

**Agenda Questions/Responses
February 12, 2004**

11. What is the subject matter of this case? (Council Member Raul Alvarez)

The subject matter of this suit is the City's transportation user and drainage fees; Council was briefed on the case in December in executive session. Plaintiffs seek class action status and claim the City improperly administered collection of the fees, including the over-age-65 exemption.

21. What was Milestone 1 of the project? In what way did the non-responsive contractor fail to meet Milestone 1? Why is there a \$360,000 bonus amount for this project? Why is the contingency for this project 25 percent instead of 10 percent? (Council Member Raul Alvarez)

The completion date of construction from Town Lake Bridge to 9th Street is no later than January 31, 2005. This coincides with the opening of the new Whole Foods Market.

Texas Sterling's schedule indicated they would begin the center lanes of Milestone 1, which extends from Town Lake to 9th Street, after the completion date of January 31, 2005. As a result, Texas Sterling would begin the project already incurring liquidated damages of \$4000 per day. Since the schedule is inconsistent with the contract documents and time is of the essence on the project, the bid was rejected.

The bonus is an incentive for early completion of the project. This is an extremely complex project with high risk to the contractor due to the schedule. The bonus also served as an incentive to bid the project. Only two contractors were willing to bid it, even with the bonus potential.

The utilities in Lamar were originally installed in the 1920s. Because the utilities are so old, and because the schedule for the work is so tight, a larger contingency was requested so that work would not be held up to obtain approval for funding for unexpected scopes of work. In addition, since time is of the essence and the contract calls for significant penalties and bonuses, the contingency allows the City to promptly process change orders and avoid delays that could impact the contractor's ability to achieve the bonus.

23. Please provide a list of firms on the current list. (Council Member Raul Alvarez)

A list of the firms has been provided via e-mail attachment to Council Offices.

- 37. At the last Council Meeting, Council Member Alvarez requested a summary of unpaid leave for Judge Castro for the past 2 years. Please provide that summary. (Council Member Raul Alvarez)**

Answer Forthcoming

- 38. Please provide a copy of the existing ordinance. Also, please provide the minutes of the Council Meeting when the latest ordinance was adopted. (Council Member Raul Alvarez)**

Answer Forthcoming

AHFC-2. Does the proposed tract have appropriate zoning? (Council Member Raul Alvarez)

Yes. The Stassney Woods Apartments is an existing building so zoning was in place at the time it was built (MF-3-NP). This is a refinancing action. The Stassney Woods Apartments consist of 288 units, and will continue to consist of 288 units after this action.