

**City Council Questions and Answers for  
Thursday, February 26, 2015**

These questions and answers are related to the  
Austin City Council meeting that will convene at 10:00 AM on  
Thursday, February 26, 2015 at Austin City Hall  
301 W. Second Street, Austin, TX



**Mayor Steve Adler**  
**Mayor Pro Tem Kathie Tovo, District 9**  
**Council Member Ora Houston, District 1**  
**Council Member Delia Garza, District 2**  
**Council Member Sabino "Pio" Renteria, District 3**  
**Council Member Gregorio Casar, District 4**  
**Council Member Ann Kitchen, District 5**  
**Council Member Don Zimmerman, District 6**  
**Council Member Leslie Pool, District 7**  
**Council Member Ellen Troxclair, District 8**  
**Council Member Sheri Gallo, 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**

1. Agenda Item # 7: Authorize negotiation and execution of a legal services agreement with Webb & Webb, Attorneys at Law, for legal representation, advice, and counsel relating to the administrative appeal to the Public Utility Commission of Texas of retail water and wastewater rates charged to customers within River Place, for a total contract amount not to exceed \$777,000.
  - a. QUESTION: 1) Why is this figure so large? Over the past 3 years, what cases has the City of Austin contracted with Webb & Webb? 2) Per each case, what is the total contracted not to exceed dollar amount? 3) Per each case, what is the total amount the City of Austin has paid to Webb & Webb? 4) Which cases are still ongoing? 5) Before deciding to spend \$777,000; may the Council be briefed on the ongoing cases that Webb & Webb is handling? 6) What is the expected annual additional revenue generated by the Austin Water Utility from the River Place MUD residents vs. what the petitioners are asking for?  
COUNCIL MEMBER ZIMMERMAN'S OFFICE
  - b. ANSWER: 1) The City retained Webb & Webb to represent the city in a Wholesale Water Rate Appeal filed by four wholesale customers. Eight months into the rate case, three of the wholesale customers filed new cases challenging their wholesale wastewater rates as well. The Public Utility Commission (PUC) consolidated those cases and council approved an increase in the scope of the contract with Webb & Webb to represent the city in the consolidated matter. 2) The budget for Webb & Webb to represent the city in the consolidated matter is \$1,171,000.00. The amount includes all estimated rate case expenses including fees for rate consultants and expert witnesses, which are substantial. 3) To date the city has spent \$939,958.35, which includes the rate consultants and expert witness fees. 4) The consolidated case is pending. The case is currently in the second week of the administrative hearing. 5) Yes. The Law Department will send a legal memo on the ongoing rate case. 6) The petitioners did not ask for a rate that they believe they should be charged; they assert that the City's rates are not just and reasonable, based upon the cost to provide water and wastewater service to them. The gross revenue estimated to be generated over FY 2014-2015 from Austin Water Utility customers who were previously served by River Place MUD is \$2.3 million.

2. Agenda Item # 16: Authorize award and execution of a 36-month contract with CDW GOVERNMENT, LLC., to provide electric visual display systems for Austin-Bergstrom International Airport in an amount not to exceed \$1,600,000, with two 12-month extension options in an amount not to exceed \$200,000 per extension option, for a total contract amount not to exceed \$2,000,000.
  - a. QUESTION: Looking at the bids, it appears that QA Systems, Inc had a lower initial purchase, but a slightly higher total price than CDW Government, LLC of Vernon Hills, IL. Were any points awarded to QA Systems since it is an MBE and local Austin vendor? COUNCIL MEMBER ZIMMERMAN'S OFFICE
  - b. ANSWER: Local Presence could not be considered in this award because while QA Systems has an Austin address, they are not located in the Austin Corporate City Limits, which is the requirement to qualify for local presence consideration.
3. Agenda Item # 20 - Authorize award, negotiation, and execution of three 24-month contracts with KEMA, INC., GDS ASSOCIATES, INC. and LEIDOS INC., or one of the other qualified offerors to RFP No. OPJ0112, for demand side management consulting services in an amount not to exceed \$1,000,000 each and combined with two 12-month extension options in an amount not to exceed \$500,000 each and combined, for a total amount not to exceed \$2,000,000.
  - a. QUESTION: 1) Why is this contract coming forward now? 2) Are there any particular studies being contemplated under this contract at this time? 3) Has Austin Energy engaged multiple consultants previously for future potential studies? 4) If this item is approved, will there be updates to the EUC and/or the Council Committee on forthcoming studies? MAYOR PRO TEM TOVO'S OFFICE
  - b. ANSWER: 1) Austin Energy's specialized distributed energy resource services contract, utilized since 2011, expired on January 31, 2015. The consultants were available for use only as necessary, to supplement staff expertise. Data and updated studies received through the previous contract were integrated in reports to City Council, boards and commissions and task forces. Austin Energy requests the contract to be in place to provide access to tools such as modeling and access to data and expertise. The prior contract supported distributed energy resource programs in several ways including: developing a roadmap and implementation strategy for innovative demand response programs; conducting and updating energy efficiency potential in the Austin market; evaluating best practice weatherization programs delivered through other utilities; assessing solar potential and associated costs; and evaluating savings potential for specific packages of retrofits in the multifamily sector. 2) Yes, there are new technologies and potential programs Austin Energy is planning to start late this calendar year and early 2016. Austin Energy is deploying an Advanced Distribution Automation System that has the

capability to implement Conservation Voltage Reduction (CVR) on selected distribution feeders that would contribute to our savings goals. There are a number of factors that will need to be studied in order to optimize how Austin Energy implements CVR and which feeders are the most economical to implement, as well as the operational strategy to maximize value in the Electric Reliability Council of Texas (ERCOT) market. In addition, the current Resource Generation Plan, approved by City Council in December 2014, requires additional study to determine if technological developments and progress toward goals as well as rate adjustments can increase demand response potential by 100 MW bringing the 2025 goals for energy efficiency and demand response to 1,000 MW. Similarly, the plan calls for attainment of solar and storage goals, an expertise that was sought from the bidders. This contract will also assist Austin Energy in providing support to boards, commissions and task forces including the Low Income Consumer Advisory Task Force. 3) Yes, under the prior contractual relationship, one of the consultants was engaged to perform the 2012 energy efficiency potential study, which was subsequently refreshed in 2014. These studies were then compared to data that Austin Energy receives from other organizations such as E-Source, American Council for an Energy-Efficient Economy and similar organizations. 4) Yes staff will provide updates to citizen commissions, task forces and the Council Committee.

4. Agenda Item # 34 - Approve an ordinance amending the fee schedule for temporary food permits. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison)

- a. QUESTION: 1) What is the permit fee for fixed establishments? Were these fees increased? 2) How many inspections occur at fixed versus temporary establishments? 3) Are there dedicated staff for fixed versus temporary establishments? If so, what is the ratio? 4) Was outreach conducted among temporary food establishments? MAYOR PRO TEM TOVO'S OFFICE
- b. ANSWER: See attachment
- c. QUESTION: 1) Please provide a breakdown of the number of temporary food permits pulled last year by individuals, nonprofits, and businesses, and a breakdown of the type of events these permits are used for (ex: fairs at schools, community events, private events, etc.). If possible, also provide a summary of how many of the businesses that pull temporary food permits are classified as small businesses. 2) Describe the process involved for pulling a temporary food permit, including the estimated cost for staff to process these applications, and how frequently on-site inspections are conducted for temporary food permits. 3) Please also include a list of stakeholders that were included in the July 30th stakeholder meeting that was mentioned in the staff memo sent on December 9, 2014, and explain how those stakeholders were selected. 4) Was everyone that had pulled a temporary food permit in the previous year notified of the change? COUNCIL MEMBER GARZA'S OFFICE

d. ANSWER: See attachment


5. Agenda Item # 40 - Approve a resolution directing the City Manager to identify funding options from the current budget for five full-time equivalent staff positions for the Mayor's Office and \$25,000 for each council office for the purpose of providing enhanced constituent services. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Leslie Pool CO 2: Council Member Sheri Gallo CO 3: Council Member Ann Kitchen)


a. QUESTION: 1) Please provide a breakdown of the vacant positions that will be transferred to the Mayor's office including the department, title, responsibilities of each position, how long each position has been vacant, and estimated salary range for each position. 2) Please provide an overall fiscal note for the entire proposal including the funding required for the positions including salary, benefits, and additional equipment for these staff such as computers and desks, and the \$250K for Council offices, including which department the \$250K will be allocated from. 3) Please provide a clear job description for each new position including processes for how performance will be measured. Each Council Committee has an assigned executive lead and staff liaison which was published as part of the backup for our work session discussion on our committee schedule. Please describe how these new positions would serve these committees beyond the existing assigned staff.  
COUNCIL MEMBER GARZA'S OFFICE

b. ANSWER: 1) Staff has not completed the work to identify the "vacant positions. The draft resolution states "The City Manager shall provide this information to the City Council no later than the March 10, 2015 work session, or as soon as possible." 2) The cost of adding 5 positions to the Mayor's office will be dependent on the salaries negotiated for the individuals hired to fill those positions. That information has not yet been provided to staff. However, if the collective salaries and benefits of the 5 new positions are equivalent to the collective salaries and benefits of the 5 existing positions authorized in the Mayor's office, and assuming a March 22, 2015 start date for the new hires, then the projected cost for the remainder of Fiscal Year 2014-15 is \$245,319. The projected annual cost is \$490,645. Information has not been provided in regards to where the new staff would be located but, if office furnishings are required, costs are projected in the range of \$4,250 to \$7,500 per office. Computer equipment is projected at \$1,500 per employee. In regards to the funding source for the \$250,000 for Council offices, similar to the above response, this work still needs to be done and a recommendation from staff would be brought back to Council pursuant to the resolution language no later than the March 10, 2015 Council work session. 3) A general job description will be added as late back up for the item, along with the proposed process for their service to the Mayor and Council regarding the committees. These positions will follow the normal process of performance review that is expected of all Council staff.

- c. QUESTION: 1) Outside a charter amendment, what mechanisms are available to create positions answerable to the Council as a whole? 2) Would creating five FTEs require a budget amendment and if so, would it require a waiver of our adopted financial policies, specifically policy # 3 under General Fund Financial Policies? What is the total fiscal impact of these FTEs including benefits? 3) Over the last two budget cycles, the Council directed the elimination of all non-essential vacancies. If the manager has already identified vacancies, please identify which positions and why they are now being deemed non-essential. MAYOR PRO TEM TOVO'S OFFICE
- d. ANSWER: 1) The charter would need to be amended if council wants to create a department of employees who answer directly to council as a whole body. Currently, the charter dictates that council as a body appoints the city manager, the city clerk, the city auditor, the municipal court clerk, and the municipal court judges. Each council member hires and directs the individual employees in his or her office. The city manager hires and directs all other employees. 2) A budget amendment will not be required if vacant positions are identified within other departments. If new positions are added, then a budget amendment would be required. But as this would be an amendment to the Support Services Fund, it would not be subject to the policy established for the General Fund. The cost of adding 5 positions to the Mayor's office will be dependent on the salaries negotiated for the individuals hired to fill those positions. That information has not yet been provided to staff. However, if the collective salaries and benefits of the 5 new positions are equivalent to the collective salaries and benefits of the 5 existing positions authorized in the Mayor's office, and assuming a March 22, 2015 start date for the new hires, then the projected cost for the remainder of Fiscal Year 2014-15 is \$245,319. The projected annual cost is \$490,645. Information has not been provided in regards to where the new staff would be located but, if office furnishings are required, costs are projected in the range of \$4,250 to \$7,500 per office. Computer equipment is projected at \$1,500 per employee. 3) Staff has not completed the work to identify the "vacant positions. The draft resolution states "The City Manager shall provide this information to the City Council no later than the March 10, 2015 work session, or as soon as possible."

**END OF REPORT - ATTACHMENTS TO FOLLOW**

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

 *For assistance, please call 512-974-2210 or TTY users route through 711.*



## Council Question and Answer

<b>Related To</b>	Item #34	<b>Meeting Date</b>	February 26, 2015
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### Additional Answer Information

**QUESTION:** What is the permit fee for fixed establishments? Were these fees increased?

How many inspections occur at fixed versus temporary establishments?

Are there dedicated staff for fixed versus temporary establishments? If so, what is the ratio?

Was outreach conducted among temporary food establishments? MAYOR PRO TEM TOVO'S OFFICE

### **ANSWER:**

What is the permit fee for fixed establishments? Were these fees increased?

Fixed Food Establishment Fees FY14		Fixed Food Establishment Fees FY15 (COS)	
# of Employees	Fee	# of Employees	Fee
1-9	\$310	1-9	\$456 ↑
10-25	\$435	10-25	\$519 ↑
26-50	\$620	26-50	\$580 ↓
51-100	\$805	51-100	\$642 ↓
>100	\$990	>100	\$704 ↓

How many inspections occur at fixed versus temporary establishments?

Fixed Establishments –

The goal of EHSD based on the national standard and existing Performance Measures is to conduct full food safety inspections on each fixed food establishment at least two times per a 12 month period. (2/yr.)

The following table includes all fixed food establishments for City of Austin, Travis County and ILA Jurisdictions.

Total FFE (City/County/ILA)	FY09	FY10	FY11	FY12	FY13	FY14
Inspections Needed	9370	9642	9800	9928	10332	10474
Inspections Conducted	7202	7535	8144	8034	8008	8620
Inspections Not Performed	<b>2168</b>	<b>2107</b>	<b>1656</b>	<b>1894</b>	<b>2324</b>	<b>1854</b>

Temporary Events -

- The goal of EHSD is to make at least one food safety field inspection of 1-5 day events and two food safety field inspections of 6-14 day events.
- Over the last 5 years (FY2010-2014) EHSD has inspected approximately 40% of temporary food booths permitted.
- With the additional FTE's provided in FY15, a new Performance Measure has been established to

inspect at least 60% of temporary event food booths permitted.

Are there dedicated staff for fixed versus temporary establishments? If so, what is the ratio?

- As of FY15 EHSD has 28 geographic districts including the City of Austin, Travis County and other ILA jurisdictions. These Sanitarians are responsible for inspecting over 5,200 fixed food establishments, and also work rotating weekends to inspect Temporary Food Events.
- EHSD has 4 Sanitarian Senior positions dedicated to Temporary Event Food Permits. This includes application review and approval and field inspections. Prior to FY15, in a typical week 2-3 inspectors (10-15% of the district staff) were flexing 20% of their work week to cover weekend temporary events.

Was outreach conducted among temporary food establishments?

List of Stakeholders for July 30, 2014 Meeting at Environmental Health Services

Organization	Point of Contact	Phone #	E-mail
Greater Austin Merchants Association (GAMA)	Sharif Prasla	512-374-1413	<a href="mailto:corporate@gamaus.com">corporate@gamaus.com</a>
TRA – Greater Austin Restaurant Association (GARA)	Susan Petty Don Miller	(512) 457-4100	<a href="mailto:spetty@tramail.org">spetty@tramail.org</a> <a href="mailto:Skeeterm@countyline.com">Skeeterm@countyline.com</a>
Austin Independent Business Alliance (AIBA)	Amy Vercruysse	512-441-2123	<a href="mailto:amy@ibuyaustin.com">amy@ibuyaustin.com</a>
Austin Permit Service	Melissa Hawthorne	(512) 474-4555	<a href="mailto:Melissa@austinpermit.com">Melissa@austinpermit.com</a>
Mercury Permits	Denise Reed	512-708-1171	<a href="mailto:Denise@mercurypermits.com">Denise@mercurypermits.com</a>
Austin Food & Wine Alliance	Paul Barnes	512-404-4050	<a href="mailto:info@austinfoodwinealliance.org">info@austinfoodwinealliance.org</a>

- To our knowledge there is not a formal association or stakeholder group representing temporary events in Austin.
- The FY15 fee changes were posted on the website, in our quarterly newsletter, and an email blast went out to all fixed and mobile operators for which we have contact data (approx. 4,500).





## Council Question and Answer

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### Additional Answer Information

**QUESTION:** Please provide a breakdown of the number of temporary food permits pulled last year by individuals, nonprofits, and businesses, and a breakdown of the type of events these permits are used for (ex: fairs at schools, community events, private events, etc.). If possible, also provide a summary of how many of the businesses that pull temporary food permits are classified as small businesses.

Describe the process involved for pulling a temporary food permit, including the estimated cost for staff to process these applications, and how frequently on-site inspections are conducted for temporary food permits.

Please also include a list of stakeholders that were included in the July 30th stakeholder meeting that was mentioned in the staff memo sent on December 9, 2014, and explain how those stakeholders were selected. Was everyone that had pulled a temporary food permit in the previous year notified of the change? COUNCIL MEMBER GARZA'S OFFICE

### **ANSWER:**

#### The number of Temporary Event Food Permits issued in FY14?

Numbers for the City of Austin (not including Fee Exempt events)			
FY	Total events	Fee Exempt Booths	Total booth permits issued
2012	1951	208	4358
2013	2286	215	5925
2014	1712	223	5207

(the creation of Farmers Market permit caused a reduction in FY14)

#### Breakdown by type?

For FY14 City of Austin only (not including fee exempt)		
Total Events	Total Booths	Days/Fee
1445	4359	1-2/\$35
84	241	3-5/\$70
183	384	6-14/\$90

- EHSD does not track data to provide the event type to the specificity requested.

#### Process for obtaining a Temporary Event Food Permit?

- Event organizer submits application with the proper documentation and fee amount.
- The application packet is reviewed for completion.
- Data entry is completed to create the folder.
- Cashiering completes the payment process and provides a receipt.
- Staff creates the permit for each booth and they are readied for pickup.

#### Cost of the Permit and Cost of Service Analysis(COS)?

Temporary Permit fees for FY14		Temporary Permit Fees for FY15 based on COS	
1-2 day event	\$35/booth	1-2 day event	\$98/booth*
3-5 day event	\$70/booth	3-5 day event	\$98/booth*
6-14 day event	\$90/booth	6-14 day event	\$145/booth

\*permit categories combined to a permit for 1-5 days.

#### 2013 Cost of Service Analysis -

In 2013 the City Budget Office required EHSD to conduct an analysis of all of the fees for service which the Environmental Health Services Division provides.

The COS was reviewed and approved by both HHSD and the CoA Budget offices.

The analysis included the following considerations:

- Average length of time for inspections including travel time and data entry.
- Average length of time for customer service processing, cashiering, and records management.
- Average cost of total compensation for the staff involved.
- City and Department overhead costs for facilities and administration.
- Departmental costs of contractual and commodities.

#### Frequency of inspections for Temporary Event Food Permits?

- The goal of EHSD is to make at least one food safety field inspection of 1-5 day events and two food safety field inspections of 6-14 day events.
- Over the last 5 years (FY2010-2014) EHSD has inspected approximately 40% of temporary food booths permitted. Prior to FY15, in a typical week 2-3 inspectors (10-15% of the district staff) were flexing 20% of their work week to cover weekend temporary events.
- With the additional FTE's provided in FY15, a new Performance Measure has been established to inspect at least 60% of temporary event food booths permitted.

#### List of Stakeholders?: how were they selected?: were all temp permit holders notified?

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