

# City Council Questions and Answers

City Council Questions and Answers for  
Thursday, June 26, 2014

These questions and answers are related to the  
Austin City Council meeting that will convene at 10:00 AM on  
Thursday, June 26, 2014 at Austin City Hall  
301 W. Second Street, Austin, TX



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

*The City Council Questions and Answers Report was derived from a need to provide City Council Members an opportunity to solicit clarifying information from City Departments as it relates to requests for council action. After a City Council Regular Meeting agenda has been published, Council Members will have the opportunity to ask questions of departments via the City Manager's Agenda Office. This process continues until 5:00 p.m. the Tuesday before the Council meeting. The final report is distributed at noon to City Council the Wednesday before the council meeting.*

## **QUESTIONS FROM COUNCIL**

1. Agenda Item # 2 - Authorize negotiation and execution of a 36-month agreement with KINDER MORGAN TEXAS PIPELINE LLC for natural gas pipeline transportation services for an estimated amount of \$15,000,000, with one 24-month extension option for an estimated amount of an additional \$10,000,000, for a total estimated contract amount of \$25,000,000.
  - a. QUESTION: The backup states that this \$15M agreement replaces the current agreement, extending the term to 2107 with a 2-year extension option. Are any other terms of the existing agreement being changed? COUNCIL MEMBER MORRISON
  - b. ANSWER: Other agreement terms are largely unchanged. The new agreement will provide for a somewhat higher level of service during winter months to ensure adequate gas deliveries during peak winter demand periods.
  - c. QUESTION: How does this cost compare to the cost of the agreement that it replaces? COUNCIL MEMBER SPELMAN
  - d. ANSWER: The estimated cost of the new agreement is approximately 15% higher than the old agreement. The change is attributable to an increase in some contract rates and an increase in winter service levels to ensure adequate gas deliveries during peak winter demand periods. It is also worth noting that the expiring agreement was a ten year agreement with fixed rates for that entire period. The actual expenses under the agreement will vary with actual use and a portion of the increase may be offset through additional wholesale power revenue facilitated by the agreement.
2. Agenda Item # 11 - Approve the appointment of Gregory S. Milligan to the Board of Directors of Austin-Bergstrom Landhost Enterprises, Inc., to replace David Arthur.
  - a. QUESTION: Please provide some background info on the proposed Board Member. COUNCIL MEMBER SPELMAN
  - b. ANSWER: For more than 20 years, Gregory S. Milligan ("Milligan") has maintained a practice exclusively surrounding crisis and troubled situations. Milligan specializes in entering complex situations, developing an understanding of the issues, identifying key resources needed to achieve the best possible outcome, developing multiple strategic alternatives, and managing the personnel and other resources required to implement the

chosen plan in coordination with all required stakeholder constituencies. Milligan has broad experience and currently serves as a debt restructuring advisor to corporate entities and serves in numerous court-appointed positions, including as an independent board member, Federal bankruptcy trustee, and State Court receiver (with the current receivership cases being brought upon the request of the Attorney General for the State of Texas, the Texas State Securities Board and the Texas Department of Banking). Milligan is currently a Member of the Turnaround Management Association (TMA - National); Founding Member of the TMA (Austin/San Antonio Chapter); Member of the TMA Board of Directors (Austin/San Antonio Chapter); Member of the National Association of Bankruptcy Trustees; and Member of the American Bankruptcy Institute, and is a guest lecturer at various colleges, universities and State Bar CLE events, as well as to the National Association of Attorneys General on Receivership matters. He has also been appointed to serve on the Non-Lawyer Committee to the State Bar of Texas Bankruptcy Law Section. Milligan received a B. A. in Economics from The University of Texas at Austin and holds a Texas Real Estate License.

3. Agenda Items # 12 and # 13 - 12) Authorize execution of a construction maintenance contract with AUSTIN FILTER SYSTEMS, INC. for the J. J. Seabrook Stream Restoration, Rain Garden, and Urban Trail Project in the amount of \$1,729,775.45 plus a \$172,977.55 contingency, for a total contract amount not to exceed \$1,902,753. Related to Items # 28, # 66 and # 67. 13) Authorize negotiation and execution of a professional services agreement with HDR ENGINEERING, INC. (staff recommendation) or one of the other qualified responders to RFQ Solicitation No. CLMP153, to provide consultant services for Floodplain Evacuation Support Services project in an amount not to exceed \$12,000,000 for a contract term of six years with two one-year extension options.
  - a. QUESTION: The agenda notes that Item 12 (J.J. Seabrook Stream restoration and related projects) is related to # 28, # 66 and # 68, but these items address flood buyouts in Southeast Austin. Item # 13 addresses Floodplain Evacuation Support Services for the flood buyouts but it does not note that it is related to # 28, # 66 and # 68. Please address the disconnect. COUNCIL MEMBER MORRISON
  - b. ANSWER: Item # 12 is not related to Items # 28, # 66 and # 68. Item # 13 should be related to Items # 28, # 66, and # 68. This correction will be noted in the Changes and Corrections document.
4. Agenda Items # 13 and # 28 - 13) Authorize negotiation and execution of a professional services agreement with HDR ENGINEERING, INC. (staff recommendation) or one of the other qualified responders to RFQ Solicitation No. CLMP153, to provide consultant services for Floodplain Evacuation Support Services project in an amount not to exceed \$12,000,000 for a contract term of six years with two one-year extension options. 28) Approve a resolution authorizing the negotiation and execution of all documents and instruments necessary or

desirable to purchase or otherwise acquire an estimated 140 properties at high risk of flooding located outside of the United States Army Corps of Engineers (USACE) buyout project area that will remain at risk of flooding in the 25-year floodplain within the Onion Creek Forest, Onion Creek Plantations, Yarrabee Bend, and Silverstone neighborhoods (Lower Onion Creek area) in the Onion Creek watershed, in an amount not to exceed \$31,000,000. Related to Items # 12, # 66 and # 67.

- a. QUESTION: The numbers in the backup for 13 and 28 are confusing. How many homes exactly are included in the contract in Item 13? What is the per unit cost (i.e. the cost per house we're buying) of the 12 million we're paying to HDR engineering? Between the 4 related items, there is a mention of \$31 million, and \$35.5 million- what is the gap for? COUNCIL MEMBER SPELMAN
  - b. ANSWER: See attachment
  - c. QUESTION: How many properties in the 25 year floodplain outside the U.S Army Corps of Engineers project area had flood insurance? COUNCIL MEMBER SPELMAN
  - d. ANSWER: Based upon policies that were in effect on 9/30/13, 83 had flood insurance, which represents almost 60%.
5. Agenda Item # 16 - Authorize negotiation and execution of a design-build agreement with TURNER CONSTRUCTION COMPANY for a new Austin Energy office building and parking structure at Riverside Drive and Grove Boulevard for preliminary and design phase services and remaining professional services in an amount not to exceed \$8,300,000 plus \$830,000 contingency for a total amount not to exceed \$9,130,000.
- a. QUESTION: This item addressing the Austin Energy new building spawned several requests for information from the Council at the June 10, 2014 work session. Is any of that information now available? COUNCIL MEMBER MORRISON
  - b. ANSWER: Prior to this item coming back for Council consideration, a report from Austin Energy will be distributed. Also, see attachment.
  - c. QUESTION: Regarding the answer that staff provided to the question of whether a cost-benefit analysis for rehabilitating an existing building was prepared: while staff has provided a scoring of rehab scenarios with particular buildings that were considered, the decision to build over rehabilitate is noted only with the statement "it was determined that an option to build would be the best approach considering all the risks and cost associated with purchasing an existing building." Please provide any analysis, especially a cost-benefit analysis, that was used to make this determination. COUNCIL MEMBER MORRISON

- d. ANSWER: Prior to this item coming back for Council consideration, a report from Austin Energy will be distributed.
6. Agenda Item # 18 - Authorize negotiation and execution of a 12-month interlocal agreement with the Capital Area Council of Governments for further analysis of the economic impact of Project Connect and other transportation initiatives on Austin residents.
- a. QUESTION: What input has the Housing/Transit/Jobs Action Team had into the scope of the analyses and development that are contemplated under this ILA with CAPCOG? COUNCIL MEMBER MORRISON
  - b. ANSWER: The Housing/Transit/Jobs Action Team have been invited to provide input on the final scope of work under negotiation, but have not provided input on the draft scope of work to-date.
7. Agenda Item # 20 - Approve an ordinance amending the Fiscal Year 2013-2014 General Fund Operating Budget (Ordinance No. 20130909-001) to add 7.0 Telecom Cadet civilian full-time equivalent positions to the Emergency Medical Services Department.
- a. QUESTION: Why are we requiring calltakers to have the EMT basic certification? Also, do we have a performance measure to test whether that requirement helps us in terms of efficiency, cost savings, and/or better health outcomes? COUNCIL MEMBER SPELMAN
  - b. ANSWER: The Communications Medics at Austin-Travis County EMS are all dual certified as Emergency Medical Dispatchers (EMDs) through the International Academies of Emergency Dispatch and as EMTs or Paramedics through the State of Texas. ATCEMS strongly believes that the increased clinical knowledge gained by requiring an EMT certification is essential to perform at the high level required by our system. This increased clinical knowledge is used daily while triaging 9-1-1 calls and evaluating a patient's presenting symptoms. Being an EMT gives the Communications Medic more clinical depth to identify atypical symptoms / presentations and more effectively manage situations that fall outside the parameters of the EMD protocols. The EMT-B certification process requires a minimum of 140 hours of classroom training and 36 hours of hands on clinical experience that far exceeds the 24 hours of classroom training required to be an EMD. Unlike many other EMS systems, our Communications Medics interact with hospital staff, physicians and nurses while triaging emergency and non-emergency transfer requests. Understanding the medical terminology, medication names and clinical procedures allows them to provide a better service to those callers and our medics in the field. The Communications Medics are responsible for providing Pre-Arrival Instructions to callers for situations like cardiac arrest, choking, allergic reaction, bleeding control, childbirth and other situations that require immediate lifesaving interventions prior to the arrival of field


responders. The Communications Division is the gateway for pre-hospital medical care in our community and their clinical role in the management of our patients can't be understated; this is why we believe the dual EMD / EMT certification is necessary for this very specialized 9-1-1 calltaking function at ATCEMS. A departmental key performance measure for EMS is Medical Priority Dispatch Protocol (MPD) Compliance. MPD Compliance is the measure of how well our Communications Medics provide medical care over the phone. This measure is used to monitor the performance of the EMS Communication center and each medic and is required to maintain our accreditation from the International Academies of Emergency Medical Dispatch. Austin-Travis County EMS was the first EMS system in Texas to be awarded the "Center of Excellence" standard for its performance and has maintained that accreditation.


8. Agenda Item # 24 - Approve an ordinance adopting the Municipal Civil Service Rules as recommended by the Municipal Civil Service Commission.
  - a. QUESTION: The Municipal Civil Service Commission recommends that the City Council approve the Municipal Civil Service Rules as modified by the Municipal Civil Service Commission. 1) Does Exhibit A include all of the Commission's recommended changes? 2) As requested at the June 12th Council Meeting, can you please also provide a document with the changes proposed by AFSCME and the city staff position on the proposed changes?  
COUNCIL MEMBER RILEY
  - b. ANSWER: See attachment
9. Agenda Item # 28 - Approve a resolution authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase or otherwise acquire an estimated 140 properties at high risk of flooding located outside of the United States Army Corps of Engineers (USACE) buyout project area that will remain at risk of flooding in the 25-year floodplain within the Onion Creek Forest, Onion Creek Plantations, Yarrabee Bend, and Silverstone neighborhoods (Lower Onion Creek area) in the Onion Creek watershed, in an amount not to exceed \$31,000,000. Related to Items # 12, # 66 and # 67.
  - a. QUESTION: Please provide information on how the 1981 Memorial Day Flood buy outs were funded, as was asked/discussed when Council considered the related resolution for additional funding options on May 15, 2014.  
COUNCIL MEMBER MORRISON
  - b. ANSWER: A portion of the proceeds from the issuance of Bonds relating to 16 propositions included in the August 29, 1981 Bond Election were used in the Shoal Creek watershed after the 1981 Memorial Day flood. Project descriptions indicate that most of the purchase and removal of houses were part of Capital Improvement Projects to provide additional channel capacity for the stormwater flows of Shoal Creek.

10. Agenda Item # 31 - Approve an ordinance authorizing the creation of the Onion Creek Metro Park District and the execution of a consent agreement between the City, Onion Creek Metro Park District and Austin Goodnight Ranch, LP.
  - a. QUESTION: The item authorizes the creation of a park district involved with the Goodnight Ranch development. As previously discussed, the park will be developed so that it is equally accessible to the new development on the south and the existing neighborhoods on the north. Please provide information on how the City is memorializing this. COUNCIL MEMBER MORRISON
  - b. ANSWER: On June 26, 2015 agenda, the City Council will consider the approval of a Consent Agreement between the City of Austin, Onion Creek Metro Park District and the Goodnight Development that outlines the responsibilities of each party. In that Consent Agreement, Austin Goodnight Ranch Development is agreeing to: 1) Fund in-district park amenities that includes a 3 mile trail connecting to the Metro Park; 2) Provide opportunities for connecting 2 miles of trails with adjacent development; 3) Provide funding to complete a master plan for the Metro Park (estimated at \$400k); and 4) Include (supplement) funding for O&M for 50 acres of developed Metro Park fields until District tax revenue is sufficient to cover 100% of cost. The Consent Agreement will memorialize the use of Onion Creek Metro Park and its proposed park amenities by the newly developed neighborhoods to the south and the more established neighborhoods to the north of the metro park.
11. Agenda Item # 52 - Authorize award, negotiation, and execution of a service contract with ZUCKER SYSTEMS, or one of the other qualified offerors to Request for Proposal TVN0035 to provide consulting services for Planning and Development Review Department in an amount not to exceed \$249,500.
  - a. QUESTION: This contract award is for the staff recommendation "or one of the other qualified offerors" but no information is provided in backup about the other qualified offerors. Please provide backup that includes information comparable to backup for # 60 which provides ranking matrix w/location. COUNCIL MEMBER MORRISON
  - b. ANSWER: See attachment
  - c. QUESTION: Please provide the proposal materials for item # 52. COUNCIL MEMBER MORRISON
  - d. ANSWER: The proposal has been provided to the requesting Council office. The proposals are confidential but can be provided to requesting Council office by contacting the Bettina Garcia in the Purchasing Office at (512) 974-2500.
12. Agenda Item # 63 - Approve a resolution authorizing the negotiation and execution of an advance funding agreement between the City and the Texas Department of Transportation to install bicycle signals and detection equipment at specific intersections.

- a. QUESTION: How does this project compare to or relate to the automatic cyclist detection system that was discussed during the budget work session as an unmet need for ATD? COUNCIL MEMBER MORRISON
- b. ANSWER: Item # 63 on Council's Agenda is a complementary system to the automatic cyclist detection system that was previously approved by Council and discussed during the budget work session. Industry practices have found that multiple and sometimes redundant systems are needed to provide adequate detection of bicycles at signals. Detection of bicycles at signals increases the safety of the travel network for both automobiles and cycle users by encouraging bicycle riders to abide by the rules of the road, stopping at signals with the knowledge they will be detected and given a green signal in a reasonable amount of time. Bike Signal and Detection Project (Item # 63): On December 13, 2012, Council approved the submittal of project nominations and funding for a 2012 Transportation Enhancement grant. On May 13, 2013 CAMPO approved a list of projects for funding. The project described in Item # 63 is one of those projects. Matching funds will flow through the Texas Department of Transportation (TxDOT), requiring an Advanced Funding Agreement. This project provides bicycle detection equipment, such as loops in the pavement and signals at signalized intersections that the cycling community has identified as problematic. Thirty two intersections were identified as candidate locations for bike detection or signals. Examples of these intersections include: Lamar at Morrow, Aldridge and Airport, 24th at Rio Grande, Emerald Forest at Stassney and Comal at MLK. Staff will work with the Bicycle Advisory Council to use the funding to address bike needs at as many of the 32 locations as possible. Automatic Cyclist Detection System: During the May 15, 2014, Council approved the automated cyclist detection mobile application (App) pilot project. It is expected to provide another tool that the City can use to address the needs of cyclists and make cycling a more attractive form of transportation. We will continue to deploy physical bike detection equipment (loops in the pavement or video detection) at signals to detect bicyclists who either do not have a device running the App or choose not to use the App. This pilot project launched in June 2014 with an expected duration of 12 to 18 months. Full launch of that system will be considered once the beta tests are complete and the system is proven. Staff will keep the Bicycle Advisory Council informed throughout the project.

**END OF REPORT - ATTACHMENTS TO FOLLOW**

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

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



### Council Question and Answer

Related To	Items # 13 and # 28	Meeting Date	June 26, 2014
Additional Answer Information			

**QUESTION:** The numbers in the backup for 13 and 28 are confusing. How many homes exactly are included in the contract in Item 13? What is the per unit cost (i.e. the cost per house we're buying) of the 12 million we're paying to HDR engineering? Between the 4 related items, there is a mention of \$31 million, and \$35.5 million- what is the gap for? COUNCIL MEMBER SPELMAN

**ANSWER:** The departments' original proposal was to present Council with the amounts needed to purchase 371 homes. The \$12M referenced in Item 13 reflects the consultant costs for the purchase of 371 properties at approximately \$32,345 per property. HDR provides the following services for each property:

- Real estate services (acquisition agent, meetings with property owners, relocation eligibility determinations, comparable replacement housing searches, closing, etc.)
- Property management (securing houses if necessary, pest management, etc.)
- Asbestos/lead inspection

The proposed funding authorization was later amended to correspond to the \$35.5M requested in Certificates of Obligation. The \$35.5M will cover the costs associated with the purchase of 142 properties at approximately \$250K per property. Because the solicitation process for the consultant was completed based on 371 properties, staff cannot change the \$12M contract amount. However, the \$250K per property includes the \$32,345 consultant cost per property, so \$4.5M ( $\$32,345 \times 142$ ) was taken out of the \$35.5M in Item 28 as consultant service costs are reflected in a separate item (13). Staff would spend \$4.5M of the \$12M consultant contract proposed in Item 13.



### Council Question and Answer

<b>Related To</b>	Item #16	<b>Meeting Date</b>	June 26, 2014
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### Additional Answer Information

**QUESTION:** This item addressing the Austin Energy new building spawned several requests for information from the Council at the June 10, 2014 work session. Is any of that information now available? COUNCIL MEMBER MORRISON

**QUESTION 1)** Was Austin Energy's 2010 Strategic Facilities Master Plan approved by the City Council? If so, was an estimate of total costs provided at the time?

ANSWER 1) Austin Energy did not bring to Council an overall presentation on the Facilities Master Plan because it is a conceptual guide to management and not a prescriptive, step-by-step manual or list of action items. Every action taken by Austin Energy inspired by the plan has gone through standard city processes, including Council approval of projects such as the Town Lake Center renovation in 2012.

**QUESTION 2)** Were the construction costs for this facility included in the rate case?

ANSWER 2) Today's rates are adequate to pay the annual cost of building a new office building, which has been in Austin Energy's financial and rate forecasts since 2012. The construction project was not in the rate case because rates must be based on a test year that occurred in the past. The test year upon which current rates are based was 2009.

**QUESTION 3)** Has staff prepared a cost-benefit analysis for rehabilitating an existing building? If so, please provide that analysis, along with any other material that would help explain the decision-making process underscoring this proposal.

ANSWER 3) In 2012, after reviewing 26 buildings for possible purchase, staff evaluated three most likely office buildings for suitability. Most buildings considered were rejected for location, size, age and the existence of long-term leases with third parties. The three most appropriate buildings were office buildings, not warehouses or wafer fabrication plants. All were along Interstate 35; two were in their fourth decade, one was newer. Austin Energy conducted site visits and investigated the buildings to determine general condition and performance of mechanical, electrical and plumbing systems. Factors such as structural integrity, handicapped accessibility, building envelope and ease of maintenance were considered fully. Each of these buildings was scored and evaluated using standard criteria. Estimated remodeling and renovation costs were applied to each and after a thorough operational and financial review, it was determined that an option to build would be the best approach considering all the risks and cost associated with purchasing an existing building. Please see attachment.

**QUESTIO 4)** Please estimate the short-term and long-term impact on rates.

ANSWER 4) There will be no short-term or long-term impact on electric rates. The money needed to build the structure will be financed over a 30-year period. The new principal and interest payments will not trigger a rate change, in part because upon completion of the East Riverside Complex, lease payments (embedded in the 2009 test year) will decrease commensurately.

**Attachments A and B to follow**

AUSTIN ENERGY

July 2012

Building Purchase Suitability Matrix

	Actual Square footage	Percentage of building available by Jan. 2017	Square footage suitibility 1 to 5	Cost per square foot 1 to 5	Existing conditions to 5	1 Infra-structure to 5	Location 1 to 5	Energy efficiency 1 to 5	Environmental 1 to 5	Renovation cost 1 to 5	Growth potential Y/N	Financing Y/N	Amenities Y/N	Economic impact Y/N	Neighbor-hood impact Y/N	Transit availability Y/N	Total Score
Building 1	160,001	100	4	4	4	4	4	2	0		y	n	y	y	y	y	27
Building 2	118,000	56	2	4	3	4	4	2	0		n	n	y	n	n	y	21
Building 3	154,939		5	3	4	4	5	2	0		y	n	y	y	y	y	28
Building 4	202,834		1	3	5	5	4	3	0		y	n	n	y	y	y	25
Building 5	235,121	N/A	1	3	4	4	2	2	0		y	n	y	n	n	y	19
Building 6	123,280		5	4	3	4	3	2	0		n	n	y	n	n	y	23
Building 7	254,705	N/A	1	5	2	4	2	2	0		y	n	n	n	n	n	17
Building 8	119,858		2	4	3	5	3	2	0		n	n	y	n	n	y	21
Building 9	141,902		5	4	2	4	4	2	0		n	n	y	n	y	n	23
Scoring Criteria	Actual Square footage	Percentage of building available by Jan. 2017	Square footage suitibility 1 to 5	Cost per square foot 1 to 5	Existing conditions 1 to 5	Infra-structure 1 to 5	Location 1 to 5	Energy efficiency 1 to 5	Environmental 1 to 5	Renovation cost 1 to 5	Growth potential Y/N	Financing Y/N	Amenities Y/N	Economic impact Y/N	Neighbor-hood impact Y/N	Transit availability Y/N	Total Score
Criteria Definitions			Ideal is 120k to 150k = 5, Good is 151k to 175k=4, Oversized is 176k to 200k=3, Poor is 100k to 119k= 2, Unacceptable is over 200k or under 100k=1; Score 1 to 5.	< or = \$100=5, \$101 to \$125=4, \$126 to \$150=3, \$151 to \$175=3, \$176 to \$200=2, >\$201=1; Score 1 to 5	Is the building in good condition with respect IAQ, maintenance, MEP, mold, asbestos and ADA compliant etc? Score 1 to 5.	Does the building have all the required utilities in the capacity we would require? Is there adequate access to public transportation? Are roadways adequate to move employee traffic? Score 1 to 5.	Does the building's location align with the location of employee homes. Is the commute for the majority of employees going to be less mileage? Distance to TLC and access to public transportation Score 1 to 5.	How energy efficient or sustainable is/will the facility be when renovation is completed? Score 1 to 5.	What is environmental impact of an AE purchase or construction at the site? This can include employee carbon footprint due to travel time changes, storm water runoff, habitat etc. Score 1 to 5.		Does the building or the site have floor space or site space adequate for AE future growth? Yes or No?	Will the facility be easy to finance at an acceptable term and rate? Yes or No?	Are there amenities available to employees with regard to wellness, eateries, banking general conveniences and parking? Yes or No?	Would this purchase have a positive economic impact to Austin metorpolitan region? Yes or No?	Does this project create jobs and does it support local business. Also does our long term presence bring any enhancements to the immediate neighborhood? Yes or No?	Is public transportation available to the building? Yes or No?	Highest possible score is 42

AUSTIN ENERGY

July 2012

Building Purchase Suitability Matrix

	Actual Square footage	Percentage of building available by Sept. 2017	Square footage suitibility 1 to 5	Cost per square foot 1 to 5	Existing conditions 1 to 5	Infra-structure 1 to 5	Location 1 to 5	Energy efficiency 1 to 5	Environmental 1 to 5	Renovation cost 1 to 5	Growth potential Y/N	Financing Y/N	Amenities Y/N	Regional economic impact Y/N	Neighbor-hood impact Y/N	Transit availability Y/N	Total Score
Building One	160,001	100	4	4	4	4	4	2	0	4	y	n	y	y	y	y	31
Building Two	154,939	79	5	3	4	4	5	3	0	3	y	n	y	y	y	y	32
Building Three	202,834	100	1	3	5	5	4	3	0	5	y	n	n	y	y	y	30
Scoring Criteria	Actual Square footage	Percentage of building available by Sept. 2017	Square footage suitibility 1 to 5	Cost per square foot 1 to 5	Existing conditions 1 to 5	Infra-structure 1 to 5	Location 1 to 5	Energy efficiency 1 to 5	Environmental 1 to 5	Renovation cost 1 to 5	Growth potential Y/N	Financing Y/N	Amenities Y/N	Regional economic impact Y/N	Neighbor-hood impact Y/N	Transit availability Y/N	Total Score
Criteria Definitions			Ideal is 120k to 150k = 5, Good is 151k to 175k=4, Oversized is 176k to 200k=3, Poor is 100k to 119k= 2, Unacceptable is over 200k or under 100k=1; Score 1 to 5.	< or = \$100=5, \$101 to \$125=4, \$126 to \$150=3, \$151 to \$175=3, \$176 to \$200=2, >\$201=1; Score 1 to 5	Is the building in good condition with respect IAQ, maintenance, MEP, mold, asbestos and ADA compliant etc? Score 1 to 5.	Does the building have all the required utilities in the capacity we would require? Is there adequate access to public transportation? Are roadways adequate to move employee traffic? Score 1 to 5.	Does the building's location align with the location of employee homes. Is the commute for the majority of employees going to be less mileage? Distance to TLC and access to public transportation Score 1 to 5.	How energy efficient or sustainable is/will the facility be when renovation is completed? Score 1 to 5.	What is environmental impact of an AE purchase or construction at the site? This can include employee carbon footprint due to travel time changes, storm water runoff, habitat etc. Score 1 to 5.	Cost is \$40 to \$50/SF	Does the building or the site have floor space or site space adequate for AE future growth? Yes or No?	Will the facility be easy to finance at an acceptable term and rate? Yes or No?	Are there amenities available to employees with regard to wellness, eateries, banking general conveniences and parking? Yes or No?	Would this purchase have a positive economic impact to Austin metorpolitan region? Yes or No?	Does this project create jobs and does it support local business. Also does our long term presence bring any enhancements to the immediate neighborhood? Yes or No?	Is public transportation available to the building? Yes or No?	Highest possible score is 42



## MEMORANDUM

**TO:** Mayor and Council  
**FROM:** Mark Washington, Human Resources and Civil Service Director  
**DATE:** June 24, 2014  
**SUBJECT:** Council Question and Answer – Item 24

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The purpose of this memorandum is to respond to the following questions received regarding the adoption of the Municipal Civil Service (MCS) Rules as recommended by the Municipal Civil Service Commission:

1. *Does Exhibit A include all of the Commission's recommended changes?*
2. *As requested at the June 12<sup>th</sup> Council Meeting, can you please also provide a document with the changes proposed by AFSCME and the city staff position on the proposed changes?*

The proposed MCS Rules attached as Exhibit A to Item 24 on the June 26, 2014 Council Agenda include all of the Commission's recommended changes. I recommended Rules to the MCS Commission in November 2013, and the Commission met 14 times over seven months to review and modify the Rules. The Commission considered input from AFSCME, Staff, Employees, and Citizens. AFSCME actively participated in and provided written draft rules to the Commission on several occasions. The Commission's May 6, 2014 recommended MCS Rules to Council included 87 vetted modifications. It is staff's position to not support any additional modifications to the Rules that were not endorsed by the Commission. Staff also had concerns with the recommended Rules, but agreed to implement the Rules as recommended and revisit the areas of concern within a year since the Rule process was well vetted.

Staff received a copy of the memo AFSCME provided to the Council Members on June 12, 2014. On Thursday, June 19, 2014, HR Staff met with AFSCME to discuss the memo. Additionally, staff has provided analysis on the proposal. AFSCME's proposal contains sixteen proposed changes. Thirteen of these changes were previously considered by the Commission, and the Commission chose to not include AFSCME's requested modification in their recommended Rules. One item was not addressed with the Commission during the review process. And finally, two requested changes are clarifications items that did not change the Commission's intent. Staff added these two items to Exhibit A, which treats the Denial of Promotion the same as other personnel actions as discussed in Rule 7.

Attached to this memo is the staff analysis of the items brought forward by AFSCME. If you have any questions, please feel free to contact me.

Attachment

**Staff Analysis of AFSCME June 6, 2014 Recommendations**

RULE	AFSCME Recommendation	STAFF Feedback	ANALYSIS
<b>RULE 4 – HIRING, PROMOTIONS, AND LATERAL TRANSFERS</b>			
<b>4.05. –</b> Selection or Direct Appointment Criteria	<p>"As part of Merit and Fitness, the Department may require job-related criteria, such as background checks, drug and alcohol testing, and employment reference checks on any Selection or Direct Appointment. Drug and alcohol testing and criminal background investigations will be conducted when required by City policy, <del>procedure</del>, state, and/or federal law."</p>	<p>Staff does not recommend including the modification.</p>	<p>Commission considered draft language by AFSCME; comment received through citizens' communication, the City's current policy and procedures, as well as practices in other Cities and developed the language recommended to Council.</p> <p>City-wide CBIs are a practice referenced in City procedures since 1990, and are intended as a risk mitigation strategy to ensure the safety, well-being and fiduciary responsibility entrusted of the City with regards to financial responsibilities and vulnerable populations.</p> <p>A 2010 and 2013 City Auditor Report advised implementing further procedures to safeguard the public, job applicants, City employees, City assets and the City's reputation to mitigate risk.</p> <p>The Ban the Box resolution amended the employment application to remove disclosure of past criminal history on the initial job application process.</p> <p>Prior to selecting new employees, the Personnel Policies include a provision to assure that the appropriate procedures are used (Section II.A.1.a) and are "... in accordance with established Human Resources procedures".</p> <p>The Commission asked that the Rules be amended to be made more specific and less open to interpretation, and to specifically add the word "procedure."</p>

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<b>RULE 5 – REDUCTION-IN-FORCE</b>			
<b>5.01 –</b> Reduction-In-Force	<p>"A Reduction-in-Force <del>is the elimination of a Position or job function in a Department due to lack of work, shortage or loss of funding, including external funding, or other reasons of business necessity that results in the involuntary separation of at least one (1) Employee in that Department.</del>" of Employees may occur when it becomes necessary for the City to effect immediate reductions in the size of the City work force."</p>	<p>Staff does not recommend including the modification.</p>	<p>Commission considered draft language by AFSCME; comment received through citizens' communication, the City's current policy and procedures, as well as practices in other Cities and developed the language recommended to Council.</p> <p>AFSCME's language mirrors the Personnel Policy language, increases the amount of Employees that constitute a RIF to more than one employee, and looks to the City rather than any individual Department with regards to recall and reinstatement.</p> <p>The Commission chose to include language in the RIF Rule that is more expansive from current Policy. The revision requested by AFSCME does not continue to provide the clarity the Commission proposed.</p>
<b>5.02 –</b> Procedures for Reduction-In-Force	<p>It is AFSCME's position that 5.02 should be eliminated. Since Section 4(D) (5) of Article IX of the Charter (<i>Attachment F</i>) states that the rules should contain the procedure for RIFS, no procedure separate from these rules should exist.</p>	<p>Staff does not recommend including the modification.</p>	<p>Commission considered draft language by AFSCME; comment received through citizens' communication, the City's current policy and procedures, as well as practices in other Cities and developed the language recommended to Council.</p> <p>Article IX requires provisions governing "procedures for reductions in force that give consideration to the affected employees' length of service and past work performance." The Rules contain provisions governing procedures for RIFs consistent with Article IX.</p>
<b>5.03.C.2 –</b> Criteria for Determining Affected Employees	<p>"Second, all other Employees shall be separated based on Length of Service with the City as the first criterion and documented past work performance as the second criterion. The employee last hired by the City without a break in service shall be separated first. If there is</p>	<p>Staff does not recommend including the modification.</p>	<p>Commission considered draft language by AFSCME; comment received through citizens' communication, the City's current policy and procedures, as well as practices in other Cities and developed the language recommended to Council.</p> <p>This is contrary to modern human</p>

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	<p>a tie in Length of Service, it shall be broken by ranking affected employees according to documented performance appraisals for the previous twelve (12) months. If the documented past performance is equal, the Human Resources Director shall select by lot the employee who will be separated.</p> <p><del>management's assessment of the Employees' documented past work performance and length of service with the City beginning with the Employee last hired by the City without a break in service. When these factors are equal in the judgment of management, the Employee last hired by the City without a break in service shall be separated first.</del></p>		<p>resources practices. The Commission language is best practice and allows the City to hire and retain the best workforce.</p> <p>The Rules are new, policies and procedures will be aligned with the Rules, and thus, we ought not to rely entirely on current practices and procedures to draft our new Municipal Civil Service Rules.</p> <p>Employee Focus Groups indicated a desire for weighting documented past work performance equally with seniority <b>or</b> in the alternative for documented past work performance to carry greater weight than seniority.</p> <p>Measuring performance objectively is more complex while seniority makes for an appropriate tiebreaker, as it is easy to quantify.</p> <p>The Commission's language ensures that RIFs are carried out in an objective manner.</p>
<p><b>5.03.D</b> – Notice of Separation to Affected Employees</p>	<p>Add: "Upon recommendation of the Director of Human Resources, the City Manager may provide up to twelve weeks of severance pay to an employee who has been laid off."</p>	<p>Staff does not recommend including the modification.</p>	<p>AFSCME did not propose language regarding severance pay in its previous written feedback or comment to the Commission; therefore, the Commission has not discussed this item.</p> <p>This provision is already in the Personnel Policies.</p> <p>If the MCS Rules do not supersede a specific personnel policy, the policy remains.</p>
<p><b>5.04.C.1</b> – Recall and Reemployment of Affected Employees</p>	<p>AFSCME is recommending that section 5.04C be amended to read as follows:</p> <p>"An affected employee shall be placed on a <del>Department</del> Citywide reemployment list for a period of one year following the effective date of the layoff. The recall list shall be used to fill</p>	<p>Staff does not recommend including the modification.</p>	<p>The Commission discussed section 5.04.C.1. at its November 19, 2013 meeting and AFSCME provided citizens communication <b>BUT</b> with a focus on the length of the recall period and not the scope of the reemployment list.</p> <p>The Commission supported a department</p>

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	a vacant Position within the same Classification <del>in the same Department</del> from which the employee was laid off. The last employee laid off shall be the first employee recalled and shall continue in that order. Nothing herein shall be construed as a guarantee of reemployment "		recall due to the differences in work performed by each department.
<b>RULE 6 – DISCIPLINARY ACTIONS</b>			
<b>6.02.B.4.g.</b> – “Cause” Defined: Unacceptable Personal Conduct	Remove: "conduct that results in conviction (including deferred adjudication or a plea of no contest) of a crime that renders the Employee unsuitable for the Position held by the Employee"	Staff does not recommend removing.	Commission considered draft language by AFSCME; comment received through citizens’ communication, the City’s current policy and procedures, as well as practices in other Cities and developed the language recommended to Council.  AFSCME previously proposed eliminating this section in its <i>January 21, 2014 AFSCME’s Recommended Municipal Civil Service Rules</i> provided to the MCS Commission. Throughout the Rule review process, the Commission regularly referred to AFSCME’s draft of the Rules and did not adopt AFSCME’s recommendation to this section of the Rules.
<b>6.02.B.6</b> – “Cause” Defined: Ineligibility	Add: “Ineligibility-failure to maintain a license, certification, other qualification or job-related criteria, <b>including failure to pass a criminal background investigation due to a relevant conviction</b> , that results in the inability to perform an essential job function required for the Position held by the employee.”	Staff does not recommend including the modification.	CBIs and other ineligibilities were discussed by the Commission; however, this is new language that was not considered by the Commission.  Commission considered written feedback from AFSCME regarding section 6.02 at its December 3 and 17, 2013 meetings. The Commission Interest Log reflects item discussed on this section and four of five Commissioners weighed in. This changes the intent of the Commission recommendation.
<b>6.02.B.8</b> – “Cause” Defined:	“Unsafe behavior- <b>intentional</b> failure to follow established workplace safety rules, standards, and guidelines.”	Staff does not recommend including the	Commission considered draft language by AFSCME; comment received through citizens’ communication, the City’s

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Unsafe Behavior		modification.	<p>current policy and procedures, as well as practices in other Cities and developed the language recommended to Council.</p> <p>AFSCME proposed this change in its <i>January 21, 2014 AFSCME's Recommended Municipal Civil Service Rules</i>; language was considered by Commission and the Commission did not adopt. This changes the intent of the Commission recommendation.</p> <p>AFSCME's language is narrow and does not take into account, for example, a reckless disregard for established workplace safety rules, standards, and guidelines.</p>
<b>6.02.B.10</b> – “Cause” Defined: Rules Violation	Remove: "Rules Violation - violation of applicable City work rules or Department work rules, including City personnel policies, procedures and administrative bulletins."	Staff does not recommend removing.	<p>Commission considered draft language by AFSCME; comment received through citizens' communication, the City's current policy and procedures, as well as practices in other Cities and developed the language recommended to Council.</p> <p>AFSCME proposed this change in its <i>January 21, 2014 AFSCME's Recommended Municipal Civil Service Rules</i>; removing the language was considered by Commission, and the Commission did not adopt.</p> <p>Staff is not aware of any procedures in place that do not reflect policies approved by Council.</p> <p>Rules Violation, including violation of work rules is typically included in cause for discipline in other cities and in Chapter 143 of the Texas Local Government Code specific to the Civil Service protection provided to police officers, firefighters, and emergency medical services personnel.</p>
<b>6.03.B.3</b> – Administration	AFSCME recommends that section 6.03B (3) be amended to read as follows:	Staff does not recommend	At the December 3, 2013 and January 21, 2014 Commission meetings,

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of Employee Discipline: Factors Considered in Administering Disciplinary Action	"the manner in which similar conduct has been addressed in the past by the <del>Department</del> City;"	including the modification.	Commissioners discussed and directed staff to add "by the Department" by unanimous consent to this section.
<b>6.03.D</b> – Employee Representation	1) When an Employee May Bring a Representative  An Employee may bring a representative of their choice to the following types of meetings: a pre-disciplinary meeting, a meeting formally requested by management at which discipline will be issued, a performance improvement plan (PIP) issuance meeting, and an Investigatory Interview at which the Employee is a complainant, witness, or Respondent (hereinafter referred to collectively as "meetings")."	Staff does not recommend including the modification.	Commission considered draft language by AFSCME; comment received through citizens' communication, the City's current policy and procedures, as well as practices in other Cities and developed the language recommended to Council.  The Commission referred to AFSCME's recommendation on Representation language throughout the seven (7) month Rule Review process. To address the concern of Witnesses, the Commission outlined steps an investigator interviewing a witness ought to take when he or she reasonably believes that the witness may become a Respondent. The Commission did not vote to include witnesses as a group that was guaranteed Representation.
<b>Rule 7 – Appeals to the Commission</b>			
<b>7.02.A.1</b> – Departmental Grievance Process	"The Employee shall file a written grievance with the Employee's next-level manager or supervisor in the Employee's chain of supervision that did not issue the Disciplinary action or deny the Promotion within twenty (20) Business Days of the action."	Modification made in Exhibit A.	It was the intent of the Commission that Denial of Promotion would be treated the same as the other personnel actions discussed in these sections.  Staff added this item to Exhibit A.
<b>7.05.A.2</b> – Submission of Hearing Information: Department's Submission	"The Department's submission shall include .... all performance appraisals and disciplinary actions concerning the Employee for the three (3) Years immediately preceding the Disciplinary Action or Denial of Promotion under Appeal.	Modification made in Exhibit A.	It was the intent of the Commission that Denial of Promotion would be treated the same as the other personnel actions discussed in these sections.  Staff added this item to Exhibit A.
<b>7.06.H</b> – Order of Conducting	3. "The Commission shall permit the parties to make an opening statement	Already addressed in	Not necessary; properly addressed in the Special Rules in Rules 7.08.C., 7.09.C.,

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Hearings	<p>concerning the Appeal. The party with the burden of proof shall go first."</p> <p>6. "The Commission shall permit the parties to make a closing statement. The order of the party's closing statement will be the same as the order of the opening statement."</p>	Special Rules	<p>and 7.10.B.</p> <p>AFSCME language is contrary to common practice, which permits the party with the burden to have the first and last statement to the jury.</p>
7.08.C – Special Rules for Disciplinary Appeals	<p>AFSCME is recommending that the phrase "and may make the final closing statement to the commission" be removed from these sections, as it conflicts and the City's current Grievance Procedure. The order of the closing statements has been addressed in our recommended changes in 7.06H (6).</p>	Already addressed in Special Rules	<p>Not necessary; properly addressed in 7.06.H.6. The AFSCME language proposed is contrary to common practice which permits the party with the burden to have the first and last statement to the jury.</p>



Solicitation #		TVN0035				
Solicitation Description		PDRD Organization Assessment				
Evaluator Matrix						
Criteria #	Description	PTS				
			Zucker Systems	KPMG	Matrix Consulting Group	Kaeppel Consulting
			San Diego, CA	Austin, TX	Mountain View, CA	San Antonio, TX
			Score	Score	Score	Score
1	System Concept & Solution Proposed	30	24.30	22.50	21.50	12.50
2	Demonstrated Applicable Experience & Personnel Qualifications	25	23.30	21.50	16.50	10.50
3	Schedule	15	12.50	11.50	8.50	9.30
4	Cost	20	10.02	5.97	20.00	2.89
5	Local Business Presence	10	2.00	10.00	0.00	0.00
	Sub Total Score	100	72.12	71.47	66.50	35.19
6	Interview Finalist	25	21.00	18.25		
	Total Score	125	93.12	89.72	66.50	35.19