



City of Austin

301 W. Second Street
Austin, TX

Agenda

Questions and Answers Report

Mayor Steve Adler

Mayor Pro Tem Kathie Tovo, District 9

Council Member Ora Houston, District 1

Council Member Delia Garz, District 2

Council Member Sabino "Pio" Renteria, District 3

Council Member Gregorio Casar, District 4

Council Member Ann Kitchen, District 5

Council Member Jimmy Flannigan, District 6

Council Member Leslie Pool, District 7

Council Member Ellen Troxclair, District 8

Council Member Alison Alter, District 10

Thursday, February 1, 2018

Austin City Hall

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

QUESTIONS FROM COUNCIL

2. **Agenda Item #2:** Approve an ordinance authorizing acceptance of \$167,000 in grant funds from the Duffield Family Foundation, dba Maddie's Fund and amending the Fiscal Year 2017-2018 Austin Animal Services Office Operating Budget (Ordinance No. 20170913-001) to appropriate \$167,000 for the Community Outreach Program.

QUESTION:

Please provide any budget related data regarding the Animal Services Neighborhood Level Program pilot started in February 2017.

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

The Neighborhood Level Program (NLP) began in February 2017 and was funded through a grant received by Maddie's Fund. The Animal Services Office (ASO) was awarded \$1.1 million from Maddie's Fund and these dollars fund a number of initiatives including NLP. To date, ASO has spent \$45,000 in personnel costs and another \$11,000 in contracts and commodities for NLP.

5. **Agenda Item #5:** Authorize the negotiation and execution of a cost participation agreement with Austin Community College (ACC) under which the City will reimburse ACC for an amount not to exceed \$2,528,230 for costs associated with the design and construction of an oversized wastewater main and appurtenances related to Service Extension Request No. 3145 that will provide wastewater service to a proposed mixed-use development located at 5900 Airport

Boulevard.

QUESTION:

Please explain the cost increase of the agreement with Austin Community College from \$1,067,570 to \$2,528,230 for costs associated with the design and construction of an oversized wastewater main and appurtenances related to Service Extension Request No. 3145.

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

At the October 19, 2017 City Council meeting, Austin Water staff presented this RCA for consideration. The Water and Wastewater Commission recommended the approval of the cost participation agreement. However, the item, upon the request by the Owner (Austin Community College), was postponed by City Council.

Since those meetings, the Owner has publicly bid this project and received bids from contractors on the construction plans. Based on those bids, the cost of the project has significantly increased. The reasons for the increases include:

- The higher cost of materials (manholes and the 30-inch wastewater pipe),
- Traffic control, and
- Driveway and sidewalk repair

The higher cost of materials is due to the lack of history for the cost of a 30-inch wastewater pipes. These are large-sized pipes that are not used on a frequent basis. The Owner's Design Engineer indicated to Austin Water staff that the cost of the pipe material was underestimated.

Additionally, Airport Boulevard is a protected corridor because of its value and use as a major transportation link and construction work in the City's right-of-way is limited during the day. This results in higher costs for the contractor because of the shorter amount of time allocated for work in the right-of-way in order to minimize the impact upon traffic during the morning and early evening hours. The Owner's Design Engineer underestimated the impact upon the contractor's amount of time to perform work in the City's right-of-way.

Initial estimates from the Owner's design engineer did not take into consideration the number of driveways and sidewalks that needed to be repaired as part of the installation of the wastewater mains.

7. **Agenda Item #7:** Authorize execution of change order #11 to the construction contract with DeNucci Constructors, LLC, for the 3rd Street Reconstruction Phase 2 - Congress Avenue to Brazos Street and San Jacinto Boulevard to Trinity Street project in the amount of \$51,941.18, for a total contract amount not to exceed \$2,709,818.48.

QUESTION:

What was the level of public engagement between the Public Works Department and the businesses on 3rd Street regarding the elimination of the specific driveways prior to the implementation of the project? What was the nature of the input from the businesses regarding this action? How was the decision made to eliminate the driveways after the engagement? Does the funding for the change order come from the existing budget of Public Works?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

What was the level of public engagement between the Public Works Department and the businesses on 3rd Street regarding the elimination of the specific driveways prior to the

implementation of the project?

There was a robust public engagement process surrounding the Great Streets initiative that included proposed improvements along 3rd Street. The project team met with the Downtown Austin Alliance as early as June of 2012 to discuss the project and there were subsequent meetings with the DAA after that date. The project team personally met with all of the corridor property and business owners throughout the limits of all four 3rd Street projects to update them during the design process on any impacts that would affect them. The list of businesses contacted includes, but is not limited to, 301 Congress building (NE corner of 3rd/Congress), LaPena (SE Corner of 3rd/Congress), Vince Young Steakhouse, Ironwood Realty, Fogo De Chao, Thomas Reprographics, and Personal Wine. Participation was voluntary and it does not appear that many of the businesses took advantage of the process during the project planning phase(s).

What was the nature of the input from the businesses regarding this action? How was the decision made to eliminate the driveways after the engagement?

After the beginning of construction, several businesses raised concerns regarding access. Most of these issues were resolved with a more detailed explanation of the project parameters. However, the particular business that brought suit against the City raised some persistent concerns about access to their existing parking. The City and the landowner engaged in negotiations regarding access alternatives over an extended period of time. The current change order reflects the parties best agreed solution to the situation and will restore access to pre-construction conditions while maintaining the integrity of the project.

Does the funding for the change order come from the existing budget of Public Works?

Funding for this change order is within the base line budget.

8. **Agenda Item #8:** Authorize award and execution of a construction contract with DeNucci Constructors, LLC, for the Sabine Street Promenade project in an amount of \$2,869,724 plus a \$286,972.40 contingency, for a total contract amount not to exceed \$3,156,696.40.

QUESTION:

Is there a clause in the contract that covers the difference between the “365 calendar days for completion of this project” and the days that they will not be working because of the special events?

COUNCIL MEMBER HOUSTON’S OFFICE

ANSWER:

Yes. There is a special specification included in the contract that addresses special event shutdowns during the 365 calendar days for completion of this project. The contract identifies special events such as Formula One and South by Southwest Festival and are anticipated in the 365 calendar days. Formula One will require a shut-down of eight (8) Calendar Days and South by Southwest Festival will require a shut-down of fifteen (15) Calendar Days. There will be no contract time extensions associated with these shut-down periods unless additional Calendar Days of shut-down beyond the original contract quantity are imposed.

Please see the attached contract document Special Specifications, SS7000, 08/10/15, Special Event Shut-Down.

12. **Agenda Item #12:** Approve an ordinance on third reading authorizing execution of the first amendment to a settlement agreement relating to the development of property located at 6409 City Park Road (Champion Tract); amending Ordinance No. 960613-J; modifying provisions of the Lake Austin Watershed regulations in Ordinance No. 840301-F; and modifying provisions of the

Hill Country Roadway regulations in City Code Chapter 25-2.

QUESTION:

Do we have a recommendation for item 12 from environmental board?

COUNCIL MEMBER KITCHEN'S OFFICE

ANSWER:

Yes, the Environmental Commission recommendation is attached to this answer as well as a summary of the information provided by staff to the Environmental Commission. Both will be included in Council back up for this item.

QUESTION:

- 1) Related to the 30 acres to be conserved on the site, would PARD be willing to accept this land as parkland?
- 2) Alternatively, could this land be added to the Balcones Canyonland Preserve?
- 3) Provide documentation clarifying TxDOT's position on a proposed ingress/egress from the eastern portion of the site.
- 4) Provide an analysis demonstrating potential development capacity of the site under the Hill Country Roadway Ordinance. Why was this analysis not performed earlier?
- 5) Will blasting permits be allowed for constructions?
- 6) Was the work associated with pre-construction boring and surveying permitted and performed properly?

COUNCIL MEMBERS ALTER AND POOL'S OFFICES

ANSWER:

See attachment. Page 27

- 45. Agenda Item #45:** Authorize negotiation and execution of a multi-term contract with American Medical Response of Texas, Inc. D/B/A American Medical Response, or the other qualified offeror to Request for Proposals EAD0133, to provide onsite emergency medical services, for up to five years for a total contract amount not to exceed \$500,000.

QUESTION:

Is the \$69,375 that is available in the Fiscal Year 2017 - 2018 Operating Budget of the Austin Convention Center a sufficient amount to cover the year 1 contract cost total? What is the breakdown of the costs for year 1 and year 2 of the 2-year initial contract term?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Yes, \$69,375 is a sufficient amount to cover the contract costs for the remainder of this fiscal year since the remainder of the fiscal year isn't a full 12 months.

The estimated costs for year 1 and year 2 are \$95,000 for the first year and \$97,500 for the second year.

QUESTION:

Item 45 seeks to privatize services currently provided by the Austin Travis County Emergency Medical Service (ATCEMS). Is there precedent for the City of Austin to privatize services currently being provided by city employees? What is the legal authority to do so? What is the current cost for the ACTEMS to provide these services and what level of Medic is used to provide those services? Is there a recommendation for approval of this from the Public Safety Commission?

ANSWER:

This item is being withdrawn per Changes and Corrections.

- 46. Agenda Item #46:** Authorize negotiation and execution of multi-term contracts with American Facilities Services, Inc. and BHW Operating Company, LP, or one of the other qualified offerors to Request for Proposals MDD0102, to provide custodial services, each for up to five years for a total contract amount not to exceed \$4,700,000; divided between the contractors.

QUESTION:

Please provide information about any Department of Labor violations for American Facilities Services, Inc. and BHW Operating Company, LP over the past 15 years.

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

Checking with the US Department of Labor (DOL) to confirm the labor records of offerors is not a current practice used during the solicitation process and has not been used previously to evaluate offerors responding to City solicitations. Staff did ask the recommended contractors if they had any DOL violations. Both contractors replied stating they had no violations

FOLLOW UP QUESTION:

- 1) The Department of Labor has a database where one can view certain companies' violation history. Admittedly, it is not the most user friendly database, however, in my staff's preliminary research they found certain violations associated with American Facilities Service Group and American Facilities Services, Inc. (attached is a sample of these entities' violation records.) Are either of these entities the same company as "American Facilities Services, Inc." in Item #46?
- 2) In staff's 12/14 response, staff stated "Staff have also checked with the DOL to inquire about any such violations with these companies but learned that it will take approximately a week to receive any reports in this regard." Please provide the report.

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

- 1) Staff is unable to locate any information on American Facilities Services Group with an address in Denver, Colorado. There is no entity with that name registered with the Colorado Secretary of State to do business in the State of Colorado. However, this DOL database entry may refer to AFL Maintenance Group, Inc. d/b/a American Facility Maintenance Group, a Colorado corporation with a principal office at the same location as the address listed in the DOL violation database. The vendor recommended in item 46 is a Georgia corporation, and appears entirely unrelated to AFL Maintenance Group, Inc.

Staff is unable to conclusively establish a connection between the entity identified as "American Facility Services, Inc." in the DOL database and the recommended vendor. The address identified in the DOL database is the address for the Sarasota-Bradenton International Airport, and there is no entity registered with the Florida Secretary of State that uses that address as its principal office. Staff is attempting to contact the Sarasota Manatee Airport Authority to identify the entity that provided the services that resulted in OSHA violations at that airport. In addition, as stated above, the recommended vendor is a Georgia corporation. It is the only entity registered to do business in the state of Texas under the name "American Facility Services, Inc." While the

recommended vendor is registered to do business in Florida, it is registered there under the name "Atlanta Building Maintenance, Inc." A separate Florida corporation was registered in Florida under the name "American Facility Services, Inc." between 2005 and 2016. That company was administratively dissolved by the Florida Secretary of State for failure to file an annual report. Staff is unable to find any connection between the Florida corporation and the recommended vendor.

- 2) As it is not standard procedure for City of Austin Purchasing to inquire regarding contractors DOL violations, staff did not follow up on the DOL report in December. Staff did reach out to the proposed contractors and received confirmation that they had no DOL violations. Staff did formally request a FOIA report on the two contractors from the DOL in mid-January that would show any violations and any actions taken by the company to correct, staff has yet to receive this report.

QUESTION:

Will this contract be subject to the City's living wage ordinance?

COUNCIL MEMBER GARZA'S OFFICE

ANSWER:

Yes, any contracts awarded from this solicitation will be subject to the City's Living Wage requirement.

QUESTION:

Would the contractor staff be eligible for City benefits? How much of the cost difference between the two options is driven by benefits?

ANSWER:

No, the contractor's staff would not be eligible for City benefits. During the evaluation process, one item that the contractors were evaluated on was their employee retention plans. Both contractors listed the availability of medical, dental, and vision coverages available to full time employees.

Provided benefits is one of many of the contractor's costs that combine to make up the price that they will charge the City. When the City asks offerors to submit bids or proposals, we ask for the price that they will charge us (not the costs that make up their prices). When we have multiple priced offers (bids or proposals) this is called "price competition". In this case, because price competition was available, staff does not have access to specific elements of cost that make up the offerors' prices.

For these reasons, most governments do not request offerors to provide cost information if there is adequate price competition.

54. **Agenda Item #54:** Authorize an amendment to a contract with Sustainable Food Center to provide continued farm stands, for an increase in the amount of \$58,000 for a revised contract amount not to exceed \$348,000.

QUESTION:

Where are the current farm stands located and where is the additional farm stand going to be located or is it mobile?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Attached is a list of current farms stands and their locations.

The expansion site for Public Health Farm Stands in Fiscal Year 2018 will be located at Hart elementary school, located at 8301 Furness Dr., Austin, TX 78753. According to the 2016-2017 Texas Education Agency School Report Card, 96.4% of students are economically disadvantaged at this campus, compared to the district average of 53.3%. This additional farm stand site will provide the economically disadvantaged students in this community greater access to healthy food.

57. **Agenda Item #57:** Approve a resolution authorizing the City Manager to provide funds in an amount not to exceed \$200,000 to the Texas Department of Transportation as a match to a Transportation Alternatives Program federal grant, to expand Austin's B-Cycle bike share program.

QUESTION:

Please provide the cost of investment and return/revenue for B-Cycle during the life of the investments from the Transportation Department. What is the total amount of investments from the Transportation Department, including all other funding sources? Did staff consider the elimination of transit routes by the transit authority when considering the expansion and reconsidering the identification of priority locations?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Please provide the cost of investment and return/revenue for B-Cycle during the life of the investments from the Transportation Department. What is the total amount of investments from the Transportation Department, including all other funding sources?

Total investment in the Austin B-Cycle system from the Transportation Department has been \$80,000 over the past 3 years to purchase annual memberships passes. Annual passes have been made available to City employees as part of the Traffic Congestion Action Plan (TCAP), now part of the Smart Commute Program. We have also used purchased passes for bicycle education and encouragement as part of our efforts to support alternative commute patterns. All other funding, estimated at more than \$2.5 million, has come from federal and private funding sources.

A total of \$200,000 was identified in FY18 budget for bike share expansion. These are the funds proposed by the Transportation Department for use in accelerating the expansion as part of the item before Council. The Austin B-Cycle system generates approximately \$1.1M in annual revenues which are reinvested into the system operations.

Did staff consider the elimination of transit routes by the transit authority when considering the expansion and reconsidering the identification of priority locations?

Yes, transit service is one of several factors that are considered when identifying priority station locations. The preferred station locations for the Transportation Alternatives Program (TAP) funded expansion were proposed in early 2015, prior to the 2017 Capital Metro service plan changes. Final station locations will take into consideration new transit service and elimination of transit routes service, as well as community requests for stations, existing station density and expanding access to underserved areas within a short bike trip to major employment centers and existing transit service. Stations may also be moved in order to better serve community mobility needs.

58. **Agenda Item #58:** Approve an ordinance amending the Fiscal Year 2017-2018 City of Austin Fee Schedule (Ordinance No. 20170913-002) to set administrative fees and use rent fees for monitoring, enforcement, parking infrastructure and overall management of the Shared Bike

program and for the use of the right-of-way and transportation infrastructure for potential on-going privatized dockless bike share operations.

QUESTION:

Provide documentation to support the projected revenue amount to the city based on the number of bikes deployed and the amount of fees assessed per bike. Describe how the pilot will work, including payments and length of time. How will usage data be captured? Where will pick up sites be located?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Provide documentation to support the projected revenue amount to the city based on the number of bikes deployed and the amount of fees assessed per bike.

Projected revenue of \$90,000 was calculated assuming that up to five companies may choose to participate in the demonstration pilot at a potential maximum of 500 bicycles each. The total number of companies and size of bicycle fleets would be determined after the completion of the public engagement process and depends on interest of the dockless providers. A fee of \$30 per bicycle was determined based on costs to provide two critical components of a management system: (1) Temporary program staff to manage the terms of the pilot program including field inspection and monitoring; (2) Bicycle parking that offers a predictable place for people to leave bicycles that do not obstruct the sidewalk or otherwise cause a public nuisance. Additional elements of the management system that may be covered by this fee will be developed based on the public engagement process that will take place before the demonstration pilot is launched.

Describe how the pilot will work, including payments and length of time.

The details of a demonstration pilot would be informed by a public engagement process. At this time, it is anticipated that the minimum criteria for participation in the pilot will include requirements for a performance bond, insurance, indemnification of the City, supplying bicycles that meet standards for safe operation in Texas, balancing bicycle fleets to ensure orderly parking and distribution, and sharing usage data for the purposes of monitoring and evaluating the program. The length of time of the pilot has not been established but is not expected to be less than six months in order to provide enough time to fully understand the benefits, impacts and management requirements for this service. A proposal to Council during the regular budget process for FY19 or FY20 is anticipated, based on the outcome of the pilot. Payment for accessing the bicycles is anticipated to be mostly made through the individual service provider's app, downloaded by the user to their smart phone. ATD would also require other means of accessing bicycles, such as through pre-paid cards, in order to provide access for people without smart phones.

How will usage data be captured?

Usage data will be captured through the technology of each provider equipped within the bikes they provide. The demonstration pilot is expected to include requirements for sharing this data with the City and the community for the purposes of monitoring and evaluating the pilot program. Data sharing requirements are expected to include sharing of real-time information of the entire fleet of bicycles through a documented application program interface (API) that offers information about point locations, bicycle identification number and type of bicycle. Requirements will also include requests for anonymized data for each trip, including the duration, distance, start date and time, end date and time, start and end location and bicycle ID number. This information will be used to support the safe management of the dockless system as well as for future

planning. Additional data sharing components may be required based on the results of the public process.

Note: We will be working with the dockless bike community to make bikes available to customers with or without an enabled smart phone while still preserving data expectations.

Where will pick up sites be located?

Pick up sites will be determined by the providers and users based on market demands. ATD will work with providers and local institutional partners in designing the pilot to spread access so as to improve coverage and accessibility. For example, the pilot could be developed to encourage coverage of major transit hubs and community resources (e.g. universities, employment centers, etc.). Because the system would be dockless, it is not dependent on station locations. In areas of high demand, ATD believes that providing an orderly and predictable means for people to find bicycles and park them is an important component of managing any dockless system. For this reason, ATD will mark bicycle parking in areas of high demand based on the trip data provided by the participating operators. Bicycle parking will be made possible using the recovered fees provided by the participating operators.

- 58 and 59. Agenda Item #58 and #59:** Approve an ordinance amending the Fiscal Year 2017-2018 City of Austin Fee Schedule (Ordinance No. 20170913-002) to set administrative fees and use rent fees for monitoring, enforcement, parking infrastructure and overall management of the Shared Bike program and for the use of the right-of-way and transportation infrastructure for potential on-going privatized dockless bike share operations. Approve a resolution authorizing the City Manager to establish a dockless bike share pilot demonstration program and the development of a permit process for permanent privatized dockless bike share operations.

QUESTION:

Provide itemized documentation to support the projected amount of revenue to the City based on the fee per bike, the number of bikes that will be deployed, and the timeline. Describe how the pilot will work, including payment and length of time? How will usage data be captured? Where in the City will the pilot begin, and how are the sites going to be identified? How will this program enhance the current B-Cycle bike share program? Will there be any community engagement prior to the beginning of the pilot program?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Provide itemized documentation to support the projected amount of revenue to the City based on the fee per bike, the number of bikes that will be deployed, and the timeline.

Estimated recoverable fees and expenses to manage a dockless pilot are documented below. The total number of companies and size of bicycle fleets would be determined after the completion of the public engagement process and depend on the response from dockless providers. A fee of \$30 per bicycle was determined based on costs to provide two critical components of a management system: (1) Temporary program staff to manage the terms of the pilot program including field inspection and monitoring; (2) Bicycle parking that offers a predictable place for people to leave bicycles that do not obstruct the sidewalk or otherwise cause a public nuisance. Additional elements of the management system that may be covered by this fee will be developed based on the public engagement process that will take place before the demonstration pilot is launched. Should the Transportation Department recommend a permanent dockless bike share policy after completion of the pilot, the fees can be adjusted to account for actual cost experience during the pilot program. The proposed pilot program budget is attached.

Describe how the pilot will work, including payment and length of time?

The details of a demonstration pilot would be informed by a public engagement process. At this time, it is anticipated that the minimum criteria for participation in the pilot will include requirements for a performance bond, insurance, indemnification of the City, supplying bicycles that meet standards for safe operation in Texas, balancing bicycle fleets to ensure orderly parking and distribution, and sharing usage data for the purposes of monitoring and evaluating the program. The length of time of the pilot has not been established but is not expected to be less than six months in order to provide enough time to fully understand the benefits, impacts and management requirements for this service. A proposal to Council during the regular budget process for FY19 or FY20 is anticipated, based on the outcome of the pilot. Payment for accessing the bicycles is anticipated to be mostly made through the individual service provider's app, downloaded by the user to their smart phone. ATD would also require other means of accessing bicycles, such as through pre-paid cards, in order to provide access for people without smart phones.

How will usage data be captured?

Usage data will be captured through the technology of each provider equipped within the bikes they provide. The demonstration pilot is expected to include requirements for sharing this data with the City and the community for the purposes of monitoring and evaluating the pilot program. Data sharing requirements are expected to include sharing of real-time information of the entire fleet of bicycles through a documented application program interface (API) that offers information about point locations, bicycle identification number and type of bicycle. Requirements will also include requests for anonymized data for each trip, including the duration, distance, start date and time, end date and time, start and end location and bicycle ID number. This information will be used to support the safe management of the dockless system as well as for future planning. Additional data sharing components may be required based on the results of the public process.

Where in the City will the pilot begin, and how are the sites going to be identified?

The location of the pilot program will be determined by the providers and users based on market demands. ATD will work with providers and local institutional partners in designing the pilot to spread access so as to improve coverage and accessibility. For example, the pilot could be developed to encourage coverage of major transit hubs and community resources (e.g. universities, employment centers, etc.). Because the system would be dockless, it is not dependent on station locations. In areas of high demand, ATD believes that providing an orderly and predictable means for people to find bicycles and park them is an important component of managing any dockless system. For this reason, ATD will mark bicycle parking in areas of high demand based on the trip data provided by the participating operators. Bicycle parking will be made possible using the recovered fees provided by the participating operators.

How will this program enhance the current B-Cycle bike share program?

A demonstration pilot program, as informed by a public engagement process, is intended to expand access to affordable mobility choices by testing the value of a blended system that captures the benefit of a stable station-based system with the extended reach of a dockless system. The impacts of a dockless system to the existing station-based system is unknown at this time however the pilot program would include ongoing monitoring of station-based usage and dockless usage to better understand the changes in station-based use before and after dockless service was introduced. The

mobility marketplace includes multiple versions of the same service, for example subsidized mass transit operating along with private market shuttles and regional transit, all serving people in a slightly different way. We expect the bike share marketplace to similarly evolve to offer multiple private market options alongside the existing publicly-owned system.

Will there be any community engagement prior to the beginning of the pilot program?

Yes. A public process inclusive of stakeholder meetings, a public form and a community survey would be done prior to the demonstration pilot. This process would help to inform criteria for the demonstration pilot program.

- 63. Agenda Item #63:** Approve a resolution directing the City Manager to create a plan to periodically assess existing City regulations and rules.

QUESTION:

- 1) Does the work contemplated in the revised Resolution duplicate work that is already occurring at the City, such as the work being conducted by the Office of Performance Management?
- 2) What is the estimate amount of time and resources required to implement the revised Resolution?
- 3) What staff efforts would occur at the 60-day and 180-day interval? What staff efforts would occur after the 180 day period?
- 4) What number of hours do staff estimate it would take to develop a plan and to conduct the analysis?

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

One of the functions of the Office of Performance Management (OPM) is process improvement. Process improvement work is grounded in highly data driven Lean practices, an approach to work that focuses on customer value, optimization, and the elimination of waste (such as unnecessary steps, rework due to errors, and underutilization of capabilities) without sacrificing productivity and quality. OPM works with departments to identify programs and processes that would benefit from this type of analysis. This work often identifies barriers to a smooth and efficient process, which may include policies, rules, or regulations. The goal of the process improvement projects is not to conduct a specific review of City policies, rules, and regulations; however, the projects create an opportunity to identify policies, rules, and regulations that may be problematic.

Similarly, per governmental auditing standards, the Office of the City Auditor identifies and reviews compliance with rules and regulations as they relate to the objective of an audit being conducted.

The revised Resolution calls for the development of a work plan for a pilot program in the first 60 days focused on Economic Opportunity and Affordability. During this 60-day period, the City Manager will convene a cross-departmental team that can devise an approach and conduct a preliminary evaluation of the necessary resources and potential timeline. Staff will report back to Council on this prior to proceeding with the pilot program itself and outline any necessary resources to move forward.

- 115. Agenda Item #115:** C14-2017-0136 - Lake Creek Commercial - District 6 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 9829 ½ North Lake Creek Parkway (Lake Creek Watershed). Applicant Request: To rezone from

multi-family residence-highest density (MF-6) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning.

QUESTION:

Staff supported the applicant's request for GR zoning, and the Zoning and Platting Commission unanimously recommended GR-MU zoning. Do our staff have any concerns with GR-MU zoning being applied to this property? If so, what are the staff concerns?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

No, the staff and the applicant had no issue with the addition of the "MU" combining district that was part of the Zoning and Platting Commission's recommendation. The staff recommended the applicant's request for GR district zoning because the property is located at the intersection of two major arterial roadways and within the boundaries of a "Regional Center" as identified on the Imagine Austin's Growth Concept Map found in the Image Austin Comprehensive Plan. The Zoning and Platting Commissioners stated that they want to add the "MU" designation to allow for the possibility of residential development on the site. The applicant currently plans to develop a medical clinic at this location.

- 122. Agenda Item #122:** Conduct a public hearing and consider an ordinance concerning the complaint of Paul Robbins on Texas Gas Service's 2018 Conservation Adjustment Clause rate.

QUESTION:

- 1) Has TGS explored recalibrating the rebate for programs in which developers are purchasing these types of furnaces or water heaters that are increasingly becoming industry standards?
- 2) Has TGS explored the potential of tiering rebates based on whether the installation of a furnace or water heater will occur in market rate vs. affordable housing developments?
- 3) If a tiering were to occur, does TGS forecast that this could alter the demand for the programs?

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

According to the U.S. Energy Information Administration (EIA) data from early 2017, just 33% of newly constructed homes are built with high efficiency appliances, which include high efficiency furnaces and tankless water heaters. These appliances are not yet industry standard. TGS has lowered the tankless water heater rebate amount to reflect the level believed to serve as an incentive for customers but limits free ridership to those customers who would purchase without an incentive.

TGS has not explored tiering rebates based on the type of housing development and has not been asked to do so in discussions with the Resource Management Commission or the Office of Telecommunications and Regulatory Affairs. Without tiering rebates, the Housing Authority of the City of Austin was the recipient of 64% of the homebuilder high efficiency furnace rebates and over 11% of all homebuilder rebates in 2017. TGS understands the Energy Efficiency Program to have the goal of maximum conservation of natural gas. With participation limited by budget constraints, increasing rebate amounts for affordable housing participants would reduce the total number of incentives given, ultimately reducing the natural gas savings achieved through the program.



Recommendation for Action

File #: 18-1249, Agenda Item #: 2.

2/1/2018

Agenda Item

Agenda Item #2: Approve an ordinance authorizing acceptance of \$167,000 in grant funds from the Duffield Family Foundation, dba Maddie's Fund and amending the Fiscal Year 2017-2018 Austin Animal Services Office Operating Budget (Ordinance No. 20170913-001) to appropriate \$167,000 for the Community Outreach Program.

QUESTION:

Please provide any budget related data regarding the Animal Services Neighborhood Level Program pilot started in February 2017.

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

The Neighborhood Level Program (NLP) began in February 2017 and was funded through a grant received by Maddie's Fund. The Animal Services Office (ASO) was awarded \$1.1 million from Maddie's Fund and these dollars fund a number of initiatives including NLP. To date, ASO has spent \$45,000 in personnel costs and another \$11,000 in contracts and commodities for NLP.



Recommendation for Action

File #: 18-1248, Agenda Item #: 5.

2/1/2018

Agenda Item

Agenda Item #5: Authorize the negotiation and execution of a cost participation agreement with Austin Community College (ACC) under which the City will reimburse ACC for an amount not to exceed \$2,528,230 for costs associated with the design and construction of an oversized wastewater main and appurtenances related to Service Extension Request No. 3145 that will provide wastewater service to a proposed mixed-use development located at 5900 Airport Boulevard.

QUESTION:

Please explain the cost increase of the agreement with Austin Community College from \$1,067,570 to \$2,528,230 for costs associated with the design and construction of an oversized wastewater main and appurtenances related to Service Extension Request No. 3145.

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

At the October 19, 2017 City Council meeting, Austin Water staff presented this RCA for consideration. The Water and Wastewater Commission recommended the approval of the cost participation agreement. However, the item, upon the request by the Owner (Austin Community College), was postponed by City Council.

Since those meetings, the Owner has publicly bid this project and received bids from contractors on the construction plans. Based on those bids, the cost of the project has significantly increased. The reasons for the increases include:

- The higher cost of materials (manholes and the 30-inch wastewater pipe),
- Traffic control, and
- Driveway and sidewalk repair

The higher cost of materials is due to the lack of history for the cost of a 30-inch wastewater pipes. These are large-sized pipes that are not used on a frequent basis. The Owner's Design Engineer indicated to Austin Water staff that the cost of the pipe material was underestimated.

Additionally, Airport Boulevard is a protected corridor because of its value and use as a major transportation link and construction work in the City's right-of-way is limited during the day. This results in higher costs for the contractor because of the shorter amount of time allocated for work in the right-of-way in order to minimize the impact upon traffic during the morning and early evening hours. The Owner's Design Engineer underestimated the impact upon the contractor's amount of time to perform work in the City's right-of-way.

Initial estimates from the Owner's design engineer did not take into consideration the number of driveways and sidewalks that needed to be repaired as part of the installation of the wastewater mains.



Recommendation for Action

File #: 18-1247, Agenda Item #: 7.

2/1/2018

Agenda Item

Agenda Item #7: Authorize execution of change order #11 to the construction contract with DeNucci Constructors, LLC, for the 3rd Street Reconstruction Phase 2 - Congress Avenue to Brazos Street and San Jacinto Boulevard to Trinity Street project in the amount of \$51,941.18, for a total contract amount not to exceed \$2,709,818.48.

QUESTION:

What was the level of public engagement between the Public Works Department and the businesses on 3rd Street regarding the elimination of the specific driveways prior to the implementation of the project? What was the nature of the input from the businesses regarding this action? How was the decision made to eliminate the driveways after the engagement? Does the funding for the change order come from the existing budget of Public Works?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

What was the level of public engagement between the Public Works Department and the businesses on 3rd Street regarding the elimination of the specific driveways prior to the implementation of the project?

There was a robust public engagement process surrounding the Great Streets initiative that included proposed improvements along 3rd Street. The project team met with the Downtown Austin Alliance as early as June of 2012 to discuss the project and there were subsequent meetings with the DAA after that date. The project team personally met with all of the corridor property and business owners throughout the limits of all four 3rd Street projects to update them during the design process on any impacts that would affect them. The list of businesses contacted includes, but is not limited to, 301 Congress building (NE corner of 3rd/Congress), LaPena (SE Corner of 3rd/Congress), Vince Young Steakhouse, Ironwood Reality, Fogo De Chao, Thomas Reprographics, and Personal Wine. Participation was voluntary and it does not appear that many of the businesses took advantage of the process during the project planning phase(s).

What was the nature of the input from the businesses regarding this action? How was the decision made to eliminate the driveways after the engagement?

After the beginning of construction, several businesses raised concerns regarding access. Most of these issues were resolved with a more detailed explanation of the project parameters. However, the particular business that brought suit against the City raised some persistent concerns about access to their existing parking. The City and the landowner engaged in negotiations regarding access alternatives over an extended period of time. The current change order reflects the parties best agreed solution to the situation and will restore access to pre-construction conditions while maintaining the integrity of the project.

Does the funding for the change order come from the existing budget of Public Works?

Funding for this change order is within the base line budget.



Recommendation for Action

File #: 18-1244, **Agenda Item #:** 8.

2/1/2018

Agenda Item

Agenda Item #8: Authorize award and execution of a construction contract with DeNucci Constructors, LLC, for the Sabine Street Promenade project in an amount of \$2,869,724 plus a \$286,972.40 contingency, for a total contract amount not to exceed \$3,156,696.40.

QUESTION:

Is there a clause in the contract that covers the difference between the "365 calendar days for completion of this project" and the days that they will not be working because of the special events?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Yes. There is a special specification included in the contract that addresses special event shutdowns during the 365 calendar days for completion of this project. The contract identifies special events such as Formula One and South by Southwest Festival and are anticipated in the 365 calendar days. Formula One will require a shut-down of eight (8) Calendar Days and South by Southwest Festival will require a shut-down of fifteen (15) Calendar Days. There will be no contract time extensions associated with these shut-down periods unless additional Calendar Days of shut-down beyond the original contract quantity are imposed.

Please see the attached contract document Special Specifications, SS7000, 08/10/15, Special Event Shut-Down.

**SPECIAL SPECIFICATION
SS7000
SPECIAL EVENT WORK
SHUT-DOWN**

7000.1 Description

This item shall govern the mandatory shut down and subsequent resumption of construction operations during special events. During these special events, the City may require the Contractor to shut-down construction operations in order to maximize pedestrian and vehicular movement through and around the Project area.

Some special events such as Formula One and the South by Southwest Festival recur annually generally around the same time each year, so the dates and durations of the possible shut-down can be anticipated. However, some special events may be scheduled with limited prior notice. This Pay Item is applicable for any and all shut-downs regardless of advanced notice or duration of shut-down.

Formula One related activities including large numbers of tourists, shuttle operations and a related festival, occurs during the months of October or November and will require a shut-down of typically eight (8) Calendar Days.

The South by Southwest Festival typically occurs during the months of March or April and will typically require a shut-down of fifteen (15) Calendar Days.

7000.2 Measurement

These shut-down periods will be measured by the Calendar Day.

There will be no contract time extensions associated with these shut-down periods unless additional Calendar Days of shut-down beyond the original contract quantity are imposed. For each day of shut-down imposed beyond the original contract quantity, one Calendar Day of time will be added to the contract.

7000.3 Payment

The unit bid price shall include securing the project site and stopping all construction activity to provide for the safety of pedestrian and vehicular traffic. During the Shut Down period the contractor shall be responsible for the continued maintenance of all temporary pavement repairs and for all work under Standard Specification Item 803S. The Contractor shall visit the site daily to ensure the site is secure during the Shut Down period.

This unit bid price shall apply to any other Owner-directed shut-downs related to special events.

Pay Item No.

SS7000-SES:

Special Event Shut-Down

Calendar Day



Recommendation for Action

File #: 18-1233, Agenda Item #: 12.

2/1/2018

Agenda Item

Agenda Item #12: Approve an ordinance on third reading authorizing execution of the first amendment to a settlement agreement relating to the development of property located at 6409 City Park Road (Champion Tract); amending Ordinance No. 960613-J; modifying provisions of the Lake Austin Watershed regulations in Ordinance No. 840301-F; and modifying provisions of the Hill Country Roadway regulations in City Code Chapter 25-2.

QUESTION:

Do we have a recommendation for item 12 from environmental board?
COUNCIL MEMBER KITCHEN'S OFFICE

ANSWER:

Yes, the Environmental Commission recommendation is attached to this answer as well as a summary of the information provided by staff to the Environmental Commission. Both will be included in Council back up for this item.

QUESTION:

- 1) Related to the 30 acres to be conserved on the site, would PARD be willing to accept this land as parkland?
 - 2) Alternatively, could this land be added to the Balcones Canyonland Preserve?
 - 3) Provide documentation clarifying TxDOT's position on a proposed ingress/egress from the eastern portion of the site.
 - 4) Provide an analysis demonstrating potential development capacity of the site under the Hill Country Roadway Ordinance. Why was this analysis not performed earlier?
 - 5) Will blasting permits be allowed for constructions?
 - 6) Was the work associated with pre-construction boring and surveying permitted and performed properly?
- COUNCIL MEMBERS ALTER AND POOL'S OFFICES

ANSWER:

See attachment.

INFORMATION PROVIDED TO ENVIRONMENTAL COMMISSION AND PUBLIC

Since the December 14, 2017 Council meeting staff did additional review of available information on Tract 3 and responded to numerous questions from the Environmental Commission and the public. The key information provided is summarized below. Note that any references to applicable watershed regulations assume the 1983 Lake Austin Watershed Ordinance as the applicable regulations.

Developable Area

- There are two developable areas of the property on the east and west ends with much of the middle being greater than 35% slope where no impervious cover is allowed. The largest developable area is on the west end.
- An analysis by the applicant in 2016 of the entire 45 acre property found that there are 13.2 acres of 0-15% slope, 13.4 acres of 15-25% slope, and 10.4 acres of 25-35% slope. This results in available IC of:
 - 0-15% slope: Commercial =65% 8.6 ac. MF=40% 5.3 ac.
 - 15-25% slope: Commercial =15% 2.01 ac. MF=10% 1.4 ac.
 - 25-35% slope: Commercial & MF=5% 0.5 ac.
 - >35% slope: 0%
 - Total IC Commercial=11.1 ac. MF=7.1 ac.
- A detailed analysis of the east and west areas was not done, but there are approximately 3 acres of 0-15% slope on the east end that could be developed to up to 40% impervious cover (IC) for multifamily development or 65% IC for commercial development with several more acres of 15-35% IC that could have lesser amounts of impervious cover.
- A comparison of regulations under the 1996 settlement agreement and under the 2016 amendment are attached in Table 1. A sketch of buildable areas on the tract is shown in Figure 1.

Access to RM2222

There are three existing access points to 2222 on the property at the west end, near the center, and at the eastern end of the property. All three access points have existing “curb cuts” to 2222. The current project plans to use the western access point. The middle access would have to cross a large area of floodplain and cross West Bull Creek so would be very difficult to utilize. The eastern access opens onto the ramp from 2222 to Loop 360, but TXDOT informed City staff that they would allow a right in/right out if that end of the property was developed. Alternatively, if TXDOT refused access at that point a developer might use that as justification to request a variance to cross the steep slopes in the middle of the tract to connect the east and west sides and get to 2222 via the western entrance. However, there is no certainty the Land Use Commission would grant such a variance, but similar variances have been granted for projects in other areas of the City.

Trip Count

Development Services Department staff did an analysis of the relationship of daily and square footage for a variety of potential uses. The results of this analysis is shown in the attached Table 2. A neighbor opposed to the project requested the analysis for 1,330 trips, but the project had 1,148 trips available under the prior GO zoning. Note that the original GO zoning limited office use to 30,000 square feet, however, that limitation would not apply to non-office uses allowed in GO zoning.

Tree Impacts

The current site plan applicant surveyed 19.5 acres of the tract and the site plan includes the number of trees proposed to be removed with the project. We used that information to make a gross estimate of what the impact of developing the entire property might be as compared to the current project that is

designed under the standards contained in the 2016 amendment under consideration. The actual impacts of development of the entire site could be more or less than the extrapolated estimates, but this should provide a reasonable guide to understand the tree impacts of various development scenarios.

| | | |
|---|--|--------------------------------|
| 1 | Trees surveyed (19.5 acres) | 3025 trees (8" greater) |
| 2 | Est. trees per acre | 155 trees |
| 3 | Est. trees on 45.347 acres | 7029 trees |
| 4 | Proposed to be removed with current site plan (5.5 ac. IC) | 1351 = 19.2% (246 trees/ac IC) |
| 5 | Possible removal per 1996 Agreement with Commercial Development (11.1 ac IC) | 2730 = 39% (246 trees/ac IC) |
| 6 | Possible removal 1996 Agreement with Multi-Family Development (6.95 ac IC) | 1709 = 24% (246 trees/ac IC) |

Table 1 - Comparison of 1996 Settlement vs 2016 Amendment

| | '96 Agreement (GO Zoning) | '16 Amendment (MF Zoning) |
|--|---|--|
| Land Conserved | 0 of 45 acres | 30 of 45 acres |
| Impervious cover | <ul style="list-style-type: none"> 0-15% slope: Comm.=65% 8.6 ac. MF=40% 5.3 ac. 15-25% slope: Comm.=15% 2.01 ac. MF=10% 1.4 ac. 25-35% slope: Comm. & MF=5% 0.5 ac. >35% slope: 0% <p>Total IC Commercial=11.1 ac. MF=7.1 ac.</p> | <ul style="list-style-type: none"> 0-15% slope: 16.7% 2.2 ac. 15-25% slope: 17.3% 2.3 ac. 25-35% slope: 8.65% 0.9 ac. >35% slope: 0.8% 0.07 ac. <p>Total IC: = 5.5 ac.</p> |
| Construction on Slopes | <p><u>LAWO</u></p> <ul style="list-style-type: none"> Based on IC limits <p><u>HCRO</u></p> <ul style="list-style-type: none"> Pier/beam foundation if upslope of >15% slope Terraced wall max height 4' | <p><u>LAWO</u></p> <ul style="list-style-type: none"> As limited by agreed to impervious cover limits. <p><u>HCRO</u></p> <ul style="list-style-type: none"> Waives pier/beam requirement. Allow structural excavation up to 34' downslope of 15% slopes Allow 8' terraced walls |
| Cut/fill | <p><u>LAWO</u></p> <ul style="list-style-type: none"> Unlimited below foundations 4' max otherwise <p><u>HCRO</u></p> <ul style="list-style-type: none"> 8' max below foundations if downhill of >15% slope | <p><u>Cut</u></p> <ul style="list-style-type: none"> 4-12': 34,848 sq. ft. 12-20': 17424 sq. ft. 20-24': 2,613 sq. ft. 24-28': 217 sq. ft. <p><u>Fill</u></p> <ul style="list-style-type: none"> 4-12': 79,932 sq. ft. 12-20': 20,037 sq. Ft. |
| CEF protection | <ul style="list-style-type: none"> None | <ul style="list-style-type: none"> Current code with modified buffers as shown in Exh. 2 of amendment |
| Water quality | <p>LAWO</p> <ul style="list-style-type: none"> Sand filter for first ½" of runoff | <ul style="list-style-type: none"> Same |
| Construction phase erosion controls | <p>LAWO</p> <ul style="list-style-type: none"> Sediment must be controlled | <ul style="list-style-type: none"> Comply with current code plus 10 specific requirements that far exceed current code. |
| Erosion hazard zone | <ul style="list-style-type: none"> None | <ul style="list-style-type: none"> Comply with current code |
| Flood mgmt.. | <ul style="list-style-type: none"> Current code | <ul style="list-style-type: none"> Current code |
| City Park Rd. Tributary Protection | <ul style="list-style-type: none"> None | <ul style="list-style-type: none"> Any crossing must span tributary |

Table 2 – Relationship of trips to potential square footage

| ITE Code | Land Use | Metric | Sq. ft. @ 1,330 trips | Sq. ft. @ 1,000 trips |
|--------------|-----------------------|--------------------|--------------------------|--------------------------|
| 220 | Apartments | Dwelling units | 199,000 | 145,000 |
| 252/253/254 | Congregate care | Occupied rooms | 439,000 | 329,000 |
| 534/536 | Education/School | Student population | 536,000 | 403,000 |
| 560/561/562 | Religious Assembly | Square footage | 143,000 | 110,000 |
| 720 | Medical/Dental office | Square footage | 27,000 | 19,000 |
| 710 avg rate | General Office | Square footage | 121,000 | 91,000 |
| 710 (EQN) | General Office | Square footage | 102,000 | 70,000 |



ENVIRONMENTAL COMMISSION MOTION 20180117 007a

Date: January 17, 2018

Subject: 6409 City Park Road (Champion Tract)

Motion by: Wendy Gordon, PhD

Seconded by: Linda Guerrero

RATIONALE:

WHEREAS, City Council has asked the Environmental Commission to determine if Ordinance No. 20161110-006 (the 2016 Amendment) pertaining to the development of Champion Tract 3 is environmentally superior to the 1996 Compromise Settlement Agreement (the 1996 Agreement); and

WHEREAS, Champion Tract 3 supports endangered species habitat and serves as nesting grounds of endangered golden-cheeked warblers; and

WHEREAS, several tributaries to Bull Creek run through the property; and

WHEREAS, the property is subject to significant development constraints such as topography, floodplain, trees, and applicable ordinances; and

WHEREAS, environmental waivers were negotiated outside the public process and without the review of the Environmental Commission; and

WHEREAS, the full extent of what can be developed on this tract is unknown because a holistic analysis was not completed; and

WHEREAS, the neighbors' valid petition granting standing to object before City Council was stripped at the last moment by the developer's moving the boundary so as to invalidate their petition; and

WHEREAS, development of the property is subject to the Hill Country Roadway Ordinance (HCRO) and the HCRO is in many ways more restrictive than other ordinances and provisions under which the city granted environmental waivers; and

WHEREAS, the intent of the HCRO is to preserve the rural and scenic characteristics of roads like this segment of 2222, and the 2016 Amendment includes environmental waivers that drastically compromise the intent of the HCRO by allowing greater building height, reduced setbacks, and a more intensive use; and

WHEREAS, the HCRO requires at least 40% of the natural area of the site be protected or over 18 acres in this case; and

WHEREAS, the restrictive covenant contained with the 2016 Amendment does not conserve 30 acres in perpetuity in the way a true conservation easement would, and allows for future city councils to alter it; and

WHEREAS, TXDOT has indicated it would not allow use of an existing cut on the eastern-most portion of the property because of its proximity to the Highway 360 onramp; and

WHEREAS, a variance would be required to connect the western and eastern portions of the property via a bridge; thus, creating uncertainty associated with development of the eastern portion of the property; and

WHEREAS, compared to the 1996 Agreement with a daily trip limit of 1330, the 2016 Amendment allows 2100 trips or greater than 50% more trips and is contrary to the intent of the HCRO; and

WHEREAS, the 1996 Agreement prohibited certain construction activities, the 2016 Amendment provides waivers for a wide range of provisions under the Lake Austin Watershed Ordinance and the HCRO; and

WHEREAS, the 1996 Agreement limited development on steep slopes, the 2016 Amendment provides for much greater development on slopes of 15-25%, 25-35%, and greater than 35% grades; and

WHEREAS, tree loss is substantial with the removal of greater than 2200 surveyed trees of over 6" and possibly significantly more; and

WHEREAS, tree mitigation was not addressed in the 2016 Amendment; and

WHEREAS, no analysis has been conducted on the impact of tree removal on site stability and runoff; and

WHEREAS, cut and fill waivers will not maintain slope stability, protect fragile environments, prevent concentration of runoff, reduce erosion and sedimentation, and protect surface and groundwater quality by minimizing sediment discharges; and

WHEREAS, degradation of these environmental ordinances sets a bad precedent by granting excessive environmental waivers outside the public process and by doing so undermines public confidence; and

WHEREAS, the 2016 Amendment is confusing and complex and riddled with waivers that will make enforcement near impossible; and

WHEREAS, current City Code would never allow development of this tract to this extent.

THEREFORE, the Environmental Commission finds that the 2016 Amendment is not necessarily environmentally superior to the original 1996 Agreement and cannot be recommended as presented. These findings do not imply endorsement of the 1996 Agreement. We respectfully urge City Council to renegotiate the provisions within a public process and to ask the Environmental Commission to review any new agreement.

VOTE 7-2

For: B. Smith, Thompson, Istvan, Neely, Maceo, Guerrero, and Gordon

Against: Creel and H. Smith

Abstain: None

Recuse: None

Absent: Perales and Coyne

Approved By:

A handwritten signature in cursive script, reading "Peggy Maceo". The signature is written in dark ink and is positioned above the printed name.

Peggy Maceo, Environmental Commission Vice Chair

January 29, 2017

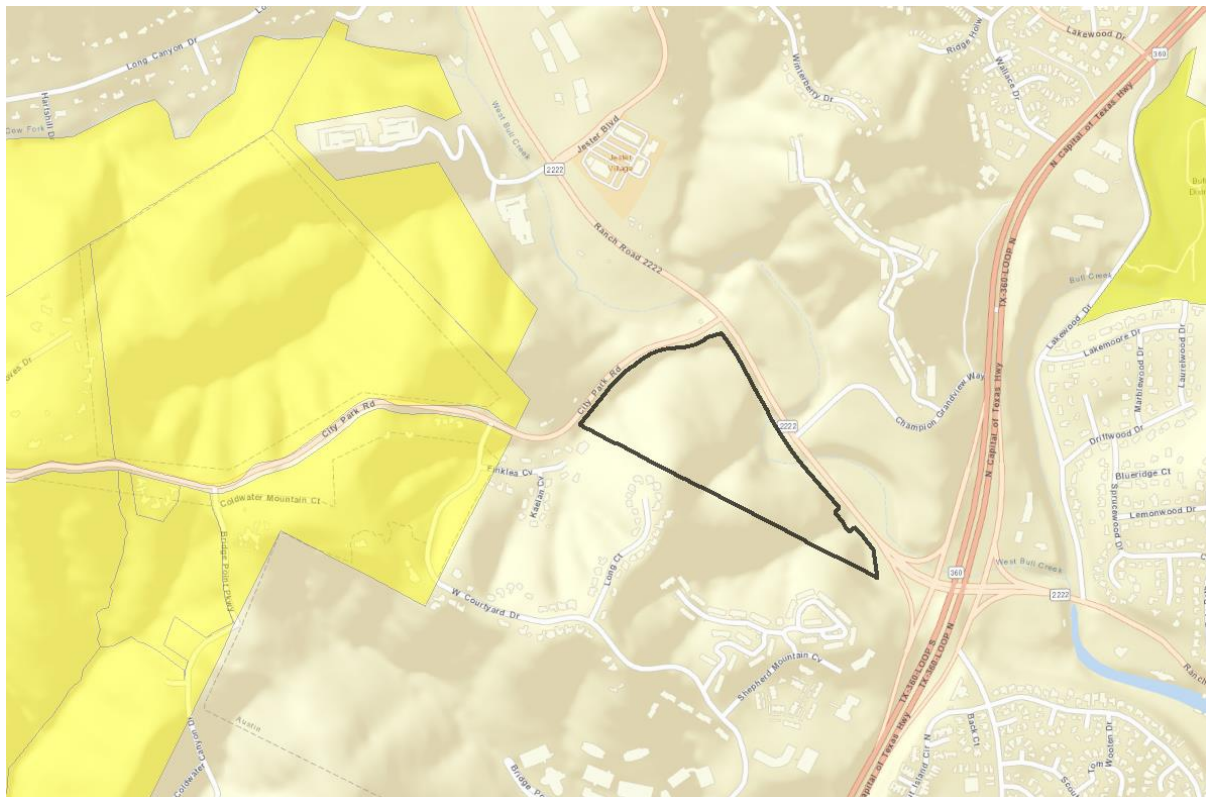
Attachments

Q: Related to the 30 acres to be conserved on the site, would PARD be willing to accept this land as parkland?

PARD staff provided the following response. PARD would be willing to accept a Park Easement on the tract. A park easement has the same protections as dedicated parkland. PARD does not recommend dedicating the conservation tract as parkland due to limited access and topographic constraints. Access to the Park Easement would need to be addressed at site plan review. DSD staff noted that transfer of ownership of a portion of the property would require re-subdivision of the tract and reduce the site area of the remaining unprotected portion of the tract thus reducing allowable impervious cover on that part of the tract. A unified development agreement or some other mechanism would likely need to be agreed to by the parties to allow the same level of development currently proposed.

Q: Alternatively, could this land be added to the Balcones Canyonlands Preserve?

The 30 acre conservation area on the Champion Tract 3 could be donated to the Balcones Canyonlands Preserve (BCP), however it is not within the desired preserve acquisition area (see map below with acquisition area shown in yellow). The tract contains known habitat for the Golden-cheeked Warbler, but is not ideal for the BCP due to its small size and the fact that it is not contiguous with the rest of the Preserve. The preserve acquisition area is shown below in yellow. The same comments as above regarding impact of transfer of ownership would apply if Austin Water took title to the property, but not in the case of an easement.



January 29, 2017

Attachments

Q: Provide documentation clarifying TxDOT's position on a proposed ingress/egress from the eastern portion of the site.

TxDOT reviewed the TIA submitted with the zoning case in 2016 that included the westernmost and easternmost entrances and agreed to allow the easternmost entrance provided it was limited to right in/right out (Attachment 1 – February 29, 2016 e-mail). This formed the basis of staff's opinion during the 2016 discussion that access to 2222 at the eastern entrance would be approved by TxDOT. On January 31, 2018 Bobby Ramthun, TxDOT Area Engineer, informed the City they would honor the 2016 determination (Attachment 2 – January 31, 2018 e-mail).

Q: Provide an analysis demonstrating potential development capacity of the site under the Hill Country Roadway Ordinance (HCRO). Why was this analysis not performed earlier?

Analysis of the HCRO was conducted informally in 2016 by senior staff in the Development Services and Planning and Zoning Departments with experience in applying HCRO requirements. That qualitative analysis concluded that HCRO did not prevent development in the eastern and western portions of the property and therefore was not included in the staff presentation as a limiting factor. Attachment 3 below is a summary key requirements of the HCRO as they apply to the tract.

Staff has done additional analysis to provide more detail on development potential of the site, particularly on the eastern end. That analysis determined that the eastern end of the tract is an HCRO high intensity zone that allows a building up to 53' in height and up to 62,835 sq. ft of floor area based on the allowed FAR in that zone. Note that parking needed for that amount of development is not included in the floor area so it is possible that impervious cover under the Lake Austin Watershed Ordinance would be more limiting than HCRO, but it is not certain without a detailed development plan. Attachment 4 is a map showing the three intensity zones on the property and slopes. Attachment 5 includes the analysis of FAR for the tract and impervious cover for the tract. This data supports staff's original opinion that, while challenging, development across much of the tract is feasible and likely to become economically viable at some point as has been seen on similarly topographically challenging tracts in Austin.

Q: During construction of the construction entrance, will fill be allowed in the western tributary near City Park Road during construction and, if so, why?

Yes. The 2016 amendment prohibits fill in the tributary for the permanent driveway from City Park Rd., which was originally proposed by the applicant. However, due to traffic safety concerns, the applicant has requested to be allowed to create a temporary crossing by placing two box culverts and placing fill on either side to allow the construction of the permanent, clear span bridge to City Park Rd. Without that temporary access, the only construction access would be directly from/onto 2222, which in staff's opinion is a much less safe access point for heavy construction traffic. Heavy trucks coming from the east would have to turn left across 2222 traffic or find a place to turn around on 2222 to travel back to the east to make a right turn into the site. Notes will be placed on the plans requiring that the temporary crossing only be installed and left in place for the period of time necessary for construction of the bridge. Once the bridge is installed and functional for construction access, the contractor will be required to remove the fill and culverts and restore the site using matting appropriate for creek banks and revegetated using seed and methods appropriate for stream riparian areas as specified by the City's Environmental Criteria Manual.

January 29, 2017

Attachments

Q: Will blasting permits be allowed for construction?

The Lake Austin Watershed Ordinance does not prohibit blasting. Current watershed regulations (25-8-363) prohibit blasting within a Critical Water Quality Zone or Water Quality Transition Zone in the Edwards Aquifer Recharge Zone or within a Critical Environmental Feature buffer unless no feasible alternative exists. City fire regulations (25-2-1172) require a permit for blasting. However the applicant has informed review staff that they don't intend to use blasting during construction.

Q: Was the work associated with pre-construction boring and surveying permitted and performed properly?

No. The applicant did apply for and received a site plan exemption typical for this type of work, which allows limited clearing for these purposes. The contractor cleared more than was allowed, a stop work order was issued, and the area revegetated and erosion controls installed per direction from the City's Environmental Inspector. According to inspection staff, no protected trees were removed during the unpermitted work and according to Watershed staff who visited the site recently no further work has occurred since summer 2016 or earlier.

Attachment 1

From: Mahendran Thivakaran [<mailto:Mahendran.Thivakaran@txdot.gov>]

Sent: Monday, February 29, 2016 3:55 PM

To: amorrows@abaustin.com; 'vivek.deshpande@kimley-horn.com'

Cc: brian.vandewalle@kimley-horn.com; James, Scott; Jain, Sangeeta; Naranjo, Ivan; Betit, Andre; David Baroi; Hector Tamez; Gary Morris; Bobby Ramthun; Mark Olsen; Barua, Upal; Imelda Barrett; John Nevares

Subject: FW: Champion Tract 3 - C14-2015-0160

Amanda / Vivek,

We have discussed driveway#2 internally in our office and with the City of Austin and we went to this location and observed the traffic patterns. After further consultations and careful internal review, TxDOT Traffic Operations Office recommends that this driveway should be a right-in & right-out only driveway for the following reasons:

- Safety
- Continuous traffic flow on RM 2222 during the peak hours (difficult to find gaps to make left-in or left-out)
- Travelling speed
- Excessive existing EB queueing
- Inadequate proposed WB left turn deceleration lane length (taper and storage)
- Vehicles coming from Lp 360 North would need to weave 3 lanes in a short distance to make a left-in

Thank you



Mahendran Thivakaran, P.E. | Transportation Engineer

Traffic Operations – Austin District

7901 N IH 35, Austin, TX 78753

Phone: (512) 832-7286 | Email: Mahendran.Thivakaran@txdot.gov

Attachment 2

From: Bobby Ramthun [<mailto:Bobby.Ramthun@txdot.gov>]
Sent: Wednesday, January 31, 2018 9:49 AM
To: Cortez, John Michael <John-Michael.Cortez@austintexas.gov>
Cc: terry mccooy <terry.mccooy@txdot.gov>
Subject: RE: Champion: TxDOT Driveway

Mr. Cortez,

Regarding TxDOT's position on a potential second access point to the Champion development on RM 2222, there was inaccurate information relayed via the below email from Mark Olsen. Yesterday morning Mr. Olsen met with citizens Linda Bailey and Susan Kimbrough at their request to discuss the proposed access to the development. Unfortunately, Mr. Olsen did not recall or relay to Ms. Bailey and Ms. Kimbrough the previous discussion that occurred back in February 2016, where TxDOT did agree that a second access point to the property would be allowable if restricted to right-in/right-out only. To clarify, below is TxDOT's position on the second access point:

A second access point on RM 2222 to the east of Champion Grandview Way would be allowed contingent that:

- it be restricted to right-in/right-out access only.
- it be located outside of the limits of the eastbound RM 2222 right turn lane onto LP 360.

My understanding is that although this second access point would be allowed, the developer chose not to incorporate it into their site development and currently are only requesting a single access point off of RM 2222, which is located to the west of Champion Grandview Way. Please advise if this does not correspond with your understanding.

I apologize for any confusion related to this matter. Please let me know if you need any further information.



Bobby Ramthun, P.E. | Area Engineer

Austin District – Georgetown Area Office

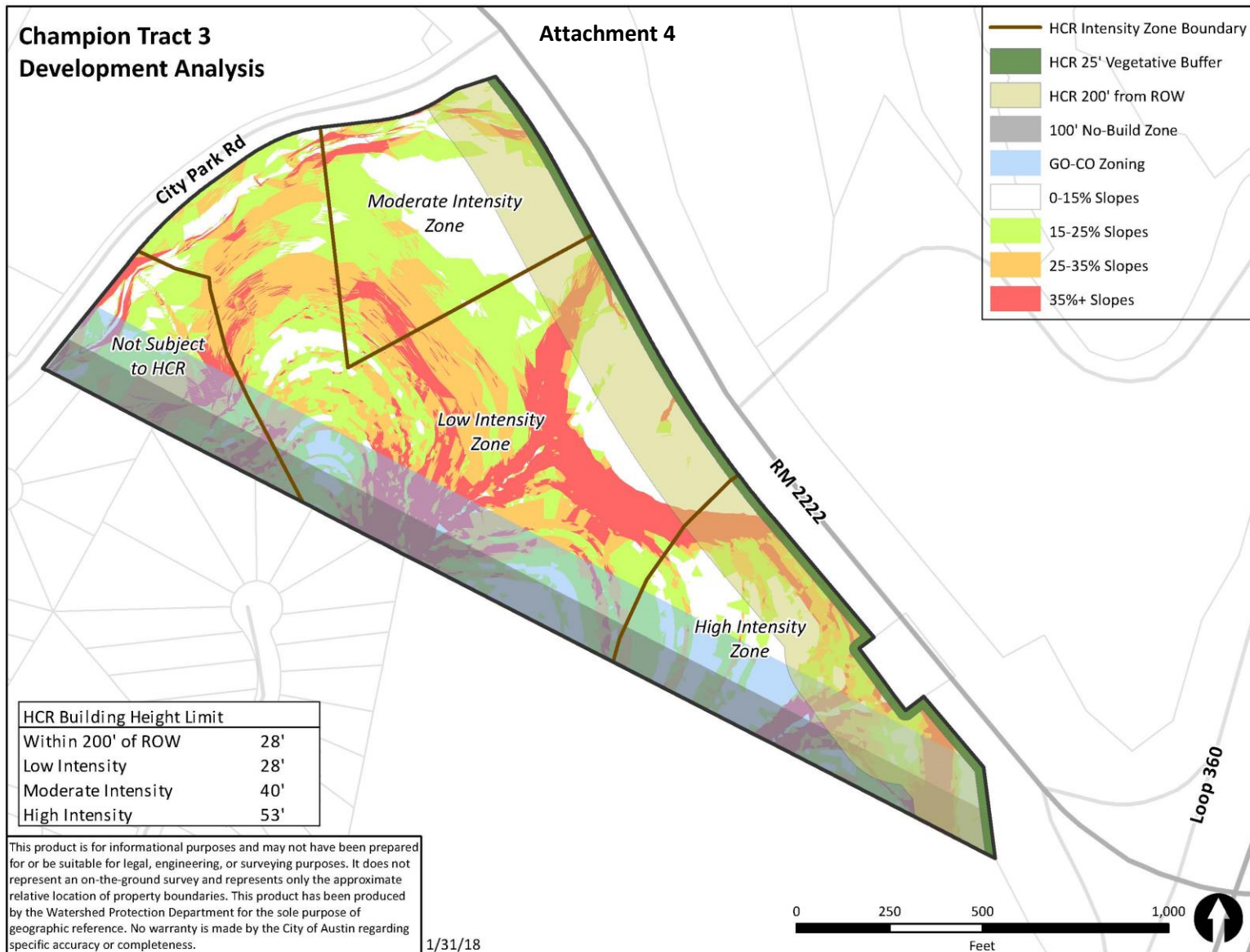
2727 S. Austin Ave, Georgetown, TX 78626

Phone: 512/930-5402 | Email: Bobby.Ramthun@txdot.gov

Attachment 3 – Key Hill Country Roadway Ordinance Requirements

| HCRO Section | Implications for Champion Tract 3 | Modification in 2016 Amendment |
|--|---|--|
| 25-2-1025 Natural Area | Requires setting aside 40% of a site as natural area. <ul style="list-style-type: none"> • Site area excludes dedicated ROW. • Can include areas otherwise prohibited from clearing (e.g. steep slopes, flood plain) and parking medians that are kept in a natural state. | None |
| 25-2-1171 Intensity Zones | Tract has 3 zones: <ul style="list-style-type: none"> • High – Due to eastern portion being within 1,000’ of 2 intersecting highways maintained by the state and frontage on both highways (25-2-1121(A)(2)(a)(i). • Moderate – Portion within 500’ of City Park Rd., a collector, and 2222, a hill country roadway (25-2-1171(C)). • Low – Middle portion between the eastern, high intensity zone and western, moderate intensity zone (25-2-1171(D)). | None |
| 25-2-1122 Floor to Area Ratio of a Non-Residential Building | Varies by intensity zone: <ul style="list-style-type: none"> • Low intensity zone – 0.20 on 0-15% slopes, 0.08 on 15-25% slopes, 0.04 on 25-35% slopes. • Moderate intensity zone - 0.25 on 0-15% slopes, 0.10 on 15-25% slopes, 0.05 on 25-35% slopes. • High intensity zone - 0.30 on 0-15% slopes, 0.12 on 15-25% slopes, 0.06 on 25-35% slopes. • If development bonus (height) granted then FAR on 0-15% slopes is 0.25 in low intensity, 0.30 in moderate intensity, and 0.35 in high intensity. Does not apply to multi-family, only commercial development. Zoning FAR of 0.3 on east end of tract would likely allow 1 or more relatively large buildings on 0-15% slopes. | None, but doesn’t apply to MF development. |
| 25-2-1123 Construction on Slopes | <ul style="list-style-type: none"> • Requires pier and beam construction <i>uphill</i> of a slope >15% (25-2-1123(B)). • Limits cut <i>below</i> a structure downhill of a slope >15% to 8’ (25-2-1123(C)) and prohibits walls below the finish floor except for screening. • Retaining walls for terracing may not exceed 4’ in height ((25-2-1123(D)). • If terracing isn’t used to contain cut/fill then retaining slopes may not exceed 33% (25-2-1123(E). • Terracing must be used if retaining slopes exceed 8’ in length (25-2-1123(F)). | <ul style="list-style-type: none"> • Allows methods other than pier and beam. • Allows cut below structures up to 34’ and walls lower than finished floor for garage. • Allows 8’ terraced walls. |

| | | |
|--|---|---|
| <p>25-2-1124 Building Height</p> | <ul style="list-style-type: none"> • 28' height limit within 200' of a hill country roadway or in a low intensity zone (25-2-1124(A)). Impacts entire frontage along 2222. • For buildings >200' from HC roadway allows 40' height in moderate intensity (west end of tract), and 53' height in high intensity zone (east end of tract (25-2-1124(B))). | <p>Modified to allow 53' building within 135' of 2222 as long as 50% of criteria in 25-2-1129 are met.</p> |
| <p>25-2-1128 Development Bonuses</p> | <ul style="list-style-type: none"> • Section allows the Land Use Commission to grant a height or FAR bonus for property with an "unusual circumstance" (hardship, innovation, or condemnation) and complies with 50% of requirements in 25-2-1129. • Allows height bonus up to 40' in low intensity, 53' in moderate intensity, and 63' in high intensity zone. Site may not have qualified for unusual circumstance. | <p>Modified to allow additional height of 40' in low intensity and 53' in moderate intensity zones without demonstration of unusual circumstance.</p> |



Attachment 5 – FAR and Impervious Cover

HCRO Floor to Area Ratio By Intensity Zone (applies only to commercial development)

| High Intensity Zone (east end) | Area (sf) | FAR Limit | Allowed Floor Area (sf) |
|---|------------------|------------------|--------------------------------|
| Slopes 0-15% | 147,676 | 0.3 | 44,303 |
| Slopes 15-25% | 119,693 | 0.12 | 14,363 |
| Slopes 25-35% | 69,499 | 0.06 | 4,1702 |
| Slopes 35%+ | 83,181 | 0 | 0 |
| Total | 420,048 | | 62,836 |
| | | | |
| Moderate Intensity Zone (west end) | | | |
| Slopes 0-15% | 160,924 | 0.25 | 40,231 |
| Slopes 15-25% | 108,162 | 0.1 | 10,816 |
| Slopes 25-35% | 51,214 | 0.05 | 2,561 |
| Slopes 35%+ | 20,721 | 0 | 0 |
| Total | 341,022 | | 53,608 |
| | | | |
| Low Intensity Zone | | | |
| Slopes 0-15% | 242,867 | 0.2 | 48,573 |
| Slopes 15-25% | 283,053 | 0.08 | 22,644 |
| Slopes 25-35% | 269,017 | 0.04 | 10,761 |
| Slopes 35%+ | 225,208 | 0 | 0 |
| Total | 1,020,145 | | 81,978 |

Lake Austin Watershed Ordinance Impervious Cover by Total Site Area ('96 Agreement)

| Slope Category | Max IC (Commercial) | Max IC (Multi- family) | Total Area (ac) | Max IC: Commercial (ac) | Max IC: Multi-family (ac) |
|---------------------------|--------------------------------|-----------------------------------|------------------------|--|--|
| 0-15% | 65% | 40% | 13.20 | 8.6 | 5.3 |
| 15-25% | 15% | 10% | 13.40 | 2.0 | 1.3 |
| 25-35% | 5% | 5% | 10.39 | 0.5 | 0.5 |
| 35%+ | 0% | 0% | 8.41 | 0 | 0 |
| Total | | | 45.4 | 11.1 | 7.1 |



Recommendation for Action

File #: 18-1245, Agenda Item #: 45.

2/1/2018

Agenda Item

Agenda Item #45: Authorize negotiation and execution of a multi-term contract with American Medical Response of Texas, Inc. D/B/A American Medical Response, or the other qualified offeror to Request for Proposals EAD0133, to provide onsite emergency medical services, for up to five years for a total contract amount not to exceed \$500,000.

QUESTION:

Is the \$69,375 that is available in the Fiscal Year 2017 - 2018 Operating Budget of the Austin Convention Center a sufficient amount to cover the year 1 contract cost total? What is the breakdown of the costs for year 1 and year 2 of the 2-year initial contract term?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Yes, \$69,375 is a sufficient amount to cover the contract costs for the remainder of this fiscal year since the remainder of the fiscal year isn't a full 12 months.

The estimated costs for year 1 and year 2 are \$95,000 for the first year and \$97,500 for the second year.

QUESTION:

Item 45 seeks to privatize services currently provided by the Austin Travis County Emergency Medical Service (ATCEMS). Is there precedent for the City of Austin to privatize services currently being provided by city employees? What is the legal authority to do so? What is the current cost for the ACTEMS to provide these services and what level of Medic is used to provide those services? Is there a recommendation for approval of this from the Public Safety Commission?

COUNCIL MEMBER GARZA'S OFFICE

ANSWER:

This item is being withdrawn per Changes and Corrections.



Recommendation for Action

File #: 18-1198, Agenda Item #: 46.

2/1/2018

Agenda Item

Agenda Item #46: Authorize negotiation and execution of multi-term contracts with American Facilities Services, Inc. and BHW Operating Company, LP, or one of the other qualified offerors to Request for Proposals MDD0102, to provide custodial services, each for up to five years for a total contract amount not to exceed \$4,700,000; divided between the contractors.

QUESTION:

Please provide information about any Department of Labor violations for American Facilities Services, Inc. and BHW Operating Company, LP over the past 15 years.

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

Checking with the US Department of Labor (DOL) to confirm the labor records of offerors is not a current practice used during the solicitation process and has not been used previously to evaluate offerors responding to City solicitations. Staff did ask the recommended contractors if they had any DOL violations. Both contractors replied stating they had no violations

FOLLOW UP QUESTION:

- 1) The Department of Labor has a database where one can view certain companies' violation history. Admittedly, it is not the most user friendly database, however, in my staff's preliminary research they found certain violations associated with American Facilities Service Group and American Facilities Services, Inc. (attached is a sample of these entities' violation records.) Are either of these entities the same company as "American Facilities Services, Inc." in Item #46?
- 2) In staff's 12/14 response, staff stated "Staff have also checked with the DOL to inquire about any such violations with these companies but learned that it will take approximately a week to receive any reports in this regard." Please provide the report.

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

- 1) Staff is unable to locate any information on American Facilities Services Group with an address in Denver, Colorado. There is no entity with that name registered with the Colorado Secretary of State to do business in the State of Colorado. However, this DOL database entry may refer to AFL Maintenance Group, Inc. d/b/a American Facility Maintenance Group, a Colorado corporation with a principal office at the same location as the address listed in the DOL violation database. The vendor recommended in item 46 is a Georgia corporation, and appears entirely unrelated to AFL Maintenance Group, Inc.

Staff is unable to conclusively establish a connection between the entity identified as "American Facility Services, Inc." in the DOL database and the recommended vendor. The address identified in the DOL database is the address for the Sarasota-Bradenton International Airport, and there is no entity registered with the Florida Secretary of State that uses that address as its principal office. Staff is attempting to contact the Sarasota

Manatee Airport Authority to identify the entity that provided the services that resulted in OSHA violations at that airport. In addition, as stated above, the recommended vendor is a Georgia corporation. It is the only entity registered to do business in the state of Texas under the name "American Facility Services, Inc." While the recommended vendor is registered to do business in Florida, it is registered there under the name "Atlanta Building Maintenance, Inc." A separate Florida corporation was registered in Florida under the name "American Facility Services, Inc." between 2005 and 2016. That company was administratively dissolved by the Florida Secretary of State for failure to file an annual report. Staff is unable to find any connection between the Florida corporation and the recommended vendor.

- 2) As it is not standard procedure for City of Austin Purchasing to inquire regarding contractors DOL violations, staff did not follow up on the DOL report in December. Staff did reach out to the proposed contractors and received confirmation that they had no DOL violations. Staff did formally request a FOIA report on the two contractors from the DOL in mid-January that would show any violations and any actions taken by the company to correct, staff has yet to receive this report.

QUESTION:

Will this contract be subject to the City's living wage ordinance?

COUNCIL MEMBER GARZA'S OFFICE

ANSWER:

Yes, any contracts awarded from this solicitation will be subject to the City's Living Wage requirement.

QUESTION:

Would the contractor staff be eligible for City benefits? How much of the cost difference between the two options is driven by benefits?

ANSWER:

No, the contractor's staff would not be eligible for City benefits. During the evaluation process, one item that the contractors were evaluated on was their employee retention plans. Both contractors listed the availability of medical, dental, and vision coverages available to full time employees.

Provided benefits is one of many of the contractor's costs that combine to make up the price that they will charge the City. When the City asks offerors to submit bids or proposals, we ask for the price that they will charge us (not the costs that make up their prices). When we have multiple priced offers (bids or proposals) this is called "price competition". In this case, because price competition was available, staff does not have access to specific elements of cost that make up the offerors' prices.

For these reasons, most governments do not request offerors to provide cost information if there is adequate price competition.



Recommendation for Action

File #: 18-1239, **Agenda Item #:** 54.

2/1/2018

Agenda Item

Agenda Item #54: Authorize an amendment to a contract with Sustainable Food Center to provide continued farm stands, for an increase in the amount of \$58,000 for a revised contract amount not to exceed \$348,000.

QUESTION:

Where are the current farm stands located and where is the additional farm stand going to be located or is it mobile?
COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Attached is a list of current farms stands and their locations.

The expansion site for Public Health Farm Stands in Fiscal Year 2018 will be located at Hart elementary school, located at 8301 Furness Dr., Austin, TX 78753. According to the 2016-2017 Texas Education Agency School Report Card, 96.4% of students are economically disadvantaged at this campus, compared to the district average of 53.3%. This additional farm stand site will provide the economically disadvantaged students in this community greater access to healthy food.

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| Current Farm Stands | | | | | |
|-------------------------------|----------------|-----------------|------------------------|----------|------------------|
| Site Name | Day of Service | Time of Service | Address | ZIP Code | Council District |
| Cunningham Elementary | Tuesday | 2-4pm | 2200 Berkeley Ave | 78745 | District 5 |
| St Elmo Road | Wednesday | 4-6pm | 4320 S Congress Ave | 78745 | District 3 |
| Odom Elementary | Thursday | 1:30-3:30pm | 1010 Turtle Creek Blvd | 78745 | District 2 |
| Dove Springs Rec Center | Saturday | 10:30-12:30pm | 5801 Ainez Dr. | 78744 | District 2 |
| Padron Elementary | Tuesday | 2-4pm | 2011 W Rundberg Ln | 78758 | District 4 |
| Dobie Middle School and Pre-K | Thursday | 2-4pm | 1200 E Rundberg Ln | 78753 | District 4 |



Recommendation for Action

File #: 18-1254, Agenda Item #: 57.

2/1/2018

Agenda Item

Agenda Item #57: Approve a resolution authorizing the City Manager to provide funds in an amount not to exceed \$200,000 to the Texas Department of Transportation as a match to a Transportation Alternatives Program federal grant, to expand Austin's B-Cycle bike share program.

QUESTION:

Please provide the cost of investment and return/revenue for B-Cycle during the life of the investments from the Transportation Department. What is the total amount of investments from the Transportation Department, including all other funding sources? Did staff consider the elimination of transit routes by the transit authority when considering the expansion and reconsidering the identification of priority locations?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Please provide the cost of investment and return/revenue for B-Cycle during the life of the investments from the Transportation Department. What is the total amount of investments from the Transportation Department, including all other funding sources?

Total investment in the Austin B-Cycle system from the Transportation Department has been \$80,000 over the past 3 years to purchase annual memberships passes. Annual passes have been made available to City employees as part of the Traffic Congestion Action Plan (TCAP), now part of the Smart Commute Program. We have also used purchased passes for bicycle education and encouragement as part of our efforts to support alternative commute patterns. All other funding, estimated at more than \$2.5 million, has come from federal and private funding sources.

A total of \$200,000 was identified in FY18 budget for bike share expansion. These are the funds proposed by the Transportation Department for use in accelerating the expansion as part of the item before Council. The Austin B-Cycle system generates approximately \$1.1M in annual revenues which are reinvested into the system operations.

Did staff consider the elimination of transit routes by the transit authority when considering the expansion and reconsidering the identification of priority locations?

Yes, transit service is one of several factors that are considered when identifying priority station locations. The preferred station locations for the Transportation Alternatives Program (TAP) funded expansion were proposed in early 2015, prior to the 2017 Capital Metro service plan changes. Final station locations will take into consideration new transit service and elimination of transit routes service, as well as community requests for stations, existing station density and expanding access to underserved areas within a short bike trip to major employment centers and existing transit service. Stations may also be moved in order to better serve community mobility needs.



Recommendation for Action

File #: 18-1246, Agenda Item #: 58.

2/1/2018

Agenda Item

Agenda Item #58: Approve an ordinance amending the Fiscal Year 2017-2018 City of Austin Fee Schedule (Ordinance No. 20170913-002) to set administrative fees and use rent fees for monitoring, enforcement, parking infrastructure and overall management of the Shared Bike program and for the use of the right-of-way and transportation infrastructure for potential on-going privatized dockless bike share operations.

QUESTION:

Provide documentation to support the projected revenue amount to the city based on the number of bikes deployed and the amount of fees assessed per bike. Describe how the pilot will work, including payments and length of time. How will usage data be captured? Where will pick up sites be located?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Provide documentation to support the projected revenue amount to the city based on the number of bikes deployed and the amount of fees assessed per bike.

Projected revenue of \$90,000 was calculated assuming that up to five companies may choose to participate in the demonstration pilot at a potential maximum of 500 bicycles each. The total number of companies and size of bicycle fleets would be determined after the completion of the public engagement process and depends on interest of the dockless providers. A fee of \$30 per bicycle was determined based on costs to provide two critical components of a management system: (1) Temporary program staff to manage the terms of the pilot program including field inspection and monitoring; (2) Bicycle parking that offers a predictable place for people to leave bicycles that do not obstruct the sidewalk or otherwise cause a public nuisance. Additional elements of the management system that may be covered by this fee will be developed based on the public engagement process that will take place before the demonstration pilot is launched.

Describe how the pilot will work, including payments and length of time.

The details of a demonstration pilot would be informed by a public engagement process. At this time, it is anticipated that the minimum criteria for participation in the pilot will include requirements for a performance bond, insurance, indemnification of the City, supplying bicycles that meet standards for safe operation in Texas, balancing bicycle fleets to ensure orderly parking and distribution, and sharing usage data for the purposes of monitoring and evaluating the program. The length of time of the pilot has not been established but is not expected to be less than six months in order to provide enough time to fully understand the benefits, impacts and management requirements for this service. A proposal to Council during the regular budget process for FY19 or FY20 is anticipated, based on the outcome of the pilot. Payment for accessing the bicycles is anticipated to be mostly made through the individual service provider's app, downloaded by the user to their smart phone. ATD would also require other means of accessing bicycles, such as through pre-paid cards, in order to provide access for people without smart phones.

How will usage data be captured?

Usage data will be captured through the technology of each provider equipped within the bikes they provide.

The demonstration pilot is expected to include requirements for sharing this data with the City and the community for the purposes of monitoring and evaluating the pilot program. Data sharing requirements are expected to include sharing of real-time information of the entire fleet of bicycles through a documented application program interface (API) that offers information about point locations, bicycle identification number and type of bicycle. Requirements will also include requests for anonymized data for each trip, including the duration, distance, start date and time, end date and time, start and end location and bicycle ID number. This information will be used to support the safe management of the dockless system as well as for future planning. Additional data sharing components may be required based on the results of the public process.

Note: We will be working with the dockless bike community to make bikes available to customers with or without an enabled smart phone while still preserving data expectations.

Where will pick up sites be located?

Pick up sites will be determined by the providers and users based on market demands. ATD will work with providers and local institutional partners in designing the pilot to spread access so as to improve coverage and accessibility. For example, the pilot could be developed to encourage coverage of major transit hubs and community resources (e.g. universities, employment centers, etc.). Because the system would be dockless, it is not dependent on station locations. In areas of high demand, ATD believes that providing an orderly and predictable means for people to find bicycles and park them is an important component of managing any dockless system. For this reason, ATD will mark bicycle parking in areas of high demand based on the trip data provided by the participating operators. Bicycle parking will be made possible using the recovered fees provided by the participating operators.



Recommendation for Action

File #: 18-1255, Agenda Item #: 58 and 59.

2/1/2018

Agenda Item

Agenda Item #58 and #59: Approve an ordinance amending the Fiscal Year 2017-2018 City of Austin Fee Schedule (Ordinance No. 20170913-002) to set administrative fees and use rent fees for monitoring, enforcement, parking infrastructure and overall management of the Shared Bike program and for the use of the right-of-way and transportation infrastructure for potential on-going privatized dockless bike share operations. Approve a resolution authorizing the City Manager to establish a dockless bike share pilot demonstration program and the development of a permit process for permanent privatized dockless bike share operations.

QUESTION:

Provide itemized documentation to support the projected amount of revenue to the City based on the fee per bike, the number of bikes that will be deployed, and the timeline. Describe how the pilot will work, including payment and length of time? How will usage data be captured? Where in the City will the pilot begin, and how are the sites going to be identified? How will this program enhance the current B-Cycle bike share program? Will there be any community engagement prior to the beginning of the pilot program?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Provide itemized documentation to support the projected amount of revenue to the City based on the fee per bike, the number of bikes that will be deployed, and the timeline.

Estimated recoverable fees and expenses to manage a dockless pilot are documented below. The total number of companies and size of bicycle fleets would be determined after the completion of the public engagement process and depend on the response from dockless providers. A fee of \$30 per bicycle was determined based on costs to provide two critical components of a management system: (1) Temporary program staff to manage the terms of the pilot program including field inspection and monitoring; (2) Bicycle parking that offers a predictable place for people to leave bicycles that do not obstruct the sidewalk or otherwise cause a public nuisance. Additional elements of the management system that may be covered by this fee will be developed based on the public engagement process that will take place before the demonstration pilot is launched. Should the Transportation Department recommend a permanent dockless bike share policy after completion of the pilot, the fees can be adjusted to account for actual cost experience during the pilot program. The proposed pilot program budget is attached.

Describe how the pilot will work, including payment and length of time?

The details of a demonstration pilot would be informed by a public engagement process. At this time, it is anticipated that the minimum criteria for participation in the pilot will include requirements for a performance bond, insurance, indemnification of the City, supplying bicycles that meet standards for safe operation in Texas, balancing bicycle fleets to ensure orderly parking and distribution, and sharing usage data for the purposes of monitoring and evaluating the program. The length of time of the pilot has not been established but is not expected to be less than six months in order to provide enough time to fully understand the benefits, impacts and management requirements for this service. A proposal to Council during the regular budget process for FY19 or FY20 is anticipated, based on the outcome of the pilot. Payment for accessing the bicycles is anticipated

to be mostly made through the individual service provider's app, downloaded by the user to their smart phone. ATD would also require other means of accessing bicycles, such as through pre-paid cards, in order to provide access for people without smart phones.

How will usage data be captured?

Usage data will be captured through the technology of each provider equipped within the bikes they provide. The demonstration pilot is expected to include requirements for sharing this data with the City and the community for the purposes of monitoring and evaluating the pilot program. Data sharing requirements are expected to include sharing of real-time information of the entire fleet of bicycles through a documented application program interface (API) that offers information about point locations, bicycle identification number and type of bicycle. Requirements will also include requests for anonymized data for each trip, including the duration, distance, start date and time, end date and time, start and end location and bicycle ID number. This information will be used to support the safe management of the dockless system as well as for future planning. Additional data sharing components may be required based on the results of the public process.

Where in the City will the pilot begin, and how are the sites going to be identified?

The location of the pilot program will be determined by the providers and users based on market demands. ATD will work with providers and local institutional partners in designing the pilot to spread access so as to improve coverage and accessibility. For example, the pilot could be developed to encourage coverage of major transit hubs and community resources (e.g. universities, employment centers, etc.). Because the system would be dockless, it is not dependent on station locations. In areas of high demand, ATD believes that providing an orderly and predictable means for people to find bicycles and park them is an important component of managing any dockless system. For this reason, ATD will mark bicycle parking in areas of high demand based on the trip data provided by the participating operators. Bicycle parking will be made possible using the recovered fees provided by the participating operators.

How will this program enhance the current B-Cycle bike share program?

A demonstration pilot program, as informed by a public engagement process, is intended to expand access to affordable mobility choices by testing the value of a blended system that captures the benefit of a stable station-based system with the extended reach of a dockless system. The impacts of a dockless system to the existing station-based system is unknown at this time however the pilot program would include ongoing monitoring of station-based usage and dockless usage to better understand the changes in station-based use before and after dockless service was introduced. The mobility marketplace includes multiple versions of the same service, for example subsidized mass transit operating along with private market shuttles and regional transit, all serving people in a slightly different way. We expect the bike share marketplace to similarly evolve to offer multiple private market options alongside the existing publicly-owned system.

Will there be any community engagement prior to the beginning of the pilot program?

Yes. A public process inclusive of stakeholder meetings, a public form and a community survey would be done prior to the demonstration pilot. This process would help to inform criteria for the demonstration pilot program.

DOCKLESS DEMONSTRATION PILOT PROGRAM PROPOSED 6-10 MONTH BUDGET

Estimated Recovered Fees

| | | |
|----|-----------|---|
| \$ | 30.00 | Fee per bicycle |
| | 500 | Estimated total number of bicycles per operator |
| | 6 | Estimated number of companies operating |
| \$ | 15,000.00 | Estimated fees collected per operators |
| \$ | 90,000.00 | Estimated total recoverable fees |

Estimated Management Expenses

| | | |
|-----------|------------------|--|
| \$ | 54,000.00 | Program Manager (Temporary for 8-10 months for management of public process and post pilot evaluation) |
| \$ | 24,000.00 | Inspectors (Temporary, for 6-8 months for ongoing monitoring and evaluation) |
| <u>\$</u> | <u>12,000.00</u> | Bicycle Parking Installations |
| \$ | 90,000.00 | |



Recommendation for Action

File #: 18-1251, **Agenda Item #:** 63.

2/1/2018

Agenda Item

Agenda Item #63: Approve a resolution directing the City Manager to create a plan to periodically assess existing City regulations and rules.

QUESTION:

- 1) Does the work contemplated in the revised Resolution duplicate work that is already occurring at the City, such as the work being conducted by the Office of Performance Management?
- 2) What is the estimate amount of time and resources required to implement the revised Resolution?
- 3) What staff efforts would occur at the 60-day and 180-day interval? What staff efforts would occur after the 180 day period?
- 4) What number of hours do staff estimate it would take to develop a plan and to conduct the analysis?

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

One of the functions of the Office of Performance Management (OPM) is process improvement. Process improvement work is grounded in highly data driven Lean practices, an approach to work that focuses on customer value, optimization, and the elimination of waste (such as unnecessary steps, rework due to errors, and underutilization of capabilities) without sacrificing productivity and quality. OPM works with departments to identify programs and processes that would benefit from this type of analysis. This work often identifies barriers to a smooth and efficient process, which may include policies, rules, or regulations. The goal of the process improvement projects is not to conduct a specific review of City policies, rules, and regulations; however, the projects create an opportunity to identify policies, rules, and regulations that may be problematic.

Similarly, per governmental auditing standards, the Office of the City Auditor identifies and reviews compliance with rules and regulations as they relate to the objective of an audit being conducted.

The revised Resolution calls for the development of a work plan for a pilot program in the first 60 days focused on Economic Opportunity and Affordability. During this 60-day period, the City Manager will convene a cross-departmental team that can devise an approach and conduct a preliminary evaluation of the necessary resources and potential timeline. Staff will report back to Council on this prior to proceeding with the pilot program itself and outline any necessary resources to move forward.



Recommendation for Action

File #: 18-1213, Agenda Item #: 115.

2/1/2018

Agenda Item

Agenda Item #115: C14-2017-0136 - Lake Creek Commercial - District 6 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 9829 ½ North Lake Creek Parkway (Lake Creek Watershed). Applicant Request: To rezone from multi-family residence-highest density (MF-6) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning.

QUESTION:

Staff supported the applicant's request for GR zoning, and the Zoning and Platting Commission unanimously recommended GR-MU zoning. Do our staff have any concerns with GR-MU zoning being applied to this property? If so, what are the staff concerns?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

No, the staff and the applicant had no issue with the addition of the "MU" combining district that was part of the Zoning and Platting Commission's recommendation. The staff recommended the applicant's request for GR district zoning because the property is located at the intersection of two major arterial roadways and within the boundaries of a "Regional Center" as identified on the Imagine Austin's Growth Concept Map found in the Image Austin Comprehensive Plan. The Zoning and Platting Commissioners stated that they want to add the "MU" designation to allow for the possibility of residential development on the site. The applicant currently plans to develop a medical clinic at this location.



Recommendation for Action

File #: 18-1241, Agenda Item #: 122.

2/1/2018

Agenda Item

Agenda Item #122: Conduct a public hearing and consider an ordinance concerning the complaint of Paul Robbins on Texas Gas Service's 2018 Conservation Adjustment Clause rate.

QUESTION:

- 1) Has TGS explored recalibrating the rebate for programs in which developers are purchasing these types of furnaces or water heaters that are increasingly becoming industry standards?
- 2) Has TGS explored the potential of tiering rebates based on whether the installation of a furnace or water heater will occur in market rate vs. affordable housing developments?
- 3) If a tiering were to occur, does TGS forecast that this could alter the demand for the programs?

MAYOR PRO TEM TOVO'S OFFICE

ANSWER:

According to the U.S. Energy Information Administration (EIA) data from early 2017, just 33% of newly constructed homes are built with high efficiency appliances, which include high efficiency furnaces and tankless water heaters. These appliances are not yet industry standard. TGS has lowered the tankless water heater rebate amount to reflect the level believed to serve as an incentive for customers but limits free ridership to those customers who would purchase without an incentive.

TGS has not explored tiering rebates based on the type of housing development and has not been asked to do so in discussions with the Resource Management Commission or the Office of Telecommunications and Regulatory Affairs. Without tiering rebates, the Housing Authority of the City of Austin was the recipient of 64% of the homebuilder high efficiency furnace rebates and over 11% of all homebuilder rebates in 2017. TGS understands the Energy Efficiency Program to have the goal of maximum conservation of natural gas. With participation limited by budget constraints, increasing rebate amounts for affordable housing participants would reduce the total number of incentives given, ultimately reducing the natural gas savings achieved through the program.