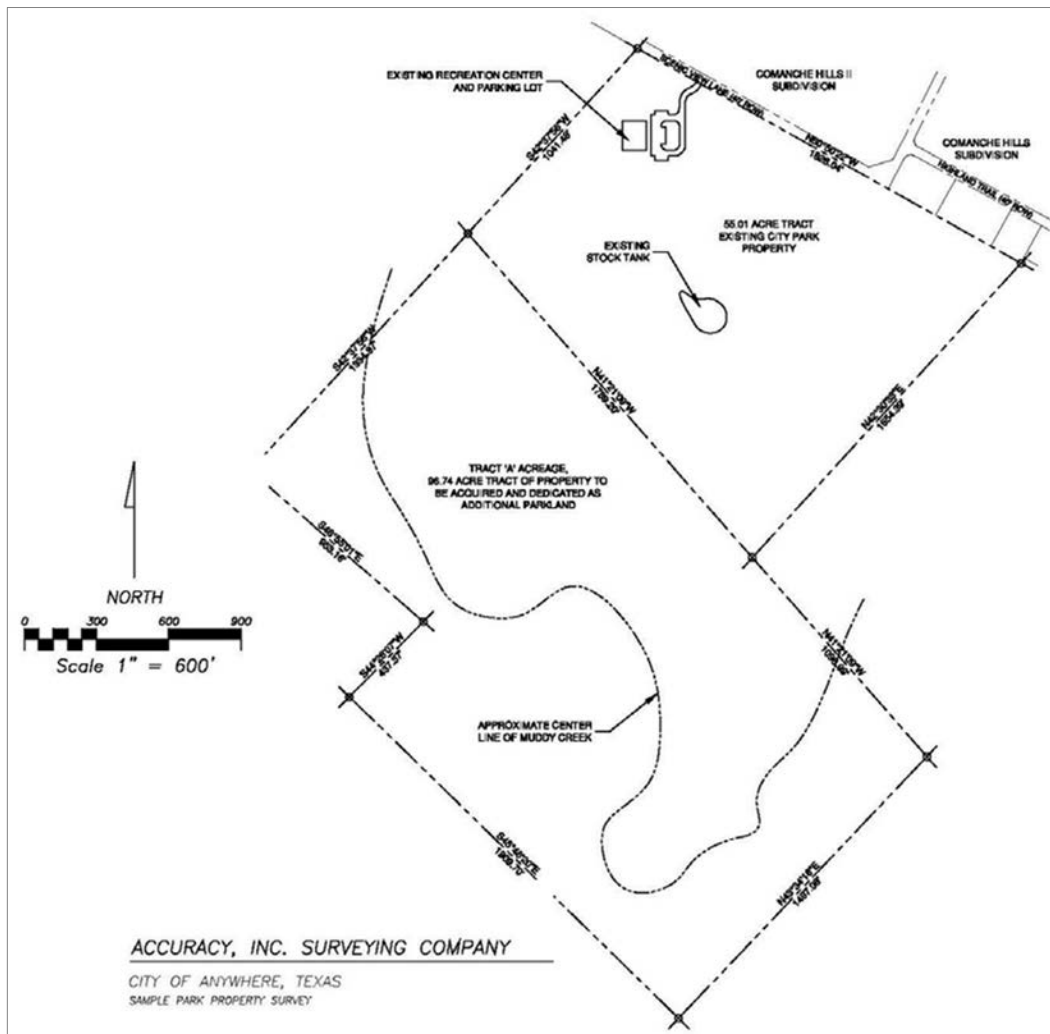


### SAMPLE LOCATION MAP





## SAMPLE BOUNDARY MAP



### **Boundary Map Should Include:**

1. Applicant and property name;
2. Directional arrow and scale;
3. Boundaries should be drawn to scale, or if possible, identified using a metes and bounds legal description.
4. Locate and label all easements, overhead utilities, structures & improvements, water bodies, adjoining streets (including designated right-of-ways), and future or proposed streets.

## SAMPLE OF REQUIRED PERMANENT PROGRAM ACKNOWLEDGEMENT SIGN

### PERMANENT SIGN OR PLAQUE (Minimum Size – 18" x 24")

This is the minimum information required on the permanent sign or plaque for all programs. If desired, names of local officials, staff, consultants, donors, etc. may be added.

<p>JOHN DOE PARK</p> <p>A TEXAS RECREATION &amp; PARKS ACCOUNT PROGRAM PROJECT</p> <p>Sponsored by the (City/County/District)</p> <p>with Funding Assistance through the Texas Parks &amp; Wildlife Department</p>	<p>For project numbers starting with "50" "54" "55" or "56"</p>
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<p>JOHN DOE RECREATION CENTER</p> <p>A TEXAS RECREATION &amp; PARKS ACCOUNT PROGRAM PROJECT</p> <p>Sponsored by the (City/County/District)</p> <p>with Funding Assistance through the Texas Parks &amp; Wildlife Department</p>	<p>For project numbers starting with "51"</p>
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<p>JOHN DOE PARK</p> <p>A TEXAS LOCAL PARKS, RECREATION AND OPEN SPACE FUND PROJECT</p> <p>Sponsored by the (City/County/District)</p> <p>with Funding Assistance through the Texas Parks &amp; Wildlife Department</p>	<p>For project numbers starting with "20"</p>
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## ANYWHERE CITY PARK



(LWCF Logo, sample below)

LAND AND WATER CONSERVATION FUND  
A Cooperative Project for Outdoor Recreation

Sponsored by the  
CITY/COUNTY OF ANYWHERE

With Funding Assistance from the  
TEXAS PARKS AND WILDLIFE DEPARTMENT

NATIONAL PARK SERVICE – DEPARTMENT OF THE INTERIOR

Dedicated April 1, 2005

For project  
numbers  
starting  
with "48"





### Council Question and Answer

**Related To**

Item #13, #14

**Meeting Date**

April 25, 2019

### Additional Answer Information

**#13:** Authorize negotiation and execution of an amendment to an interlocal agreement with the Houston Forensic Science Center to include in the scope of services forensic DNA services, including ownership review and Combined DNA Index System entry, for three additional one year terms, and to increase funding by \$630,000, for a total amount not to exceed \$730,000.

**#14:** Authorize negotiation and execution of an interlocal agreement with the University of North Texas Health Science Center to provide forensic DNA services, including Combined DNA Index System services, for the Austin Police Department, with an initial term ending on September 30, 2020, and up to three additional one-year renewal terms, in a total amount not to exceed \$727,200.

### **QUESTION/ANSWER:** Council Member Alter's Office

**1. How many cases from the backlog are currently waiting for technical review and CODIS entry?**

Of the 2,665 tested and reported SAK backlog cases, 1,300 positives are set for CODIS technical review and potential CODIS upload under SAKI.

**2. How many cases are sent to UNTHSC each month? How many cases are anticipated to be sent out under the revised ILAs?**

None, there is no current ILA with UNTHSC that covers CODIS review services. If item #14 is passed, the maximum capacity at UNTHSC for CODIS reviews is 100 per month.

**3. Do the ILAs in Items 13 & 14 mean that HFSC and UNTHSC will take over all cases reviewed by Bode Cellmark, Sorenson and Signature Science? Or is CAP Lab retaining responsibility for the review and CODIS uploading of cases coming from Signature Science?**

Both HFSC and UNTHSC are National DNA Index System (NDIS) participating laboratories, and like DPS CAP Lab are able to perform both the technical review and CODIS upload of eligible DNA profiles. The plan would be to utilize UNTHSC and HFSC as-needed to perform CODIS services for new DNA case reports (produced by Signature Science, Bode Cellmark) and to augment the DPS Cap lab capacity until they have completed all in-process CODIS assignments (those already in their queue) and have the trained DNA analysts necessary to meet the on-going monthly demand.



**Related To**

**Item #24**

**Meeting Date**

**April 25, 2019**

**Additional Answer Information**

Approve ratification of emergency expenditures for bottled water, water treatment plant repairs, and associated purchases, in the amount of \$1,641,512.

**QUESTION/ANSWER:** Council Member Tovo's Office

*1) Why is the request for this item coming so late after the event?*

The emergency declaration was lifted on October 28, 2018. At that time, the Office of Homeland Security and Emergency Management worked with the Controller's Office and the Purchasing Office to consolidate, review and organize all the expenditures related to this event. Due to the number of expenditures necessary, the amount of employees making purchases, and the various methods of payment used, this was a tedious and time consuming task. Once the list was compiled, this RCA was drafted and presented for internal review and submitted for Council consideration in late February 2019.

**QUESTION/ANSWER:** Council Member Alter's Office

*1) Please provide a breakdown of emergency expenditures, to include breakdowns of amount spent on bottled water and amount spent on water treatment plant repairs.*

Below is a list of the expenditures for bottled water and water treatment repairs listed in order based on the dollar amount for each.

Purchase Date	Vendor Name	\$ Amount	GL Obj.	Item Description
10/30/2018	GRAINGER	\$638,400.00	Food/ice	100 truckloads of emergency water for citizens due to flood and boil water notice
10/29/2018	OVIO USA, LLC	\$399,845.00	WTP Plant Repair	Ulrich Water Treatment Plant clarifier repairs
10/30/2018	GRAINGER	\$197,904.00	Food/ice	31 truckloads of emergency water for citizens due to flood and boil water notice
10/24/2018	H-E-B TO YOU ONLINE	\$140,000.00	Food/ice	20 truckloads of water disbursed to citizens due to river flooding boil water notice
10/26/2018	H-E-B TO YOU ONLINE	\$133,000.00	Food/ice	19 truckloads of emergency water for citizens due to flood and boil water notice
10/29/2018	TOMCO2 SYSTEMS COMPANY	\$132,363.16	WTP Plant Repair	Davis Water Treatment Plant CO2 tank repairs
10/29/2018	TOMCO2 SYSTEMS COMPANY	\$11,644.00	WTP Plant Repair	Davis Water Treatment Plant emergency repairs





**Related To**

Items #29, #30

**Meeting Date**

April 25, 2019

**Additional Answer Information**

**#29:** Authorize an amendment to an existing contract with Bode Cellmark Forensics, Inc., for continued forensic analysis of biological evidence, for an increase in the amount of \$703,500, and to extend the term by five years, for a total revised contract amount not to exceed \$2,003,500.

**#30:** Authorize an amendment to an existing contract with Signature Science LLC, for continued forensic analysis of biological evidence, for an increase in the amount of \$3,780,000 and to extend the term by up to five years, for a revised total contract amount not to exceed \$5,780,000.

**QUESTION/ANSWER:** Council Member Alter's Office

*1. It is my understanding that CAP Lab provides the technical review and CODIS entry for cases initially processed by Signature Science. Is this accurate?*

Yes.

*a. What is the current protocol for reviewing and uploading to CODIS backlogged cases processed by Sorenson and Bode Cellmark?*

DPS Cap Lab has access to the portals where all DNA case data are stored for each laboratory. The current CODIS review protocol for the backlogged cases (those produced by Bode and Sorenson) is the same as this process for any vendor laboratory (e.g., Signature Science). An initiative is underway, in coordination with the Department of Justice, Department of Public Safety, and the Austin Police Department, to utilize grant funds to alter this process for the backlogged SAKs so that the CODIS review of this large number of cases can be expedited. This plan, and associated request for Council action, is forthcoming.

*2. How long is it currently taking for a case to be reviewed and submitted for CODIS once received back from Bode Cellmark and Sorenson?*

The current capacity of the NDIS-participating laboratory (DPS Cap Lab) for CODIS review and upload of vendor produced DNA cases is approximately 30 cases per month.

*a. Is this timeframe different for new cases coming through from Signature Science?*

No, the timeframe is largely driven by when the DNA report is generated by the vendor laboratory and available for CODIS review (and the capacity of the Cap lab for these CODIS services).

*b. Are we prioritizing one set of cases over the other? (backlog vs. current)*

No. Rather, what you are likely observing is the fact that over 550 "new" DNA reports were available prior to, and already in Cap Lab's queue for CODIS review, before the 2,655 backlogged SAK case reports were available for CODIS review.

3. *With regard to the DNA backlog, the Feb. 21, 2019, memo regarding DNA Lab Audit Recommendations stated, "The City and the CAP Lab are in the process of developing a plan to expedite this technical review process." Please provide an update on this plan.*

A separate initiative is underway to expedite the CODIS review of the grant-funded SAK backlog reports (the 2,665 SAKs of which >35% yielded positives). We will be providing that plan and associated RCA in the near term. As of this writing we've identified 3 qualified vendors to support the technical review component of the CODIS process and are working with the City of Austin procurement office and the Department of Public Safety to establish the necessary contracts, using Department of Justice funding, to provide this service and significantly expedite the review of these case files. We expect to publish this process and schedule, once they are finalized, through the SAKI project website:

<http://austintexas.gov/departments/austin-sexual-assault-kit-initiative-saki>

a. *When does staff anticipate the technical review and CODIS submittal of the outstanding cases to be completed?*

This will be included in the forthcoming plan.

b. *When does staff anticipate the local lab to be able to complete all steps for testing and CODIS submission within the desired 90-day window?*

This is estimated at 47.5 cases per month by the end of FY19, and 77.5 cases/month by July FY20 (estimated date when 8 DNA analysis will be trained).

c. *Since the completion of the initial processing of the backlog, how many cases have been reopened? How many have been referred for prosecution?*

The cold case unit has been re-examining hundreds of lab reports. The majority of the cases containing positive DNA results are awaiting technical review. None have been referred for prosecution.

d. *The memo states six grant cases had been reviewed for CODIS entry with two CODIS hits to DANY grant cases. Have more cases been reviewed since the February update?*

No more CODIS hits have returned from the DANY grant.

i. *Have survivors been notified if their cases result in CODIS hits or other DNA matches?*

In the two CODIS hit cases referred to above, one victim was deceased and the other victim was not able to be located after multiple attempts to make contact.

ii. *What is the protocol for notification and next steps?*

Victims will be notified if there is a CODIS hit and that hit is from a nonconsensual partner. If there is not a CODIS hit, the victim may be notified based on input from a collective effort using a multidisciplinary review team. We also have a dedicated phone number and email address available for any victim to request more information at any time. This team has created a victim notification flow chart with input from the cold case working group. The group consists of investigators and supervisors, prosecutors, and crisis counselors. It should be noted that there are many exceptions to any rule however the guiding principle on the decision whether to make contact or not revolves around the needs of the victim which includes their safety and well-being.

4. *On March 3, 2017, Council approved execution of the DNA ILA with Travis County. The ILA called for the development of two professional service agreements (PSA) to address two scopes of work. One of the consultants for PSA One is University of Pennsylvania Law School's Quattrone Center for the Fair Administration of Justice. The consultant is tasked with conducting a thorough assessment of the factors that led to issues in the APD DNA Lab. Please provide any interim updates available regarding the Quattrone assessment and contributing factors to the DNA lab closure. Have all interviews mentioned in the memo been completed?*

The City Manager's Office has taken the lead on this project and the last update was provided by ACM Arellano to the Mayor and Council via a memorandum entitled "Update Regarding Activities to Address APD DNA Lab Audit Recommendations" dated February 21st, 2019. APD has continued to work with Quattrone to facilitate interviews as needed.

*b. Has a meeting been scheduled with the DNA Working Group to discussing contributing factors?*

The meetings summarized in the memorandum referenced above have been scheduled in May and June.

*i. If the meeting has already taken place, please provide meeting documents and minutes.*

Not applicable.





### Council Question and Answer

Related To	Item #32	Meeting Date	April 25, 2019
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### Additional Answer Information

Authorize an amendment to an existing contract with GCA Services Group Mountain States LP, to provide continued janitorial services, for an increase in the amount of \$818,000, for a revised total contract amount not to exceed \$2,453,932.

**QUESTION/ANSWER:** Council Member Tovo, Kitchen, Flannigan, and Casar's Offices

*1) If available, please provide the contractor's employee retention plan. Likewise, please provide information about the rate per hour that the contracted employees \*receive.\**

The following is an excerpt from GCA Services Group Mountain States' proposal.

Retention: Merit Increases and Other Incentives

GCA will offer all employees competitive market wage rates geared to attract and retain janitorial personnel in your market. In addition to providing competitive wage rates we look forward to implementing a customized incentive program for all GCA team members. GCA recognizes the hard work of our team members with periodic group dinners (usually onsite during their regular lunch break), and/or movie tickets or supermarket gift cards for employees that give outstanding service/support with a special project. We find it's the "little things" we do to recognize their contribution, which results in cohesive teamwork and, ultimately, improved customer satisfaction.

Examples of retention and incentive programs / efforts include the following:

- Referral programs
- Posting lead and supervisor positions for all personnel to apply
- Continual on-site training as well as new product training with companies such as Waxie, Diversey and other vendors
- Sexual harassment awareness training & TIPS line
- Employee round tables/town hall meetings

The contract between GCA Services and the City requires all contract employees to make a minimum of \$13.50 per hour, the living wage at the time of the agreement.

*2) What is the contractor's turnover rate? How does this compare to the City's turnover rate in this field of work (generally or at AE specifically)?*

Response pending from vendor.

*3) How many employees within this contract are part-time or full-time?*

According to the vendor, 19 full-time and two part-time employees provide services to AE under the contract.

*4) Are the contract employees supervised on-site by City of Austin staff?*

No. The contract with GCA requires them to assign one working supervisor at each facility and one project manager to serve as the point of contact for all AE facilities.

*5) Does the contractor provide supervision for their employees, and if so, please provide details about the scope and costs of that supervision (including which entity bears those costs).*

Yes. The contract requires one working supervisor at Town Lake Center and one project manager to provide supervision for all facilities. The cost for supervision is included in the contract price. AE monitors compliance with the contract. The contract requires workers to be paid a minimum hourly rate of \$13.50. [REVISED]

*6) What are the costs of equipment, such as cleaning supplies, associated with this contract? Which entity bears the cost of these materials? If uniforms are required, which entity bears the cost of the uniforms? If the contractor rather than the city supplies uniforms, are employees required to pay for them? Are any other costs (such as vehicles) built into this contract?*

All equipment, supplies, uniforms, and vehicles are included in the contract price.

*7) How many custodial staff does Austin Energy employ on a permanent basis? Are these employees full-time or part-time? What do permanent AE custodial staff members earn currently?*

AE does not employ janitorial staff.

*8) Does AE's need for custodial support change throughout the year, or does the need remain fairly constant?*

The need for custodial support is constant. A list of tasks must be completed at each AE facility and do not change throughout the year. The contract specifies a minimum number of employees per facility but the actual number of employees required to carry out specified tasks is determined by the contractor.



### Council Question and Answer

Related To

Item #33

Meeting Date

April 25, 2019

### Additional Answer Information

Authorize negotiation and execution of two multi-term contracts with Hill Country Conservancy and The Nature Conservancy, to provide land acquisitions and consulting services for the acquisition of land interests to preserve water quality and quantity, for up to 10 years for total contract amounts not to exceed \$750,000 divided between the contractors. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9B Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

**QUESTION/ANSWER:** Council Member Flannigan's Office

1) Please share the procurement agreement, including the list of deliverables. How did the City determine the cost of these services?

Although the final contract is still being negotiated, the following deliverables and milestones are included in the contract:

The deliverables for each of the vendors includes the following services:

#### 6.0 Deliverables/Milestones

Deliverables/Milestones	Description	Timeline (due/completion date, reference date, or frequency)	Performance Measure/ Acceptance Criteria
Fee Simple land acquisition	Acquiring interest in land for fee simple ownership, which includes all entitlements.	Due upon closing	City Approval
Conservation Easement COA Management	Acquiring easement interest that would protect the natural, productive or cultural features of the property, limiting the right to develop. Ownership remains in the landowners name, property is restricted with Conservation Easement. Conservation Easement is managed by City.	Due upon closing	City Approval
Conservation Easement Contractor Management	Acquiring easement interest that would protect the natural, productive or cultural features of the property, limiting the right to develop. Ownership remains in the landowners name, property is restricted with Conservation Easement. Conservation is managed by Contractor.	Due upon closing	City Approval

The estimated value for this contract was based on previous contracts for similar services related to the 2012 Open Space Bond Proposition. These contracts used a Professional Service flat fee per transaction. The flat fee schedule included different fees for Fee Simple and Conservation Easement Acquisitions. The 2012 fee schedule was updated to reflect increased real estate service costs between 2012 and 2019. Additionally, the fees are set based upon the appraisal amount of the property in question. There are three tiers of appraisal amount, consistent for both Fee Simple and Conservation Easements. The following table reflects the fee schedules.

1. Fee Simple Acquisition of Property

<i>Appraisal Amount</i>	<i>Professional Services Fee</i>
<\$5,000,000	\$40,000
\$5,000,000 - \$19,999,999	\$50,000
>\$20,000,000	\$65,000

2. Conservation Easement Acquisition of Property

<i>Appraisal Amount</i>	<i>Professional Services Fee</i>
<\$5,000,000	\$65,000
\$5,000,000 - \$19,999,999	\$75,000
>\$20,000,000	\$90,000