



Thursday, June 14, 2018

The Questions and Answers Report will convene at
on Thursday, June 14, 2018 at Austin City Hall
301 W. Second Street
Austin, TX



Mayor Steve Adler
Mayor Pro Tem Kathie Tovo, District 9
Council Member Ora Houston, District 1
Council Member Delia 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

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

5. Agenda Item #5: Authorize additional contingency funding for the construction contract with Pepper-Lawson Waterworks, LLC, for the Walnut Creek Wastewater Treatment Plant Tertiary Filter Rehabilitation project in the amount of \$1,260,900 for a total amount not to exceed \$27,797,800.

QUESTION:

What contingencies resulted in the previously approved 5% contingency being insufficient?

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

A portion of the initial 5% contingency was utilized to address the discovery of undocumented communications and electrical wiring and unknown site conditions (Change Order #1) and additional duct banks and additional unanticipated site conditions (Change Order #2) which were identified during the initial phase of the construction. The remaining balance of the contingency will not be sufficient for the project to cover additional changes currently under consideration. The majority of these additional changes are for additional instrumentation, controls and communication needed for the filter control system, to address other differing site conditions and for other unforeseen risks for the remaining part of the construction. Therefore, 5% additional contingency is requested now based on past experience from other similar projects to ensure timely and efficient change order processing for a successful project completion.

7. Agenda Item #7: Authorize negotiation and execution of an amendment to the professional services agreement with Jacobs Engineering Group, Inc., for design, bid, and award phase services for the Albert H. Ullrich Water Treatment Plant Conversion to On-site Generation of Sodium Hypochlorite Project in the amount of \$2,329,896.83, using existing funds and authorizing an additional \$1,113,557.93, for a total contract amount not to exceed \$3,171,557.93.

QUESTION: It appears that the contractor has not reached the minority/women participation goal of 1.9%. Has the contractor submitted a compliance plan that meets the goals of this solicitation?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Jacobs Engineering Group, Inc., the prime consultant on this contract, did provide an MBE/WBE Compliance Plan that met the goals of the solicitation at the time of contract award. The reason for that the African American participation to date and for this amendment related to design phase services has not been achieved is that the scope (Geotechnical Investigation) that was to be performed by HVJ Associates, LLC - a certified African American firm did not materialize. The

scope did not materialize because during historical document gathering in the preliminary engineering phase, City staff discovered that sufficient historical geotechnical data from the Ullrich Expansion project in the early 2000's already existed and the scope that was to be performed by HVJ was not required. SMBR will continue to work with Jacobs Engineering, LLC to identify potential sub-consulting areas to meet the African American goal as feasible.

QUESTION:

Why was 40% of the funding for the design phase expended on this contract?

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

The initial contract amount of \$783,661.10 (~40% of the initial Council Authorization of \$2M) was utilized to cover the preliminary engineering services where the full scope of improvements was identified. The balance of the initial Council authorization (~60% of \$2M) would not be sufficient to cover final design and bid/award phase services (in an amount of \$2,329,896.83) necessary for the proposed improvements identified from the preliminary engineering study.

12. Agenda Item #12: Authorize the use of the Design-Build procurement method of contracting in accordance with Texas Government Code 2269 for design and construction services for up to five new neighborhood fire and emergency medical facilities.

QUESTION:

Please clarify when the use of the Design-Build method is and is not allowed.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

The City can use the design-build method for a construction project when it determines that design-build, as opposed to, for e.g., competitive bidding, would provide the City with the best value. The design-build method can be used for both buildings and associated structures as well as, in limited circumstances, some civil projects such as roads, bridges, water supply projects and water plants. When using the design-build method, cities must follow the statutory requirements and procedures. There is one set of requirements and procedures for vertical structures or buildings and another for horizontal or civil projects.

13. Agenda Item #13: Approve an ordinance amending the Fiscal Year 2017-2018 Capital Contracting Office Operating Budget (Ordinance No. 20170913-001) to increase the number of authorized positions by 1.0 to provide support for the design and construction of new fire stations.

QUESTION:

Would these funds be ongoing funds or one time funds? Is this a temporary or permanent position? If temporary, please explain in detail how long the position is meant to be in place and how much money it will require over the time frame it will be needed.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

These would be ongoing funds included in the Fiscal Year 2019 Budget if approved by Council, and would be a permanent position.

QUESTION

Is existing staff able to absorb the workload associated with support for design and construction of the new fire stations? If not, why not?

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

Existing staff is not able to absorb the workload associated with the expedited schedule for design and construction of the new fire stations without impacting other priority projects. The requested 1.0 FTE will augment staff to ensure responsiveness and quality procurement and contracting service is provided to this project and other existing and upcoming Alternative Delivery Method projects. An existing FTE will be assigned this new Fire Station project and other team members will see an increase to their workload while we hire and onboard/train the new FTE.

The Capital Contracting Office (CCO) has experienced an increase in the use of Alternative Delivery Methods due to its ability to reduce the timeframe for delivering projects. While Alternative Delivery Methods save time for project delivery, the CCO staff time commitment is greater than the traditional design-bid-build method. CCO staff are engaged with Alternative Delivery Method from solicitation, to Guaranteed Maximum Price negotiation, through contract monitoring and contract closeout.

CCO is currently working:

- 13 Alternative Delivery construction projects
- 3 Professional Service design/contracts supporting Alternative Delivery
- 33 Job Order Contract assignments

Of the 13 active Alternative Delivery construction projects, 1 is for construction of the Onion Creek Fire/EMS station, 2 are for renovations of 6 fire stations (Phase 5 and 6), and one for replacement of vehicle bays and renovation of another fire station.

In addition, in working with Department Capital Improvement Program staff, indication is that beginning in FY 2019 the workload for the 5-year CIP is expected to increase by \$2B or more. This expected increase is compounded by:

1. Existing workload;
2. Need to prioritize solicitations and contracting that supports the 2016 Mobility Bond; and
3. Expectation that Capital Improvement Projects to be turned around more quickly, with the City's goal of reducing the timeframe for delivering projects by 50%.

CCO has requested two additional FTEs in the FY19 budget to meet current and future needs in an expedited manner.

- 15.** Agenda Item #15: Approve an ordinance adopting the Austin Area Master Community Workforce Plan as an attachment to the Imagine Austin Comprehensive Plan.

QUESTION: What of any strategies included in the plan have an evidence base/emerging evidence base to prove that they will meet the targets in this plan? Have these strategies been proven to work in other cities? Please give us a sense for how Council can think of their likelihood for effectiveness. What will be key challenges to implementation and how do you plan to mitigate those challenges? How will this master plan join up with the Council Strategic plan in terms of

reporting outcomes?

COUNCIL MEMBER ALTER'S OFFICE

Please clarify what triggers an addition to Imagine Austin. In this case why does this content have to be added to Imagine Austin?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

Q: What of any strategies included in the plan have an evidence base/emerging evidence base to prove that they will meet the targets in this plan?

A: The following response to Question #1 has been provided by Workforce Solutions Capital Area:

The Master Community Workforce Plan has four Strategies: Awareness & Enrollment, Training, Placement, and Advancement. We will address any evidence based approach within each of the Strategies):

Awareness & Enrollment: During the year-long process of building the Master Plan, Workforce Solutions Capital Area interviewed and heard from scores of providers, employers, and employer associations that students and job seekers lack understanding of the jobs and industries growing our economy. Further, they noted that students/job seekers did not know where to go to access training opportunities once they were aware of those industries. In its research scan, Workforce Solutions identified in other cities and markets their recognition of "awareness" as an issue, but none included replicable metrics for how to measure or grow awareness on any scale. The Master Plan's target within Awareness & Enrollment was set based on our recognition of need, and also our recognition that no other community had successfully and comprehensively built a community-based campaign for us to replicate in order to raise awareness that leads to enrollment. Accountability for the Master Plan is expected from community stakeholders including implementation to deliver increased enrollments, a tangible metric under which Workforce Solutions Capital Area can build an emerging body of evidence related to our monitored awareness efforts.

Training and Placement: These two Strategies are based on Workforce Solutions' experience as a funder of training services. Beginning in Fiscal Year 2014, Workforce Solutions began measuring and reporting the percentage of training-related placements, and set a goal to increase the percentage over five years. The goal was called "75x20" and reflected the Board's commitment, as one workforce funder, to increase training-related placements to at least 75% by the year 2020. Based on focused and measured effort by Board and contractor/training provider staff, Workforce Solutions reported a 77% training-related placement rate for those students/job seekers that it financially supported and case managed by Fiscal Year 2016 - well in advance of the goal year.

Thus, it is with this experience and processes mapped out that Workforce Solutions, as the backbone for the Master Plan, believes that these two Strategies are attainable. As the community coalesces around the Master Plan as our common agenda for closing our skills gap, we believe that best practices such as Workforce Solutions' 75x20 and others currently underway with training providers and educators will be brought to the surface and amplified.

Advancement: In conducting a research scan of other communities, Workforce Solutions was not able to identify another community with a skills-building plan to benchmark against, though it did identify examples of strong practices relating to baselining data on specific employer-focused efforts to advance their current workers. Thus, Workforce Solutions believes that the Master Plan may emerge as one of the first and only examples of a comprehensive approach to measuring and scaling skills advancements within companies across a single and multiple sectors.

Finally, because specific evidence-based examples similar to the Master Community Workforce Plan are scarce, Workforce Solutions has raised mostly private funds in order to contract with The University of Texas Ray Marshall Center as the third-party data evaluator to collect and analyze our outcomes. The result of this work over time will be an evidence-based model of what has worked and what needs to be tweaked. Austin may well become the evidence-based model and theory of change that other communities are seeking.

Q: Have these strategies been proven to work in other cities? Please give us a sense for how Council can think of their likelihood for effectiveness.

A: The following response to Question #2 has been provided by Workforce Solutions Capital Area:

To build on response to the previous question, Austin is one of the only communities that has not only created a community-level plan to close the skills and employment gap, but also held itself accountable to the outcomes of that plan. In Houston, for example, their skills plan was launched 2-3 years prior to the Master Community Workforce Plan (called “Upskill Houston”), but to date, Workforce Solutions Capital Area is not aware of any metrics that have been attached to their plan as a whole aside from project-based work. In Boston, for example, they launched a Boston Hires campaign, but they admit that it is primarily a marketing campaign utilizing self-reported data from employers.

Ultimately, success under the Master Community Workforce Plan is predicated on a community’s committed desire to place local people in local jobs. Workforce Solutions is committed to that outcome, and based on the support that the community has provided to date, we believe that this “hire local” initiative, with metrics, will be successful. It is a new initiative that Austin has never tried before so there is, as always in such endeavors, a chance that unforeseen circumstances could derail our current commitment to this effort.

Q: What will be key challenges to implementation and how do you plan to mitigate those challenges?

A: The following response to Question #3 has been provided by Workforce Solutions Capital Area:

Key challenges to implementation, and efforts that Workforce Solutions is undertaking to mitigate them, include (but may not be limited to):

1. Desire and willingness to change workforce development practices in alignment with the Master Plan. Workforce Solutions, as the backbone, can address this challenge through both “head and

heart.” We have formed a Master Plan Leadership Council, comprised of policy makers, funders, and key representative educators, to review and take action based on data. Further there is a newly formed Education / Training and Evaluation Committee comprised of representatives from the educators/training providers who can make recommendations on behalf of their organizations are going to change as a result of the outcome data, and new circumstances that may arise. Further, Workforce Solutions believes that as we, as a community, have success, we will hear and feel the stories of the families lifted out of poverty and into family-supporting jobs and this will sustain our overall engagement in the Master Plan.

2. Good data from which to make critical decisions about “what is working.” As noted above, Workforce Solutions has executed a contract with the Ray Marshall Center and believes that their data work can be trusted and verified.

3. Funding. This work is intensive, comprehensive, and different from any other work that Workforce Solutions or the community has undertaken before. As such, funding is an issue in order to ensure that the backbone agency can staff appropriately to serve its role, that the data collection and analysis can continue without interruption, that a comprehensive marketing plan be developed and implemented to target and engage both employers and students/job seekers, and that programs that get good results can be scaled to serve more students/job seekers. Workforce Solutions has been actively fundraising for more than a year, and expects to continue its efforts. However, as the Master Plan builds results, there may be additional funding needs to address scaling the Master Plan across all of the sectors and for all the low-income residents who still feel left behind.

Q: How will this master plan join up with the Council Strategic plan in terms of reporting outcomes?

A. The following portion of the response to Question #4 has been provided by City of Austin staff:

This Master Plan aligns with Imagine Austin Priority Program #3: Continue to Grow Austin’s Economy by Investing in Our Workforce, Education Systems, Entrepreneurs, and Local Businesses, the Strategic Direction 2023 outcomes “Economic Opportunity and Affordability” and “Culture and Lifelong Learning.” As part of the strategic planning process, the City will regularly report on the following, as adopted by Council in Strategic Direction 2023:

Economic Opportunity & Affordability:

§ EOA Metric F4: Number and percentage of people who successfully complete Workforce Development training (goal to have data on number and percentage who obtain employment)

§ EOA Strategy #2: Influence the skills of our local workforce by developing and implementing a City of Austin workforce development roadmap to meet regional goals. Align local workforce skills with needs of employers and track outcomes with a special focus on economic improvement for people of color and historically marginalized communities.

Culture & Lifelong Learning:

§ CLL Metric B2: Number of people employed in the creative sector (as defined by specific North American Industry Classification System [NAICS] codes) in the Austin Metropolitan Statistical Area

§ CLL Metric B4: Number and percentage of creative-sector professionals who indicated they benefited from a City-sponsored professional development opportunity

EDD will develop a roadmap, in collaboration with contributing City departments, to specify the

City's short-term and long-term contributions to advance these shared regional goals, and a regular cadence for reporting progress on outcomes.

In addition, Workforce Solutions Capital Area Master Community Workforce Plan is proposed to include specific data that aligns with these outcomes. The below response clarifies where that data comes from and identifies proposed outcomes:

The following portion of the response to Question #4 has been provided by Workforce Solutions Capital Area: The University of Texas Ray Marshall Center is under contract by Workforce Solutions to conduct a regional data and evaluation study as part of the Master Community Workforce Plan. As a third-party evaluator, Ray Marshall Center is collecting and analyzing data and outcomes from education and training providers in the region. Specific data will be requested from education and training providers. Proposed outcomes will include percent of participants who complete and/or exit a workforce training program, percent of completers/exiters who attain a recognized credential (with a focus on middle-skill credentials), percent of completers/exiters who enter employment (with a focus on middle-skill occupations as identified within the Master Plan), percent of employed participants who upskill/advance within their career pathway, and percent of completers/exiters who are above 200% of the federal poverty level (by tracking earnings change). The goal is to have this data available on an annual basis.

Q. Please clarify what triggers an addition to Imagine Austin. In this case why does this content have to be added to Imagine Austin?

A. The following response to Question #5 has been provided by City of Austin staff: City Council is not required to amend the comprehensive plan for this purpose. However, Imagine Austin may be amended through an ordinance that fulfills the process requirements laid out in the Charter. In the past, Council has either done this concurrently with adoption of a specific plan (Colony Park Master Plan was amended this way), or has amended the Imagine Austin Plan to add an attachment later in the year as part of an annual report and amendments process (Urban Trails Master Plan was amended this way.)

Any plan that relates to the topics of Imagine Austin and rises to the level of comprehensive plan-level policy guidance may be attached to the Imagine Austin Plan. City Council has some discretion to decide what can be attached.

- 16.** Agenda Item #16: Approve an ordinance amending City Code Chapter 10-2 (Emergency Medical Services) related to regulations for non-emergency medical transfer service providers.

QUESTION:

1) What is the impetus for the wholly new provisions included in the updated ordinance? Why is each necessary at this time? 2) Regarding Part 6 D, what is the reason for the prohibition of authorizations on additional transfer licenses until 2021?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

1)The proposed changes to the ordinance is the result of several years of review of current services and the need to update based on service delivery changes within the industry. There are services

provided by franchises, such as wheelchair transports, which are a subset of non-emergency transports that have never been regulated by the City. The language added to 10-2 allows the city to monitor and regulate these transports in accordance with other non-emergency transports. The other changes to the ordinance set standards and clarify portions of 10-2 that were ambiguous and resulted in unwanted outcomes - for example, we have included a 2:1 logo on ambulances to ensure that all citizens at every hospital have better access to service.

2) In July 2013 the Center for Medicare & Medicaid Services (CMS) instituted a provider enrollment moratorium in several areas across the country, including Houston and surrounding counties. This moratorium ceased any new ambulance provider numbers in these areas due to the amount of fraud that was happening, particularly with private companies. The CMS moratorium was extended in January 2018. Since the implementation of the original moratorium EMS has received increased inquiries and applications for franchise licenses, particularly from companies headquartered in the Houston area. A city moratorium on applications will allow the market to correct itself in the Houston area without adding the risk to the City of accepting a franchise that has operated with questionable practices in the past.

In addition, Council recently approved a third provider that begins service today (6/12). The moratorium would also allow the City market to stabilize with the third franchise and allow staff to fully analyze the impact of the additional provider to the market.

17. Agenda Item #17: Approve a resolution relating to the City Manager's recommended bond package for a November 2018 General Obligation Bond election.

QUESTION:

Would the proposed needs for the Dougherty qualify for funding from COs? Please provide detail. What locations would be covered by the proposed signals projects? Please provide detail on projects for the proposed Vision Zero funding. Please clarify if there is any duplication of projects amongst projects already funded through the 2016 Mobility Bond. Please provide detail on the timeline for the sidewalk projects proposed here in comparison to those in the 2016 Mobility Bond program. Please provide a detailed list of street reconstruction projects.

COUNCIL MEMBER KITCHEN'S OFFICE

ANSWER:

1) Would the proposed needs for the Dougherty qualify for funding from COs? Please provide detail.

To the extent that the proposed needs for the Dougherty are solely to purchase a new site and build the same general park facility as is currently operated, state law authorizes this as an lawful use of Certificates of Obligation (COs). If the project changes, such as becomes an economic development project, general obligation bonds would be the appropriate funding source.

From a City policy perspective, the approved financial policies that Council adopts with the City Budget for General Obligation Debt (both voter-approved property tax backed debt and non-voter-approved property tax backed debt) includes the following:

It is the City's priority to fund capital expenditures with cash or voter-approved debt. However, non-voter-approved debt may be used for capital expenditures as an alternative to lease/purchase or other financing options if the capital expenditure is:

- Urgent;
- Unanticipated;
- Necessary to prevent an economic loss to the City;
- Results in an economic gain to the City within a reasonable time; or
- Non-voter approved debt is the most cost effective financing option available.

In regards to Dougherty, Council has not made a finding that the need meets the policy. Therefore, at this time, staff recommends use of general obligation bonds as the best financing source for these needs.

Please note that, in regards to the other prospective Fiscal Year 2018 Bond projects, the application of this policy largely hinges on the definition of “urgent.” Thus, for example, the fire stations were found by council to be an urgent public safety need by the Austin Fire Department and Finance staff therefore recommended the use of Certificates of Obligation.

2) What locations would be covered by the proposed signals projects?

This proposed funding would be a “bucket” of funds, from which projects would be funded citywide. If approved by voters, project locations will be identified using existing prioritization processes based on traffic signal warrants, need, lifespan of equipment, etc.

The proposed 2018 Bond staff recommendation includes funding for the following traffic signal and technology programs and projects. The “universe of needs” for traffic signals and the Automated Traffic Management System is \$71 million (as detailed in the [April 16th memo](http://www.ci.austin.tx.us/edims/pio/document.cfm?id=296824) <<http://www.ci.austin.tx.us/edims/pio/document.cfm?id=296824>>). Staff requests \$37 million (48% of current need) through the 2018 bond for traffic signal programs/projects, as follows:

- Traffic Signals and Signal System - \$9,100,000
Includes funding for new signal installations, enhancements to the signal communications system, modifications and upgrades to existing traffic signal infrastructure and software, and battery backups
- Signal Safety Improvements - \$4,300,000
Includes emergency vehicle preemption software and equipment, power-source modernization, accessible pedestrian signals, and retroreflective backplates to improve signal visibility.
- Mobility Improvements - \$1,600,000
Includes vehicle detection equipment, traffic monitoring equipment (i.e., closed circuit cameras) and real time transit signal priority reporting.

More specifically, for example, for new signals alone there are about 168 traffic and 158 PHBs requests in some phase of evaluation; this funding would complete approximately 36 signals (\$9.1M/ ~\$250,000 per signal), plus other hardware, software and infrastructure outlined above. More detail and descriptions of the technology can be found in the [April 16th memo](http://www.ci.austin.tx.us/edims/pio/document.cfm?id=296824) <<http://www.ci.austin.tx.us/edims/pio/document.cfm?id=296824>>.

3) Please provide detail on projects for the proposed Vision Zero funding.

As with signals, this proposed funding would allow for a systems-based approach to addressing safety citywide. Locations would be determined based on established prioritization processes described below.

The proposed 2018 Bond staff recommendation includes funding for the following Vision Zero/Transportation Safety programs and projects. The “universe of needs” for Vision Zero/Transportation Safety is \$160 million. Staff requests \$35 million through the 2018 bond for traffic signal programs/projects, as follows:

- Major Intersection Safety Projects - \$11,000,000

Includes funding for intersection safety improvements at approximately 10 of the highest crash intersections in Austin. Typical safety improvements may include intersection reconfiguration and reconstruction, construction of new or modification of existing median, improvements to pedestrian and bicycle facilities, and/or construction of traffic and pedestrian signals. Locations will be determined through multiple factors, including average crash frequency, crash rates, fatalities, traffic volume, and crash severity. As these factors may change over the life of the bond, locations will be identified based on the most recent data available at the time of project development.

- Pedestrian Safety Improvements - \$3,500,000

Includes funding for high-impact, cost effective pedestrian safety treatments such as concrete refuge islands, rapid flashing beacons, raised crosswalks or curb extensions at 80 to 120 locations across the city. Locations would be determined based on the Pedestrian Priority Network, as described in the Pedestrian Safety Action Plan which considers factors related to crash history, risk and demand for walking. Projects will be prioritized based on available funding and efficiencies gained through coordination opportunities (such as coordination with routine maintenance or transit accessibility needs). As these factors may change over the life of the bond, locations will be identified based on the most recent data available at the time of project development.

More detail and descriptions of the programs can be found in the [April 16th memo](http://www.ci.austin.tx.us/edims/pio/document.cfm?id=296824) <<http://www.ci.austin.tx.us/edims/pio/document.cfm?id=296824>>.

4) Please clarify if there is any duplication of projects amongst projects already funded through the 2016 Mobility Bond.

This question was addressed in detail in an [April 16th memo](http://www.ci.austin.tx.us/edims/pio/document.cfm?id=296824) <<http://www.ci.austin.tx.us/edims/pio/document.cfm?id=296824>>. As stated in that memo, in a majority of the programs there really is no overlap since the funding from each source addresses different elements of our Transportation Infrastructure. In 2016, staff developed several alternatives ranging from \$250 million to \$720 million for Council’s consideration for Bond funding. All of the alternatives included a mix of Capital Renewal projects/programs and Mobility projects/programs. The “Capital Renewal” projects/programs generally focused on renewing existing transportation infrastructure that is beyond the scope of repair and maintenance techniques and thus needs capital funding while the “Mobility” projects/programs generally focused on enhancing existing corridors or adding new infrastructure with the goal of improving mobility and providing congestion relief through capacity improvements for all transportation modes. Working within the financial constraints at that time, staff developed 2 alternatives for the \$720 million

bonding level. The first was a “blended alternative” that would have dedicated \$100 million to “Regional Mobility”, \$344.5 million for “Corridor Mobility”, and \$275.5 million to “Local Mobility” (with \$180 million of the Local Mobility funding for Capital Renewal). Staff’s “enhanced corridor alternative” would have dedicated \$93.5 million to “Regional Mobility”, \$471.5 million for “Corridor Mobility”, and \$155 million for “Local Mobility” (with \$67 million of the Local Mobility funding for Capital Renewal). The voters ultimately approved a version more focused on “Mobility” than “Capital Renewal” with \$101 million for Regional Mobility, \$482 million for Corridor Mobility, and \$137 for Local Mobility (with only \$11 million of the Local Mobility funding dedicated specifically for Capital Renewal). The table below summarizes the funding allocation described above.

2016 Bond Package Alternatives

<u>Alternative</u>	<u>Regional Mobility</u>	<u>Corridor Mobility</u>	<u>Local Mobility</u>
Staff “Blended”	\$100M	\$344.5M	\$275.5M (\$180M for Capital Renewal)
Staff “Enhanced Corridor”	\$93.5M	\$471.5M	\$155M (\$67M for Capital Renewal)
Voter Approved Bonds	\$101M	\$482M	\$137M (\$11M for Capital Renewal)

The 2016 Mobility Bond approved by the voters dedicates the \$11 million Capital Renewal funding for the preliminary engineering and design (no funding for construction) for two projects (Fallwell Lane and the William Cannon Drive Bridge over the Union Pacific Railroad) and 9 sub-standard street projects. So, the package that the Council ultimately chose to put forward for voter consideration in 2016 was primarily focused on mobility needs rather than capital renewal needs. With this very small funding for Capital Renewal in the 2016 Mobility Bond, staff is now again requesting funding for the core maintenance functions termed “Capital Renewal” for the 2018 Bond.

5) Please provide detail on the timeline for the sidewalk projects proposed here in comparison to those in the 2016 Mobility Bond program.

The 2016 Bond provided funding primarily for new sidewalk, sidewalk connections, and curb ramps. The proposed funding for the 2018 Bond would be used to address Capital Renewal projects in line with the ADA Transition Plan by rehabilitating and replacing existing sidewalks and curb ramps that are functionally deficient and thus not ADA compliant. We have identified approximately \$330 million in sidewalk rehabilitation needs and requested \$20 million in the 2018 Bond (~6% of need).

The Contract with the Voters for the 2016 Bond directs the City Manager to complete the bond within eight years after voter approval. We anticipate the sidewalk funds from the 2016 Bond will be exhausted in 2024. We anticipate that both funds (2016 and 2018) will be able to be used simultaneously throughout the City to increase connectivity and condition of sidewalks in Austin. If approved by voters, we anticipate that the 2018 Sidewalk Rehabilitation funds would be exhausted within the same timeframe as the 2016 Mobility Bonds. Of course this timeline will be dependent on weather, contractor availability and commitments to other, ongoing or unanticipated capital needs.

6) Please provide a detailed list of street reconstruction projects.

This proposed street reconstruction/rehabilitation funding would be a “bucket” of funds, from which projects rated in poor (“D”) or failed (“F”) condition would be funded citywide based on need, roadway conditions, and coordination with other infrastructure needs (Water/Wastewater, Austin Energy, Storm water, Sidewalks, etc.) much like with the Local Mobility Program funding in the 2016 Bond. The total need for street reconstruction, not including bridges or sidewalks, is \$777 million, or approximately 2,000 lane miles of roads in D and F condition. The recommended \$75 million for the program would fund rehabilitation of approximately 200 lane miles of roadways in D and F condition. No project location list has been identified at this time.

QUESTION:

Explain why the Cultural Centers were pulled out of the Parks and Recreation category.

If there are multiple phases in their plans, how much would be needed, for each cultural center, to execute their first next phase?

Regarding the proposed Dove Springs Health Center, has the option of cost sharing with Central Health been explored? Please provide detail. Is the proposed spend for a completely new facility or an addition to the Dove Springs Rec Center?

Regarding the entire proposal, and projects, have there been any other funding mechanisms explored? If so, which projects are eligible for other funding options aside from GR bonds? What are those other funding options? Also, which projects have been identified as not eligible for any other funding option.

What is the capacity of each department to be able to take on more work via the 2018 Bond?

COUNCIL MEMBER HOUSTON’S OFFICE

ANSWER:

1) Explain why the Cultural Centers were pulled out of the Parks and Recreation category.

The Rolling Needs Assessment of the Long-Range CIP Strategic Plan is the primary set of information used for determining which projects and programs are included in the 2018 Bond Development proposal. This annual plan, formerly under management of the Capital Planning Office, has provided the necessary framework for determining the universe of CIP needs through a thoughtful and iterative process, incorporating feedback from staff across all divisions of the Department. Using this data, PARD considered the diverse range of facilities, the vast needs for capital reinvestment across all asset types, and the intense nature of park advocacy, before taking a thorough and deliberate approach in prioritizing park projects for the Bond proposal. PARD’s goal was to establish a fair and defensible request for CIP funding across a wide range of asset types. While the merits of a major cultural facility replacement/renovation is a worthy investment, the original PARD proposed Bond Package did not include any of the cultural centers. It did however, include an arts center, the Dougherty Arts Center (DAC). The proposed project at the DAC will replace the existing building at a new location and provide expanded programmable space to meet the increased user demand. The services provided at the DAC are closely aligned with the recreational programming function of PARD and less so with the functions of cultural centers.

The decision to not include any of the cultural centers was not made lightly. PARD considered previous cultural center investments in comparison with other previous investment programs and

used the facilities assessment data from the Rolling Needs Assessment of the Long-Range CIP Strategic Plan.

Through community advocacy, funding for the cultural centers was included in the proposal as its own proposal; the rationale being that Cultural Centers are unique facilities with the unique purpose of furthering culture based education, history and art.

2) If there are multiple phases in their plans, how much would be needed, for each cultural center, to execute their first next phase?

The proposed funding for each PARD operated Cultural Center considers the estimated funding needed to complete specific elements of the master plan or to address specific identified facility restoration/renovation issues. These are outlined below and in the attached summary proposal:

Mexican-American Cultural Center (MACC) - Funding is for the completion of a single phase of the recently approved master plan- estimated to cost approximately \$15 million. The estimated cost for all phases of the recently approved master plan is \$40 million. The \$15 million represents a little more than a third of the total estimated cost, and will address top priorities identified in the master plan including general renovations to the existing building, renovation of the auditorium, expansion of the South Crescent, and high priority site improvements including the Gran Entrada.

Carver Museum - The \$7.5 million proposed funding represents funding to update the master plan, complete basic building renovations (roof replacement, HVAC replacement, window repairs, ADA improvements, etc.) and provide seed funding to initiate implementation of priorities determined through the master plan.

Asian-American Resource Center (AARC) - The \$5 million proposed funding represents funding to complete an initial phase of improvements of the yet to be completed master plan. Since the master plan is not yet complete, a clear set of priorities and cost estimates for this facility are not available for the purposes of seeking funds through a bond development process. PARD recommends allocating \$5 million to address known issues related to parking, pedestrian connectivity, outdoor amenities and seed funding to implementation of phase 1 priorities that are determined through the master plan process.

Mexic-Arte- The funding request of \$15 million represents the amount needed to supplement existing funding and repair the building as determined by an extensive engineering and structural assessment.

3) Regarding the proposed Dove Springs Health Center, has the option of cost sharing with Central Health been explored?

Austin Public Health has held discussions with Central Health about partnerships for health services including the Dove Springs community. These discussions have included the potential for joint use projects that are multi-purpose community centers. At this time, no decisions have been made to

finalize plans for the Dove Springs community.

These comprehensive planning conversations are expected to continue. Community Care currently has a clinic at William Cannon and I-35 which is quite close to the proposed site. Should Central Health be interested in this proposed location, additional funding would be needed to add square footage to the proposed facility which does not include any primary health care.

The proposed square footage (21,000) is all needed for City of Austin Public Health programming. The proposed Public Health Center would include a new full-service Neighborhood Center (basic needs services like food pantry, Fresh Foods for Families, application assistance, job readiness), an Immunization clinic (relocated from the current Stassney Lane location), a WIC clinic (relocated from lease space at William Cannon and I-35) and a new high-quality child care center.

The City cannot provide the same clinic services as Community Health and cannot use its bond funds to pay for facilities that they are authorized to pay for with their tax funds. Implementation of any joint facilities would require review by bond counsel.

4) Please provide detail. Is the proposed spend for a completely new facility or an addition to the Dove Springs Rec Center?

The requested funding is for a new 21,000 sq ft facility that would be located adjacent to, but not connected to, the existing Dove Springs Rec Center. The two facilities would share a newly constructed parking lot. The proposed facility would be constructed on parkland between Ainez and the current Rec Center. No existing recreation programs would be negatively impacted by the new facility. One trail would need to be reconstructed, which is included in the project costs.

5) Regarding the entire proposal, and projects, have there been any other funding mechanisms explored? If so, which projects are eligible for other funding options aside from GR bonds? What are those other funding options? Also, which projects have been identified as not eligible for any other funding option?

Like the Dougherty Arts Center, upon appropriate findings and finalization of use proposals, at least some of the projects could be funded with Certificates of Obligation. Each project would need to be reviewed by bond counsel. Also, in order to qualify as appropriate under the City's financial policies, Council would need to make certain findings before the projects could be funded from Certificates of Obligation.

6) What is the capacity of each department to be able to take on more work via the 2018 Bond?
PENDING

QUESTION:

Please clarify if the entire history center is seeking to move to the Faulk Library or if it is just a portion that seeks to move there.

What bond language would be required to allow for the purchase of state-owned land for the purpose of either affordable housing or parkland? Would the language need to identify the specific parcels to be potentially purchased? Why do we not need to specify specific parcels we would

potentially purchase under other land acquisition bond categories?

From amongst the various proposed projects, please explain what qualifies for funding from COs or any other funding types. Please provide detail on mechanisms/necessary processes for those other funding types. Please explain what money from past bonds in the last 10 years is yet to be processed. Please list by bond proposition type.

The Ullrich Water Treatment Plant is accessed by Austin Water using the Red Bud Trail Bridge.

What parts of the city does the Ullrich Water Treatment Plant serve?

What would be the potential impact to the city if the Ullrich Water Treatment Plant were to be offline?

If the Red Bud Trail Bridge failed, would impact would that have on the Ullrich Water Treatment Plant and water delivery?

COUNCIL MEMBER ALTER'S OFFICE.

ANSWER:

1) Please clarify if the entire history center is seeking to move to the Faulk Library or if it is just a portion that seeks to move there.

The funding currently proposed in the 2018 Bond Program for the Faulk Library Building (\$11.5 million) will provide for replacement of failing infrastructure (the mechanical, electrical and plumbing systems along with the elevators) so that the building may continue to be occupied and used for a number of City of Austin purposes, including much needed archival repository and exhibition space for the Austin History Center. The landmark Austin History Center building - designed and constructed to be Austin's first central library in 1933 - will continue to house collections, programs and activities of the Austin History Center Division of the Library Department.

2) What bond language would be required to allow for the purchase of state-owned land for the purpose of either affordable housing or parkland? Would the language need to identify the specific parcels to be potentially purchased? Why do we not need to specify specific parcels we would potentially purchase under other land acquisition bond categories?

This question is being analyzed by bond counsel and the advice will be provided to council upon his conclusion of his research.

3) From amongst the various proposed projects, please explain what qualifies for funding from COs or any other funding types. Please provide detail on mechanisms/necessary processes for those other funding types. Please explain what money from past bonds in the last 10 years is yet to be processed. Please list by bond proposition type.

From a legal standpoint, Certificates of Obligation could be issued for any of the prospective 2018 Bond projects except for projects that are co-use by another taxing entity or projects that are considered an economic development activity under State law, such as affordable housing. Council's approved financial policies for General Obligation Debt includes the following:

10) It is the City's priority to fund capital expenditures with cash or voter-approved debt. However, non-voter-approved debt may be used for capital expenditures as an alternative to lease/purchase or other financing options if the capital expenditure is:

- Urgent;
- Unanticipated;
- Necessary to prevent an economic loss to the City;
- Results in an economic gain to the City within a reasonable time; or
- Non-voter approved debt is the most cost effective financing option available.

In regards to prospective FY 2018 Bond projects, the application of this policy largely hinges on the definition of “urgent.” The fire stations were deemed an urgent public safety need by the Austin Fire Department and Finance staff therefore recommended the use of Certificates of Obligation.

Below is the Authorized but Unissued Public Improvement Bonds for the past 10 years.

GENERAL OBLIGATION AUTHORIZED, UNISSUED G.O. DEBT AFTER August 2017 SALE (PIBs 2010 to 2016)

ELECT. DATE	PROP. DESCRIPTION	AMOUNT AUTHORIZED BY VOTERS	FY12 BOND SALE	FY13 BOND SALE	FY14 BOND SALE	FY15 BOND SALE	FY16 BOND SALE	FY17 BOND SALE	FY 18 BOND SALE	ABUs after 8/17 sale
11-02-10	1 Mobility	90,000	15,305	30,000	30,000	14,695				0
Total 2010 Authorization and Bond Issues		90,000	15,305	30,000	30,000	14,695	0	0	0	0
11-06-12	12 Transportation and Mobility Open Space and Watershed	143,299			11,895	40,210	32,235	29,180	0	29,779
11-06-12	13 Protection	30,000			20,000	10,000	0	0	0	0
11-06-12	14 Parks and Recreation	77,680			550	7,310	17,275	18,755	15,300	18,490
11-06-12	16 Public Safety	31,079			1,500	6,720	6,900	2,345	10,600	3,014
11-06-12	17 Health and Human Services Library, Museum, and Cultural Arts Facilities	11,148			235	1,705	4,205	205	3,200	1,598
11-06-12	18	13,442			820	2,980	815	3,325	1,900	3,602
Total 2012 Authorization and Bond Issues		306,648	0	0	35,000	68,925	61,430	53,810	31,000	56,483
11-05-13	1 Affordable Housing	65,000				10,000	10,000	10,000	25,000	10,000
Total 2013 Authorization and Bond Issues		65,000	0	0	0	10,000	10,000	10,000	25,000	10,000
11-8-16	1 Mobility	720,000							43,000	677,000
Total 2016 Authorization and Bond Issues		720,000	0	0	0	0	0	0	43,000	677,000
Total Authorization and Bond Issues		1,181,648	15,305	30,000	65,000	93,620	71,430	63,810	99,000	743,483

4) The Ullrich Water Treatment Plant is accessed by Austin Water using the Red Bud Trail Bridge. What parts of the city does the Ullrich Water Treatment Plant serve?

Ullrich Water Treatment Plant primarily provides water to South Austin but is interconnected to all areas of Austin. It is not uncommon for the plant to serve up to 50 percent of the city’s water services, especially during peak summer season.

5) What would be the potential impact to the city if the Ullrich Water Treatment Plant were to be offline?

Austin Water’s distribution system is interconnected and a short-term outage (less than 12hours) of Ullrich Water Treatment Plant can be managed with minimal impact to the customers. A long-term outage of the plant will cause low pressure and water outage in portions of South Austin. The Red Bud Trail Bridge project will not impact the operation of the plant other than a potential access issue for trucks (see below).

6) If the Red Bud Trail Bridge failed, would impact would that have on the Ullrich Water Treatment Plant and water delivery?

Failure of Red Bud Trail Bridge would not impact the operation of the plant. However, with this access eliminated, all heavy truck traffic would be routed through residential roads in the City of Westlake which currently restricts such traffic. It is uncertain whether Westlake roads are rated for sustained heavy truck traffic.

19. Agenda Item #19: Approve an ordinance amending the Fiscal Year 2017-2018 Austin Fire Department Capital Budget (Ordinance 20170913-001) to increase appropriations by \$6,000,000 for the design and land acquisition of new fire stations.

QUESTION:

- 1) What will this money cover specifically?
- 2) In the 3/30 memo on fire stations, page 6, is the cost of design rolled into the construction cost cited in the chart? What is the cost for design for any one station?
- 3) Please provide a side by side cost comparison of the cost of having AFD service medical calls

versus EMS for the top areas of need where both have a need for a station (excluding the area of need that has a different ISO ranking than the other top five areas of need). Please include in that cost comparison the cost of staff, apparatus, station design, overtime rates and any other cost relevant to responding to medical calls for both forces.

4) Please explain whether it is more cost efficient to have Fire or EMS service these medical calls and why.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER (REVISED):

1) What will this money cover specifically?

Of the \$6 million referenced in Item 19, \$2-3 million is designated for land in Travis Country and \$1.5 - \$2 million is designated for Design and Site Prep at Travis Country and again at Moore's Crossing.

2) In the 3/30 memo on fire stations, page 6, is the cost of design rolled into the construction cost cited in the chart? What is the cost for design for any one station?

The cost of Design is not included in the cost of Construction, it is found in the following line items:

2800 - Architecture/Engineering

2801 - Surveying

2802 - Testing

The cost of Design cannot be separated from the Site Preparation and Testing costs. For example, surveys determine the exact location of utilities which inform where the utilities need to enter the building in the architectural design. Design, Site Prep and Testing varies. The costs for the Moore's Crossing Station, a known property, is estimated at \$2.08 million.

3) Please provide a side by side cost comparison of the cost of having AFD service medical calls versus EMS for the top areas of need where both have a need for a station (excluding the area of need that has a different ISO ranking than the other top five areas of need). Please include in that cost comparison the cost of staff, apparatus, station design, overtime rates and any other cost relevant to responding to medical calls for both forces.

AFD and EMS do not have an accurate method to produce a 'cost per run' measure. Since both departments staff a unit 24 hours a day/ 7 days a week and not simply when they are needed, the cost per run varies dramatically day to day. It is clear to see that the busier the unit is, the cheaper the 'per run' cost might be. However, as the number of runs increase, the costs for fuel, medical supplies and wear on equipment/apparatus increases. The reduction in staff costs is counterbalanced by the increase in maintenance and supplies.

The following chart provides information on the costs of operating a station, by Fire or EMS, to respond to medical calls. All new stations will house Fire and EMS personnel, so the Station Design costs are shared.

4) Please explain whether it is more cost efficient to have Fire or EMS service these medical calls and why.

Both Austin Fire and ATCEMS are required for medical response and work as partners to deliver medical service. The teamwork between Austin Fire and ATCEMS provides an effective response to citizens with medical emergencies. Rapid response, quality prehospital care and transport to the appropriate medical facility makes our system effective and cost efficient.

Firefighters provide the initial first response and provide care at the Basic Life Support Level (BLS) with a crew of four EMTs followed by ATCEMS who provides Advanced Life Support (ALS) with one paramedic and one EMT along with the capability to transport.

EMS Dispatch prioritizes the calls for service 1 through 5 with Priority 1 being the most serious. Fire units are dispatched on all Priority 1 and 2 calls and selected Priority 3 calls. Firefighters are also dispatched on lower acuity calls when it benefits the patient.

Fire responds to medical calls for the following reasons:

- Faster response times. Fire crews often arrive several minutes ahead of EMS. Crews provide initial care and life saving treatment such as CPR, Defibrillation, Airway management and bleeding control and extrication of trapped patients when required.
- More fire unit availability. There are more fire units than EMS units. Fire station location is based on geographical response while EMS considers both geographical response and call volume when placing units. Firefighter task time averages 20 min per medical call to EMS' much longer time as they have to treat and then transport.
- Fire crews provide needed staffing on critical calls that are personnel intensive as well as the ability for lifting and moving of patients. Firefighters often ride in with EMS medical personnel to assist during transport.

QUESTION:

- 1) Why has the ranking changed again for the top five fire stations? (360/Davenport was number two, then three and now from the timeline in the latest memo related to this item it seems to be fourth in line.) Can you please explain what changed in the formula for ranking and why?
- 2) What will the proposed \$6 million cover? Please provide detail on how much of it is for land and how much for design.
- 3) How much capacity do we have in CO's? Is there a limit and how much of our CO capacity would be left after their use for the two stations? The staff on bonds recommended funding all 5 by CO's, why can't we do that for all at the same time? What is the reason for doing just 2 stations to start?
- 4) Would issuing multiple bids for contracts and using multiple contracts cost the City more money than doing this all together? What are the associated increased costs from doing multiple contracts?
- 5) Has the option for partnering with ESD11 been explored for the Del Valle area station? Please provide detail on the assessment of that opportunity.
- 6) At what stages in this process will staff come back for approval amongst the various phases presented in the timeline?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

1) Why has the ranking changed again for the top five fire stations? (360/Davenport was number two, then three and now from the timeline in the latest memo related to this item it seems to be fourth in line.) Can you please explain what changed in the formula for ranking and why?

AFD's ranking did not change. Public Works listed the stations in a manner that smoothed out the construction process for multiple facilities. Public Works issued a memo restoring AFD's priority order.

2) What will the proposed \$6 million cover? Please provide detail on how much of it is for land and how much for design.

Six million is the first installment of certificates of obligation (COs) needed to complete the construction of two fire stations. This funding will be used to purchase land in the Travis Country area and begin design/site planning for the top two priority stations. A funding request will go to Council for approval when the second installment of COs is needed to finish design work and start construction.

3) How much capacity do we have in CO's? Is there a limit and how much of our CO capacity would be left after their use for the two stations? The staff on bonds recommended funding all 5 by CO's, why can't we do that for all at the same time? What is the reason for doing just 2 stations to start?

Within the model the Treasury Office uses to project future bond capacity, there is a \$20 million placeholder for future CO issuances. The CO placeholder is built into the model to help factor in previously approved Reimbursement Resolutions where the funding source was CO's. While there is no set limitation, CO issuances must be structured around existing bond program issuances and a significant CO issuance may impact the debt service tax rate. Funding could be approved to move forward all 5 stations at one time. The reason for doing just the first 2 stations is to spread out the impact to the operating budget.

4) Would issuing multiple bids for contracts and using multiple contracts cost the City more money than doing this all together? What are the associated increased costs from doing multiple contracts? Issuing a single solicitation would provide several benefits for the project:

- Reduce time and effort for City staff in terms of only managing one solicitation and contract. Given the robust construction environment, Consultant/Contractor are better able to determine and prioritize contracts to pursue - a single solicitation would lessen the Consultant/Contractor effort in terms of time and energy by only preparing and submitting one response.
- The larger contract dollar amount derived from only one contract would increase the likelihood of attracting firms that are more experienced and having the firm prioritized the use of the most qualified personnel.

The increase costs is associated with staff's time by having to prepare, release and manage a solicitation(s) that can be combined into one broader scoped solicitation. Staff that manages these types of solicitations and resulting contracts is small in size and provides oversight to a large workload -efficiencies are critical to our ability to meet workload expectations.

5) Has the option for partnering with ESD11 been explored for the Del Valle area station? Please provide detail on the assessment of that opportunity.

AFD and ESD 11 met last week to discuss station options to serve the Del Valle area. ESD 11 expressed interest in purchasing land and building a station so that ESD 11 and AFD could

co-locate. ESD 11 offered a quick option to get an AFD unit operational in the Del Valle area, compared to the expedited process staff is planning to stand up the first two priority sites, including Del Valle.

ESD 11's proposal is to purchase a site, build a fire station, and lease the station to AFD until a future time when ESD 11 would co-locate to satisfy their response demands. The proposed site is east of the Del Valle on Pearce Rd. The site would satisfy the ISO requirement and provide good response into the Del Valle area. Compared to the Moore's Crossing site, this site would not have quick access to Toll Road 130 or the southern terminal of ABIA. The proposed site is in the City's Extra Territorial Jurisdiction (ETJ) and it would be subject to the City's building codes and development review.

Pros:

- ESD 11 could build a station at less cost than COA since they will not be incorporating City of Austin policies such as LEEDS certification, Art in Public Places, etc.)
- ESD 11 would bear the cost of buying the land, building the station and transfer that cost to COA on an annual basis (lease) subject to development and approval of an interlocal agreement.
- The ESD 11 station would fulfill the ISO requirement of being <5 miles from the Del Valle residences.

Cons:

- ESD 11 does not own a lot in the area. When discussed with ESD 11, the lot has not been purchased and is not in the process of being purchased as of last Friday (6/8/2018).
- The discussed lot has potential flooding risks along Pearce Road, which would impact response to Del Valle and the southern terminal of ABIA.
- The City would hold a lease rather than owning the site/building.
- EMS requirements for placing an ambulance and additional storage has not been addressed.

6) At what stages in this process will staff come back for approval amongst the various phases presented in the timeline?

Council approvals are denoted by the red bars at the bottom of the schedule included in the Public Works memo. There are four instances for Council review and approval; of the design/build process, the design/build selection; construction cost limitation; and for the DCM rotation list. Please see the attached chart.

- 23.** Agenda Item #23: Approve negotiation and execution of an interlocal agreement with the Texas Department of Motor Vehicles to withhold vehicle registrations for people with outstanding traffic warrants, fines, and unpaid red light camera cases for a term of five years for a total contract amount not to exceed \$10,000 per year.

QUESTION: Please provide data regarding the number of vehicle registrations withheld for the past four years.

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

FY	VRHs
2014	2,871
2015	1,222
2016	662

2017 0
2018 1,435

****Note for 2017 - TxDOT made a change that Court was not aware of. This resulted in an incorrect file format; therefore, no holds were placed.

22. Agenda Item #22: Authorize negotiation and execution of Amendment No. 1 to a legal services contract with BoyarMillar for legal services regarding the acquisitions of real estate and related build-to-suit improvements for a development services center in an amount not to exceed \$90,000, for a total contract amount not to exceed \$290,000.

QUESTION:

Please clarify whether this contract amendment and increase is for services previously within BoyarMillar's scope of work, or whether the amendment/increase is for work beyond their original scope of work.

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

Yes, the amendment and increase is for services in the original scope of the contract with BoyarMillar for negotiation of the purchase and sale agreement for the development services center.

24. Agenda Item #24: Approve an ordinance designating the Chestnut Neighborhood Revitalization Corporation and the Guadalupe Neighborhood Development Corporation as Community Land Trusts and granting the corporations a property tax exemption on certain properties.

QUESTION: would that reason be appropriate to Blackland Community Development Corporation?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

The purpose for the Community Land Trust (CLT) designation is to make certain properties owned by these organizations are eligible for exemption only from City of Austin ad valorem taxes. Both organizations have properties that are being developed for ownership housing that would be covered under the ordinance. The list of properties with estimated exemption amounts is attached.

The Texas Local Government Code, Chapter 373B, and Section 11.1827 of the Texas Property Tax Code authorizes local governments to designate non-profit organizations as CLTs by ordinance. To qualify as a CLT, an organization must be a 501(c)(3) non-profit, created to acquire and hold land for the benefit of developing and preserving long-term affordable housing within the jurisdiction of the unit of local government. Organizations designated as CLTs must provide a copy of the City Ordinance to the Travis Central Appraisal District by July 1 each year in order to receive the exemption.

Some of the properties under development by Guadalupe Neighborhood Development Corporation (GNDC) are already fully exempt for a limited amount of time under a provision in the Property Tax Code. Section 11.1827(c) of the Property Tax Code allows non-profit affordable housing providers a 100% exemption from property taxes for three (3) tax years while the property

is being held and developed for affordable home ownership.

GNDC's exemptions for these properties under this section of the Property Tax Code expire on the earlier of end of the third tax year or when the homes are sold to a low-income buyer. Once the homes are sold, the property will return to the tax rolls, and the homebuyer will be responsible for the payment of property taxes. GNDC is seeking designation as a CLT in the event the housing on these properties is not developed and sold within the three-year full exemption period.

Chestnut Neighborhood Revitalization Corporation missed a deadline last year to submit their application for exemption and therefore has been assessed taxes. This year they will meet the deadline in order to receive the tax exemption.

The Blackland Community Development Corporation-owned properties are rental properties and in reviewing their properties on the Travis County Appraisal District's webpage it appears Blackland receives 100% exemption for property taxes under "Other" Exemptions (including public property, religious organizations, charitable organizations and other property not reported elsewhere). Therefore, a CLT designation would not provide any additional benefit for the Blackland Community Development Corporation.

28. Agenda Item #28: Authorize negotiation and execution of a 84-month lease agreement for approximately 102,301 square feet of office space and 5,000 square feet of storage space for the Austin Code Department, Economic Development Department, and Human Resources Department with 5204 Ben White 2017, LP, a Texas Limited Partnership, located at 5202 Ben White Boulevard, in amount not to exceed \$20,154,160.76.

QUESTION:

1. What is the net expenditure for these offices to move?
2. What happens to the empty floors at OTC?
3. Were we paying Aviation to use LRC?
4. Was EDD paying CC for space in parking garage?
5. What was Code paying for their existing space?

COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

1.	Moving Cost	Furniture	IT	Total
HRD	\$15,000	\$300,000	\$200,000	\$515,000
ACD	\$55,000-\$65,000	\$275,000	\$100,000	\$440,000
EDD	\$15,000	\$350,000	\$112,000	\$477,000

2. The only office space that will be vacated and available is currently occupied by EDD, Small Business Office. The total square footage is 3,844. Many City Departments are in need of office space and the SFGT will determine which department will back-fill the space.

3. \$450,000/annually.

4. Yes, rental cost \$65,880 plus \$37,440 for staff and guest parking. A total of \$103,320.00/annually.

5. Rutherford and RBJ combined \$642,245.00/annually.

35. Agenda Item #35: Approve an ordinance amending the Fiscal Year 2017-2018 Public Works Capital Projects Management Fund Operating Budget (Ordinance No. 20170913-001) to increase the number of authorized positions by 1.0 to provide support for the design and

construction of new fire stations.

QUESTION:

Would these funds be ongoing funds or one time funds? Is this a temporary or permanent position? If temporary, please explain in detail how long the position is meant to be in place and how much money it will require over the time frame it will be needed.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

This will be a permanent position with ongoing funds assigned for all Fire projects (new stations, locker room renovations, station rehabilitation, etc). Upon Council approval we plan to immediately reassign an existing staff member to the fire stations full time, and use this position to backfill. It is anticipated that this position will be required to support future Fire Department Building programs beyond the construction of new fire stations.

QUESTION:

Is existing staff able to absorb the workload associated with support for design and construction of the new fire stations? If not, why not?

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

No, the public works department cannot accommodate the workload for the accelerated delivery of the fire stations without delaying ongoing commitments. If approved we will assign the accelerated fire stations to an existing staff member and use the newly approved position to backfill to minimize delays for ongoing commitments.

- 36.** Agenda Item #36: Authorize award and execution of a multi-term contract with DXI Industries Inc., to provide liquid sulfur dioxide, for up to five years for a total contract amount not to exceed \$1,455,000.

QUESTION:

What can we do to ensure that we get more than one responsive bid, so that taxpayers know they are getting the best goods and services for the best price?

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

While staff endeavors to have as much competition as possible, in public procurement it is not possible to ensure the government receives more than one bid in response to a formal solicitation.

Formal solicitations are required whenever the government anticipates the resulting contract(s) will exceed a specified amount - in Texas this amount is \$50,000 for local governments. Key elements in a formal solicitation includes: 1) a firm due date and time for receipt of offers and 2) a public opening of the offers.

Because the government does not prescribe who may/should/must respond to solicitations, we cannot ensure that any specific bidders or any quantity of bidders will choose to respond to our solicitation. Further, because the bids are sealed upon receipt, we do not know who the bids are

from or whether the bids are responsive until after the due date and time have passed and the bids are opened.

As mentioned, although it is not possible to ensure a certain amount of responses are received, staff attempt to achieve as much competition as possible by examining the elements that impact the quantity of bids we receive and optimizing them whenever possible.

- Quantity of vendors in the market - Conduct market research to identify new sources of vendors; expand our notifications to greater quantities of vendors; seek feedback from vendors to examine any barriers to their participation, etc.
- Access to solicitation documents - Publish the solicitations on the City's website; make solicitations available via USPS; provide solicitations to in-person deliveries.
- Notification of solicitation's availability - Maintain a vendor database; notify vendors of the solicitation's availability; when possible accommodate additional notifications via industry specific media; provide notices via local newspaper.
- Period of time the solicitation is available - Leave the solicitation on the street for a reasonable amount of time; consider all requests to extend the solicitation's due date when possible; provide sufficient time for bidders to respond following any addenda that may be issued; when reasonable, in the hours prior to the solicitation's due date and time, extend the due date when no or only one bid has been received.
- Solicitation and contract requirements - Review the specification's process instructions to make sure the process is efficient and effective; review the contract requirements to make sure they are clear and do not unreasonably restrict competition.

When solicitations close and we open the bids, if the response was less than we had hoped for, we often contact prospective bidders that chose not to respond about the reason for not submitting a bid. Below are some of the more common responses we receive.

- Availability of other business opportunities (growing local economy; availability of other business opportunities)
- Quantity of time and resources necessary to put together a bid (additional time and effort to assemble a government bid; a City of Austin bid, etc.)
- Quantity of time the solicitation is available (participating in other business opportunities and the increased efforts to respond to City solicitations, vendors commonly want our solicitations to be available for longer periods of time)
- Nature of City requirements (public process and visibility of bid/contract contents; strict specifications; higher insurance/indemnification/warranty requirements; additional policy-related requirements)

- Past experiences with the City (experienced or observed by others)

Another driver of single bid solicitations is when there is a question as to whether or not a product or service is a sole source (only available from one vendor) or not. When we reasonably question whether a procurement meets the definition of a sole source, we may proceed with normal competition. If there is only a single bidder, the sole source is proven.

Staff strive to achieve as much competition as possible each time we issue a solicitation. When we achieve less than ideal competition, we try to determine what contributed to the lower response and address these drivers whenever possible.

40. Agenda Item #40: Authorize negotiation and execution of a multi-term contract with PeopleFund, or one of the other qualified offerors to Request for Proposals 5500 EAL0300, to provide small business coaching and technical assistance, for up to five years for a total contract amount not to exceed \$400,000.

QUESTION:

1) How is this program different than anything already offered by People Fund, EGBI, or other nonprofit entities, chambers or business associations offering similar support in the community? 2) How will this program add to the landscape of small business coaching in Austin? 3) What are the specific quantitative targets set for the contract goals? 4) How were those determined?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

1) This program will provide one-on-one coaching to small business owners and persons seeking to start a small business. Topics include, but are not limited to: writing a business plan, developing marketing plan and financial management, as well as assessing customers' readiness to apply for a commercial loan and assisting them with preparing the loan application. The service itself is not unique, but it will increase the availability of coaching available citywide, which is currently not adequate to meet the needs of Austin's estimated 38,000 small businesses (plus the undetermined number of persons who want to start a business). The coaching services are provided at no cost to the small business owner, and this program has the capacity to support future business development endeavors. 2) The program will add to the landscape of small business coaching in Austin by increasing the availability of small business coaching, which was identified as a need by 68% of the participants in a recent small business needs assessment study commissioned by the Economic Development Department (EDD) in February 2018. EDD allocates its funding investments in part by the needs assessment every five years. 3) The following specific quantitative targets are set for contract goals per each 12-month contract term:

- Provide 800 hours of small business coaching
- Achieve a 90% customer satisfaction rating
- Assist customers with completing at least 10 business plans
- Complete at least 15 financial readiness assessments
- Contribute to the startup of at least five new businesses
- Contribute to the creation of at least 10 new jobs

4) EDD's Small Business Program developed the specific quantitative targets based on experience with managing small business coaching contracts, and experience with a business solutions center which provided coaching and access to business research tools.

41. Agenda Item #41: Authorize negotiation and execution of cooperative contracts to purchase vehicles in amounts not to exceed \$481,260 divided among the contractors.

QUESTION: What is the model, age and mileage for each of the 20 vehicles currently in use?

What happens to the retired vehicles?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Please see the chart below for the model, age, and mileage of the current vehicles.

OCD Vehicles		
	Make & Model	Comment(s)
1	2005 Chevy Impala	Inoperable-bad transmission
2	2007 Land Rover	Inoperable-bad transmission
3	2001 Lexus	Inoperable-bad suspension
4	2014 Nissan Altima	Wrecked-Totaled \$8,815 approx
5	2012 Honda Accord LX	Wrecked-\$9,277.50 check
6	2004 Nissan Maxima	Transmission failed
7	2007 Ford Focus	mileage 119,120, repairs \$4,663
8	2006 Ford Taurus	mileage 103,830, repairs \$3,348
9	2000 Toyota SR5	mileage 222,979, repairs \$10,920
10	2004 Chevrolet SUV	mileage 186,408, repairs \$5,460
11	2008 Nissan Altima	mileage 159,148, repairs \$9,064
12	2005 Ford F150	mileage 241,293, repairs \$1,846
13	2007 Dodge Magnum	mileage 131,685, repairs \$5,511
14	2006 Taurus	mileage 184,021, repairs \$10,455
15	2005 Lexus ES330	mileage 200,492, repairs \$12,663
16	2004 Dodge Ram	mileage 216,100, repairs \$15,908
17	2007 Lexus RX350	Transmission failed
18	2005 Chevrolet Equinox	mileage 122,987, repairs \$6,338 rebuilt
19	2004 Chevy Impala	Transmission failed
20	2003 Cadillac DeVille	mileage 146,862, repairs \$5,760
21	2003 Chevy Tahoe	Transmission failed
22	2012 Toyota Tundra	Wrecked-Totaled

Retired vehicles are sold in a public auction and the proceeds are returned to the Austin Police Department Asset Forfeiture account where the vehicle was either purchased or forfeited per forfeiture regulations.

46. Agenda Item #46: Authorize negotiation and execution of a contract with Triad Marine & Industrial Supply, Inc., to provide emergency response boats in an amount not to exceed \$127,125.

QUESTION: Please provide the criteria used (mileage, hours of use and maintenance costs) to determine the need to replace the five emergency response boats as well as the actual mileage, hours of use and maintenance costs determined for each of the emergency response boats. What is the cost per new emergency response boat?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

See attachment.

50. Agenda Item #50: Authorize an amendment to an existing contract with Conduent, Inc., to provide continued maintenance and support of the Banner software system for payroll and human resources management, for an increase in the amount of \$779,199 and to extend the term by three years, for a revised contract amount not to exceed \$1,235,580.

QUESTION:

Given AE's pilot for the Workforce Management (WFM) Prototype Phase 1 and their Phase 2 budget ask for expansion, please explain why further investments in the Banner system are needed at this time. Please explain the planned continuation/phasing out of Banner given the move toward adoption of WFM.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

The Workforce Management Pilot is a move to electronic timekeeping. It is not a payroll application. The electronic time cards that are produced by electronic timekeeping software will be interfaced into Banner to prepare biweekly payroll. Banner is necessary going forward to continue to pay City employees timely and accurately and in accordance with existing pay policies and collective bargaining agreement provisions. Banner is a proven, reliable payroll processing software that is highly customized to meet the City's complex pay policies.

In addition, if the City is approved to move forward with a full suite Human Capital Management system (HCM), it will take several years to implement. Maintenance on existing software (this proposed agreement extension) ensures that the City has a contract in place with the current application vendor, Conduent, should we need their assistance with an issue. In addition, it ensures that we receive the latest security updates to make sure that our applications are secure. This is critical given the personal nature of information that is contained in Banner. Under the current HCM draft phases, conversion to another payroll system would be in the final phase. In the interim, Banner will continue to serve as the City's payroll application.

60. Agenda Item #60: Approve a resolution authorizing the submittal of a regional traffic incident management system project as a candidate for the Advanced Transportation and Congestion Management Technologies Deployment federal grant program administered by the United States Department of Transportation.

QUESTION: Please explain what share of the required match will come from each of the regional partners: ATD, TXDOT, CTRMA, CAMPO.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

The City of Austin will provide all of the required match.

GRANT BACKGROUND - The U.S. Department of Transportation's Advanced Transportation and Congestion Management Technologies Deployment grant (USDOT Grant) program requires 50 percent of the project cost as local match. Staff seeks authority to commit \$3.5 million in match or 58 percent of the requested \$6 million federal grant estimated project cost. The Notice of Funding Opportunity (NOFO) was released on April 18, 2018 with a two month window to submit the application by June 18, 2018.

VALUE FOR CITY OF AUSTIN - The residents of Austin will be the greatest beneficiaries of improved incident response capabilities in the region. Because of the density of primary roadways and interchanges within the City of Austin, any incident on major roadways such as I-35, Lamar, MoPac, Parmer Lane, Cesar Chavez, Martin Luther King Jr. Blvd, US 183 and Ben White Blvd can have a profound impact on the travel characteristics of the entire network, especially when those incidents are likely to occur on roadways where traffic volumes and congestion are the highest (e.g. the central part of the region - within the City of Austin).

First responder agencies such as the Austin Police Department, Austin Fire Department, and the regional HERO program that focuses primarily on the central part of the region, will benefit from this program by shortening their response times to crashes with real-time road conditions and shortening the recovery period needed to reopen the roadway artery. Shortened response times will directly benefit the residents of Austin, addressing the City's goal of reducing congestion and improving safety within the City.

LOCAL MATCH - The grant proposal calls for the City to provide local commitment funding for the Austin Area Traffic Incident Management and Coordination Portal (AATIMCP). We propose using 2016 Mobility Bond Corridor Program funds that are already slated for investment as part of a comprehensive signal technology system being designed, as well as \$500,000 from ATD's annual operating budget. The proposed \$3 million allocation from the 2016 Mobility Bond Corridor Program currently dedicated to signal technology improvements will not change the originally intended purpose of the bond funds and will still benefit the corridors described in the bond

proposition. The funding that is slated to go toward advanced aerial detection systems in the bond program will continue to be allocated for this purpose, but as a match to the ATCMTD grant, with the justification that the aerial detection systems and the data they generate is an integral part of the grant proposal. Use of these funds as match does not reduce our investments in the corridors and overall traffic system already planned and approved by voters. In fact, this grant would leverage those planned investments and expand their benefits to the residents of Austin as we were directed to do in the Contract With Voters (Resolution No. 20160818-074).

WHY AUSTIN SHOULD PURSUE THIS GRANT - As directed previously by Council to pursue leveraging opportunities, we believe it is appropriate for Austin to lead in pursuit of the USDOT Grant by contributing the upfront financial pledge for grant match because our residents, businesses and visitors to Austin stand the greatest opportunity to benefit from such an investment. Although no cash funding has yet been committed by the regional partners (TXDOT, CTRMA, CMTA and CAMPO), each has been asked to submit letters of support for the project and collaborate on development of the grant with in-kind support.

67. Agenda Item #67: Approve an ordinance amending Chapter 2-1 of the City Code to create a Tourism Commission.

QUESTION:

1. Is it standard procedure to create a commission by ordinance first before going through the public resolution process as was done for the LGBTQ and Student Commissions?
2. Was there any public input process or public meetings that occurred to inform the creation of this commission? COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

1. There is not a standard procedure in place for creating a permanent commission. Previous commissions have been created following a resolution directing City staff to draft an ordinance amending City Code Chapter 2-1. However, this is not a requirement under Chapter 2 of the City Code. (Provided by the Law Department)
2. Council has taken up the topics of tourism and its impacts to the city and its resources, hotel occupancy tax, and convention operations on multiple occasions through budget cycles and agenda items over the last several years. Whether it's contributions to the general fund, impacts to local businesses, staff resources or city assets, tourism plays a large role in our city- estimated to generate more than \$95 million in HOT this fiscal year.

Council members heard from the community the need and benefit of a citizen commission on tourism. While city staff, visitor board, and a task force have worked to improve the functions of the convention center and marketing, tourism is broader than just the convention center. There are currently unrealized opportunities, for small businesses, the arts and music industries, to be identified that would support the local interests that make our city unique and distinguish Austin from other cities. There remains a need for the public to participate in a more meaningful way, as is afforded to other city enterprises, community values, and public assets that are represented by citizen commissions.

The task force recognized the need for ongoing work and collaboration. The advisory recommendations included establishment of a Marketing Advisory Committee that would meet

quarterly and include local small business groups, arts and cultural organizations, under-represented community stakeholders and other impacted stakeholders to advise on tourism, marketing plans, and diversity tourism. Creation of a Tourism Commission would provide a means of acting on the recommendation, further benefitting the effort by having the body appointed by and providing recommendations to the Council, as well as enabling the group to work on a broader range of tourism related issues.

Regarding whether to move forward by resolution vs ordinance, discussion with law department clarified either action being available and appropriate. Forwarding as an ordinance was seen as the most expedient.

Council is expected to receive a study on Austin Convention Center from the University of Texas in the early fall. There is benefit to the Council in having a Tourism Commission formed in anticipation of the report and future conversations related to tourism. Coming forward as an ordinance will allow staff to prepare for its formation and give Council the summer and council meetings in August to prepare nominees and appoint the body. (Provided by Council Member Kitchen's office)

QUESTION:

If this item is approved, how many Boards and Commissions have been added since 2015? What department(s) would staff the commission?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

6 new 2-1 entities have been created since 2015;

LGBTQ Commission
College Student Commission
South Central Waterfront Advisory Board
Codes and Ordinance Joint Committee
Comprehensive Plan Joint Committee
Tourism Commission (pending)

In addition, the following 2-1 entities were created at the 12/11/2014 meeting (aka boards that did not exist prior to 10-1, but that the transition task force recommended be created and which were accepted by the at-large Council):

Economic Prosperity Commission
Joint Cultural Committee
Joint Inclusion Committee
Joint Sustainability Committee
Small Area Planning Joint Committee

The City Manager's office designates who will serve as Executive Liaison and staff liaison. (Provided by the City Clerk's Office).

74. Agenda Item #74: Approve a resolution related to City policies and use of City resources related to immigration enforcement.

QUESTION:

Please provide the Police Chief's general orders referred to in the Draft Resolution that "protect the constitutional and legal rights of people who interact with the Police," and that "help ensure city resources and police time are managed to accomplish Dept. priorities and ensure public safety."

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

See attachment - provided by APD.



Recommendation for Action

File #: 18-2474, **Agenda Item #:** 5.

6/14/2018

Agenda Item

Agenda Item #5: Authorize additional contingency funding for the construction contract with Pepper-Lawson Waterworks, LLC, for the Walnut Creek Wastewater Treatment Plant Tertiary Filter Rehabilitation project in the amount of \$1,260,900 for a total amount not to exceed \$27,797,800.

QUESTION:

What contingencies resulted in the previously approved 5% contingency being insufficient?

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

A portion of the initial 5% contingency was utilized to address the discovery of undocumented communications and electrical wiring and unknown site conditions (Change Order #1) and additional duct banks and additional unanticipated site conditions (Change Order #2) which were identified during the initial phase of the construction. The remaining balance of the contingency will not be sufficient for the project to cover additional changes currently under consideration. The majority of these additional changes are for additional instrumentation, controls and communication needed for the filter control system, to address other differing site conditions and for other unforeseen risks for the remaining part of the construction. Therefore, 5% additional contingency is requested now based on past experience from other similar projects to ensure timely and efficient change order processing for a successful project completion.



Recommendation for Action

File #: 18-2457, Agenda Item #: 7.

6/14/2018

Agenda Item

Agenda Item #7: Authorize negotiation and execution of an amendment to the professional services agreement with Jacobs Engineering Group, Inc., for design, bid, and award phase services for the Albert H. Ullrich Water Treatment Plant Conversion to On-site Generation of Sodium Hypochlorite Project in the amount of \$2,329,896.83, using existing funds and authorizing an additional \$1,113,557.93, for a total contract amount not to exceed \$3,171,557.93.

QUESTION: It appears that the contractor has not reached the minority/women participation goal of 1.9%. Has the contractor submitted a compliance plan that meets the goals of this solicitation?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Jacobs Engineering Group, Inc., the prime consultant on this contract, did provide an MBE/WBE Compliance Plan that met the goals of the solicitation at the time of contract award. The reason for that the African American participation to date and for this amendment related to design phase services has not been achieved is that the scope (Geotechnical Investigation) that was to be performed by HVJ Associates, LLC - a certified African American firm did not materialize. The scope did not materialize because during historical document gathering in the preliminary engineering phase, City staff discovered that sufficient historical geotechnical data from the Ullrich Expansion project in the early 2000's already existed and the scope that was to be performed by HVJ was not required. SMBR will continue to work with Jacobs Engineering, LLC to identify potential sub-consulting areas to meet the African American goal as feasible.

QUESTION:

Why was 40% of the funding for the design phase expended on this contract?

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

The initial contract amount of \$783,661.10 (~40% of the initial Council Authorization of \$2M) was utilized to cover the preliminary engineering services where the full scope of improvements was identified. The balance of the initial Council authorization (~60% of \$2M) would not be sufficient to cover final design and bid/award phase services (in an amount of \$2,329,896.83) necessary for the proposed improvements identified from the preliminary engineering study.



Recommendation for Action

File #: 18-2414, **Agenda Item #:** 12.

6/14/2018

Agenda Item

Agenda Item #12: Authorize the use of the Design-Build procurement method of contracting in accordance with Texas Government Code 2269 for design and construction services for up to five new neighborhood fire and emergency medical facilities.

QUESTION:

Please clarify when the use of the Design-Build method is and is not allowed.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

The City can use the design-build method for a construction project when it determines that design-build, as opposed to, for e.g., competitive bidding, would provide the City with the best value. The design-build method can be used for both buildings and associated structures as well as, in limited circumstances, some civil projects such as roads, bridges, water supply projects and water plants. When using the design-build method, cities must follow the statutory requirements and procedures. There is one set of requirements and procedures for vertical structures or buildings and another for horizontal or civil projects.



Recommendation for Action

File #: 18-2415, Agenda Item #: 13.

6/14/2018

Agenda Item

Agenda Item #13: Approve an ordinance amending the Fiscal Year 2017-2018 Capital Contracting Office Operating Budget (Ordinance No. 20170913-001) to increase the number of authorized positions by 1.0 to provide support for the design and construction of new fire stations.

QUESTION:

Would these funds be ongoing funds or one time funds? Is this a temporary or permanent position? If temporary, please explain in detail how long the position is meant to be in place and how much money it will require over the time frame it will be needed.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

These would be ongoing funds included in the Fiscal Year 2019 Budget if approved by Council, and would be a permanent position.

QUESTION

Is existing staff able to absorb the workload associated with support for design and construction of the new fire stations? If not, why not?

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

Existing staff is not able to absorb the workload associated with the expedited schedule for design and construction of the new fire stations without impacting other priority projects. The requested 1.0 FTE will augment staff to ensure responsiveness and quality procurement and contracting service is provided to this project and other existing and upcoming Alternative Delivery Method projects. An existing FTE will be assigned this new Fire Station project and other team members will see an increase to their workload while we hire and onboard/train the new FTE.

The Capital Contracting Office (CCO) has experienced an increase in the use of Alternative Delivery Methods due to its ability to reduce the timeframe for delivering projects. While Alternative Delivery Methods save time for project delivery, the CCO staff time commitment is greater than the traditional design-bid-build method. CCO staff are engaged with Alternative Delivery Method from solicitation, to Guaranteed Maximum Price negotiation, through contract monitoring and contract closeout.

CCO is currently working:

- 13 Alternative Delivery construction projects
- 3 Professional Service design/contracts supporting Alternative Delivery
- 33 Job Order Contract assignments

Of the 13 active Alternative Delivery construction projects, 1 is for construction of the Onion Creek Fire/EMS station, 2 are for renovations of 6 fire stations (Phase 5 and 6), and one for replacement of vehicle bays and renovation of another fire station.

In addition, in working with Department Capital Improvement Program staff, indication is that beginning in FY 2019 the workload for the 5-year CIP is expected to increase by \$2B or more. This expected increase is compounded by:

1. Existing workload;
2. Need to prioritize solicitations and contracting that supports the 2016 Mobility Bond; and
3. Expectation that Capital Improvement Projects to be turned around more quickly, with the City's goal of reducing the timeframe for delivering projects by 50%.

CCO has requested two additional FTEs in the FY19 budget to meet current and future needs in an expedited manner.



Recommendation for Action

File #: 18-2452, Agenda Item #: 15.

6/14/2018

Agenda Item

Agenda Item #15: Approve an ordinance adopting the Austin Area Master Community Workforce Plan as an attachment to the Imagine Austin Comprehensive Plan.

QUESTION: What of any strategies included in the plan have an evidence base/emerging evidence base to prove that they will meet the targets in this plan? Have these strategies been proven to work in other cities? Please give us a sense for how Council can think of their likelihood for effectiveness. What will be key challenges to implementation and how do you plan to mitigate those challenges? How will this master plan join up with the Council Strategic plan in terms of reporting outcomes?

COUNCIL MEMBER ALTER'S OFFICE

Please clarify what triggers an addition to Imagine Austin. In this case why does this content have to be added to Imagine Austin?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

Q: What of any strategies included in the plan have an evidence base/emerging evidence base to prove that they will meet the targets in this plan?

A: The following response to Question #1 has been provided by Workforce Solutions Capital Area:

The Master Community Workforce Plan has four Strategies: Awareness & Enrollment, Training, Placement, and Advancement. We will address any evidence based approach within each of the Strategies):

Awareness & Enrollment: During the year-long process of building the Master Plan, Workforce Solutions Capital Area interviewed and heard from scores of providers, employers, and employer associations that students and job seekers lack understanding of the jobs and industries growing our economy. Further, they noted that students/job seekers did not know where to go to access training opportunities once they were aware of those industries. In its research scan, Workforce Solutions identified in other cities and markets their recognition of "awareness" as an issue, but none included replicable metrics for how to measure or grow awareness on any scale. The Master Plan's target within Awareness & Enrollment was set based on our recognition of need, and also our recognition that no other community had successfully and comprehensively built a community-based campaign for us to replicate in order to raise awareness that leads to enrollment. Accountability for the Master Plan is expected from community stakeholders including implementation to deliver increased enrollments, a tangible metric under which Workforce Solutions Capital Area can build an emerging body of evidence related to our monitored awareness efforts.

Training and Placement: These two Strategies are based on Workforce Solutions' experience as a funder of training services. Beginning in Fiscal Year 2014, Workforce Solutions began measuring and reporting the percentage of training-related placements, and set a goal to increase the percentage over five years. The goal was called "75x20" and reflected the Board's commitment, as one workforce funder, to increase training-related placements to at least 75% by the year 2020. Based on focused and measured effort by Board and contractor/training provider staff, Workforce Solutions

reported a 77% training-related placement rate for those students/job seekers that it financially supported and case managed by Fiscal Year 2016 - well in advance of the goal year.

Thus, it is with this experience and processes mapped out that Workforce Solutions, as the backbone for the Master Plan, believes that these two Strategies are attainable. As the community coalesces around the Master Plan as our common agenda for closing our skills gap, we believe that best practices such as Workforce Solutions' 75x20 and others currently underway with training providers and educators will be brought to the surface and amplified.

Advancement: In conducting a research scan of other communities, Workforce Solutions was not able to identify another community with a skills-building plan to benchmark against, though it did identify examples of strong practices relating to baselining data on specific employer-focused efforts to advance their current workers. Thus, Workforce Solutions believes that the Master Plan may emerge as one of the first and only examples of a comprehensive approach to measuring and scaling skills advancements within companies across a single and multiple sectors.

Finally, because specific evidence-based examples similar to the Master Community Workforce Plan are scarce, Workforce Solutions has raised mostly private funds in order to contract with The University of Texas Ray Marshall Center as the third-party data evaluator to collect and analyze our outcomes. The result of this work over time will be an evidence-based model of what has worked and what needs to be tweaked. Austin may well become the evidence-based model and theory of change that other communities are seeking.

Q: Have these strategies been proven to work in other cities? Please give us a sense for how Council can think of their likelihood for effectiveness.

A: The following response to Question #2 has been provided by Workforce Solutions Capital Area:

To build on response to the previous question, Austin is one of the only communities that has not only created a community-level plan to close the skills and employment gap, but also held itself accountable to the outcomes of that plan. In Houston, for example, their skills plan was launched 2-3 years prior to the Master Community Workforce Plan (called "Upskill Houston"), but to date, Workforce Solutions Capital Area is not aware of any metrics that have been attached to their plan as a whole aside from project-based work. In Boston, for example, they launched a Boston Hires campaign, but they admit that it is primarily a marketing campaign utilizing self-reported data from employers.

Ultimately, success under the Master Community Workforce Plan is predicated on a community's committed desire to place local people in local jobs. Workforce Solutions is committed to that outcome, and based on the support that the community has provided to date, we believe that this "hire local" initiative, with metrics, will be successful. It is a new initiative that Austin has never tried before so there is, as always in such endeavors, a chance that unforeseen circumstances could derail our current commitment to this effort.

Q: What will be key challenges to implementation and how do you plan to mitigate those challenges?

A: The following response to Question #3 has been provided by Workforce Solutions Capital Area:

Key challenges to implementation, and efforts that Workforce Solutions is undertaking to mitigate them, include (but may not be limited to):

1. Desire and willingness to change workforce development practices in alignment with the Master Plan. Workforce Solutions, as the backbone, can address this challenge through both "head and heart." We have formed a Master Plan Leadership Council, comprised of policy makers, funders, and key representative educators, to review and take action based on data. Further there is a newly formed Education / Training and Evaluation Committee comprised of

representatives from the educators/training providers who can make recommendations on behalf of their organizations are going to change as a result of the outcome data, and new circumstances that may arise. Further, Workforce Solutions believes that as we, as a community, have success, we will hear and feel the stories of the families lifted out of poverty and into family-supporting jobs and this will sustain our overall engagement in the Master Plan.

2. Good data from which to make critical decisions about “what is working.” As noted above, Workforce Solutions has executed a contract with the Ray Marshall Center and believes that their data work can be trusted and verified.

3. Funding. This work is intensive, comprehensive, and different from any other work that Workforce Solutions or the community has undertaken before. As such, funding is an issue in order to ensure that the backbone agency can staff appropriately to serve its role, that the data collection and analysis can continue without interruption, that a comprehensive marketing plan be developed and implemented to target and engage both employers and students/job seekers, and that programs that get good results can be scaled to serve more students/job seekers. Workforce Solutions has been actively fundraising for more than a year, and expects to continue its efforts. However, as the Master Plan builds results, there may be additional funding needs to address scaling the Master Plan across all of the sectors and for all the low-income residents who still feel left behind.

Q: How will this master plan join up with the Council Strategic plan in terms of reporting outcomes?

A. The following portion of the response to Question #4 has been provided by City of Austin staff:

This Master Plan aligns with Imagine Austin Priority Program #3: Continue to Grow Austin’s Economy by Investing in Our Workforce, Education Systems, Entrepreneurs, and Local Businesses, the Strategic Direction 2023 outcomes “Economic Opportunity and Affordability” and “Culture and Lifelong Learning.” As part of the strategic planning process, the City will regularly report on the following, as adopted by Council in Strategic Direction 2023:

Economic Opportunity & Affordability:

- EOA Metric F4: Number and percentage of people who successfully complete Workforce Development training (goal to have data on number and percentage who obtain employment)
- EOA Strategy #2: Influence the skills of our local workforce by developing and implementing a City of Austin workforce development roadmap to meet regional goals. Align local workforce skills with needs of employers and track outcomes with a special focus on economic improvement for people of color and historically marginalized communities.

Culture & Lifelong Learning:

- CLL Metric B2: Number of people employed in the creative sector (as defined by specific North American Industry Classification System [NAICS] codes) in the Austin Metropolitan Statistical Area
- CLL Metric B4: Number and percentage of creative-sector professionals who indicated they benefited from a City-sponsored professional development opportunity

EDD will develop a roadmap, in collaboration with contributing City departments, to specify the City’s short-term and long-term contributions to advance these shared regional goals, and a regular cadence for reporting progress on outcomes.

In addition, Workforce Solutions Capital Area Master Community Workforce Plan is proposed to include specific data that aligns with these outcomes. The below response clarifies where that data comes from and identifies proposed outcomes:

The following portion of the response to Question #4 has been provided by Workforce Solutions Capital Area: The University of Texas Ray Marshall Center is under contract by Workforce Solutions to conduct a regional data and evaluation study as part of the Master Community Workforce Plan. As a third-party evaluator, Ray Marshall Center is collecting and analyzing data and outcomes from education and training providers in the region. Specific data will be requested from education and training providers. Proposed outcomes will include percent of participants who complete

and/or exit a workforce training program, percent of completers/exiters who attain a recognized credential (with a focus on middle-skill credentials), percent of completers/exiters who enter employment (with a focus on middle-skill occupations as identified within the Master Plan), percent of employed participants who upskill/advance within their career pathway, and percent of completers/exiters who are above 200% of the federal poverty level (by tracking earnings change). The goal is to have this data available on an annual basis.

Q. Please clarify what triggers an addition to Imagine Austin. In this case why does this content have to be added to Imagine Austin?

A. The following response to Question #5 has been provided by City of Austin staff: City Council is not required to amend the comprehensive plan for this purpose. However, Imagine Austin may be amended through an ordinance that fulfills the process requirements laid out in the Charter. In the past, Council has either done this concurrently with adoption of a specific plan (Colony Park Master Plan was amended this way), or has amended the Imagine Austin Plan to add an attachment later in the year as part of an annual report and amendments process (Urban Trails Master Plan was amended this way.)

Any plan that relates to the topics of Imagine Austin and rises to the level of comprehensive plan-level policy guidance may be attached to the Imagine Austin Plan. City Council has some discretion to decide what can be attached.



Recommendation for Action

File #: 18-2449, **Agenda Item #:** 16.

6/14/2018

Agenda Item

Agenda Item #16: Approve an ordinance amending City Code Chapter 10-2 (Emergency Medical Services) related to regulations for non-emergency medical transfer service providers.

QUESTION:

1) What is the impetus for the wholly new provisions included in the updated ordinance? Why is each necessary at this time? 2) Regarding Part 6 D, what is the reason for the prohibition of authorizations on additional transfer licenses until 2021?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

1) The proposed changes to the ordinance is the result of several years of review of current services and the need to update based on service delivery changes within the industry. There are services provided by franchises, such as wheelchair transports, which are a subset of non-emergency transports that have never been regulated by the City. The language added to 10-2 allows the city to monitor and regulate these transports in accordance with other non-emergency transports.

The other changes to the ordinance set standards and clarify portions of 10-2 that were ambiguous and resulted in unwanted outcomes - for example, we have included a 2:1 ratio on ambulances to ensure that all citizens at every hospital have better access to service.

2) In July 2013 the Center for Medicare & Medicaid Services (CMS) instituted a provider enrollment moratorium in several areas across the country, including Houston and surrounding counties. This moratorium ceased any new ambulance provider numbers in these areas due to the amount of fraud that was happening, particularly with private companies. The CMS moratorium was extended in January 2018. Since the implementation of the original moratorium EMS has received increased inquiries and applications for franchise licenses, particularly from companies headquartered in the Houston area. A city moratorium on applications will allow the market to correct itself in the Houston area without adding the risk to the City of accepting a franchise that has operated with questionable practices in the past.

In addition, Council recently approved a third provider that begins service today (6/12). The moratorium would also allow the City market to stabilize with the third franchise and allow staff to fully analyze the impact of the additional provider to the market.



Recommendation for Action

File #: 18-2471, Agenda Item #: 17.

6/14/2018

Agenda Item

Agenda Item #17: Approve a resolution relating to the City Manager's recommended bond package for a November 2018 General Obligation Bond election.

QUESTION:

Would the proposed needs for the Dougherty qualify for funding from COs? Please provide detail. What locations would be covered by the proposed signals projects? Please provide detail on projects for the proposed Vision Zero funding. Please clarify if there is any duplication of projects amongst projects already funded through the 2016 Mobility Bond. Please provide detail on the timeline for the sidewalk projects proposed here in comparison to those in the 2016 Mobility Bond program. Please provide a detailed list of street reconstruction projects.
COUNCIL MEMBER KITCHEN'S OFFICE

ANSWER:

- 1) Would the proposed needs for the Dougherty qualify for funding from COs? Please provide detail.

To the extent that the proposed needs for the Dougherty are solely to purchase a new site and build the same general park facility as is currently operated, state law authorizes this as a lawful use of Certificates of Obligation (COs). If the project changes, such as becomes an economic development project, general obligation bonds would be the appropriate funding source.

From a City policy perspective, the approved financial policies that Council adopts with the City Budget for General Obligation Debt (both voter-approved property tax backed debt and non-voter-approved property tax backed debt) includes the following:

It is the City's priority to fund capital expenditures with cash or voter-approved debt. However, non-voter-approved debt may be used for capital expenditures as an alternative to lease/purchase or other financing options if the capital expenditure is:

- *Urgent;*
- *Unanticipated;*
- *Necessary to prevent an economic loss to the City;*
- *Results in an economic gain to the City within a reasonable time; or*
- *Non-voter approved debt is the most cost effective financing option available.*

In regards to Dougherty, Council has not made a finding that the need meets the policy. Therefore, at this time, staff recommends use of general obligation bonds as the best financing source for these needs.

Please note that, in regards to the other prospective Fiscal Year 2018 Bond projects, the application of this policy largely hinges on the definition of "urgent." Thus, for example, the fire stations were found by council to be an urgent public safety need by the Austin Fire Department and Finance staff therefore recommended the use of Certificates of Obligation.

2) What locations would be covered by the proposed signals projects?

This proposed funding would be a “bucket” of funds, from which projects would be funded citywide. If approved by voters, project locations will be identified using existing prioritization processes based on traffic signal warrants, need, lifespan of equipment, etc.

The proposed 2018 Bond staff recommendation includes funding for the following traffic signal and technology programs and projects. The “universe of needs” for traffic signals and the Automated Traffic Management System is \$71 million ([as detailed in the April 16th memo <http://www.ci.austin.tx.us/edims/pio/document.cfm?id=296824>](http://www.ci.austin.tx.us/edims/pio/document.cfm?id=296824)). Staff requests \$37 million (48% of current need) through the 2018 bond for traffic signal programs/projects, as follows:

- Traffic Signals and Signal System - \$9,100,000

Includes funding for new signal installations, enhancements to the signal communications system, modifications and upgrades to existing traffic signal infrastructure and software, and battery backups

- Signal Safety Improvements - \$4,300,000

Includes emergency vehicle preemption software and equipment, power-source modernization, accessible pedestrian signals, and retroreflective backplates to improve signal visibility.

- Mobility Improvements - \$1,600,000

Includes vehicle detection equipment, traffic monitoring equipment (i.e., closed circuit cameras) and real time transit signal priority reporting.

More specifically, for example, for new signals alone there are about 168 traffic and 158 PHBs requests in some phase of evaluation; this funding would complete approximately 36 signals (\$9.1M/ ~\$250,000 per signal), plus other hardware, software and infrastructure outlined above. More detail and descriptions of the technology can be found in the [April 16th memo <http://www.ci.austin.tx.us/edims/pio/document.cfm?id=296824>](http://www.ci.austin.tx.us/edims/pio/document.cfm?id=296824).

3) Please provide detail on projects for the proposed Vision Zero funding.

As with signals, this proposed funding would allow for a systems-based approach to addressing safety citywide. Locations would be determined based on established prioritization processes described below.

The proposed 2018 Bond staff recommendation includes funding for the following Vision Zero/Transportation Safety programs and projects. The “universe of needs” for Vision Zero/Transportation Safety is \$160 million. Staff requests \$35 million through the 2018 bond for traffic signal programs/projects, as follows:

- Major Intersection Safety Projects - \$11,000,000

Includes funding for intersection safety improvements at approximately 10 of the highest crash intersections in Austin. Typical safety improvements may include intersection reconfiguration and reconstruction, construction of new or modification of existing median, improvements to pedestrian and bicycle facilities, and/or construction of traffic and pedestrian signals. Locations will be determined through multiple factors, including average crash frequency, crash rates, fatalities, traffic volume, and crash severity. As these factors may change over the life of the bond, locations will be identified based on the most recent data available at the time of project development.

- Pedestrian Safety Improvements - \$3,500,000

Includes funding for high-impact, cost effective pedestrian safety treatments such as concrete refuge islands, rapid flashing beacons, raised crosswalks or curb extensions at 80 to 120 locations across the city. Locations would be

determined based on the Pedestrian Priority Network, as described in the Pedestrian Safety Action Plan which considers factors related to crash history, risk and demand for walking. Projects will be prioritized based on available funding and efficiencies gained through coordination opportunities (such as coordination with routine maintenance or transit accessibility needs). As these factors may change over the life of the bond, locations will be identified based on the most recent data available at the time of project development.

More detail and descriptions of the programs can be found in the [April 16th memo <http://www.ci.austin.tx.us/edims/pio/document.cfm?id=296824>](http://www.ci.austin.tx.us/edims/pio/document.cfm?id=296824).

- 4) Please clarify if there is any duplication of projects amongst projects already funded through the 2016 Mobility Bond.

This question was addressed in detail in an [April 16th memo <http://www.ci.austin.tx.us/edims/pio/document.cfm?id=296824>](http://www.ci.austin.tx.us/edims/pio/document.cfm?id=296824). As stated in that memo, in a majority of the programs there really is no overlap since the funding from each source addresses different elements of our Transportation Infrastructure. In 2016, staff developed several alternatives ranging from \$250 million to \$720 million for Council’s consideration for Bond funding. All of the alternatives included a mix of Capital Renewal projects/programs and Mobility projects/programs. The “Capital Renewal” projects/programs generally focused on renewing existing transportation infrastructure that is beyond the scope of repair and maintenance techniques and thus needs capital funding while the “Mobility” projects/programs generally focused on enhancing existing corridors or adding new infrastructure with the goal of improving mobility and providing congestion relief through capacity improvements for all transportation modes. Working within the financial constraints at that time, staff developed 2 alternatives for the \$720 million bonding level. The first was a “blended alternative” that would have dedicated \$100 million to “Regional Mobility”, \$344.5 million for “Corridor Mobility”, and \$275.5 million to “Local Mobility” (with \$180 million of the Local Mobility funding for Capital Renewal). Staff’s “enhanced corridor alternative” would have dedicated \$93.5 million to “Regional Mobility”, \$471.5 million for “Corridor Mobility”, and \$155 million for “Local Mobility” (with \$67 million of the Local Mobility funding for Capital Renewal). The voters ultimately approved a version more focused on “Mobility” than “Capital Renewal” with \$101 million for Regional Mobility, \$482 million for Corridor Mobility, and \$137 for Local Mobility (with only \$11 million of the Local Mobility funding dedicated specifically for Capital Renewal). The table below summarizes the funding allocation described above.

2016 Bond Package Alternatives

Alternative	Regional Mobility	Corridor Mobility	Local Mobility
Staff “Blended”	\$100M	\$344.5M	\$275.5M (\$180M for Capital Renewal)
Staff “Enhanced Corridor”	\$93.5M	\$471.5M	\$155M (\$67M for Capital Renewal)
Voter Approved Bonds	\$101M	\$482M	\$137M (\$11M for Capital Renewal)

The 2016 Mobility Bond approved by the voters dedicates the \$11 million Capital Renewal funding for the preliminary engineering and design (no funding for construction) for two projects (Fallwell Lane and the William Cannon Drive Bridge over the Union Pacific Railroad) and 9 sub-standard street projects. So, the package that the Council ultimately chose to put forward for voter consideration in 2016 was primarily focused on mobility needs rather than capital renewal needs. With this very small funding for Capital Renewal in the 2016 Mobility Bond, staff is now again requesting funding for the core maintenance functions termed “Capital Renewal” for the 2018 Bond.

- 5) Please provide detail on the timeline for the sidewalk projects proposed here in comparison to those in the 2016

Mobility Bond program.

The 2016 Bond provided funding primarily for new sidewalk, sidewalk connections, and curb ramps. The proposed funding for the 2018 Bond would be used to address Capital Renewal projects in line with the ADA Transition Plan by **rehabilitating and replacing existing sidewalks and curb ramps that are functionally deficient** and thus not ADA compliant. We have identified approximately \$330 million in sidewalk rehabilitation needs and requested \$20 million in the 2018 Bond (~6% of need).

The Contract with the Voters for the 2016 Bond directs the City Manager to complete the bond within eight years after voter approval. We anticipate the sidewalk funds from the 2016 Bond will be exhausted in 2024. We anticipate that both funds (2016 and 2018) will be able to be used simultaneously throughout the City to increase connectivity and condition of sidewalks in Austin. If approved by voters, we anticipate that the 2018 Sidewalk Rehabilitation funds would be exhausted within the same timeframe as the 2016 Mobility Bonds. Of course this timeline will be dependent on weather, contractor availability and commitments to other, ongoing or unanticipated capital needs.

6) Please provide a detailed list of street reconstruction projects.

This proposed street reconstruction/rehabilitation funding would be a “bucket” of funds, from which projects rated in poor (“D”) or failed (“F”) condition would be funded citywide based on need, roadway conditions, and coordination with other infrastructure needs (Water/Wastewater, Austin Energy, Storm water, Sidewalks, etc.) much like with the Local Mobility Program funding in the 2016 Bond. The total need for street reconstruction, not including bridges or sidewalks, is \$777 million, or approximately 2,000 lane miles of roads in D and F condition. The recommended \$75 million for the program would fund rehabilitation of approximately 200 lane miles of roadways in D and F condition. No project location list has been identified at this time.

QUESTION:

Explain why the Cultural Centers were pulled out of the Parks and Recreation category.

If there are multiple phases in their plans, how much would be needed, for each cultural center, to execute their first next phase?

Regarding the proposed Dove Springs Health Center, has the option of cost sharing with Central Health been explored? Please provide detail. Is the proposed spend for a completely new facility or an addition to the Dove Springs Rec Center? Regarding the entire proposal, and projects, have there been any other funding mechanisms explored? If so, which projects are eligible for other funding options aside from GR bonds? What are those other funding options? Also, which projects have been identified as not eligible for any other funding option.

What is the capacity of each department to be able to take on more work via the 2018 Bond?

COUNCIL MEMBER HOUSTON’S OFFICE

ANSWER:

1) Explain why the Cultural Centers were pulled out of the Parks and Recreation category.

The Rolling Needs Assessment of the Long-Range CIP Strategic Plan is the primary set of information used for determining which projects and programs are included in the 2018 Bond Development proposal. This annual plan, formerly under management of the Capital Planning Office, has provided the necessary framework for determining the universe of CIP needs through a thoughtful and iterative process, incorporating feedback from staff across all divisions of the Department. Using this data, PARD considered the diverse range of facilities, the vast needs for capital reinvestment across all asset types, and the intense nature of park advocacy, before taking a thorough and deliberate approach in prioritizing park projects for the Bond proposal. PARD’s goal was to establish a fair and defensible request for CIP funding

across a wide range of asset types. While the merits of a major cultural facility replacement/renovation is a worthy investment, the original PARD proposed Bond Package did not include any of the cultural centers. It did however, include an arts center, the Dougherty Arts Center (DAC). The proposed project at the DAC will replace the existing building at a new location and provide expanded programmable space to meet the increased user demand. The services provided at the DAC are closely aligned with the recreational programming function of PARD and less so with the functions of cultural centers.

The decision to not include any of the cultural centers was not made lightly. PARD considered previous cultural center investments in comparison with other previous investment programs and used the facilities assessment data from the Rolling Needs Assessment of the Long-Range CIP Strategic Plan.

Through community advocacy, funding for the cultural centers was included in the proposal as its own proposal; the rationale being that Cultural Centers are unique facilities with the unique purpose of furthering culture based education, history and art.

- 2) If there are multiple phases in their plans, how much would be needed, for each cultural center, to execute their first next phase?

The proposed funding for each PARD operated Cultural Center considers the estimated funding needed to complete specific elements of the master plan or to address specific identified facility restoration/renovation issues. These are outlined below and in the attached summary proposal:

Mexican-American Cultural Center (MACC) - Funding is for the completion of a single phase of the recently approved master plan- estimated to cost approximately \$15 million. The estimated cost for all phases of the recently approved master plan is \$40 million. The \$15 million represents a little more than a third of the total estimated cost, and will address top priorities identified in the master plan including general renovations to the existing building, renovation of the auditorium, expansion of the South Crescent, and high priority site improvements including the Gran Entrada.

Carver Museum - The \$7.5 million proposed funding represents funding to update the master plan, complete basic building renovations (roof replacement, HVAC replacement, window repairs, ADA improvements, etc.) and provide seed funding to initiate implementation of priorities determined through the master plan.

Asian-American Resource Center (AARC) - The \$5 million proposed funding represents funding to complete an initial phase of improvements of the yet to be completed master plan. Since the master plan is not yet complete, a clear set of priorities and cost estimates for this facility are not available for the purposes of seeking funds through a bond development process. PARD recommends allocating \$5 million to address known issues related to parking, pedestrian connectivity, outdoor amenities and seed funding to implementation of phase 1 priorities that are determined through the master plan process.

Mexic-Arte- The funding request of \$15 million represents the amount needed to supplement existing funding and repair the building as determined by an extensive engineering and structural assessment.

- 3) Regarding the proposed Dove Springs Health Center, has the option of cost sharing with Central Health been explored?

Austin Public Health has held discussions with Central Health about partnerships for health services including the Dove Springs community. These discussions have included the potential for joint use projects that are multi-purpose community centers. At this time, no decisions have been made to finalize plans for the Dove Springs community.

These comprehensive planning conversations are expected to continue. Community Care currently has a clinic at William Cannon and I-35 which is quite close to the proposed site. Should Central Health be interested in this proposed location, additional funding would be needed to add square footage to the proposed facility which does not include any primary health care.

The proposed square footage (21,000) is all needed for City of Austin Public Health programming. The proposed Public Health Center would include a new full-service Neighborhood Center (basic needs services like food pantry, Fresh Foods for Families, application assistance, job readiness), an Immunization clinic (relocated from the current Stassney Lane location), a WIC clinic (relocated from lease space at William Cannon and I-35) and a new high-quality child care center.

The City cannot provide the same clinic services as Community Health and cannot use its bond funds to pay for facilities that they are authorized to pay for with their tax funds. Implementation of any joint facilities would require review by bond counsel.

- 4) Please provide detail. Is the proposed spend for a completely new facility or an addition to the Dove Springs Rec Center?

The requested funding is for a new 21,000 sq ft facility that would be located adjacent to, but not connected to, the existing Dove Springs Rec Center. The two facilities would share a newly constructed parking lot. The proposed facility would be constructed on parkland between Ainez and the current Rec Center. No existing recreation programs would be negatively impacted by the new facility. One trail would need to be reconstructed, which is included in the project costs.

- 5) Regarding the entire proposal, and projects, have there been any other funding mechanisms explored? If so, which projects are eligible for other funding options aside from GR bonds? What are those other funding options? Also, which projects have been identified as not eligible for any other funding option?

Like the Dougherty Arts Center, upon appropriate findings and finalization of use proposals, at least some of the projects could be funded with Certificates of Obligation. Each project would need to be reviewed by bond counsel. Also, in order to qualify as appropriate under the City's financial policies, Council would need to make certain findings before the projects could be funded from Certificates of Obligation.

- 6) What is the capacity of each department to be able to take on more work via the 2018 Bond?

PENDING

QUESTION:

Please clarify if the entire history center is seeking to move to the Faulk Library or if it is just a portion that seeks to move there.

What bond language would be required to allow for the purchase of state-owned land for the purpose of either affordable housing or parkland? Would the language need to identify the specific parcels to be potentially purchased? Why do we not need to specify specific parcels we would potentially purchase under other land acquisition bond categories?

From amongst the various proposed projects, please explain what qualifies for funding from COs or any other funding types. Please provide detail on mechanisms/necessary processes for those other funding types. Please explain what money from past bonds in the last 10 years is yet to be processed. Please list by bond proposition type.

The Ullrich Water Treatment Plant is accessed by Austin Water using the Red Bud Trail Bridge. What parts of the city does the Ullrich Water Treatment Plant serve?

What would be the potential impact to the city if the Ullrich Water Treatment Plant were to be offline?

If the Red Bud Trail Bridge failed, would impact would that have on the Ullrich Water Treatment Plant and water delivery?

COUNCIL MEMBER ALTER'S OFFICE.

ANSWER:

1) Please clarify if the entire history center is seeking to move to the Faulk Library or if it is just a portion that seeks to move there.

The funding currently proposed in the 2018 Bond Program for the Faulk Library Building (\$11.5 million) will provide for replacement of failing infrastructure (the mechanical, electrical and plumbing systems along with the elevators) so that the building may continue to be occupied and used for a number of City of Austin purposes, including much needed archival repository and exhibition space for the Austin History Center. The landmark Austin History Center building - designed and constructed to be Austin's first central library in 1933 - will continue to house collections, programs and activities of the Austin History Center Division of the Library Department.

2) What bond language would be required to allow for the purchase of state-owned land for the purpose of either affordable housing or parkland? Would the language need to identify the specific parcels to be potentially purchased? Why do we not need to specify specific parcels we would potentially purchase under other land acquisition bond categories?

This question is being analyzed by bond counsel and the advice will be provided to council upon his conclusion of his research.

3) From amongst the various proposed projects, please explain what qualifies for funding from COs or any other funding types. Please provide detail on mechanisms/necessary processes for those other funding types. Please explain what money from past bonds in the last 10 years is yet to be processed. Please list by bond proposition type.

From a legal standpoint, Certificates of Obligation could be issued for any of the prospective 2018 Bond projects except for projects that are co-use by another taxing entity or projects that are considered an economic development activity under State law, such as affordable housing. Council's approved financial policies for General Obligation Debt includes the following:

10) It is the City's priority to fund capital expenditures with cash or voter-approved debt. However, non-voter-approved debt may be used for capital expenditures as an alternative to lease/purchase or other financing options if the capital expenditure is:

- *Urgent;*
- *Unanticipated;*
- *Necessary to prevent an economic loss to the City;*
- *Results in an economic gain to the City within a reasonable time; or*
- *Non-voter approved debt is the most cost effective financing option available.*

In regards to prospective FY 2018 Bond projects, the application of this policy largely hinges on the definition of "urgent." The fire stations were deemed an urgent public safety need by the Austin Fire Department and Finance staff therefore recommended the use of Certificates of Obligation.

Below is the Authorized but Unissued Public Improvement Bonds for the past 10 years.

GENERAL OBLIGATION AUTHORIZED, UNISSUED G.O. DEBT AFTER August 2017 SALE (PIBs 2010 to 2016)

ELECT. DATE	PROP. DESCRIPTION	AMOUNT AUTHORIZED BY VOTERS	FY12 BOND SALE	FY13 BOND SALE	FY14 BOND SALE	FY15 BOND SALE	FY16 BOND SALE	FY17 BOND SALE	FY 18 BOND SALE	ABUs after 8/17 sale
11-02-10	1 Mobility	90,000	15,305	30,000	30,000	14,695				0
Total 2010 Authorization and Bond Issues		90,000	15,305	30,000	30,000	14,695	0	0	0	0
11-06-12	12 Transportation and Mobility Open Space and Watershed	143,299			11,895	40,210	32,235	29,180	0	29,779
11-06-12	13 Protection	30,000			20,000	10,000	0	0	0	0
11-06-12	14 Parks and Recreation	77,680			550	7,310	17,275	18,755	15,300	18,490
11-06-12	16 Public Safety	31,079			1,500	6,720	6,900	2,345	10,600	3,014
11-06-12	17 Health and Human Services Library, Museum, and	11,148			235	1,705	4,205	205	3,200	1,598
11-06-12	18 Cultural Arts Facilities	13,442			820	2,980	815	3,325	1,900	3,602
Total 2012 Authorization and Bond Issues		306,648	0	0	35,000	68,925	61,430	53,810	31,000	56,483
11-05-13	1 Affordable Housing	65,000				10,000	10,000	10,000	25,000	10,000
Total 2013 Authorization and Bond Issues		65,000	0	0	0	10,000	10,000	10,000	25,000	10,000
11-8-16	1 Mobility	720,000							43,000	677,000
Total 2016 Authorization and Bond Issues		720,000	0	0	0	0	0	0	43,000	677,000
Total Authorization and Bond Issues		1,181,648	15,305	30,000	65,000	93,620	71,430	63,810	99,000	743,483

- 4) The Ullrich Water Treatment Plant is accessed by Austin Water using the Red Bud Trail Bridge. What parts of the city does the Ullrich Water Treatment Plant serve?

Ullrich Water Treatment Plant primarily provides water to South Austin but is interconnected to all areas of Austin. It is not uncommon for the plant to serve up to 50 percent of the city’s water services, especially during peak summer season.

- 5) What would be the potential impact to the city if the Ullrich Water Treatment Plant were to be offline?

Austin Water’s distribution system is interconnected and a short-term outage (less than 12hours) of Ullrich Water Treatment Plant can be managed with minimal impact to the customers. A long-term outage of the plant will cause low pressure and water outage in portions of South Austin. The Red Bud Trail Bridge project will not impact the operation of the plant other than a potential access issue for trucks (see below).

- 6) If the Red Bud Trail Bridge failed, would impact would that have on the Ullrich Water Treatment Plant and water delivery?

Failure of Red Bud Trail Bridge would not impact the operation of the plant. However, with this access eliminated, all heavy truck traffic would be routed through residential roads in the City of Westlake which currently restricts such traffic. It is uncertain whether Westlake roads are rated for sustained heavy truck traffic.



Recommendation for Action

File #: 18-2451, Agenda Item #: 19.

6/14/2018

Agenda Item

Agenda Item #19: Approve an ordinance amending the Fiscal Year 2017-2018 Austin Fire Department Capital Budget (Ordinance 20170913-001) to increase appropriations by \$6,000,000 for the design and land acquisition of new fire stations.

QUESTION:

- 1) What will this money cover specifically?
- 2) In the 3/30 memo on fire stations, page 6, is the cost of design rolled into the construction cost cited in the chart? What is the cost for design for any one station?
- 3) Please provide a side by side cost comparison of the cost of having AFD service medical calls versus EMS for the top areas of need where both have a need for a station (excluding the area of need that has a different ISO ranking than the other top five areas of need). Please include in that cost comparison the cost of staff, apparatus, station design, overtime rates and any other cost relevant to responding to medical calls for both forces.
- 4) Please explain whether it is more cost efficient to have Fire or EMS service these medical calls and why.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER (REVISED):

- 1) What will this money cover specifically?
Of the \$6 million referenced in Item 19, \$2-3 million is designated for land in Travis Country and \$1.5 - \$2 million is designated for Design and Site Prep at Travis Country and again at Moore's Crossing.
- 2) In the 3/30 memo on fire stations, page 6, is the cost of design rolled into the construction cost cited in the chart? What is the cost for design for any one station?

The cost of Design is not included in the cost of Construction, it is found in the following line items:

- 2800 - Architecture/Engineering
- 2801 - Surveying
- 2802 - Testing

The cost of Design cannot be separated from the Site Preparation and Testing costs. For example, surveys determine the exact location of utilities which inform where the utilities need to enter the building in the architectural design. Design, Site Prep and Testing varies. The costs for the Moore's Crossing Station, a known property, is estimated at \$2.08 million.

- 3) Please provide a side by side cost comparison of the cost of having AFD service medical calls versus EMS for the top areas of need where both have a need for a station (excluding the area of need that has a different ISO ranking than the other top five areas of need). Please include in that cost comparison the cost of staff, apparatus, station design, overtime rates and any other cost relevant to responding to medical calls for both forces.

AFD and EMS do not have an accurate method to produce a 'cost per run' measure. Since both departments staff a unit 24 hours a day/ 7 days a week and not simply when they are needed, the cost per run varies dramatically day to day. It is

clear to see that the busier the unit is, the cheaper the ‘per run’ cost might be. However, as the number of runs increase, the costs for fuel, medical supplies and wear on equipment/apparatus increases. The reduction in staff costs is counterbalanced by the increase in maintenance and supplies.

The following chart provides information on the costs of operating a station, by Fire or EMS, to respond to medical calls. All new stations will house Fire and EMS personnel, so the Station Design costs are shared.

Location	Austin/Travis County EMS				Austin Fire				Shared
	Apparatus Type	Apparatus Cost	Staffing	Average Hourly Overtime Rate	Apparatus Type	Apparatus Cost	Staffing	Average Hourly Overtime Rate	Station Design
Travis Country	Ambulance	\$320K	\$1M	\$44.36	Engine	\$725K	\$1.9M	\$33.31	\$1.5-\$2.0M
Del Valle	Ambulance	\$320K	\$1M	\$44.36	Engine <i>(Ladder at later date)</i>	\$725K	\$1.9M	\$33.31	\$1.5-\$2.0M
Davenport/ Loop 360	Ambulance	Unit moved from Westlake			Engine, Brush Truck <i>(Ladder at later date)</i>	\$916K	\$1.9M	\$33.31	\$1.5-\$2.0M
Goodnight Ranch	Ambulance	\$320K	\$1M	\$44.36	Engine	\$725K	\$1.9M	\$33.31	\$1.5-\$2.0M
Canyon Creek	Ambulance	\$320K	\$1M	\$44.36	Engine	\$725K	\$1.9M	\$33.31	\$1.5-\$2.0M

4) Please explain whether it is more cost efficient to have Fire or EMS service these medical calls and why.

Both Austin Fire and ATCEMS are required for medical response and work as partners to deliver medical service. The teamwork between Austin Fire and ATCEMS provides an effective response to citizens with medical emergencies. Rapid response, quality prehospital care and transport to the appropriate medical facility makes our system effective and cost efficient.

Firefighters provide the initial first response and provide care at the Basic Life Support Level (BLS) with a crew of four EMTs followed by ATCEMS who provides Advanced Life Support (ALS) with one paramedic and one EMT along with the capability to transport.

EMS Dispatch prioritizes the calls for service 1 through 5 with Priority 1 being the most serious. Fire units are dispatched on all Priority 1 and 2 calls and selected Priority 3 calls. Firefighters are also dispatched on lower acuity calls when it benefits the patient.

Fire responds to medical calls for the following reasons:

- Faster response times. Fire crews often arrive several minutes ahead of EMS. Crews provide initial care and life saving treatment such as CPR, Defibrillation, Airway management and bleeding control and extrication of trapped patients when required.
- More fire unit availability. There are more fire units than EMS units. Fire station location is based on geographical response while EMS considers both geographical response and call volume when placing units.

Firefighter task time averages 20 min per medical call to EMS' much longer time as they have to treat and then transport.

- Fire crews provide needed staffing on critical calls that are personnel intensive as well as the ability for lifting and moving of patients. Firefighters often ride in with EMS medical personnel to assist during transport.

QUESTION:

- 1) Why has the ranking changed again for the top five fire stations? (360/Davenport was number two, then three and now from the timeline in the latest memo related to this item it seems to be fourth in line.) Can you please explain what changed in the formula for ranking and why?
- 2) What will the proposed \$6 million cover? Please provide detail on how much of it is for land and how much for design.
- 3) How much capacity do we have in CO's? Is there a limit and how much of our CO capacity would be left after their use for the two stations? The staff on bonds recommended funding all 5 by CO's, why can't we do that for all at the same time? What is the reason for doing just 2 stations to start?
- 4) Would issuing multiple bids for contracts and using multiple contracts cost the City more money than doing this all together? What are the associated increased costs from doing multiple contracts?
- 5) Has the option for partnering with ESD11 been explored for the Del Valle area station? Please provide detail on the assessment of that opportunity.
- 6) At what stages in this process will staff come back for approval amongst the various phases presented in the timeline?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

- 1) Why has the ranking changed again for the top five fire stations? (360/Davenport was number two, then three and now from the timeline in the latest memo related to this item it seems to be fourth in line.) Can you please explain what changed in the formula for ranking and why?

AFD's ranking did not change. Public Works listed the stations in a manner that smoothed out the construction process for multiple facilities. Public Works issued a memo restoring AFD's priority order.

- 2) What will the proposed \$6 million cover? Please provide detail on how much of it is for land and how much for design.

Six million is the first installment of certificates of obligation (COs) needed to complete the construction of two fire stations. This funding will be used to purchase land in the Travis Country area and begin design/site planning for the top two priority stations. A funding request will go to Council for approval when the second installment of COs is needed to finish design work and start construction.

- 3) How much capacity do we have in CO's? Is there a limit and how much of our CO capacity would be left after their use for the two stations? The staff on bonds recommended funding all 5 by CO's, why can't we do that for all at the same time? What is the reason for doing just 2 stations to start?

Within the model the Treasury Office uses to project future bond capacity, there is a \$20 million placeholder for future CO issuances. The CO placeholder is built into the model to help factor in previously approved Reimbursement Resolutions where the funding source was CO's. While there is no set limitation, CO issuances must be structured around existing bond program issuances and a significant CO issuance may impact the debt service tax rate. Funding could be approved to move forward all 5 stations at one time. The reason for doing just the first 2 stations is to spread out the impact to the operating budget.

- 4) Would issuing multiple bids for contracts and using multiple contracts cost the City more money than doing this all

together? What are the associated increased costs from doing multiple contracts?

Issuing a single solicitation would provide several benefits for the project:

- Reduce time and effort for City staff in terms of only managing one solicitation and contract. Given the robust construction environment, Consultant/Contractor are better able to determine and prioritize contracts to pursue - a single solicitation would lessen the Consultant/Contractor effort in terms of time and energy by only preparing and submitting one response.
- The larger contract dollar amount derived from only one contract would increase the likelihood of attracting firms that are more experienced and having the firm prioritize the use of the most qualified personnel.

The increase costs is associated with staff's time by having to prepare, release and manage a solicitation(s) that can be combined into one broader scoped solicitation. Staff that manages these types of solicitations and resulting contracts is small in size and provides oversight to a large workload -efficiencies are critical to our ability to meet workload expectations.

5) Has the option for partnering with ESD11 been explored for the Del Valle area station? Please provide detail on the assessment of that opportunity.

AFD and ESD 11 met last week to discuss station options to serve the Del Valle area. ESD 11 expressed interest in purchasing land and building a station so that ESD 11 and AFD could co-locate. ESD 11 offered a quick option to get an AFD unit operational in the Del Valle area, compared to the expedited process staff is planning to stand up the first two priority sites, including Del Valle.

ESD 11's proposal is to purchase a site, build a fire station, and lease the station to AFD until a future time when ESD 11 would co-locate to satisfy their response demands. The proposed site is east of the Del Valle on Pearce Rd. The site would satisfy the ISO requirement and provide good response into the Del Valle area. Compared to the Moore's Crossing site, this site would not have quick access to Toll Road 130 or the southern terminal of ABIA. The proposed site is in the City's Extra Territorial Jurisdiction (ETJ) and it would be subject to the City's building codes and development review.

Pros:

- ESD 11 could build a station at less cost than COA since they will not be incorporating City of Austin policies such as LEEDS certification, Art in Public Places, etc.)
- ESD 11 would bear the cost of buying the land, building the station and transfer that cost to COA on an annual basis (lease) subject to development and approval of an interlocal agreement.
- The ESD 11 station would fulfill the ISO requirement of being <5 miles from the Del Valle residences.

Cons:

- ESD 11 does not own a lot in the area. When discussed with ESD 11, the lot has not been purchased and is not in the process of being purchased as of last Friday (6/8/2018).
- The discussed lot has potential flooding risks along Pearce Road, which would impact response to Del Valle and the southern terminal of ABIA.
- The City would hold a lease rather than owning the site/building.
- EMS requirements for placing an ambulance and additional storage has not been addressed.

6) At what stages in this process will staff come back for approval amongst the various phases presented in the timeline?

Council approvals are denoted by the red bars at the bottom of the schedule included in the Public Works memo. There are four instances for Council review and approval; of the design/build process, the design/build selection; construction cost limitation; and for the DCM rotation list. Please see the attached chart.



Recommendation for Action

File #: 18-2458, **Agenda Item #:** 23.

6/14/2018

Agenda Item

Agenda Item #23: Approve negotiation and execution of an interlocal agreement with the Texas Department of Motor Vehicles to withhold vehicle registrations for people with outstanding traffic warrants, fines, and unpaid red light camera cases for a term of five years for a total contract amount not to exceed \$10,000 per year.

QUESTION: Please provide data regarding the number of vehicle registrations withheld for the past four years.

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

FY	VRHs
2014	2,871
2015	1,222
2016	662
2017	0
2018	1,435

****Note for 2017 - TxDOT made a change that Court was not aware of. This resulted in an incorrect file format; therefore, no holds were placed.



Recommendation for Action

File #: 18-2475, **Agenda Item #:** 22.

6/14/2018

Agenda Item

Agenda Item #22: Authorize negotiation and execution of Amendment No. 1 to a legal services contract with BoyarMillar for legal services regarding the acquisitions of real estate and related build-to-suit improvements for a development services center in an amount not to exceed \$90,000, for a total contract amount not to exceed \$290,000.

QUESTION:

Please clarify whether this contract amendment and increase is for services previously within BoyarMillar's scope of work, or whether the amendment/increase is for work beyond their original scope of work.

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

Yes, the amendment and increase is for services in the original scope of the contract with BoyarMillar for negotiation of the purchase and sale agreement for the development services center.



Recommendation for Action

File #: 18-2450, **Agenda Item #:** 24.

6/14/2018

Agenda Item

Agenda Item #24: Approve an ordinance designating the Chestnut Neighborhood Revitalization Corporation and the Guadalupe Neighborhood Development Corporation as Community Land Trusts and granting the corporations a property tax exemption on certain properties.

QUESTION: would that reason be appropriate to Blackland Community Development Corporation?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

The purpose for the Community Land Trust (CLT) designation is to make certain properties owned by these organizations are eligible for exemption only from City of Austin ad valorem taxes. Both organizations have properties that are being developed for ownership housing that would be covered under the ordinance. The list of properties with estimated exemption amounts is attached.

The Texas Local Government Code, Chapter 373B, and Section 11.1827 of the Texas Property Tax Code authorizes local governments to designate non-profit organizations as CLTs by ordinance. To qualify as a CLT, an organization must be a 501(c)(3) non-profit, created to acquire and hold land for the benefit of developing and preserving long-term affordable housing within the jurisdiction of the unit of local government. Organizations designated as CLTs must provide a copy of the City Ordinance to the Travis Central Appraisal District by July 1 each year in order to receive the exemption.

Some of the properties under development by Guadalupe Neighborhood Development Corporation (GNDC) are already fully exempt for a limited amount of time under a provision in the Property Tax Code. Section 11.1827(c) of the Property Tax Code allows non-profit affordable housing providers a 100% exemption from property taxes for three (3) tax years while the property is being held and developed for affordable home ownership.

GNDC's exemptions for these properties under this section of the Property Tax Code expire on the earlier of end of the third tax year or when the homes are sold to a low-income buyer. Once the homes are sold, the property will return to the tax rolls, and the homebuyer will be responsible for the payment of property taxes. GNDC is seeking designation as a CLT in the event the housing on these properties is not developed and sold within the three-year full exemption period.

Chestnut Neighborhood Revitalization Corporation missed a deadline last year to submit their application for exemption and therefore has been assessed taxes. This year they will meet the deadline in order to receive the tax exemption.

The Blackland Community Development Corporation-owned properties are rental properties and in reviewing their properties on the Travis County Appraisal District's webpage it appears Blackland receives 100% exemption for property taxes under "Other" Exemptions (including public property, religious organizations, charitable organizations and other property not reported elsewhere). Therefore, a CLT designation would not provide any additional benefit for the Blackland Community Development Corporation.



Recommendation for Action

File #: 18-2391, Agenda Item #: 28.

6/14/2018

Agenda Item

Agenda Item #28: Authorize negotiation and execution of a 84-month lease agreement for approximately 102,301 square feet of office space and 5,000 square feet of storage space for the Austin Code Department, Economic Development Department, and Human Resources Department with 5204 Ben White 2017, LP, a Texas Limited Partnership, located at 5202 Ben White Boulevard, in amount not to exceed \$20,154,160.76.

QUESTION:

1. What is the net expenditure for these offices to move?
2. What happens to the empty floors at OTC?
3. Were we paying Aviation to use LRC?
4. Was EDD paying CC for space in parking garage?
5. What was Code paying for their existing space?

COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

1.

	Moving Cost	Furniture	IT	Total
HRD	\$15,000	\$300,000	\$200,000	\$515,000
ACD	\$55,000-\$65,000	\$275,000	\$100,000	\$440,000
EDD	\$15,000	\$350,000	\$112,000	\$477,000

2. The only office space that will be vacated and available is currently occupied by EDD, Small Business Office. The total square footage is 3,844. Many City Departments are in need of office space and the SFGT will determine which department will back-fill the space.

3. \$450,000/annually.

4. Yes, rental cost \$65,880 plus \$37,440 for staff and guest parking. A total of \$103,320.00/annually.

5. Rutherford and RBJ combined \$642,245.00/annually.



Recommendation for Action

File #: 18-2443, **Agenda Item #:** 35.

6/14/2018

Agenda Item

Agenda Item #35: Approve an ordinance amending the Fiscal Year 2017-2018 Public Works Capital Projects Management Fund Operating Budget (Ordinance No. 20170913-001) to increase the number of authorized positions by 1.0 to provide support for the design and construction of new fire stations.

QUESTION:

Would these funds be ongoing funds or one time funds? Is this a temporary or permanent position? If temporary, please explain in detail how long the position is meant to be in place and how much money it will require over the time frame it will be needed.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

This will be a permanent position with ongoing funds assigned for all Fire projects (new stations, locker room renovations, station rehabilitation, etc). Upon Council approval we plan to immediately reassign an existing staff member to the fire stations full time, and use this position to backfill. It is anticipated that this position will be required to support future Fire Department Building programs beyond the construction of new fire stations.

QUESTION:

Is existing staff able to absorb the workload associated with support for design and construction of the new fire stations? If not, why not?

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

No, the public works department cannot accommodate the workload for the accelerated delivery of the fire stations without delaying ongoing commitments. If approved we will assign the accelerated fire stations to an existing staff member and use the newly approved position to backfill to minimize delays for ongoing commitments.



Recommendation for Action

File #: 18-2476, Agenda Item #: 36.

6/14/2018

Agenda Item

Agenda Item #36: Authorize award and execution of a multi-term contract with DXI Industries Inc., to provide liquid sulfur dioxide, for up to five years for a total contract amount not to exceed \$1,455,000.

QUESTION:

What can we do to ensure that we get more than one responsive bid, so that taxpayers know they are getting the best goods and services for the best price?

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

While staff endeavors to have as much competition as possible, in public procurement it is not possible to ensure the government receives more than one bid in response to a formal solicitation.

Formal solicitations are required whenever the government anticipates the resulting contract(s) will exceed a specified amount - in Texas this amount is \$50,000 for local governments. Key elements in a formal solicitation includes: 1) a firm due date and time for receipt of offers and 2) a public opening of the offers.

Because the government does not prescribe who may/should/must respond to solicitations, we cannot ensure that any specific bidders or any quantity of bidders will choose to respond to our solicitation. Further, because the bids are sealed upon receipt, we do not know who the bids are from or whether the bids are responsive until after the due date and time have passed and the bids are opened.

As mentioned, although it is not possible to ensure a certain amount of responses are received, staff attempt to achieve as much competition as possible by examining the elements that impact the quantity of bids we receive and optimizing them whenever possible.

- Quantity of vendors in the market - Conduct market research to identify new sources of vendors; expand our notifications to greater quantities of vendors; seek feedback from vendors to examine any barriers to their participation, etc.
- Access to solicitation documents - Publish the solicitations on the City's website; make solicitations available via USPS; provide solicitations to in-person deliveries.
- Notification of solicitation's availability - Maintain a vendor database; notify vendors of the solicitation's availability; when possible accommodate additional notifications via industry specific media; provide notices via local newspaper.
- Period of time the solicitation is available - Leave the solicitation on the street for a reasonable amount of time; consider all requests to extend the solicitation's due date when possible; provide sufficient time for bidders to respond following any addenda that may be issued; when reasonable, in the hours prior to the solicitation's due

date and time, extend the due date when no or only one bid has been received.

- Solicitation and contract requirements - Review the specification's process instructions to make sure the process is efficient and effective; review the contract requirements to make sure they are clear and do not unreasonably restrict competition.

When solicitations close and we open the bids, if the response was less than we had hoped for, we often contact prospective bidders that chose not to respond about the reason for not submitting a bid. Below are some of the more common responses we receive.

- Availability of other business opportunities (growing local economy; availability of other business opportunities)
- Quantity of time and resources necessary to put together a bid (additional time and effort to assemble a government bid; a City of Austin bid, etc.)
- Quantity of time the solicitation is available (participating in other business opportunities and the increased efforts to respond to City solicitations, vendors commonly want our solicitations to be available for longer periods of time)
- Nature of City requirements (public process and visibility of bid/contract contents; strict specifications; higher insurance/indemnification/warranty requirements; additional policy-related requirements)
- Past experiences with the City (experienced or observed by others)

Another driver of single bid solicitations is when there is a question as to whether or not a product or service is a sole source (only available from one vendor) or not. When we reasonably question whether a procurement meets the definition of a sole source, we may proceed with normal competition. If there is only a single bidder, the sole source is proven.

Staff strive to achieve as much competition as possible each time we issue a solicitation. When we achieve less than ideal competition, we try to determine what contributed to the lower response and address these drivers whenever possible.



Recommendation for Action

File #: 18-2393, **Agenda Item #:** 40.

6/14/2018

Agenda Item

Agenda Item #40: Authorize negotiation and execution of a multi-term contract with PeopleFund, or one of the other qualified offerors to Request for Proposals 5500 EAL0300, to provide small business coaching and technical assistance, for up to five years for a total contract amount not to exceed \$400,000.

QUESTION:

1) How is this program different than anything already offered by People Fund, EGBI, or other nonprofit entities, chambers or business associations offering similar support in the community? 2) How will this program add to the landscape of small business coaching in Austin? 3) What are the specific quantitative targets set for the contract goals? 4) How were those determined?

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

1) This program will provide one-on-one coaching to small business owners and persons seeking to start a small business. Topics include, but are not limited to: writing a business plan, developing marketing plan and financial management, as well as assessing customers' readiness to apply for a commercial loan and assisting them with preparing the loan application. The service itself is not unique, but it will increase the availability of coaching available citywide, which is currently not adequate to meet the needs of Austin's estimated 38,000 small businesses (plus the undetermined number of persons who want to start a business). The coaching services are provided at no cost to the small business owner, and this program has the capacity to support future business development endeavors. 2) The program will add to the landscape of small business coaching in Austin by increasing the availability of small business coaching, which was identified as a need by 68% of the participants in a recent small business needs assessment study commissioned by the Economic Development Department (EDD) in February 2018. EDD allocates its funding investments in part by the needs assessment every five years. 3) The following specific quantitative targets are set for contract goals per each 12-month contract term:

- Provide 800 hours of small business coaching
- Achieve a 90% customer satisfaction rating
- Assist customers with completing at least 10 business plans
- Complete at least 15 financial readiness assessments
- Contribute to the startup of at least five new businesses
- Contribute to the creation of at least 10 new jobs

4) EDD's Small Business Program developed the specific quantitative targets based on experience with managing small business coaching contracts, and experience with a business solutions center which provided coaching and access to business research tools.

QUESTION:

Will the contractor or the Economic Development Department track the demographics of the clients referred by the City to receive small business coaching and technical assistance under this contract?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

The Economic Development Department Small Business Program collects demographic information voluntarily provided by clients, and not all clients choose to provide this information. Therefore, the Small Business Program will not have demographic information for 100% of clients referred to the Contractor (PeopleFund). However, the Small Business Program will require the Contractor to monitor the demographics of all clients who actually use the service and report the information on a monthly basis.



Recommendation for Action

File #: 18-2459, **Agenda Item #:** 41.

6/14/2018

Agenda Item

Agenda Item #41: Authorize negotiation and execution of cooperative contracts to purchase vehicles in amounts not to exceed \$481,260 divided among the contractors.

QUESTION: What is the model, age and mileage for each of the 20 vehicles currently in use? What happens to the retired vehicles?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

Please see the chart below for the model, age, and mileage of the current vehicles.

OCD Vehicles		
	Make & Model	Comment(s)
1	2005 Chevy Impala	Inoperable-bad transmission
2	2007 Land Rover	Inoperable-bad transmission
3	2001 Lexus	Inoperable-bad suspension
4	2014 Nissan Altima	Wrecked-Totaled \$8,815approx
5	2012 Honda Accord LX	Wrecked-\$9,277.50 check
6	2004 Nissan Maxima	Transmission failed
7	2007 Ford Focus	mileage 119120, repairs \$4,663
8	2006 Ford Taurus	mileage 103830, repairs \$3,348
9	2000 Toyota SR5	mileage 222979, repairs \$10,920
10	2004 Chevrolet SUV	mileage 186,408, repairs \$5,460
11	2008 Nissan Altima	mileage 159,148, repairs \$9,064
12	2005 Ford F150	mileage 241,293, repairs \$1,846
13	2007 Dodge Magnum	mileage 131,685, repairs \$5,511
14	2006 Taurus	mileage 184,021, repairs \$10,455
15	2005 Lexus ES330	mileage 200,492, repairs \$12,663
16	2004 Dodge Ram	mileage 216,100, repairs \$15,908
17	2007 Lexus RX350	Transmission failed
18	2005 Chevrolet Equinox	mileage 122,987, repairs \$8,338 rebulit
19	2004 Chevy Impala	Transmission failed
20	2003 Cadillac DeVille	mileage 146,862, repairs \$5,760
21	2003 Chevy Tahoe	Transmission failed
22	2012 Toyota Tundra	Wrecked-Totaled

Retired vehicles are sold in a public auction and the proceeds are returned to the Austin Police Department Asset Forfeiture account where the vehicle was either purchased or forfeited per forfeiture regulations.



Recommendation for Action

File #: 18-2460, **Agenda Item #:** 46.

6/14/2018

Agenda Item

Agenda Item #46: Authorize negotiation and execution of a contract with Triad Marine & Industrial Supply, Inc., to provide emergency response boats in an amount not to exceed \$127,125.

QUESTION: Please provide the criteria used (mileage, hours of use and maintenance costs) to determine the need to replace the five emergency response boats as well as the actual mileage, hours of use and maintenance costs determined for each of the emergency response boats. What is the cost per new emergency response boat?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

See attachment.



Council Question and Answer

Related To	Item #46	Meeting Date	June 14, 2018
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Additional Answer Information

QUESTION/ANSWER:

Question 1: Please provide the criteria used (mileage, hours of use and maintenance costs) to determine the need to replace the five emergency response boats as well as the actual mileage, hours of use and maintenance costs determined for each of the emergency response boats.

Answer 1: In order to be considered for replacement, emergency response boats are evaluated based on their age, maintenance costs and visual condition. Due to the nature of these type of inflatable boats and the material that they are made of Fleet Services focuses primarily on condition and age. Please note the hours of operations are not tracked for these smaller emergency response boats and motors.

Item:	Replacement Criteria:	Other:
Boat Replacement Age:	10 Yrs.	Mfg. Recommended
Motor Replacement Age:	NA	Fleet Condition Assessment Required
Trailer Replacement Age:	10 Yrs.	Fleet Condition Assessment Required

Note:

Boats are inflatable and made from polyamide, CSM / neoprene and dry over time
 Motors are a 2 stroke outboard operated in shallow water and subject to debris impact

The actual mileage, hours of use and maintenance costs determined for each of the emergency response boats.

UNIT NO	OLD UNIT DESC	AGE	FLEET INSPECTION	LTD MAINT. COST	MI / HRS
06L105	BOAT MOTOR EVINRUDE E-TEC 40	12 Yrs	3/29/2018	\$6,700	No Hr. Meter
08L967	BOAT MOTOR EVINRUDE E-TEC 40	10 Yrs	3/29/2018	\$2,847	No Hr. Meter
08L963	BOAT MOTOR EVINRUDE E-TEC 40	10 Yrs	3/29/2018	\$16,018	No Hr. Meter
08L964	BOAT MOTOR EVINRUDE E-TEC 40	10 Yrs	3/29/2018	\$8,176	No Hr. Meter
08L962	BOAT MOTOR EVINRUDE E-TEC 40	10 Yrs	3/29/2018	\$9,946	No Hr. Meter
08L966	BOAT MOTOR EVINRUDE E-TEC 40	10 Yrs	3/29/2018	\$6,105	No Hr. Meter
08L951	ZODIAC 420 BOAT UNL	10 Yrs	3/29/2018	\$1,346	No Hr. Meter
08L950	ZODIAC 420 BOAT UNL	10 Yrs	3/29/2018	\$1,714	No Hr. Meter
08L399	ZODIAC 420 BOAT UNL	10 Yrs	3/29/2018	\$2,825	No Hr. Meter
08L398	ZODIAC 420 BOAT UNL	10 Yrs	3/29/2018	\$2,957	No Hr. Meter
08L186	ZODIAC 420 BOAT UNL	10 Yrs	3/29/2018	\$676	No Hr. Meter
08K398	BOAT TRAILER	10 Yrs	3/29/2018	\$3,168	No Odometer
08K399	BOAT TRAILER	10 Yrs	3/29/2018	\$2,203	No Odometer
08K964	BOAT TRAILER	10 Yrs	3/29/2018	\$414	No Odometer
08K950	BOAT TRAILER	10 Yrs	3/29/2018	\$4,607	No Odometer
97L923	BOAT TRAILER	21 Yrs	3/29/2018	\$6,191	No Odometer

Question 2: What is the cost per new emergency response boat?

Answer 2:

Item	Cost Each	Quantity	Total Cost
Boat	\$16,442.98	5	\$82,214.90
Boat Motor	\$4,930.00	6	\$29,580.00
Boat Trailer	\$3,066.00	5	\$15,330



Recommendation for Action

File #: 18-2394, Agenda Item #: 50.

6/14/2018

Agenda Item

Agenda Item #50: Authorize an amendment to an existing contract with Conduent, Inc., to provide continued maintenance and support of the Banner software system for payroll and human resources management, for an increase in the amount of \$779,199 and to extend the term by three years, for a revised contract amount not to exceed \$1,235,580.

QUESTION:

Given AE's pilot for the Workforce Management (WFM) Prototype Phase 1 and their Phase 2 budget ask for expansion, please explain why further investments in the Banner system are needed at this time. Please explain the planned continuation/phasing out of Banner given the move toward adoption of WFM.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

The Workforce Management Pilot is a move to electronic timekeeping. It is not a payroll application. The electronic time cards that are produced by electronic timekeeping software will be interfaced into Banner to prepare biweekly payroll. Banner is necessary going forward to continue to pay City employees timely and accurately and in accordance with existing pay policies and collective bargaining agreement provisions. Banner is a proven, reliable payroll processing software that is highly customized to meet the City's complex pay policies.

In addition, if the City is approved to move forward with a full suite Human Capital Management system (HCM), it will take several years to implement. Maintenance on existing software (this proposed agreement extension) ensures that the City has a contract in place with the current application vendor, Conduent, should we need their assistance with an issue. In addition, it ensures that we receive the latest security updates to make sure that our applications are secure. This is critical given the personal nature of information that is contained in Banner. Under the current HCM draft phases, conversion to another payroll system would be in the final phase. In the interim, Banner will continue to serve as the City's payroll application.



Recommendation for Action

File #: 18-2395, **Agenda Item #:** 60.

6/14/2018

Agenda Item

Agenda Item #60: Approve a resolution authorizing the submittal of a regional traffic incident management system project as a candidate for the Advanced Transportation and Congestion Management Technologies Deployment federal grant program administered by the United States Department of Transportation.

QUESTION: Please explain what share of the required match will come from each of the regional partners: ATD, TXDOT, CTRMA, CAMPO.

COUNCIL MEMBER ALTER'S OFFICE

ANSWER:

The City of Austin will provide all of the required match.

GRANT BACKGROUND - The U.S. Department of Transportation's Advanced Transportation and Congestion Management Technologies Deployment grant (USDOT Grant) program requires 50 percent of the project cost as local match. Staff seeks authority to commit \$3.5 million in match or 58 percent of the requested \$6 million federal grant estimated project cost. The Notice of Funding Opportunity (NOFO) was released on April 18, 2018 with a two month window to submit the application by June 18, 2018.

VALUE FOR CITY OF AUSTIN - The residents of Austin will be the greatest beneficiaries of improved incident response capabilities in the region. Because of the density of primary roadways and interchanges within the City of Austin, any incident on major roadways such as I-35, Lamar, MoPac, Parmer Lane, Cesar Chavez, Martin Luther King Jr. Blvd, US 183 and Ben White Blvd can have a profound impact on the travel characteristics of the entire network, especially when those incidents are likely to occur on roadways where traffic volumes and congestion are the highest (e.g. the central part of the region - within the City of Austin).

First responder agencies such as the Austin Police Department, Austin Fire Department, and the regional HERO program that focuses primarily on the central part of the region, will benefit from this program by shortening their response times to crashes with real-time road conditions and shortening the recovery period needed to reopen the roadway artery. Shortened response times will directly benefit the residents of Austin, addressing the City's goal of reducing congestion and improving safety within the City.

LOCAL MATCH - The grant proposal calls for the City to provide local commitment funding for the Austin Area Traffic Incident Management and Coordination Portal (AATIMCP). We propose using 2016 Mobility Bond Corridor Program funds that are already slated for investment as part of a comprehensive signal technology system being designed, as well as \$500,000 from ATD's annual operating budget. The proposed \$3 million allocation from the 2016 Mobility Bond Corridor Program currently dedicated to signal technology improvements will not change the originally intended purpose of the bond funds and will still benefit the corridors described in the bond proposition. The funding that is slated to go toward advanced aerial detection systems in the bond program will continue to be allocated for this purpose, but as a match to the ATCMTD grant, with the justification that the aerial detection systems and the data they generate is an integral part of the grant proposal. Use of these funds as match does not reduce our investments in the corridors and overall traffic system already planned and approved by voters. In fact, this grant would leverage those

planned investments and expand their benefits to the residents of Austin as we were directed to do in the Contract With Voters (Resolution No. 20160818-074).

WHY AUSTIN SHOULD PURSUE THIS GRANT - As directed previously by Council to pursue leveraging opportunities, we believe it is appropriate for Austin to lead in pursuit of the USDOT Grant by contributing the upfront financial pledge for grant match because our residents, businesses and visitors to Austin stand the greatest opportunity to benefit from such an investment. Although no cash funding has yet been committed by the regional partners (TXDOT, CTRMA, CMTA and CAMPO), each has been asked to submit letters of support for the project and collaborate on development of the grant with in-kind support.



Recommendation for Action

File #: 18-2392, **Agenda Item #:** 67.

6/14/2018

Agenda Item

Agenda Item #67: Approve an ordinance amending Chapter 2-1 of the City Code to create a Tourism Commission.

QUESTION:

1. Is it standard procedure to create a commission by ordinance first before going through the public resolution process as was done for the LGBTQ and Student Commissions?
2. Was there any public input process or public meetings that occurred to inform the creation of this commission?

COUNCIL MEMBER FLANNIGAN'S OFFICE

ANSWER:

1. There is not a standard procedure in place for creating a permanent commission. Previous commissions have been created following a resolution directing City staff to draft an ordinance amending City Code Chapter 2-1. However, this is not a requirement under Chapter 2 of the City Code. (Provided by the Law Department)
2. Council has taken up the topics of tourism and its impacts to the city and its resources, hotel occupancy tax, and convention operations on multiple occasions through budget cycles and agenda items over the last several years. Whether it's contributions to the general fund, impacts to local businesses, staff resources or city assets, tourism plays a large role in our city- estimated to generate more than \$95 million in HOT this fiscal year.

Council members heard from the community the need and benefit of a citizen commission on tourism. While city staff, visitor board, and a task force have worked to improve the functions of the convention center and marketing, tourism is broader than just the convention center. There are currently unrealized opportunities, for small businesses, the arts and music industries, to be identified that would support the local interests that make our city unique and distinguish Austin from other cities. There remains a need for the public to participate in a more meaningful way, as is afforded to other city enterprises, community values, and public assets that are represented by citizen commissions.

The task force recognized the need for ongoing work and collaboration. The advisory recommendations included establishment of a Marketing Advisory Committee that would meet quarterly and include local small business groups, arts and cultural organizations, under-represented community stakeholders and other impacted stakeholders to advise on tourism, marketing plans, and diversity tourism. Creation of a Tourism Commission would provide a means of acting on the recommendation, further benefitting the effort by having the body appointed by and providing recommendations to the Council, as well as enabling the group to work on a broader range of tourism related issues.

Regarding whether to move forward by resolution vs ordinance, discussion with law department clarified either action being available and appropriate. Forwarding as an ordinance was seen as the most expedient.

Council is expected to receive a study on Austin Convention Center from the University of Texas in the early fall. There is benefit to the Council in having a Tourism Commission formed in anticipation of the report and future

conversations related to tourism. Coming forward as an ordinance will allow staff to prepare for its formation and give Council the summer and council meetings in August to prepare nominees and appoint the body. (Provided by Council Member Kitchen's office)

QUESTION:

If this item is approved, how many Boards and Commissions have been added since 2015? What department(s) would staff the commission?

COUNCIL MEMBER HOUSTON'S OFFICE

ANSWER:

6 new 2-1 entities have been created since 2015;

LGBTQ Commission
College Student Commission
South Central Waterfront Advisory Board
Codes and Ordinance Joint Committee
Comprehensive Plan Joint Committee
Tourism Commission (pending)

In addition, the following 2-1 entities were created at the 12/11/2014 meeting (aka boards that did not exist prior to 10-1, but that the transition task force recommended be created and which were accepted by the at-large Council):

Economic Prosperity Commission
Joint Cultural Committee
Joint Inclusion Committee
Joint Sustainability Committee
Small Area Planning Joint Committee

The City Manager's office designates who will serve as Executive Liaison and staff liaison. (Provided by the City Clerk's Office).



Recommendation for Action

File #: 18-2477, Agenda Item #: 74.

6/14/2018

Agenda Item

Agenda Item #74: Approve a resolution related to City policies and use of City resources related to immigration enforcement.

QUESTION:

Please provide the Police Chief's general orders referred to in the Draft Resolution that "protect the constitutional and legal rights of people who interact with the Police," and that "help ensure city resources and police time are managed to accomplish Dept. priorities and ensure public safety."

COUNCIL MEMBER TROXCLAIR'S OFFICE

ANSWER:

See attachment - provided by APD.

Detentions, Field Interviews & Field Photographs

318.1 PURPOSE AND SCOPE

The purpose of this order is to establish guidelines for conducting and documenting detentions, interviews, and taking and retaining photographs of subjects in the field.

318.1.1 DEFINITIONS

Consensual Encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his contact with the officer is voluntary.

Custody - A person is in "custody" only if, under the circumstances, a reasonable person would believe that his freedom of movement was restrained to the degree associated with a formal arrest. Custody can be construed as actual or constructive; therefore it is incumbent upon the officer to be conscious of the subject's belief about whether or not he is free to leave.

Detention - The brief stopping of an individual based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field Observation (FO) Card - The documentation of a subject stop when there is not a corresponding incident report, supplement or citation for the stop.

Field Photographs - Posed photographs taken of a person during a contact, detention or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video system when persons are not posed for the purpose of photographing are not considered field photographs.

Reasonable Suspicion - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

318.2 GENERAL POLICY

- (a) Officers will identify themselves when they initiate a duty-related contact with a person, when practicable, unless their identity is obvious.
- (b) Officers will explain the reason for the contact and the purpose of anticipated police action, when practicable.
- (c) Officers will act with as much restraint and courtesy toward persons interviewed, detained or arrested as is possible under the circumstances.
- (d) Nothing in this order is intended to discourage consensual encounters. Frequent and random casual contacts with consenting individuals are encouraged by the Austin Police Department to strengthen our community involvement, community awareness and problem identification.

Detentions, Field Interviews & Field Photographs

318.3 DETENTIONS

Detentions are "seizures" under the Fourth Amendment. Officers may stop and question individuals when reasonable suspicion that the person may be involved in past, present or future criminal activity exists.

- (a) In justifying the stop, officers should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:
 - 1. The actions, appearance or demeanor of an individual suggests that he is part of a criminal enterprise or is engaged in a criminal act. Some factors include:
 - (a) The subject is carrying a suspicious object.
 - (b) The subject's clothing bulges in a manner that suggests he is carrying a weapon.
 - (c) The hour of day or night is inappropriate for the subject's presence in the area.
 - (d) The subject's presence in the particular area is suspicious.
 - 2. The subject is located in proximity to the time and place of an alleged crime.
 - 3. The officer has knowledge of the subject's prior criminal record or involvement in criminal activity.
- (b) Officers may detain persons they lawfully stop for a reasonable length of time in an attempt to:
 - 1. Verify their identity. (Officers should be familiar with Penal Code Section 38.02. Persons are not required to identify themselves unless they are under arrest; however, if they are legally detained and choose to identify themselves, they must do so accurately.)
 - 2. Account for their conduct and/or their presence.
 - 3. Discover whether a crime occurred.
 - 4. Determine person's involvement.
- (c) Officers shall release a person from an investigative stop if:
 - 1. The person eliminates the officer's reasonable suspicion of criminal involvement;
or
 - 2. The officer fails to develop the probable cause necessary to arrest within a reasonable time.

318.3.1 HANDCUFFING DETAINEES

- (a) Detainees should not be handcuffed as a matter of course. However, situations may arise where it may be reasonable to handcuff an individual who is lawfully detained.
- (b) Factors that may reasonably cause an officer to use handcuffs or other limited force on a detainee include, but are not limited to: physical resistance; verbal threats against

Detentions, Field Interviews & Field Photographs

the officer or others nearby; investigation of a violent crime or a crime involving weapons; or reliable information that the person is armed (without appropriate license) or violent, or a flight risk.

- (c) Officers should weigh the safety interests of all persons involved against the intrusion upon the detainee when deciding to place handcuffs on, or remove handcuffs from, a detainee.
- (d) Officers will document their justification for handcuffing a person who has been detained for a limited investigation, in their offense report, and will notify their supervisor.
- (e) Unless arrested, the use of handcuffs on detainees at the scene of a search warrant should continue for only as long as is reasonably necessary to assure the safety of officers and others.

318.3.2 DETAINING FOREIGN NATIONALS

- (a) The priority of this Department is to protect the public safety through enforcement of the criminal laws and other laws authorizing action by local police. Officers will adhere to the following in regards to detentions, arrests and/or inquiries involving foreign nationals:
 - 1. Officers shall not detain or arrest a person solely:
 - (a) because the officer suspects or knows that a person may be an undocumented immigrant; or
 - (b) for the purpose of determining or investigating a person's immigration status.
 - 2. Officers who have lawfully detained a person to conduct a criminal investigation into an alleged criminal offense, or who have arrested a person for a criminal offense, may make an inquiry into the person's immigration status, except as prohibited in this order.
 - (a) All immigration status inquiries shall be documented in a Versadex offense report by adding Title Code 4201 "Immigration Status Inquiry," regardless of whether an arrest was made or not.
 - 1. The report will include the reasons why the officer asked about the person's immigration status and the specific questions asked.
 - 2. Officers do not need to add Title Code 4201 for citizenship inquiries asked as part of the jail booking process.
 - 3. Officers will not compel a detainee or arrestee to respond to inquiries about their immigration status.
 - 4. Unless complying with a formal detainer request issued by Immigration and Customs Enforcement (ICE) or another federal immigration authority, or providing authorized assistance to ICE, an officer may not prolong a detention of a person suspected to be an undocumented immigrant beyond a reasonable time needed for the officer to complete an investigation or an enforcement

Detentions, Field Interviews & Field Photographs

- activity (e.g., issue a written warning, issue a citation, complete an F.O. card, etc.).
5. Officers will not consider race, color, religion, language or national origin when deciding whether to inquire into a detainee's or arrestee's immigration status.
 6. Officers will not inquire into the immigration status of a person who is the victim of a crime or a witness to a crime, except under the following conditions, or for the following reasons:
 - (a) the officer is investigating a criminal offense and the officer reasonably believes that the inquiry will provide evidence or information pertinent to the investigation;
 - (b) the inquiry will allow the officer to provide a victim or witness, who is assisting law enforcement, information about federal visas designed to protect victims; or
 - (c) the officer has probable cause to believe a victim or witness has engaged in specific conduct constituting a separate criminal offense.
 7. Officers will not inquire into the immigration status of a person while the officer is engaged in a secondary employment contract with:
 - (a) A hospital or hospital district; or
 - (b) A school district or open-enrollment charter school.
- (b) Officers detaining a foreign national shall notify the appropriate consular official upon request or when the detention exceeds two hours. The Communications Division will maintain a current telephone list of foreign embassies and consulates and a list of mandatory notice countries.
1. Officers shall document in the narrative of the appropriate incident report the date and time Communications was notified of the foreign national's detention and his claimed nationality.
- (c) The following additional orders cover handling foreign nationals:
1. General Order 319 (Arrests) outlines procedures for arresting foreign nationals who do not claim to have immunity.
 2. General Order 330 (Foreign Officials Claiming Immunity) outlines procedures for detaining and arresting foreign officials who claim to have immunity.

318.3.3 REQUESTS FOR ASSISTANCE FROM FEDERAL IMMIGRATION OFFICIALS

- (a) Upon request, officers may provide reasonable or necessary assistance to ICE (or other federal immigration officials), including with enforcement operations if those operations will be directed and supervised by federal officials. Except in emergencies involving the possibility of imminent death, serious injury, or loss of property, officers must receive supervisor approval prior to providing any such assistance. The supervisor will determine whether the request is reasonable or necessary based on factors including:
1. the availability of Department resources;

Detentions, Field Interviews & Field Photographs

2. whether providing the requested assistance would pose an unreasonable risk to public safety or to Department personnel or property; and
 3. whether providing the requested assistance would cause the Department to incur unreasonable overtime costs.
- (b) Officers (including officers working secondary employment) shall not provide assistance to ICE for operations at a place of worship unless exigent circumstances exist which require an immediate intervention of law enforcement to protect public safety.
- (c) Officers working secondary employment for a hospital, school district or open enrollment charter school shall not provide assistance to ICE for operations unless exigent circumstances exist which require an immediate intervention of law enforcement to protect public safety.
- (d) Only the Chief of Police has the authority to enter into any formal, written agreement with ICE for ongoing operations, such as a 287G agreement.

318.3.4 ICE DETAINER REQUESTS

The purpose of this order is to establish guidelines for handling ICE detainers. All officers are expected to comply with, honor, and fulfill formal immigration detainer requests issued by ICE.

- (a) An officer who receives information that a detainee or arrestee in his/her custody is the subject of an ICE detainer request, will take the following actions:
1. Notify a supervisor.
 2. Notify ICE to determine the validity of the detainer.
 3. Comply with the detainer request if its validity is confirmed.
 4. Inform the person he/she is being held subject to a detainer (in addition to any applicable criminal charges).
 5. Take the person to the Central Booking Facility or other suitable detention facility.
- (b) If the person subject to the detainer provides proof, including a Texas Driver's License or other government issued identification, that he/she is a United States citizen or has lawful immigration status, the officer will do the following:
1. Notify a supervisor.
 2. Notify ICE and provide an update.
 3. Cease from complying with the detainer request.
 4. Unless impracticable to do so, officers will make and retain a copy of the proof that was offered by the subject. The retained copy may be scanned into the Versadex report or submitted as evidence.
 5. If the officer is unsure whether the proof provided is adequate proof of U.S. citizenship or lawful immigration status, the officer should continue honoring the detainer request until definitive proof is provided.

Detentions, Field Interviews & Field Photographs

318.3.5 MAINTENANCE AND SHARING OF IMMIGRATION RECORDS

From time to time, the Department may have records with information, or need information, concerning a detainee's or arrestee's immigration status, including information concerning that person's place of birth (Immigration Status Information). Employees are permitted to:

- (a) Send, request, or receive Immigration Status Information to or from federal agencies involved in immigration enforcement;
- (b) Maintain Immigration Status Information pursuant to applicable records retention schedules; and
- (c) Exchange Immigration Status Information with other law enforcement agencies, or with federal or state governmental entities.

318.3.6 DETAINING FEDERAL AND STATE LEGISLATORS

General Order 319 (Arrests) outlines procedures for arresting Federal and State Legislators.

318.4 CONSENSUAL ENCOUNTERS

Officers are encouraged to initiate interviews with people of the community in order to gain a thorough knowledge and become an integral part of the community.

- (a) Except as specifically prohibited by general orders, officers may talk to a person at any time, for any reason, in performance of their duties.
- (b) An interview should be conversational and not confrontational.
- (c) A consensual encounter is not a stop or arrest and there is no intent to inhibit any rights or freedoms of a person. The person has the right to:
 - 1. Fail to respond to the officer.
 - 2. Refuse to identify himself.
 - 3. Walk away from the officer.
- (d) Negative inferences will not be made based on a person's refusal to cooperate in the interview.
- (e) Photographs of persons interviewed during a consensual encounter shall not be taken without the person's permission.
- (f) Officers will not inquire into a person's immigration status during a consensual encounter.

318.5 FIELD INTERVIEWS, STATEMENTS AND CONFESSIONS

The basis of a statement or confession is to corroborate the elements of an incident. Written and oral statements or confessions should not be utilized as the sole basis for filing charges; any statement or confession should be corroborated by other legally obtained evidence or verified in an appropriate manner. Officers should keep in mind the following things when interviewing/interrogating a subject:

Detentions, Field Interviews & Field Photographs

- (a) During a non-custodial interview, an officer will usually allow a subject to leave after taking the statement or confession. A warrant can be obtained at a later time to take the subject into custody.
- (b) There may be occasions when information is disclosed that changes the focus of the investigation toward the subject, where the facts and circumstances of the case dictate that he is no longer free to leave changing the non-custodial interview to a custodial interrogation.
- (c) When an officer begins accusatory questioning of a subject who is not free to leave, the subject would generally be considered under "arrest" and the interview/interrogation would be "custodial."
- (d) Once a subject requests to speak with an attorney or indicates a desire for legal representation, the interview/interrogation will cease.

318.5.1 MIRANDA WARNING

- (a) Officers will administer the Miranda Warning to a subject during a custodial interview/interrogation when questioning begins to focus on the person stopped, becoming accusatory regarding a specific offense.
- (b) The Miranda Warning will be recorded by audio/video recording (e.g., in-car Mobile Audio Video Recording system, Body-Worn Cameras) using the following process:
 - 1. Read the Miranda card to the subject in its entirety; and
 - 2. Ensure the subject acknowledges, understands, and voluntarily waives his rights by:
 - (a) Write the officer's name and the date, time, and incident number on the face of the card; and
 - (b) If practical, request the subject to initial next to each Miranda right and sign the card. If the subject has verbally acknowledged understanding and waiving his rights but does not sign the card, the interview/interrogation may still continue.
 - 3. Officer safety should not be compromised during a field interview/interrogation in order to record acknowledgment of rights.

318.6 FIELD PHOTOGRAPHS

- (a) Field photos should only be used for:
 - 1. Identification of a subject or a subject's automobile.
 - 2. Identification of a subject's condition (e.g., injuries, tattoos, evidence stains on clothing, jewelry, distinctive clothing/shoe patterns).
 - 3. Documenting evidence.
- (b) Access to field photographs shall be strictly limited to law enforcement purposes.
- (c) Force shall not be used to obtain photos in a detention situation.

Detentions, Field Interviews & Field Photographs

318.6.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. The officer shall document the consent in the appropriate incident report, supplement or FO card.

318.6.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if taken during a detention that is based on reasonable suspicion of criminal activity and the photograph serves a legitimate law enforcement purpose related to the detention.

- (a) The officer must be able to articulate facts that reasonably indicate that the subject was involved in, or was about to become involved in, criminal conduct.
- (b) Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent.
- (c) If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

318.6.3 JUVENILE PHOTOGRAPHS

Juveniles may only be photographed:

- (a) With consent of the juvenile court (e.g., via a court order).
- (b) If the child is taken into custody for delinquent conduct that is punishable by confinement in jail (Class B misdemeanor or higher).
- (c) If the child is not in custody and the child's parent or guardian voluntarily consents in writing to the photographing of the child.

318.6.4 PROHIBITED RECORD KEEPING

All field photographs must be downloaded to the electronic database or turned in as evidence.

- (a) Officers shall not:
 - 1. Keep a personal or shift-level copy of any photograph taken during a field stop for non-law enforcement purposes.
 - 2. Post a field photograph of any person not currently wanted by a law enforcement agency.

318.6.5 SUPERVISOR RESPONSIBILITY

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices for compliance with Department General Orders. This is not to imply that supervisor approval is required before each photograph.

318.7 FIELD EYEWITNESS IDENTIFICATION

Proper procedures for handling field identifications are outlined in the Field Identifications section of General Order 403, Follow-up Investigations.